

**PERMIT REPORT**

To: Board of Managers

From: Cole Thompson, Permitting Technician

Date: March 9, 2020

Re: Permit 20-035: 14600 Minnetonka Boulevard, Minnetonka

Recommendation:

Approval of MCWD permit application on the condition that the applicant provide an updated site exhibit for all buffer areas on the Civic Center Campus subject to the executed maintenance agreement between MCWD and the City of Minnetonka.

Summary:

The City of Minnetonka (Applicant) has applied for a Minnehaha Creek Watershed District (MCWD) permit for an addition to the existing Police and Fire Station facilities on the City Civic Center Campus. The project triggers the Wetland Conservation Act as well as MCWD's Erosion Control, Stormwater Management, and Wetland Protection rules. The City of Minnetonka maintains authority for WCA, Erosion Control, and Stormwater Management. The project meets the buffer requirements for total buffer area provided; a shortfall from buffer width in four areas, as shown in Attachment 1, is subject of a variance request. In accordance with established policy, The Board of Managers is asked to consider the application and variance request.

Background:

The Applicant is proposing to reconstruct 2.66 acres of the property located at 14600 Minnetonka Boulevard in the City of Minnetonka to expand the Police Department and Fire Department facilities. The existing facilities are currently located on the property and will remain. There are two wetlands adjacent to the property where the addition is proposed. The City is the Local Government Unit for the Wetland Conservation Act within its jurisdiction.

A Type 1/2/3 Seasonally Flooded Basin/ Fresh Wet Meadow/ Shallow Marsh wetland has been delineated on the southwest portion of the property and approved under a Notice of Decision issued by the City of Minnetonka on November 21, 2016 (Attachment 6). A second wetland is also located on the east side of the property. The eastern wetland is a Type 2/3 Shallow Marsh/ Fresh Wet Meadow; the City approved a boundary and type determination under a Notice of Decision on November 16, 2018 (Attachment 7). There is currently a buffer established along the eastern wetland. The existing buffer is 35' in width, and was required per MCWD Permit #04-

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241 for the city's construction of a water treatment plant. Since the current Wetland Protection rule requires additional buffer than what was provided for Permit #04-241 (attachment 4), the current buffer proposed does not meet minimum width requirements. The District implements the Wetland Protection rule within the City of Minnetonka which includes buffer requirements. The District's Wetland Protection rule is applied to the proposed addition because the work triggers the Stormwater Management Rule. The wetland rule requires that a wetland buffer must be provided on the edge of wetland on the property downgradient from the proposed disturbance. The rule analysis summarizes the application of the Wetland Protection rule and the variance request from the applicant.

District Rule Analysis:

Wetland Protection Rule

The proposed addition triggers the District's Stormwater Management rule because of the proposed reconstruction of impervious surface on the site; under 5(a) of the Wetland Protection Rule, a project triggering the Stormwater Rule must provide buffers on the edge of wetlands on the property downgradient from disturbance. No wetlands are proposed to be disturbed for the project.

The southwestern wetland on site is a Manage 2 wetland according to the District's Functional Assessment of Wetlands and delineated boundary. A portion of the wetland is depicted as a Preserve wetland according to the District's Functional Assessment of Wetlands; however, the delineation report and corresponding Notice of Decision concluded that the Preserve area is in fact non-wetland (upland).

The eastern wetland is listed in the District's Functional Assessment of Wetlands as a Preserve wetland. The Applicant, however, provided a Minnesota Routine Assessment Method for Evaluating Wetland Functions (MnRAM) assessment to support re-classification of the wetland as a Manage 2. Staff and the Board of Water and Soil Resources reviewed the MnRAM results and concur with the reclassification to Manage 2. Therefore, according to Section 6 of the Wetland Protection rule, the required base buffer width is 30'. Due to the presence of an existing 35' buffer along the eastern wetland - which was established as part of MCWD Permit #04-241- the existing 35' buffer is required despite reduction in management class to a Manage 2 (which would therefore require a 30' buffer).

The application does not meet the minimum buffer width requirements as proposed and has therefore requested a variance from that rule requirement. Per section 6(c), buffer width may be reduced to 50% of the applied buffer width. The minimum required buffer width for this project is 15' for the southwest (Manage 2) wetland. The minimum width proposed for the southwestern wetland is 9.77' for 40 linear feet due to an existing sidewalk as well as 9.19' due to the existing driveway for 30 linear feet; therefore there would be a 5.23' shortfall of buffer width adjacent to

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the sidewalk and a 5.71’ shortfall of buffer width adjacent to the west side of the existing driveway.

The minimum width for this project is 17.5’ for the eastern wetland due to the existing buffer established as part of MCWD Permit #04-241. A 14.13’ buffer width is proposed adjacent to a sidewalk on the north side of the site for 5 linear feet resulting in a 3.37’ buffer width shortfall. A minimum width of 12.35’ is proposed along 110’ linear feet of buffer for the existing driveway resulting in a 4.65’ buffer width shortfall along the eastern side of the existing driveway.

The Applicant is utilizing buffer averaging per section 6(c) to meet the District’s buffer requirements for the eastern and southwestern wetlands in all areas required except four separate locations where minimum buffer width is proposed to be less than allowable per section 6(c). In total, the four buffer area shortfalls constitute a total of 701 square feet of impervious surface encroachment within areas otherwise required to be buffered area. The required buffer area proposed exceeds minimum requirements. The southwestern wetland is required to provide a total of 28,086 square feet of buffer. As proposed, the buffer provides 28,093 square feet of buffer; 7 square feet in excess of minimum buffer area requirements. The eastern wetland is required to provide 58,257 square feet of buffer. As proposed, the buffer provides 66,482 square feet; 8,225 square feet in excess of minimum buffer area requirements.

