

Permit Application No.: **18-002**

Rules: **Erosion Control, Wetland Protection, & Stormwater Management**

Applicant: **Wally Marx**
Project: **6 Lot Residential Subdivision**
Location: **2500, 2700, 2702, and 2900 Parkview Drive, Medina**

Received: **2/11/2018**
Complete: **4/18/2018**
Noticed: **4/26/2018**

Recommendation:

Approval of MCWD permit application on the following conditions:

1. Submission of a copy of the NPDES permit number;
2. Identification of the Contractor responsible for implementing the erosion control plan
3. Submission of a draft maintenance declaration for stormwater management facilities, wetland buffers, and future permitting requirements for individual lots for MCWD approval, then recordation.
4. Submission of financial assurance for Erosion Control (\$2,500), Wetland Protection (\$5,000), and Stormwater Management (\$1,400).
5. Reimbursement of MCWD costs.

Background

Wally Marx has applied for a Minnehaha Creek Watershed District (MCWD) permit for Erosion Control, Wetland Protection, Stormwater Management, and a Variance to the minimum wetland buffer width requirement for the replacement of an existing driveway and conversion of an existing trail into a driveway for a 6 lot residential subdivision redevelopment located at 2500, 2700, 2702, and 2900 Parkview Drive in the City of Medina. The existing residential structure located at 2700 Parkview Drive is proposed to remain and will not be redeveloped with the current proposed subdivision. At this time only the main entrance to the development is proposed for construction. The applicant has provided a preliminary concept design including estimated home and driveway sizes and locations. Due to the uncertain design for the lots, the design of the stormwater facilities proposed to treat the individual drives and lots will likely require permit amendments when the design for the homes is finalized. The estimated impervious area and preliminary stormwater plan was used to assess the development for cumulative impacts under the rate control and impacts to downstream waterbodies requirements, as advised by the District Engineer. The construction of the single family homes and additional drives will be regulated under the Erosion Control Rule and will require individual erosion control permits. The homes will also be reviewed for conformance with the Stormwater Management Rule and Wetland Protection Rule as applied to the subdivision. Since the locations and sizes of the homes are conceptual, permit amendments will likely be required if the design of the home is not consistent with the concept design. By reviewing those changes as permit amendments rather than new permits, the permitting process for the homes will be more effective for permitting on a single family home scale.

The area proposed to be subdivided is 89.75 acres with 68 acres proposed to be put into a conservation easement that will be granted to MCWD.

The application is before the managers for approval because the applicant is requesting a variance from compliance with MCWD's wetland buffer requirements.

District Rule Summary

Erosion Control

The District exercises regulatory authority for Erosion Control in the City of Medina. The Erosion Control rule is applicable for any project exceeding 5,000 square feet of land disturbance or 50 cubic yards of excavation. The proposed project involves approximately 5 acres of land disturbance, therefore the Erosion Control rule is triggered.

The Applicant has submitted an erosion control plan which provides best management practices to achieve erosion and sediment control including a rock construction entrance, silt fence and inlet protection where necessary. A vegetative stabilization plan including the incorporation of six-inches of topsoil into underlying soils prior to final stabilization has also been provided. The Project's concrete washout will be handled off-site. A

Minnesota Pollution Control Agency National Discharge Elimination System (NPDES)/State Disposal System (SDS) stormwater permit for construction activity will be obtained by the applicant prior to the start of construction; provision of this information is a proposed condition of permit approval.

On resolution of the recommended condition, erosion control practices will meet District requirements.

Wetland Protection and Wetland Conservation Act

The District exercises regulatory authority for Wetland Protection in the City of Medina. The District’s Wetland Protection rule is applicable for any project proposing to drain, fill, or excavate a wetland, and the wetland buffer provisions of the Rule are triggered whenever the Stormwater Management Rule or Waterbody Crossings and Structures Rule is triggered. Under section 5, buffer must be provided on the wetland edge that is downgradient from the land-disturbing activities that are the subject of the permit application and around the entirety of any wetland disturbed. This project does not propose any wetland impacts but triggers the Stormwater Management rule, therefore the buffer provisions of Wetland Protection rule is triggered.

The City of Medina is the local government unit charged with administering the Wetland Conservation Act (WCA) in the City of Medina. A WCA Notice of Decision (NOD) confirming the wetland boundary and type of 9 wetlands was issued on December 6th, 2016 (attachment 4). The table below outlines the wetlands, the associated management class, and the applied buffer width requirements.

Table 1: Wetland Buffer Requirements

Wetland	Management Class	Applied Buffer Width
A	Preserve	75'
B	Preserve	75'
C	2	30'
D	Preserve	75'
E	1	40'
F	2	30'
G	2	30'
I	3	20'
J	3	20'

Per Section 6(c) the buffer width may vary based on site constraints provided that a width of at least 50% of the applied buffer width is maintained at all points and there is no reduction in total buffer area. Additionally the area of any path or trail allowed in the buffer will be added to the total area required by the Applied Buffer Width.

A trail of 3760 square feet is proposed around Wetland A which is compensated for by the addition of 3,760 square feet of additional buffer. A trail and raingardens are proposed in the buffer for Wetland B, which are compensated for through the addition of 16,680 square feet of additional buffer. Raingardens require frequent maintenance and often involve vegetation and management practices inconsistent with the wetland buffer vegetation requirements, and were therefore excluded from the buffer area. The minimum buffer width required under Section 6(c) is not met on Wetland B, Wetland E, Wetland F, and Wetland J, prompting the applicant’s request for a variance, which is addressed below.

Buffers will be established through this permit for all wetlands on the property, except for an open water wetland on Lot 2, Block 3. Most of the buffers will be located in outlots owned by the HOA and within the conservation easement. The applicant currently has extensive gardens on Lot 2, Block 3 and intends to retain the lot with the existing home and maintain the gardens until the lot is sold. Since no disturbance is currently proposed to take place upgradient of the wetlands on the lot, the applicant has requested delayed implementation of the buffer requirements for that wetland. Since the entire wetland is within the boundaries of one lot, delayed implementation is feasible. Furthermore, since no disturbance is currently proposed upgradient of the wetland, delayed implementation will not result in degradation of resources. While specific disturbance is not proposed upgradient of most of the wetlands, the concept design does propose disturbance that triggers buffers on a

subdivision scale. Therefore recordation at this time further ensures buffers are recorded as intended for subdivisions.

