Applicant:	Mitch Hatch; City of Minnetonka
Consultant:	Eric Nelson; Alliant Engineering
Project:	Trail Construction
Location:	Along Smetana Road from Sanibel Drive and Westbrook Way
Applicable Rule(s):	2, 3, 4, and 5
Reviewer(s):	Bob Obermeyer; Barr Engineering Co.

General Background & Comments

The City of Minnetonka is proposing the construction of an 8-foot-wide non-motorized bituminous trail on the south side of Smetana Road between Sanibel Drive and Westbrook Way. A portion of the trail will connect to existing trails along Shady Oak Road on the west and the Nine Mile Creek Regional Trail on the east.

The trail location is within the roadway right-of-way of Smetana Road. To provide space along the roadway and avoid wetland impacts, the existing roadway is to be narrowed. One-hundred-year high water elevations have been calculated for the three wetland areas riparian to the trail alignment. No loss of floodplain volume will result from the trail construction – a net gain of 727 cubic-feet of floodplain volume will be created by the project. The district's flood rule, Rule 2, applies to the project since land-alteration is proposed below the flood elevation of a wetland/waterbody. The district's rule 2.3.1- Low floor elevation- does not apply since the rule applies to buildings, bridges, and boardwalks.

The City of Minnetonka, being the Local Unit of Government (LGU) administering the requirements of the Wetland Conservation Act (WCA), has approved a "no-loss" determination for the project. In accordance with district Rule 3.2.2, the district's buffer requirements will not apply to the project.

The project is a linear project, as defined by the NMCWD rules, because the proposed landdisturbing activities include the construction of a public improvement, an 8-foot-wide bituminous trail, within a linear corridor. The project proposes the creation of 8,271 square feet (0.19 acres) of new impervious area. Since the project proposes less than 1-acre of new impervious area, the requirements of district Rule 4.3.1 will not apply.

The project will also include the replacement of several centerline culverts, that currently and will continue to discharge into the wetland areas riparian to the trail alignment. The culverts are to be replaced in-kind and reconstructed at elevations that will minimize further erosion problems occurring at the pipe outlets. Riprap is not to be installed at the pipe outlets therefore district Rule 6.0, Waterbody Crossings, and structures, is not applicable.

Silt fence, wood fiber sediment control logs and inlet protection are to be installed to provide erosion control.

Exhibits Reviewed:

- 1. Permit Application dated January 6, 2023, and received on February 10, 2023.
- 2. Project narrative and description dated January 6, 2023, prepared by Alliant Engineering.
- 3. Wetland Delineation Report dated June 2022, prepared by Alliant. WCA Notice of Decision for wetland boundary/type approved by the City of Minnetonka dated July 21, 2022.
- 4. Wetland Conservation Act Notice of Decision for a No-Loss determination approved by the City of Minnetonka dated March 17, 2023. Application
- 5. E-mail correspondence dated March 9, 2023, outlining 2 items required to be submitted for the application to be considered complete. Information provided by Alliant Engineering received March 23, 2023.

The application is considered complete.

2.0 Floodplain Management and Drainage Alterations

Proposed earth work (excavation for 8-inches of subbase material and 3-inches of bituminous) for the trail will take place below the 100-year frequency flood elevation of wetland 582C-4 (882.7 M.S.L.), 582C-L (881.9 M.S.L.) and 582C-M (880.3 M.S.L.). Because the project will involve land-altering activities below the respective flood elevation of the wetlands, the project must conform to the requirements of the District's Floodplain Management and Drainage Alterations Rule 2.0 in accordance with Rule 2.2.1.

Rule 2 criteria for floodplain and drainage alterations includes the following:

2.3.1: The low floor elevation of all new and reconstructed structures must be constructed in accordance with the NMCWD Stormwater Rule, subsection 4.3.3

The project does not include new or reconstructed buildings bridges or boardwalks that qualify as "structures" pursuant to NMCWD Resolution #22-02 throughout the project corridor.