To meet buffer vegetation requirements where buffer area is proposed to be disturbed per section 7, the applicant is proposing to utilize three native seed mixes listed within the MnDOT Seeding Manual including: #36-711 – Woodland Edge Trail, #33-261 – Stormwater South & West, and #35-221 – Dry Prairie General. Establishment, maintenance, and monumentation of buffers are items subject to and therefore satisfied by the City Maintenance Agreement for buffer areas required under MCWD rule section 7(b).

Variance

The Applicant is requesting a Variance to providing the minimum required buffer width in several areas along the east and southwest wetlands. The fire station and police station were built 45 and 30 years ago, respectively, the existing driveway access was constructed before MCWD required wetland buffers for the facilities. The Applicant proposes to provide an averaged buffer width of 30’ for the southwestern wetland and a buffer width of 40’ for the eastern wetland which do not meet the minimum buffer width requirement for the addition. The proposed minimum buffer width area would present 701 square foot encroachment of impervious surface into area required to be buffered. The District’s Variance and Exception Rule states that the Managers may grant a variance from a provision of the rules if the applicant demonstrates the following:

- Because of special conditions inherent to the property that do not apply generally to other land or structures in the District, strict compliance with a provision of the a District rule will cause undue hardship to the applicant;

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- The hardship was not created by the applicant, its owner or representative, or a contractor. Economic hardship is not grounds for issuing a variance;
- Granting the variance will not serve merely as a convenience to the applicant;
- There is no feasible and prudent alternative to the proposed activity requiring the variance; and
- Granting the variance will not impair or be contrary to the intent of the rules.

The District allows for buffer averaging to meet the required total area of buffer width if the minimum width (at least 50% of the base buffer width) is maintained; buffer exceeding 200% of the base buffer width does not accrue toward compliance with the total-area requirement. The Applicant has requested a variance from the minimum buffer width requirement to allow the existing driveway and southern and northern sidewalk areas to remain while providing a buffer with an averaged width of 30' along the southwestern wetland and 40' (e.g., an average of 10' wider than required) along the eastern wetland.

The rule requires the applicant to provide a total of 86,343 square feet of buffer. The proposed project would provide 94,575 square feet of buffer area; thus providing 8,232 square feet of buffer area in excess of the minimum required (attachment 3).

The applicant cites the proximity of the existing driveway and sidewalks to the wetlands on site as a special condition inherent to the property. The District has no record of permitting for the construction of the Police and Fire facilities or the associated sidewalks. At the time of construction the District did not apply wetland buffers. Strict compliance with the rule would require removal and relocation of the existing driveway and sidewalks.

To further support the request for a variance, the applicant has also submitted materials indicating the project is providing stormwater treatment beyond the City's minimum requirements to enhance the natural resource benefit that adhering to the rule's minimum buffer requirements would otherwise provide. The existing condition of the driveway allows for untreated stormwater to overland flow from the driveway and over existing sidewalk towards the adjacent wetlands. The project proposes 2.62 acres of new/ reconstructed impervious surface. To meet the City's stormwater management requirements, the project proposes to treat 2.73 acres of impervious surface; .11 acre more than the amount of stormwater treatment required (attachment 5). The proposed driveway condition provides curb and gutter to route stormwater to infiltration & filtration practices for treatment.

Staff concurs in the factual statements and technical justifications stated above and in the variance application. Accordingly, staff finds there is an adequate technical basis and justification to grant the requested variance.

Conclusion:

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The City of Minnetonka has applied for an MCWD permit for Wetland Protection and applied for a variance from the minimum buffer width requirement of the Wetland Protection rule due to site constraints causing buffer width shortfalls in 4 locations along the proposed buffer. The project meets the buffer area requirements by providing a total of 94,575 square feet of buffer while the minimum required is 86,343 square feet; a total of 8,232 additional square feet of buffer area than the minimum required. The proposed site does not meet minimum width requirements due to shortfalls in minimum widths totaling 701 square feet of impervious surface encroaching into areas required to be buffered. The applicant has provided materials showing that the site is providing stormwater treatment for 2.73 acres of impervious surface while the minimum amount of impervious surface requiring treatment is 2.62 acres; a total of .11 acre additional treatment than the minimum required. The permit application is currently complete. If the Board of Managers grants the variance, staff recommends delegation of final permitting authority to staff to allow staff to issue the permit.

Attachments:

1. Application Form
2. Variance Request
3. Site Plan – Current
4. Site Plan – 2004
5. Drainage Map
6. Wetland Delineation diagrams
7. Notice of Decision – 2016
8. Notice of Decision - 2018

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WATER RESOURCE PERMIT APPLICATION FORM

Use this form to notify/apply to the Minnehaha Creek Watershed District (MCWD) of a proposed project or work which may fall within their jurisdiction. Fill out this form completely and submit with your site plan, maps, etc. to the MCWD at:
15320 Minnetonka Blvd. Minnetonka, MN 55345.

Keep a copy for your records.

YOU MUST OBTAIN ALL REQUIRED AUTHORIZATIONS BEFORE BEGINNING WORK.