Buffer areas that will be disturbed by construction activities must be revegetated through the decompaction of soils to a depth of 18 inches, planting of native vegetation, and monitoring and maintenance as described in Section 9(h) and Section 10 of the Wetland Protection Rule. The applicant has submitted a vegetation planting, maintenance, and monitoring plan (attachment 5) that meets the requirements of the Rule.

Buffer monumentation is proposed to be located at each property line and as needed to delineate the contour of buffer, with a maximum spacing of 100 feet.

Aside from the requested variances, the project as proposed meets the District's Wetland Protection Rule.

Stormwater Management

The Stormwater Management rule is applicable anytime there is new impervious surface or replacement of existing impervious surface or the subdivision of a parcel greater than one acre in size into three or more lots. The subdivision and the proposed addition of 1.2 acres of impervious surface to the site through the construction of the road on Outlot J triggers the rule.

For sites undergoing redevelopment that are greater than one acre with less than 40% site disturbance and less than a 50% increase in impervious surface, volume control, rate control, and phosphorus control requirements apply to the additional impervious surfaces. Treatment for the proposed road is provided by two biofiltration basins. The applicant estimated new impervious area results in a 45% increase in impervious area. All other impervious surface will be treated by raingardens that will be built with the single family homes. The declaration for stormwater maintenance and wetland buffers will incorporate language outlining the requirements for the single family home lots with respect to the Stormwater Management Rule.

If an additional 4,600 square feet of impervious, or 920 square feet per lot, is added to the site, the existing impervious surface must be treated. Staff will review the plans for the individual home sites for conformance with the stormwater management plan, if approved, and will track the impervious surface to determine if treatment will be needed for the existing impervious surface. Treatment for the existing portion of road is included in the proposed stormwater management plan through the proposed biofiltration basins. Treatment for the existing home and the existing portion of the driveway for Lot 2, Block 2 are not included in the proposed plan. Staff has made the applicant aware of the implications of additional impervious surface on the site.

Table 2: Treatment Scope Summary

Size of Site (ac)	Site Drains To	Existing Impervious (ac)	Proposed Impervious (ac)	Disturbance Area (ac)
89.75 acres	School Lake and Wolsfeld Lake	1.97 acres	2.85 acres	5 acres

Since the homes will be custom built, the locations and sizes of the homes is not known. The locations of the raingardens on private lots depicted on the site plan are not intended to represent the actual future raingarden locations. A dummy model was run based on the anticipated impervious surface on the lots to determine compliance with the rate control and impacts to downstream waterbodies provisions of the Rule, which are cumulative over the development, and therefore cannot be left to the individual homeowners. When the homes are proposed for construction, grading plans will be submitted for staff review and approval. If the proposed impervious surface is greater than proposed in the concept design and stormwater modeling submitted under this permit, or if the grading for the property will not direct runoff to the proposed raingardens, permit amendments will be needed. Review of the individual homes will not trigger a new public notice process, but will involve review by the District Engineer.

To meet the District's volume control requirement, the applicant must abstract the first 1 inch of rainfall over the additional impervious area. To meet the District requirements for volume control, the project needs to provide 3,194 cf of abstraction. To meet the requirements, the project will direct runoff to new raingardens located throughout the development. A total of seven new raingardens provide a total of 6,281 cf of abstraction, through

biofiltration. The volume control requirement is met according to Section 3(c)(1). The phosphorus control requirement is met by meeting the volume control requirement, per Section 3(a)(2).

The rate control requirement mandates that there can be no net increase in the peak runoff rates for the 1, 10, and 100 year events. Runoff from the site is directed south to Wetland B, southeast to Wetland D and north to School Lake. All waterbodies eventually discharge to Wolsfeld Lake. Those waterbodies are the down gradient property boundaries for the purpose of rate control analysis. As shown in Table 2, the peak runoff rates decrease for all downgradient property boundaries. The District’s rate control requirement is met.

Table 3: Run off rates (cubic feet per second)

	1-Year Storm		10-Year Storm		100-Year Storm	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
School Lake	1.59	0.82	6.74	4.12	18.4	12.64
Wetland D	0.15	0.06	0.85	0.38	2.5	1.33
Wetland B	1.46	0.13	3.59	0.69	7.55	2.55
Total	3.2	1.01	11.18	5.19	28.45	16.52

The high water elevation section requires two vertical feet of separation between the low openings of structures and the 100-year high water elevations of stormwater BMPs. Since the lots will be sold for custom build homes, compliance with this section of the rule cannot be determined. Proposed structures will require permits from MCWD and at that time will need to demonstrate compliance with this section.

The impacts to downstream waterbodies section of the Rule regulates new point sources to waterbodies and the allowable bounce and inundation for downstream waterbodies. The project does not propose a new point source. Bounce calculations for the 100 year event have been provided for five wetlands on site and are shown in the table below. The change in bounce for the 1 and 10 year events are smaller. The District Engineer reviewed the modeling for the wetlands and found that the inundation was also within the allowable limits. The drainage areas for the other wetlands are not changing and therefore, bounce and inundation calculations were not required.

Table 4: Bounce calculations

Wetland	Management Class	Increase in 100-Year Event Bounce	Allowable Increase in Bounce
B	Preserve	0.00	0.00
D	Preserve	0.00	0.00
E	1	0.00	0.50
F	2	0.02	1.00
I	3	0.75	No Limit

The maintenance requirement of the rule requires a maintenance declaration be recorded against the property. Submission of a maintenance declaration for staff review and then recordation of the declaration is listed as recommended condition of the permit.

The proposed stormwater management plan meets the requirements of the District’s Stormwater Management Rule.

Variance

The applicant has submitted a signed variance application requesting a variance from compliance with the minimum buffer requirements. The proposed activities include buffer that falls short of the required minimum at four points on the property: The variance includes a 17.5 foot shortfall from the 37.5-foot minimum buffer requirement when employing buffer averaging for Wetland B on Outlot J and K, a 2-foot shortfall from the 10-foot minimum buffer requirement when employing buffer averaging for Wetland J on Outlot I and J, a 7-foot shortfall from the 10-foot minimum buffer requirement when employing buffer averaging for Wetland F on

Outlot F and an 11-foot shortfall from the 20-foot minimum buffer requirement when employing buffer averaging. The Variance and Exceptions Rule outlines the following criteria for granting variances:

- 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;
- 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 first two shortfalls are requested for the main road on the property, which is required, by the City of Medina, to be widened from 16 feet to 20 feet to accommodate emergency vehicles. The second two shortfalls are requested for the construction of a new drive located on an existing trail. Due to the number of wetlands on the site, there are limited locations for access to the proposed lots. Alternative road locations would also not be in conformance with the minimum buffer width requirements. The total buffer area will be provided for Wetland B and Wetland E. The additional buffer area required for Wetland J and Wetland F will be provided on Wetland B and Wetland E, respectively. Wetlands J and B and Wetlands F and E are connected hydrologically through existing culverts and are considered to be part of the same wetland complexes.

