

Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2022-012

Considered at Board of Managers Meeting: December 13, 2023

Application Received complete: October 31, 2023

Applicant: Mark Hedge

Project: Hedge Residence– The applicant is seeking an after-the-fact permit for the demolition of an existing single-family home and construction of a new single-family home.

Location: 7300 Laredo Drive, Chanhassen, MN

Reviewer: Mathieu Nicklay, RPBCWD

Proposed Board Action

Manager _____ moved and Manager _____ seconded adoption of the following resolutions based on the permit report that follows and the presentation of the matter at the December 13, 2023 meeting of the managers:

Resolved that the application for Permit 2022-012 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report;

Resolved that on determination by the RPBCWD administrator that the conditions of approval have been met, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2022-012 to the applicant on behalf of RPBCWD.

Upon vote, the resolutions were adopted, _____ [VOTE TALLY].

Applicable Rule Conformance Summary

Rule	Issue	Conforms to RPBCWD Rules?	Comments
C	Erosion Control Plan	Yes	
J	Stormwater Management	See Comment	See rule-specific permit condition J1 related to recordation of BMP maintenance declaration.
L	Permit Fee Deposit	Yes	\$200 received September 30, 2023.
M	Financial Assurances	See Comment	See rule-specific permit condition M1.

Project Description

The applicant is seeking an after-the-fact permit for the demolition of an existing single-family home and construction of a new single-family home on an existing lot of record. The 0.87-acre project site is located at 7300 Laredo Drive in Chanhassen. As of the time of this report work at the site has been completed.

The project included the establishment of a 144 cubic foot underground sand filtration basin. Drains and drainage tile capture the majority of stormwater from the site, as well as overland sheet flow originating from neighboring properties and Laredo Dr, and direct stormwater to the BMP.

Project Site Information	Area (acres)
Total Site Area	0.87
Existing Site Impervious	0.18
Proposed Site Impervious Area	0.21
Change in Site Impervious Area	0.03 (17% increase)
Total Disturbed Area	.81

Exhibits:

1. Permit Application received February 23, 2022 (The applicant was notified on March 1, 2022 that the submittal was incomplete; materials completing the application were received on October 31, 2023)
2. Project Plan Set dated August 21, 2022 (revised October 31, 2023)

Rule Specific Permit Conditions

Rule C: Erosion and Sediment Control

Because the project altered 0.81 acres of land-surface area, the project must conform to the requirements in the RPBCWD Erosion and Sediment Control rule (Rule C, Subsection 2.1).

The erosion control plan included installation of silt fence perimeter control, rock construction entrance, weekly inspection, placement of a minimum of 6 inches of topsoil, decompaction of areas compacted

during construction, and retention of native topsoil onsite. Site visits while the site was active showed that the erosion control plan was effectively implemented.

Rule J: Stormwater Management

Because the project involved the disturbance of 0.81 acres of land-surface area, and the site is within 500 feet of the ordinary high-water level of Lotus Lake and drains to Lotus Lake, the applicant must meet the criteria of RPBCWD’s Stormwater Management rule (Rule J, Subsections 2.1.a and 2.2.a.1).

Because the project site is an existing single-family property, Rule J, Subsection 3.4 requires implementation of a stormwater-management practice consistent with guidance promulgated by the State of Minnesota. A 144 cubic foot underground BMP receiving stormwater flowing from and through the site was constructed to comply with rule J.

To conform to the RPBCWD Rule J the following condition must be met:

- J1. Storm-water management structure and maintenance requirements must be documented in a declaration recorded after review and approval by RPBCWD in accordance with Rule J, Subsection 3.7.

Rule L: Permit Fee Deposit:

The RPBCWD permit fee schedule adopted in February 2020 requires permit applicants to deposit \$200 to be held in escrow and applied to cover the \$10 permit-processing fee and reimburse RPBCWD for permit review and inspection-related costs and when a permit application is approved, the deposit must be replenished to the applicable deposit amount by the applicant before the permit will be issued to cover actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules. A permit fee deposit of \$200 was received on October 23, 2023. If the costs of review, administration, inspections and closeout-related or other regulatory activities exceed the fee deposit amount, the applicant will be required to replenish the deposit to the original amount or such lesser amount as the RPBCWD administrator deems sufficient within 30 days of receiving notice that such deposit is due. The administrator will close out the relevant application or permit and revoke prior approvals, if any, if the permit-fee deposit is not timely replenished.

Rule M: Financial Assurance:

	Unit	Unit Cost	# of Units	Total
Rule C: Erosion Control				
Silt Fence	LF	\$2.50	478	\$1,195.00
Restoration of disturbance	Ac	\$2,500	0.81	\$2,025.00
Rule J: Stormwater Management				
Contingency (10%)		10%		\$847.00

	Unit	Unit Cost	# of Units	Total
Total Financial Assurance				\$9,317.00

To conform to the RPBCWD Rule M the following condition must be met:

- J1. Financial assurance in the amount of \$9,317.00 must be provided to the District in accordance with Rule M, Section 2.

Applicable General Requirements:

1. Construction must be consistent with the plans, specifications, and models that were submitted by the applicant that were the basis of permit approval. The date(s) of the approved plans, specifications, and modeling are listed on the permit. The grant of the permit does not in any way relieve the permittee, its engineer, or other professional consultants of responsibility for the permitted work.
2. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
3. The issuance of this permit does not convey any rights to either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
4. In all cases where the doing by the permittee of anything authorized by this permit involves the taking, using or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements or interests, the permittee, before proceeding therewith, must acquire all necessary property rights and interest.
5. RPBCWD’s determination to issue this permit was made in reliance on the information provided by the applicant. Any substantive change in the work affecting the nature and extent of applicability of RPBCWD regulatory requirements or substantive changes in the methods or means of compliance with RPBCWD regulatory requirements must be the subject of an application for a permit modification to the RPBCWD.
6. If the conditions herein are met and the permit is issued by RPBCWD, the applicant, by accepting the permit, grants access to the site of the work at all reasonable times during and after construction to authorized representatives of the RPBCWD for inspection of the work.

Findings

1. The submitted application is supported by the information necessary, plan sheets and erosion control plan for review.
2. The project will conform to Rule C, and J if the Rule Specific Permit Conditions listed above are met.

Recommendation:

Approval of the permit contingent upon:

1. Receipt in recordation of a maintenance declaration for the operation and maintenance of the stormwater management BMP. Drafts of all documents to be recorded must be reviewed and approved by the District prior to recordation and proof of recordation must be provided to RPBCWD.
2. Receipt of financial assurance in the amount of \$9,317.00.

By accepting the permit, when issued, the applicant agrees to the following stipulations:

1. Continued compliance with General Requirements
2. The work on the Hedge Residence project under the terms of permit 2022-012, if issued, must have an impervious surface area and configuration materially consistent with the approved plans. Design that differs materially from the approved plans (e.g., in terms of total impervious area) will need to be the subject of a request for a permit modification or new permit, which will be subject to review for compliance with all applicable regulatory requirements.
3. Replenish the permit fee deposit to the original amount or such lesser amount as the RPBCWD administrator determines sufficient within 45 days of receiving notice that such deposit is due in order to cover continued actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules.