1. Name of each property owner: City of Minnetonka
Mailing Address: 14600 Minnetonka Blvd City: Minnetonka State: MN Zip: 55345
Email Address: _____ Phone: _____ Fax: _____

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc...)
Business Name: Anderson-Johnson Associates, Inc. Representative Name: Mandy Backstrom
Business Address: 7575 Golden Valley Road, Suite 200 City: Minneapolis State: MN Zip: 55427
Email Address: mandy@ajainc.net Phone: 763-544-7129 Fax: _____

3. Project Address: 14550 Minnetonka Blvd City: Minnetonka
State: MN Zip: 55345 Qtr Section(s): _____ Section(s): _____ Township(s): _____ Range(s): _____
Lot: _____ Block: _____ Subdivision: UNPLATTED 16 117 22 PID: 16-117-22-41-0003

4. Size of project parcel (square feet or acres): 10.9 acres
Area of disturbance (square feet): 180,000 sf Volume of excavation/fill (cubic yards): 30,000 cy
Area of existing impervious surface: 94,700 sf Area of proposed impervious surface: 149,500 sf
Length of shoreline affected (feet): 10 ft Waterbody (& bay if applicable): Minnehaha Creek

5. Type of permit being applied for (Check all that apply):
 EROSION CONTROL WATERBODY CROSSINGS/STRUCTURES
 FLOODPLAIN ALTERATION STORMWATER MANAGEMENT
 WETLAND PROTECTION APPROPRIATIONS
 DREDGING ILLICIT DISCHARGE
 SHORELINE/STREAMBANK STABILIZATION

6. Project purpose (Check all that apply):
 SINGLE FAMILY HOME MULTI FAMILY RESIDENTIAL (apartments)
 ROAD CONSTRUCTION COMMERCIAL or INSTITUTIONAL
 UTILITIES SUBDIVISIONS (include number of lots)
 DREDGING LANDSCAPING (pools, berms, etc.)
 SHORELINE/STREAMBANK STABILIZATION OTHER (DESCRIBE): _____

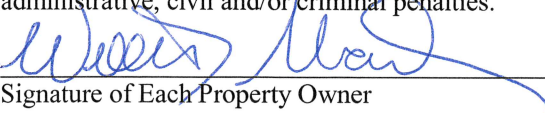
7. NPDES/SDS General Stormwater Permit Number (if applicable): _____

8. Waterbody receiving runoff from site: Minnehaha Creek

9. Project Timeline: Start Date: 3/01/2020 Completion Date: _____

Permits have been applied for: City County MN Pollution Control Agency DNR COE
Permits have been received: City County MN Pollution Control Agency DNR COE

By signing below, I hereby request a permit to authorize the activities described herein. I certify that I am familiar with MCWD Rules and that the proposed activity will be conducted in compliance with these Rules. I am familiar with the information contained in this application and, to the best of my knowledge and belief, all information is true, complete and accurate. I understand that proceeding with work before all required authorizations are obtained may be subject to federal, state and/or local administrative, civil and/or criminal penalties.

 Signature of Each Property Owner 1/17/20 Date

REQUEST FOR VARIANCE AND STATEMENT OF HARDSHIP

MINNEHAHA CREEK WATERSHED DISTRICT (MCWD)
15320 MINNETONKA BLVD.
MINNETONKA, MN 55345

Phone: 952-471-0590
Fax: 952-471-0682

A request for a Variance must be accompanied by a MCWD Water Resources Application

Project Details:

Project address: 14550 Minnetonka Blvd. City: Minnetonka State: MN Zip: 55345
County: Hennepin Property ID number (PID): 16-117-22-41-0003

The Board of Managers may hear requests for variances from strict compliance with provisions of the District Rules in instances where strict enforcement of the rules would cause an undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant variances where it is demonstrated that such action will remain in spirit and with the intent of these rules. An applicant granted a variance from full compliance with a requirement of the rules would be required to meet the requirement to the greatest degree feasible short of full compliance. A variance must be approved by a two-thirds majority of managers voting.

To grant a variance, the Board of Managers must determine, based on a showing by the applicant:

- That because of special conditions inherent to the property, which do not apply generally to other land or structures in the District, strict compliance with a provision of a District rule will cause undue hardship to the applicant or property owner;
- That the hardship was not created by the landowner, the landowner's agent or representative, or a contractor. Economic hardship is not grounds for issuing a variance.
- That granting such variance will not merely serve as a convenience to the applicant.
- That there is no feasible and prudent alternative to the proposed activity requiring the variance.
- That granting the variance will not impair or be contrary to the intent of these rules.

A variance will remain valid only as long as the underlying permit remains valid.

A violation of any condition of approval of a permit subject to a variance shall constitute grounds for termination of the variance.

Variance Requested From MCWD Rule(s):

- Erosion Control
- Floodplain Alteration
- Wetland Protection
- Shoreline & Streambank Stabilization

- Waterbody Crossings & Structures
- Stormwater Management
- Appropriations
- Illicit Discharge

Provision(s) and Requirement(s) of the Rule(s):

Minimum Buffer Requirements

Requested Variance:

Encroachment on minimum wetland buffer requirements (reduced from the existing conditions)

Please complete the below narrative to be used as the variance justification that will be considered by the Board of Managers. Please note that economic hardship is not grounds for issuing a variance.

Describe the special conditions inherent to the property and how strict compliance with the rule will cause an undue hardship.

See attached.

Describe how the special condition was not created by the applicant, the representative, or a contractor.

See attached.

Provide a minimum of two alternatives that were considered and why they were rejected to demonstrate that there is no feasible and prudent alternative to the proposed activity requiring the variance.

See attached.

Referring to the Policy of the Rule(s), describe how the intent of the rule(s) will be met.

See attached.

Describe the special conditions inherent to the property and how strict compliance with the rule will cause an undue hardship.

The existing drive that leads from the police and fire garages to Minnetonka Blvd does not currently comply with the minimum buffer setback requirements. The proposed drive reconstruction also cannot meet the minimum setback requirements; however, we have reduced the amount of impervious area within this required buffer area by eliminating the existing sidewalk along the east side of the drive. Eliminating emergency vehicle access to Minnetonka Blvd would result in an increase in emergency response times as the only other potential road access without impacting the existing wetlands would be routed through the parking lots and civic center campus.