The applicant identified the locations of the existing road and trails as special conditions inherent to the property. The applicant's variance request states that the variance is not contrary to the intent of the rule since the total buffer area requirement will still be met.

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 variances.

Summary:

Wally Marx has applied for an MCWD permit for Erosion Control, Wetland Protection, and Stormwater Management. The proposed project meets the applicable requirements under the District's Erosion Control, Wetland Protection, and Stormwater Management rules, with the exception of the minimum required buffer width on wetlands B, E, F, and J, for which the applicant has requested a variance. Staff recommends approval of the MCWD permit application with the conditions and stipulations listed.

Attachments:

1. Permit Application
2. Variance Request
3. Site Plans
4. Estimated Hard Cover Calculations
5. WCA NOD
6. Buffer Vegetation Plan

18-002

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: Wally Marx MARRX
Mailing Address: 2700 PARKVIEW DRIVE City: MEDINA State: MN Zip: 55340
Email Address: wally@wallymarx.com Phone: 763-249-1200 Fax:

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc...)
Business Name: GRONBERG + ASSOCIATES, INC. Representative Name: MARK GRONBERG
Business Address: 445 N. WILLOW DRIVE City: LONG LAKE State: MN Zip: 55356
Email Address: markg@gronbergassoc.com Phone: 952-473-7141 Fax: 952-473-4435

3. Project Address: 2700, 2702 + 2900 PARKVIEW DRIVE City: MEDINA
State: MN Zip: 55340 Qtr Section(s): NW+SW Section(s): 16 Township(s): 118 Range(s): 23
Lot: N/A Block: N/A Subdivision: N/A PID: 16-118-23-32-0002 16-118-23-33-0002

4. Size of project parcel (square feet or acres): 89.75 AC. 16-118-23-23-0005
Area of disturbance (square feet): 5 +/- AC. Volume of excavation/fill (cubic yards): 20,000 CY
Area of existing impervious surface: 2.2 +/- AC. Area of proposed impervious surface: 3.4 +/- AC.
Length of shoreline affected (feet): N/A Waterbody (& bay if applicable): SCHOOL LAKE TO NE WETLAND TO SOUTH

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

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

7. NPDES/SDS General Stormwater Permit Number (if applicable): NO NUMBER YET

8. Waterbody receiving runoff from site: SCHOOL LAKE TO NORTHEAST + WETLANDS TO SOUTH

9. Project Timeline: Start Date: SPRING 2018 Completion Date: FALL 2018

Permits have been applied for: City [X] 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: Wally Marx Date: 9/26/17

**Request for Variance
And
Statement of Hardship**

The Board of Managers may hear requests for variances from the literal provisions of these rules in instances where their strict enforcement would cause 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 be keeping with the spirit and 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 degree feasible short of full compliance.

In order to grant a variance, the Board of Managers shall determine that:

- the special conditions which apply to the structure or land in question do not apply generally to other land or structures in the District
- the granting of such variance will not merely serve as a convenience to the applicant,
- the variance will not impair or be contrary to the intent of these rules.

A hardship cannot be created by the landowner, the landowner's agent or representative, or a contractor, and must be unique to the property. Economic hardship are not grounds for issuing a variance.

A variance shall become void one year after it is granted if not used.

A violation of any condition set forth in a variance shall be a violation of the District rules and shall automatically terminate the variance.

Date **2-23-18** Permit # **18-002**
Applicant **WALLACE MARX**
Address **2700 PARKVIEW DRIVE
MEDINA, MN 55340**
Telephone number **763-249-1200**
Property ID number **16-118-23-23-0005
16-118-23-32-0002
16-118-23-31-0002**
MCWD Rule (circle applicable rule(s)): **A B C D E F G J K M N**
WETLAND BUFFER MINIMUM WIDTH
Description of project: **A 6 LOT CONSERVATION DESIGN SUBDIVISION
ON 90 ACRES.**

Requirements of rule(s)

MINIMUM BUFFER WIDTH OF 50% OF REQUIRED BUFFER.

Requested Variance

TO BE LESS THAN 50% IN TWO AREAS WHERE EXISTING DRIVEWAYS GO BETWEEN NARROW PINCH POINTS OF EXISTING WETLANDS ON BOTH SIDES.

Statement of Hardship (include any mitigating circumstances).

THE EXISTING DRIVEWAY ON OUTLOT J HAS BEEN THERE FOR MANY YEARS AND IS ONLY BEING EXPANDED FROM 16' WIDE TO 20' WIDE PER CITY ORDINANCE 400.11(M)(ii) TO ACCOMODATE EMERGENCY VEHICLES. LIKEWISE THE EXISTING DRIVEWAY FOR LOT 2, BLOCK 2 IS ONLY BEING EXPANDED FROM 10' WIDE TO 12' WIDE FOR THE SAME REASONS. THERE IS NO OTHER ALTERNATIVE IN BOTH CASES, IT IS RESPONSIBLE ENVIRONMENTAL PLANNING USING EXISTING CORRIDORS. THE HARDSHIP WAS NOT CREATED BY THE LALOOWNER AND IS NOT MERELY SERVING AS A CONVENIENCE. IT IS THE ONLY ACCESS TO THESE PARCELS AND THE DRIVEWAYS HAVE BEEN USED PRE DATING THE WETLAND BUFFER REQUIREMENTS. IN ADDITION A LARGE PORTION OF THIS PROJECT IS BEING SET ASIDE AS CONSERVATION EASEMENT.