Describe how the special condition was not created by the applicant, the representative, or a contractor.

The condition is a result of the existing drive layouts which were constructed when the original police and fire garages were constructed.

Provide a minimum of two alternatives that were considered and why they were rejected to demonstrate that there is no feasible and prudent alternative to the proposed activity requiring the variance.

The existing building is bordered on the south by two wetlands, to the east by a Woodland Protection Area, and on the north by the existing parking lot.

- Alternative Design Considered:
 - Creating a drive on the east side of the proposed addition to route emergency vehicles from the south garage doors to the north parking lot. This would eliminate drive access to Minnetonka Blvd.
- Reasons this is Infeasible:
 - Increase in emergency response times as emergency vehicles would not have direct access to a main road and would need to navigate the existing parking lots and civic center drives.
 - Significant increase in impacts to the Woodland Preservation Area which would not be allowed by the City.
- Alternative Design Considered:
 - No Project
- Reasons this is Infeasible:
 - Police and Fire would not have the resources and facilities to accommodate the increase in service requests that the public has had since the initial construction of the building.

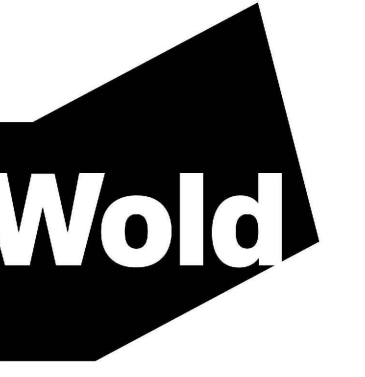
Referring to the Policy of the Rule(s), describe how the intent of the rule(s) will be met.

The existing drive has a sidewalk on the east side which is being eliminated in the proposed condition. The existing concrete flumes are also being removed as part of this project. This will reduce the amount of impervious area within the minimum buffer areas while still providing the emergency vehicles with access to Minnetonka Blvd. Additionally, a curb cut will be provided further south on the drive which will allow for runoff to enter the proposed Infiltration Area, adjacent the wetland, providing treatment of the runoff prior to discharging into the wetland.

**POLICE & FIRE
ADDITION AND
RENOVATION**

14550 MINNETONKA BLVD
MINNETONKA, MN 55345

CITY OF MINNETONKA
14600 MINNETONKA BLVD
MINNETONKA, MN 55345



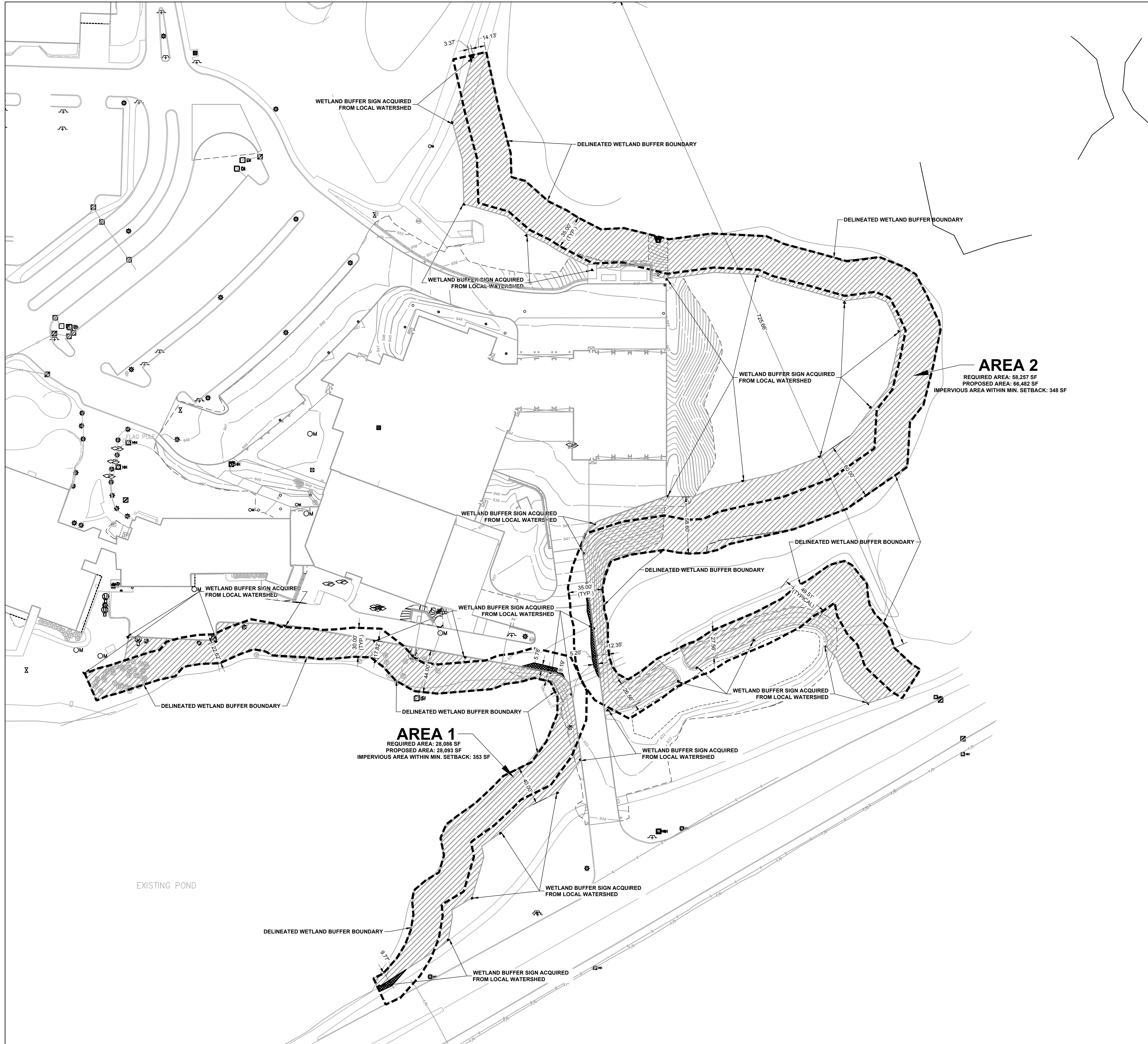
**WOLD ARCHITECTS
AND ENGINEERS**
332 Minnesota Street, Suite W2000
Saint Paul, MN 55101