How do you propose to meet the requirements of the applicable MCWD rules?
*BY MITIGATING FOR THE BUFFER IMPACTS IN NEARBY
AREAS WHERE THE PINCH POINTS DO NOT EXIST.*

Applicant name: WALLACE MARY Date: 2/26/19

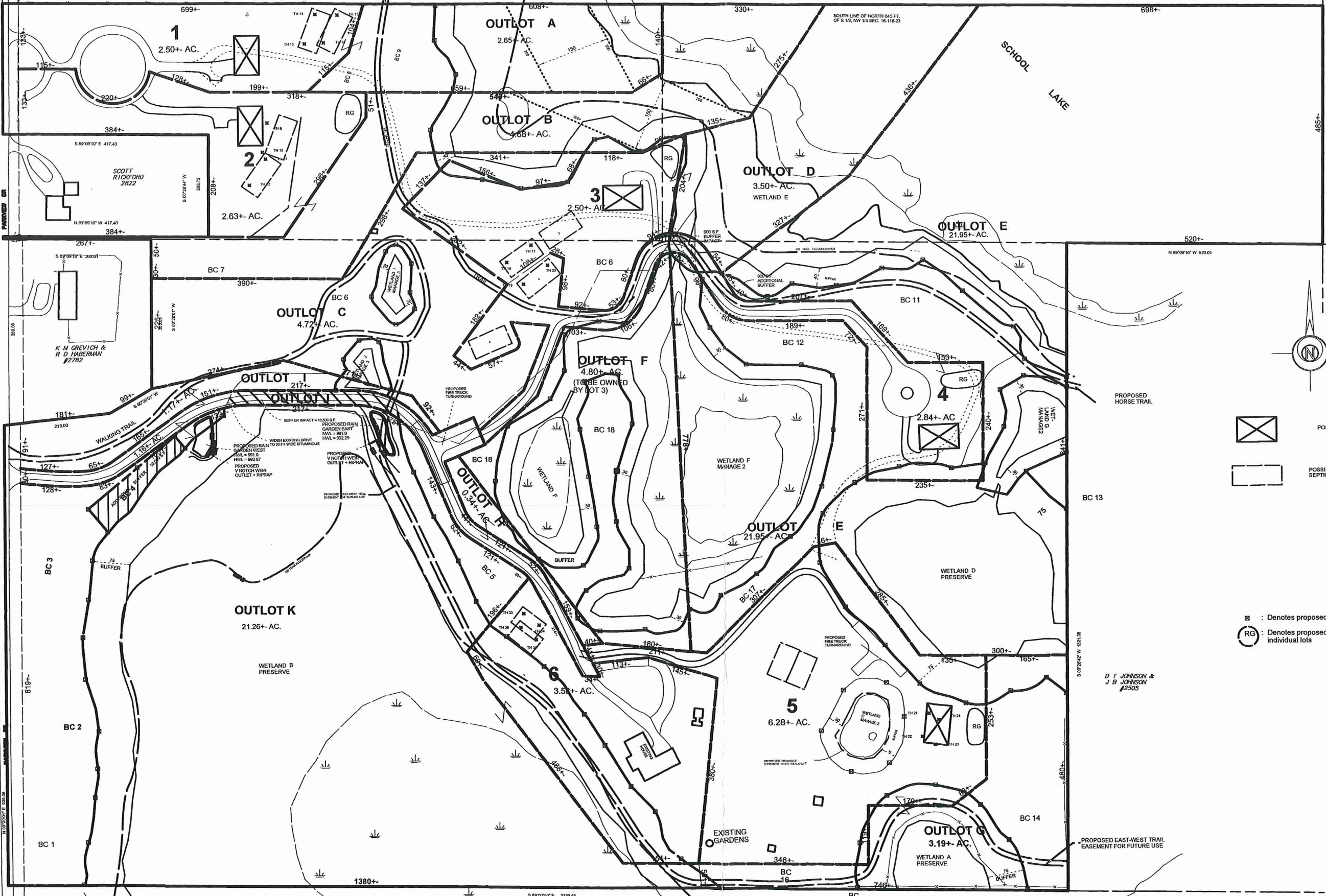
Applicant signature: Wallace Mary


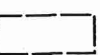


Staff Recommendation (For staff use only) Approve

SCHOOL LAKE NATURE PRESERVE WETLAND BUFFER EXHIBIT A

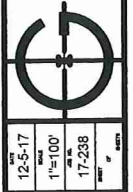
CHARLES AND PAMELA SCHROEDER
#2910

PROPOSED
HORSE TRAIL



-  POSSIBLE HOUSE SITE
-  POSSIBLE SEPTIC SITE
-  : Denotes proposed wetland buffer monument
-  : Denotes proposed future rain garden for individual lots