woldac.com | 651.227.7773

**ANDERSON - JOHNSON
ASSOCIATES,
INC.** **AJA**
LANDSCAPE ARCHITECTURE • SITE PLANNING • CIVIL ENGINEERING
775 WILSON ROAD, SUITE 200 • MINNETONKA, MN 55345
PH: 763.542.0100

LEGEND

- REQUIRED WETLAND BUFFER AREA
- PROPOSED BUFFER AREA
- IMPERVIOUS SURFACE WITHIN MINIMUM SETBACK DISTANCE



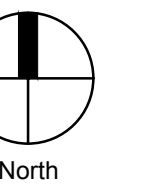
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of MINNESOTA

DAVID A. REY
DAVID A. REY

Registration Number 40180 Date 10/25/2019

Description	Revisions	
	Date	Num

Comm: 172061
Date: October 25, 2019
Drawn: MLE
Check: DAR



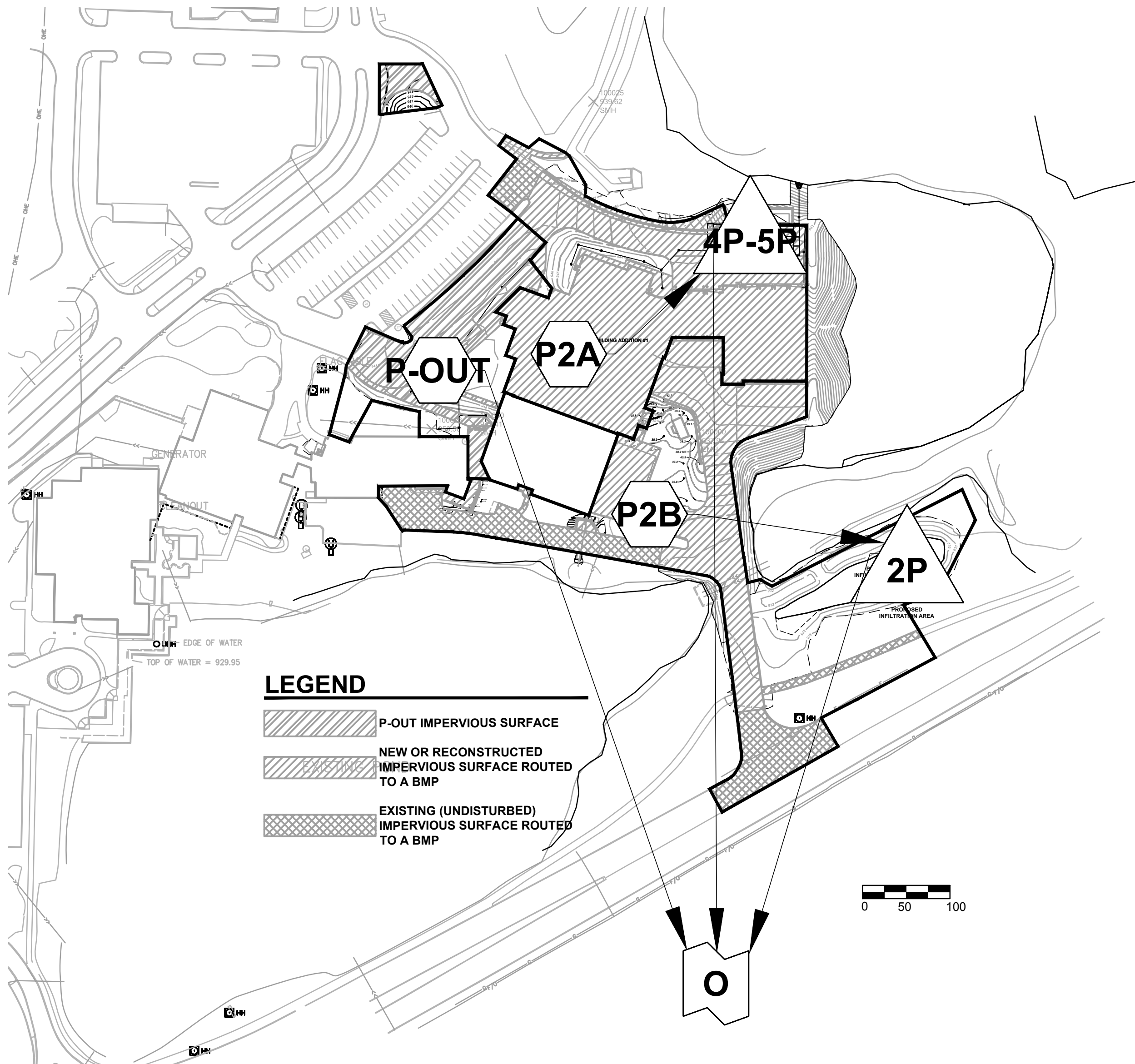
**WETLAND
BUFFER
DIAGRAM**

Scale: 1" = 50'




C3.11

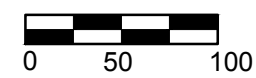


Figure 1. Summary of Wetland Buffers
 Civic Center Campus
 City of Minnetonka



LEGEND

-  P-OUT IMPERVIOUS SURFACE
-  NEW OR RECONSTRUCTED IMPERVIOUS SURFACE ROUTED TO A BMP
-  EXISTING (UNDISTURBED) IMPERVIOUS SURFACE ROUTED TO A BMP



NODE AREAS (ACRES)

NODE	PERVIOUS	NON-DISTURBED IMPERVIOUS	TOTAL IMPERVIOUS	TOTAL AREA
P-OUT	0.269	0	0.503	0.772
P2A	0.133	0.042	1.499	1.632
P2B	1.102	0.235	1.226	2.328

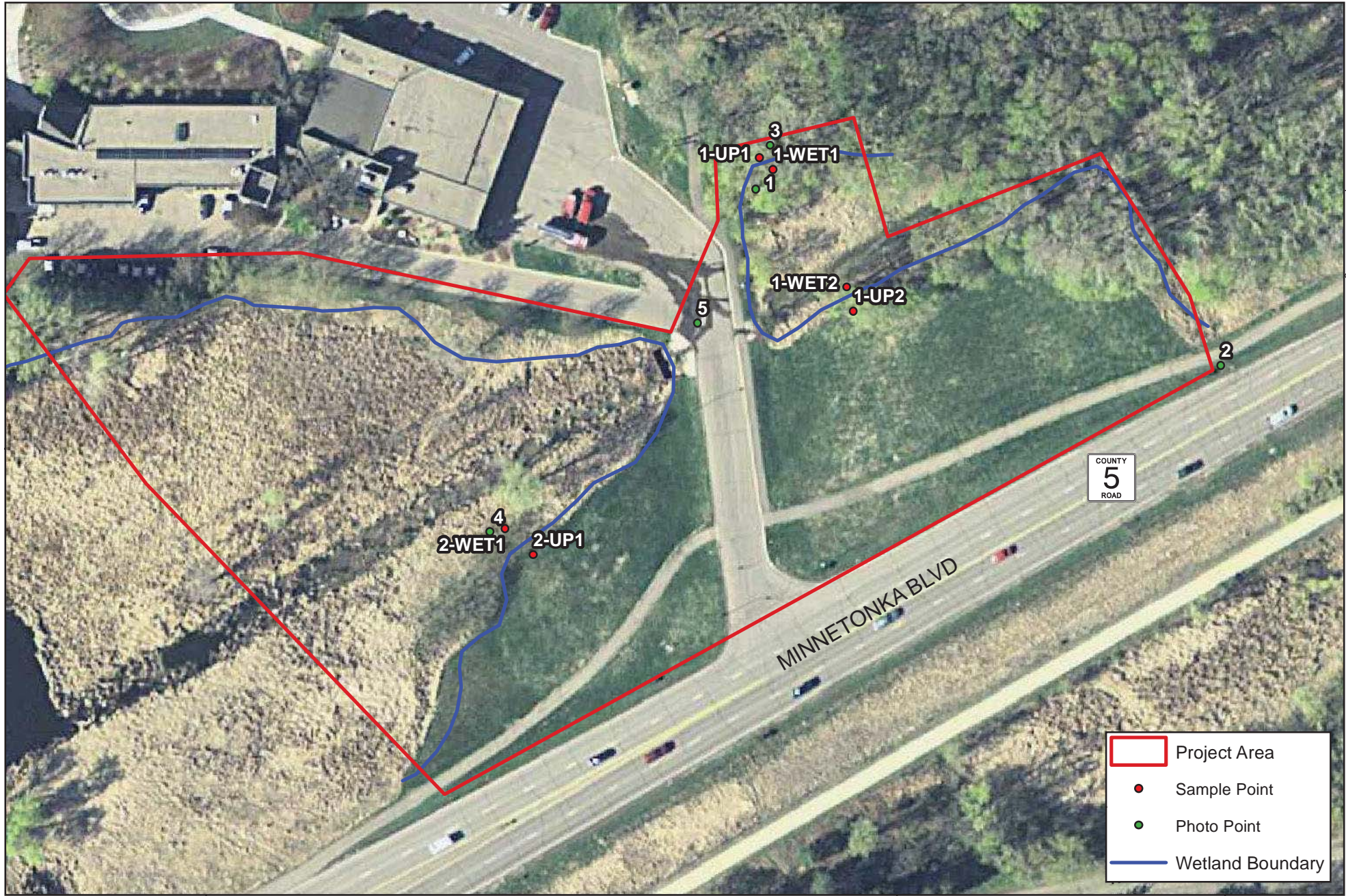


Figure 5: Wetland Boundary
Civic Center Expansion Survey
City of Minnetonka



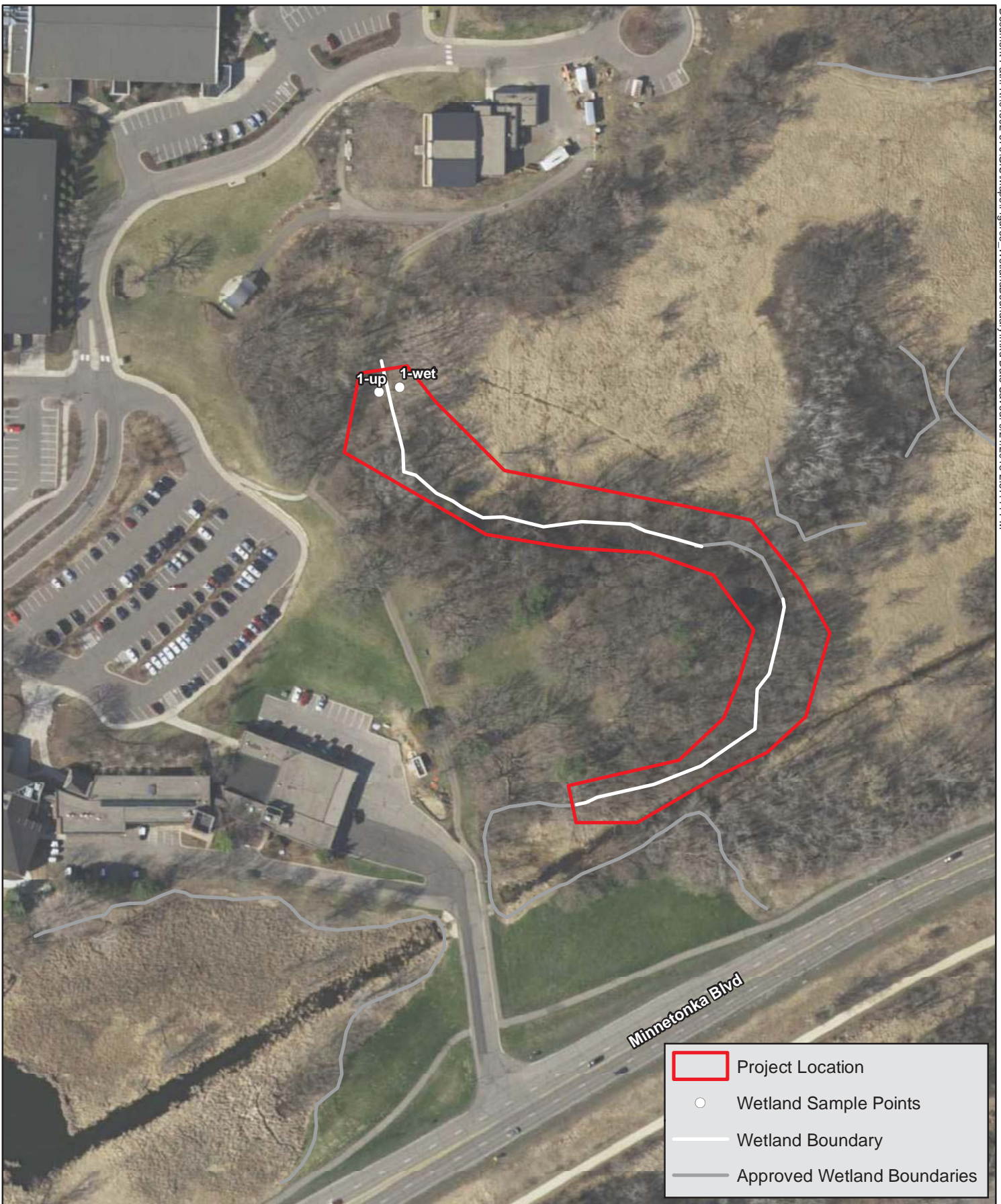


Figure 6 - Wetland Boundary

Minnetonka Campus Survey Wetland Delineation
City of Minnetonka, MN



0 150 Feet
1 inch = 150 feet



Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of Minnetonka	Address 11522 Minnetonka Blvd. Minnetonka, MN 55305
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1. PROJECT INFORMATION

Applicant Name	Project Name	Date of Application	Application Number
City of Minnetonka, Will Manchester Agent: WSB & Associates, Inc., Laura Messman	City of Minnetonka Civic Center Campus - south wetlands	October 6, 2016 Received via email October 7, 2016	City of Minnetonka Civic Center Campus - south wetlands 2016
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
No Comments were received.		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: November 21, 2016		
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Approved with conditions (revisions noted below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

<p>On October 7, 2016 the city of Minnetonka received a complete application for a Wetland Boundary and Type for two wetlands located at 14600 Minnetonka Blvd., Minnetonka, MN in the N ½ of the SE ¼ of Section 16, Township 117N, Range 22W, City of Minnetonka, Hennepin County, Minnesota.</p> <p>According to the delineation report DNR PWW 27-761w is part of Wetland 1.