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

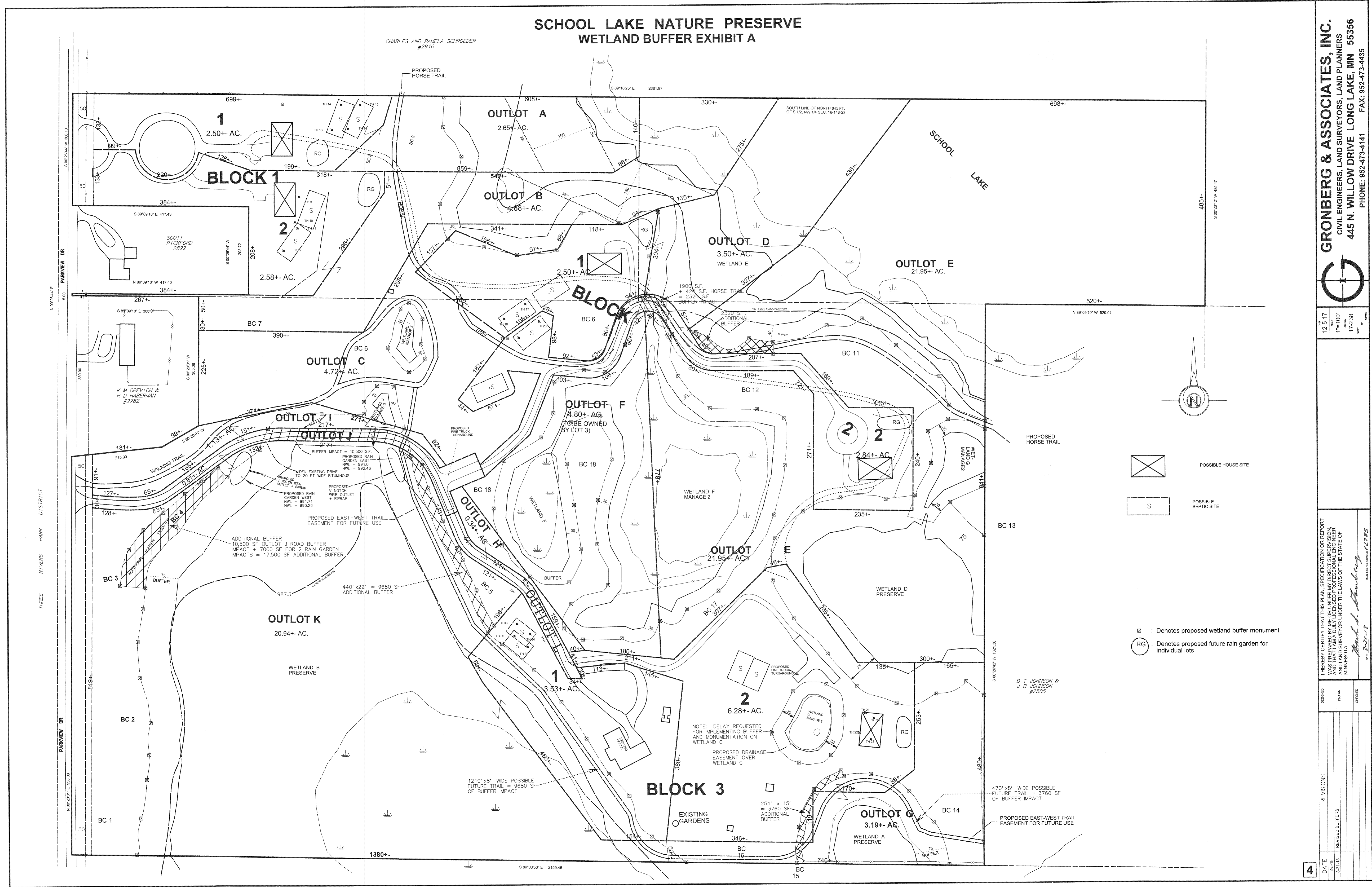


I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION,
AND I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF
MINNESOTA.
Murdell J. Gronberg
DATE: 12-5-17

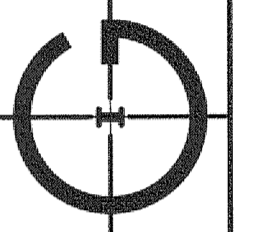
NO.	DATE	REVISIONS/REMARKS
4		

**SCHOOL LAKE NATURE PRESERVE
WETLAND BUFFER EXHIBIT A**

CHARLES AND PAMELA SCHROEDER
#2910



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



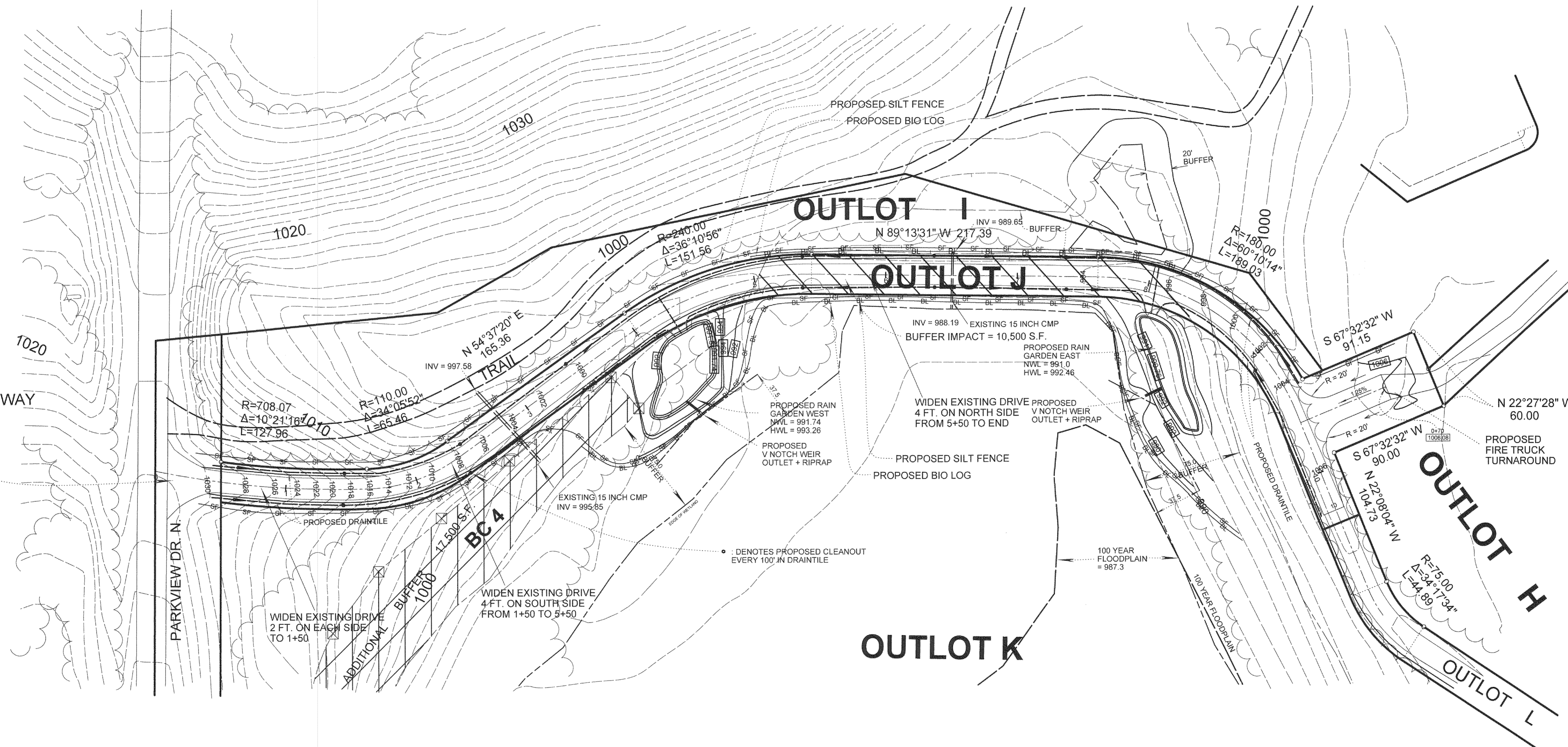
DATE: 12-5-17
SCALE: 1"=100'
SHEET: 17-238