</p> <p>Please note that the delineation report indicates that Wetland 1 is positioned north of CSAH 5 (Minnetonka Blvd.) and east of the driveway to the Civic Center when in actuality it is east of the drive to the police and fire department facilities.</p> <p>Additionally the delineation report indicates that Wetland 2 is positioned north of CSAH 5 (Minnetonka Blvd.) and west of the driveway to the Civic Center when in actuality it is west of the drive to the police and fire department facilities.</p> <p>City staff field reviewed the wetlands in mid-September and then again with the delineator on October 11, 2016. City staff had questions regarding one area of Wetland 2 so Jo Colleran (City of Minnetonka) and Laura Messman (WSB) met on site to review the wetland boundary.</p>
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The entire area was historically wetland but the wetland was significantly altered during the construction of Minnetonka Blvd. back in the 1950's. Hydric soil appears throughout the upland and wetland areas due to the past construction activity.

A transect along the southern part of the wetland boundary was completed with two sample points taken at different elevations in the reed canary grass area and one upper sample point in the lawn area. These three sample points met indicators for hydric soils. The lawn area however did not meet the remaining two wetland indicators. On October 11th Ms. Colleran and Ms. Messman focused on refining the wetland boundary between the two soil pits in the reed canary grass area.

At both reed canary grass soil pits, the hydric vegetation standard was met but no primary hydrology indicators were present. The higher reed canary grass point is moderately sloped towards the wetland, with this sample point being about two feet higher than the standing water surface at the bottom of the slope. For this reason, landscape position was used to identify the wetland boundary resulting in a portion of the boundary being moved downslope.

Please refer to the attached email dated October 13, 2016 and the revised wetland boundary graphic from Ms. Messman that outlines the details of the above referenced site visit.

The City of Minnetonka noticed the Wetland Boundary and Type application on October 27, 2016 and received no comments from any agency. The City of Minnetonka accepts the wetland boundary for Wetland 1 as delineated (delineation report dated September 26, 2016) and accepts the wetland in the area of the delineation as a Type 3, shallow marsh with a type 2/1 fringe, fresh wet meadow and seasonally flooded depression fringe.

Additionally the city accepts the wetland boundary for Wetland 2 as delineated (delineation report dated September 26, 2016) and amended as noted above and referenced on the attached graphic dated October 13, 2016. The city also accepts the wetland in the area of the delineation as a Type 3, shallow marsh with a type 2/1 fringe, fresh wet meadow and seasonally flooded depression fringe.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account # NA	Bank Service Area NA	County NA	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre) NA
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Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

Financial Assurance: For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).


Deed Recording: For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.

Credit Withdrawal: For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.

Name Jo Colleran	Title Natural Resources Manager	
Signature 	Date December 5, 2016	Phone Number and E-mail 952.988.8415 jcolleran@eminnetonka.com

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is **valid for five years** from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input checked="" type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$--- fee (if applicable) to: City of Minnetonka Jo Colleran 11522 Minnetonka Blvd. Minnetonka, MN 55305	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
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4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member:	Tony Brough, tony.brough@hennepin.us
<input checked="" type="checkbox"/> BWSR TEP member:	Ben Meyer, ben.meyer@state.mn.us
<input checked="" type="checkbox"/> LGU additional contact:	Aaron Schwartz, aschwartz@eminnetonka.com
<input checked="" type="checkbox"/> DNR TEP member:	Kate Drewry, kate.drewry@state.mn.us
<input checked="" type="checkbox"/> DNR Regional Office:	Rebecca Horton, becky.horton@state.mn.us
<input checked="" type="checkbox"/> WD:	Katherine Sylvia, ksylvia@minnehahacreek.org, Minnehaha Creek Watershed District
<input checked="" type="checkbox"/> Applicant:	City of Minnetonka, Will Manchester, wmanchester@eminnetonka.com Agent: WSB & Associates, Inc., Laura Messman, lmessman@wsbeng.com
<input type="checkbox"/> Members of the public who requested notice:	None
<input checked="" type="checkbox"/> Corps of Engineers Project Manager:	Melissa Jenny, Melissa.M.Jenny@usace.army.mil
<input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)	

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

NW Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd.	NE Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2	Central Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources	Southern Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South
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NE Bemidji, MN 56601	Grand Rapids, MN 55744	1200 Warner Road St. Paul, MN 55106	New, Ulm, MN 56073
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For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

- Email from Laura Messman dated October 13, 2016
- Revised wetland boundary graphic dated October 13, 2016

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of Minnetonka	Address 11522 Minnetonka Blvd. Minnetonka, MN 55305
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1. PROJECT INFORMATION

Applicant Name	Project Name	Date of Application	Application Number
Perry Vetter City of Minnetonka Agent: Laura Wehr, WSB & Associates Inc.	City of Minnetonka Civic Center Campus 14600 Minnetonka Blvd. Building Expansion	October 4, 2018 city received via email October 4, 2018	City of Minnetonka Civic Center Campus 14600 Minnetonka Blvd. Building Expansion 2018

Attach site locator map.

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
No Comments were received.		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: November 16, 2018		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (revisions noted below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

On October 4, 2018, the city of Minnetonka received a complete application for a Wetland Boundary and Type for one, type 2/3, shallow marsh with a fresh wet meadow fringe. This wetland is hydrologically connected to DNR PWW 27-0761 and to Minnehaha Creek, a DNR PWC. The area is generally located NE of the City of Minnetonka's main fire station at 14600 Minnetonka Blvd., Minnetonka, MN in the N ½ of the SE ¼ of Section 16, Township 117N, Range 22W, City of Minnetonka, Hennepin County, Minnesota.

City staff field reviewed the wetlands on November 1, 2018 and concurred with the flagged boundary.

The city of Minnetonka concurs with the findings of the delineation report dated October 4, 2018 and accepts the flagged boundary. Additionally the city concurs that the wetland is a type 2/3, shallow marsh with a fresh wet meadow fringe.

For Replacement Plans using credits from the State Wetland Bank:


Bank Account # NA	Bank Service Area NA	County NA	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre) NA
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Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Jo Colleran	Title Natural Resources Manager	
Signature 	Date November 20, 2018	Phone Number and E-mail 952.988.8415 jcolleran@eminnetonka.com

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT.

Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is **valid for five years** from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input checked="" type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$---- fee (if applicable) to: City of Minnetonka Jo Colleran 11522 Minnetonka Blvd. Minnetonka, MN 55305	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
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4. LIST OF ADDRESSEES

- SWCD TEP member: **Stacey Lijewski, stacey.lijewski@hennepin.us**
 BWSR TEP member: **Ben Carlson, ben.carlson@state.mn.us**
 LGU additional contact: **Aaron Schwartz, aschwartz@eminnetonka.com**
 DNR TEP member: **Jason Spiegel, jason.spiegel@state.mn.us**
 DNR Regional Office: **Rebecca Horton, becky.horton@state.mn.us**
 WD: **Minnehaha Creek Watershed District, wca@minnehahacreek.org**
 Applicant: **Perry Vetter, City of Minnetonka, pvetter@eminnetonka.com**
Agent: Laura Wehr, WSB & Associates Inc., lwehr@wsbeng.com
- Members of the public who requested notice: None
 Corps of Engineers Project Manager: Corps' central email inbox at **mvp-reg-inquiry@usace.army.mil**
 BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

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<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

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 520 Lafayette Road North
 St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:
 None