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

D. T. JOHNSON & J. B. JOHNSON #2505

DATE	REVISIONS	DESIGNED	DRAWN	CHECKED
2-5-18	REVISED BUFFERS			
3-31-18	REVISED BUFFERS			

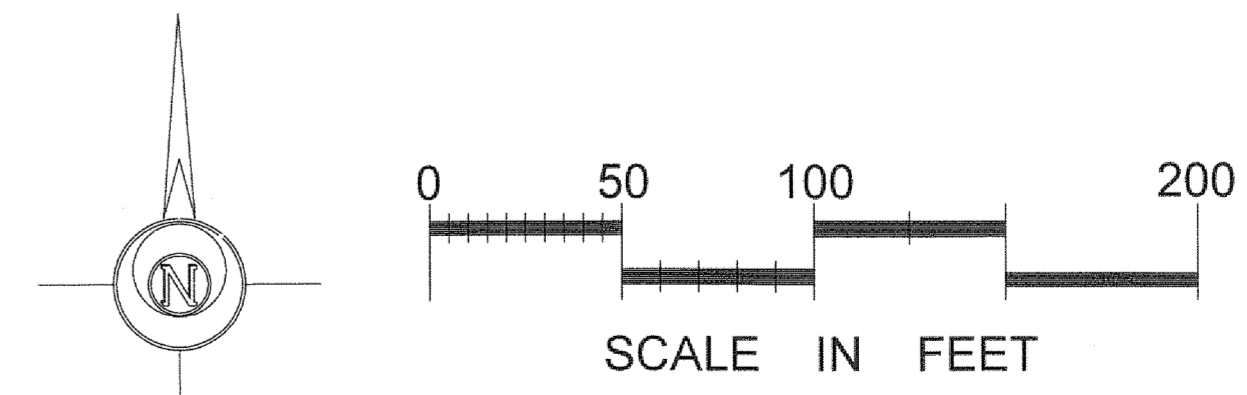
SCHOOL LAKE NATURE PRESERVE EROSION CONTROL PLAN



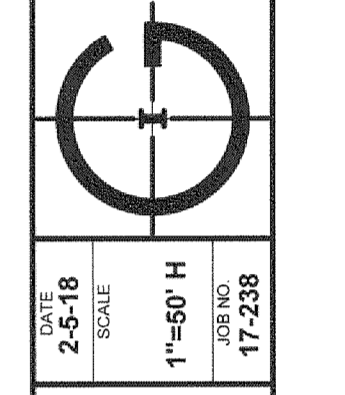
NOTE: USE EXISTING DRIVEWAY AS A ROCK CONSTRUCTION ENTRANCE

NOTE: PLACE 6" OF TOPSOIL ON ALL DISTURBED AREAS AND SEED AND MULCH.

ON ALL 3:1 OR GREATER SLOPES INSTALL EROSION CONTROL BLANKET



GRONBERG & ASSOCIATES, INC.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
 445 N. WILLOW DRIVE LONG LAKE, MN 55356
 PHONE: 952-473-4141 FAX: 952-473-4435



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 Land Surveyor under the laws of the State of Minnesota.
Michael J. Gronberg
 DATE 3-7-18 MINN. LICENSE NUMBER 12255

DESIGNED	DRAWN	CHECKED
REVISIONS	REMARKS	
DATE	ADDED BIO LOG AND CLEANOUT INFO	
3-31-18		

SCHOOL LAKE NATURE PRESERVE
HARDCOVER CALCULATIONS

March 31, 2018

EXISTING HARDCOVER

House	=	5,400 SF
Other hardcover	=	1,000 SF
Other buildings	=	1,200 SF
Main driveway	=	21,700 SF
Marx circular drive	=	10,200 SF
North driveway	=	<u>46,500 SF</u>
Total	=	86,000 SF

PROPOSED HARDCOVER

LOT 1, BLOCK 1

House	=	4,000 SF
Additional hardcover	=	1,000 SF
Existing drive	=	11,500 SF
New drive	=	<u>1,200 SF</u>
Total	=	17,700 SF

LOT 2, BLOCK 1

House	=	4,000 SF
Additional hardcover	=	1,000 SF
Existing drive	=	4,100 SF
New drive	=	<u>4,200 SF</u>
Total	=	13,300 SF

LOT 1, BLOCK 2

House	=	4,000 SF
Additional hardcover	=	1,000 SF
Drive	=	<u>3,000 SF</u>
Total	=	8,000 SF

LOT 2, BLOCK 2

House	=	4,000 SF
Additional hardcover	=	1,000 SF
Drive	=	13,800 SF
Drive near house	=	<u>5,500 SF</u>
Total	=	24,300 SF

LOT 1, BLOCK 3

House	=	5,400 SF
Drive	=	<u>10,200 SF</u>
Total	=	15,600 SF

LOT 2, BLOCK 3

House	=	4,000 SF
Additional hardcover	=	500 SF
Drive	=	12,000 SF
Drive near house	=	<u>1,500 SF</u>
Total	=	18,000 SF

OUTLOTS J & L

Drive	=	26,900 SF
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TOTAL	=	123,800 SF
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Minnesota Wetland Conservation Act

Notice of Decision

<u>Local Government Unit (LGU)</u> City of Medina	<u>Address</u> 2052 County Road 24 Medina, MN 55340
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1. PROJECT INFORMATION

<u>Applicant Name</u> Wally Marx 2900 Parkview Drive Medina, MN 55340 763-249-1200 wally@wallymarx.com	<u>Project Name:</u> Parkview Drive Parcels	<u>Date of Application</u> 10/24/2016	<u>Application Number</u> WF-16-082 (3433-080)
<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 checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach): The BWSR Representative and LGU reviewed the site on 11/9/2016. The TEP recommended that wetlands initially identified as H and F be combined, forming Wetland F. The delineation was revised and the TEP agreed with the revised boundaries.		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 12/6/2016
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions (include below) <input type="checkbox"/> Denied

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

Wally Marx (applicant) applied for a boundary and type decision for wetlands located on a 110-acre site located east of Parkview Drive, near School Lake between Hamel Road and County Road 24 in Medina, Hennepin County.

ISG completed a Level 2 delineation of the site on behalf of the applicant on September 29 and 30, 2016. The TEP reviewed the site on November 11, 2016 and provided the comments as described above. Ultimately, nine areas were identified to be wetland and the boundaries were approved in the field.

Wetland ID	Size of Delineated Area (ac)	Wetland Type(s)		Eggers & Reed Plant Community
		Circular 39	Cowardin Classification	
A	0.47	Type 3	PEMC	Shallow Marsh
B	31.2	Type 2/3/5/6/8	PEMB/PEMC/PEMF/PFOC/PSSC/PUBG	Fresh (wet) Meadow, Shallow Marsh/Shallow,

				Open Water/Shrub-carr/Open Bog or Coniferous Bog complex
C	0.25	Type 4	PEMH	Deep Marsh
D	2.96	Type 2/7	PEMB/PFOC	Fresh (wet) Meadow/Hardwood Swamp
E	18.2	Type 1/2/3/5	PFOE/PEMB/PEMF/PUBH	Floodplain Forest/Fresh (wet) Meadow/Shallow Marsh/Shallow, Open Water
F	7.57	Type 1/2/3/4	PFOB/PEMB/PEMC/PUBF	Floodplain Forest/Fresh (wet) Meadow/Shallow Marsh/Deep Marsh
G	0.27	Type 2	PEMB	Fresh (wet) Meadow
I	0.07	Type 2	PEMB	Fresh (wet) Meadow
J	0.07	Type 2	PEMB	Fresh (wet) Meadow

For Replacement Plans using credits from the State Wetland Bank:

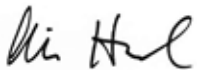
Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

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 Alison Harwood	Title Senior Environmental Scientist	
Signature 	Date 12/6/2016	Phone Number and E-mail 763-231-4847 aharwood@wsbeng.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 three 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 \$500 fee (if applicable) to: City of Medina 2052 County Road 24 Medina, MN 55340	<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 <input checked="" type="checkbox"/> BWSR TEP member: Ben Meyer <input type="checkbox"/> LGU TEP member (if different than LGU Contact): <input checked="" type="checkbox"/> DNR TEP member: Becky Horton, Kate Drewry <input type="checkbox"/> DNR Regional Office (if different than DNR TEP member) <input checked="" type="checkbox"/> WD or WMO (if applicable): Katherine Sylvia , Minnehaha Creek Watershed District <input checked="" type="checkbox"/> Applicant (notice only) and Landowner (if different) Wally Marx , wally@wallymarx.com <input checked="" type="checkbox"/> Members of the public who requested notice (notice only): Travis Fristed , travis.fristed@is-grp.com, Dusty Finke <input checked="" type="checkbox"/> Corps of Engineers Project Manager (notice only) Ryan Malterud <input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan applications 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 Bemidji, MN 56601	NE Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Central Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Southern Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South 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

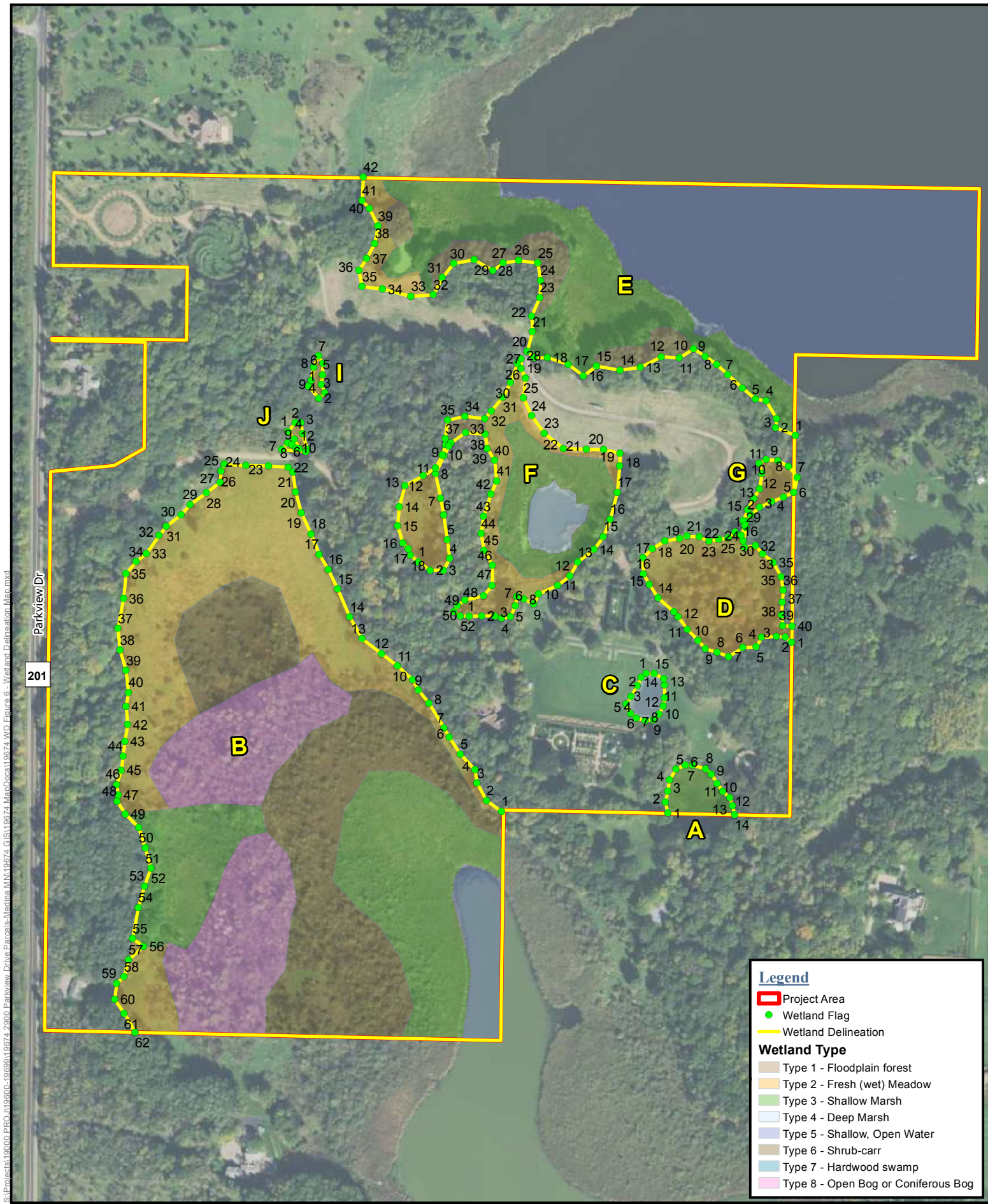
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- 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:

Approved Wetland Delineation Figure



S:\Projects\169000 PRO\169000-169674-169674 GIS\169674 MapDocs\169674 WD Figure 6 - Wetland Delineation Map.mxd

SCHOOL LAKE NATURE PRESERVE
BUFFER PLANTING, MAINTENANCE & MONITORING PLAN

March 31, 2018

For the buffer areas being created to mitigate buffer areas being disturbed (in order to widen the existing main drive and north drive) the following items will be necessary.

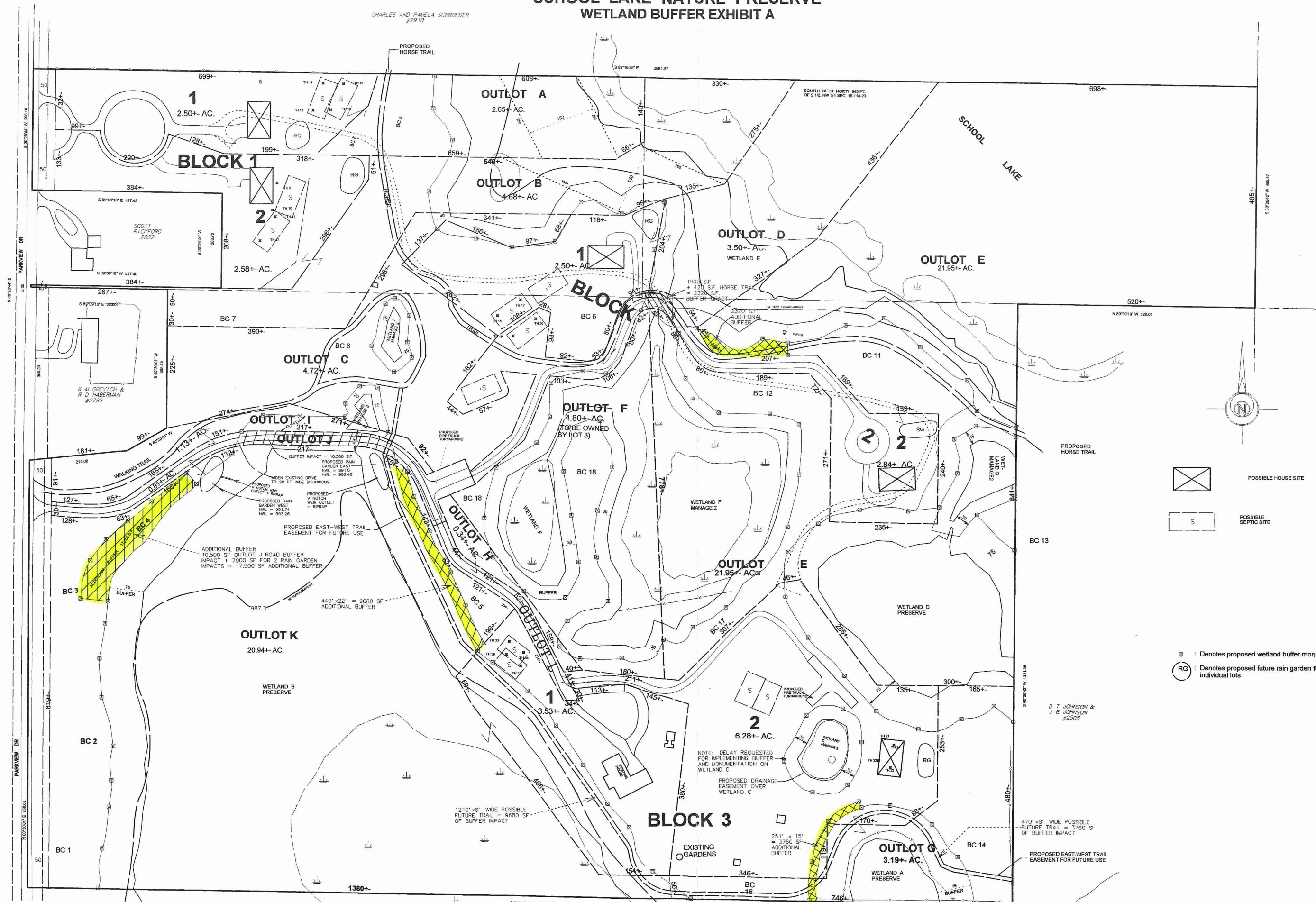
1. The soils will be decompacted to a depth of 18 inches and organic matter must be incorporated into the soils before revegetation, and decompaction shall be accomplished solely by incorporation of organic matter within the drip line or critical root zone of trees or within 10 feet of underground utilities.
2. Planting of this buffer shall be with BWSR mix W7 using pure live seed at 10 lbs/acre supplied by Ramy Turf or equal. The planting area shall be prepared by using herbicide control and then disking and raking followed by broadcast seeding.
3. Monitoring will be conducted in accordance with Section 10 of the Minnehaha Creek Watershed District Wetland Protection rule. For the first 5 years maintenance of the buffer area shall be undertaken by watering, burning, mowing and herbicide control. Invasive species will be monitored as well and removed if they appear in the buffer. Specific invasive species that seem likely to appear are reed canary grass and Canada thistle and purple loosestrife.
4. Upon final establishment, wetland buffers shall contain little or no bare soil and shall exhibit a dominance of native vegetation.
5. The applicant shall submit to the District an annual Wetland Buffer Inspection Report on or before January 1 of each year for five years. Alternatively, applicants may request that the District perform the Wetland Buffer Inspection and produce the report for a fee equal to the District's actual costs to perform the work.

The annual Wetland Buffer Inspection Report shall include:

- Site plan showing:
 - Location of permitted buffer area;
 - Area of bare soil or erosion;
 - Areas of invasive vegetation; and
 - Location and type of any encroachments on the buffer (structures, unapproved mowing, trails, etc.)
- Color photos of the wetland buffer taken during the growing season. Vantage points for these photos shall be labeled on the site plan.
- Description of buffer vegetation including dominate species and their estimated cover:
- Comparison of the species present to the approved planting/seeding plan.
- A written narrative that identifies the management strategies that will be utilized during the upcoming growing season to manage invasive species, improve percent vegetative cover and species diversity, and mitigate any encroachments on the buffer.

SCHOOL LAKE NATURE PRESERVE WETLAND BUFFER EXHIBIT A

CHARLES AND PALELA SCHROEDER
#2910



POSSIBLE HOUSE SITE

POSSIBLE SEPTIC SITE

⊠ : Denotes proposed wetland buffer monument

⊙ RG : Denotes proposed future rain garden for individual lots

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

DATE: 12-5-17
SCALE: 1" = 100'
SHEET: 17-238

DESIGNED: [Signature]
DRAWN: [Signature]
CHECKED: [Signature]

REVISIONS

NO.	DATE	DESCRIPTION
1	3-3-18	REVISED BUFFERS

DATE: 3-3-18
LINE LICENSE NUMBER: 12755

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 OR SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

D. T. JOHNSON & J. B. JOHNSON
#2505

4