2.3.2: Placement of fill below the 100-year flood elevation is prohibited unless fully compensatory flood storage is provided within the floodplain and:

- a. at the same elevation +/- 1 foot for fill in the floodplain; or
- *b.* at or below the same elevation for fill in the floodplain of a water basin or constructed stormwater facility.

The project will not result in filling below the 100-year frequency flood elevation of wetlands 582C-4 (882.7 M.S.L.), 582C-L (881.9 M.S.L.) and 582C-M (880.3 M.S.L. that will result in a reduction in flood volume. The proposed earth work (excavation for the 8-inches of subbase material and 3-inches of bituminous) for the trail will temporarily disturb an existing area below the respective flood elevations for the 8-foot-wide trail. At the completion of the trail construction, the area will be restored to pre-project conditions and elevations.

2.3.3. The District will issue a permit to alter surface flows only if it finds that the alteration is not reasonably likely to have a significant adverse impact on any upstream or downstream landowner and is not reasonably likely to have a significant adverse effect on flood risk, basin or channel stability, groundwater hydrology, stream base-flow, water quality or aquatic or riparian habitat. The project will not alter existing surface flows therefore will not have an adverse effect on flood risk, basin or channel stability, groundwater hydrology, stream base-flow, water quality or aquatic or riparian habitat.

2.3.4 No structure may be placed, constructed, or reconstructed and no surface may be paved within 50 feet of the centerline of any water course, except that this provision does not apply to:

a. Bridges, culverts, and other structures and associated impervious surface regulated under Rule 6.0;

b. Trails 10 feet wide or less, designed primarily for nonmotorized use.

No structure is proposed to be placed, constructed, or reconstructed as part of the project and no water course is located within the project area. In addition, the trail is 8-feet wide, and more than 4-feet of pervious material will be provided downgradient of the trail complying with rule 4.2.2 c – not requiring the requirements of rule 4.2.1.

3.0 Wetlands Management

The Wetland Delineation Report, dated June 2022, prepared by Alliant, has identified the boundaries of the wetland(s) along the corridor alignment. The project narrative states that no work within the wetland(s) boundary is proposed. The work proposed is within the City of Minnetonka's roadway right-of-way. The City of Minnetonka, being the Local Unit of Government (LGU) administering the requirements of the Wetland Conservation Act (WCA), has approved the wetland boundaries and types on July 21, 2022, and a "no-loss" determination for the project. In accordance with district Rule 3.2.2, the district's buffer requirements will not apply to the project.

4.0 Stormwater Management

The district's requirements for stormwater management do not apply to the project because the project is a linear project, as defined by the NMCWD rules. Because the proposed land-disturbing activities include the construction of a public improvement, an 8-foot-wide bituminous trail, within a linear corridor and less than one acre of new impervious area, 8,271 square feet (0.19 acres) of new or additional impervious area is proposed to be created, the stormwater requirements of Rules 4.3.1 do not apply.

5.0 Erosion and Sediment Control

The district's requirements for erosion and sediment control apply to the project because more than 50 cubic yards of material will be disturbed and 5,000 square feet or more of surface area is altered, Rules 5.2.1a and b.

The erosion control plan prepared by Alliant Engineering includes installation of silt fence, wood fiber sediment logs, and storm sewer inlet protection. The contractor for the project will need to designate a contact who will remain liable to the district for performance under the district's Erosion and Sediment Control Rule 5.0 from the time the permitted activities commence until vegetative cover is established, in accordance with subsection 5.4.1e. NMCWD must be notified if the responsible individual changes during the permit term.

11.0 Fees

Because the property owner is a public entity, no fees are charged.

Rules 4.0 and 5.0

12.0 Financial Assurances

Financial Assurances for the project are not required because the permit applicant is a public entity: \$0

Findings

- 1. The proposed project includes the information necessary, plan sheets for review.
- 2. The proposed project conforms with Rule 2,3,4 and 5.

Recommendation

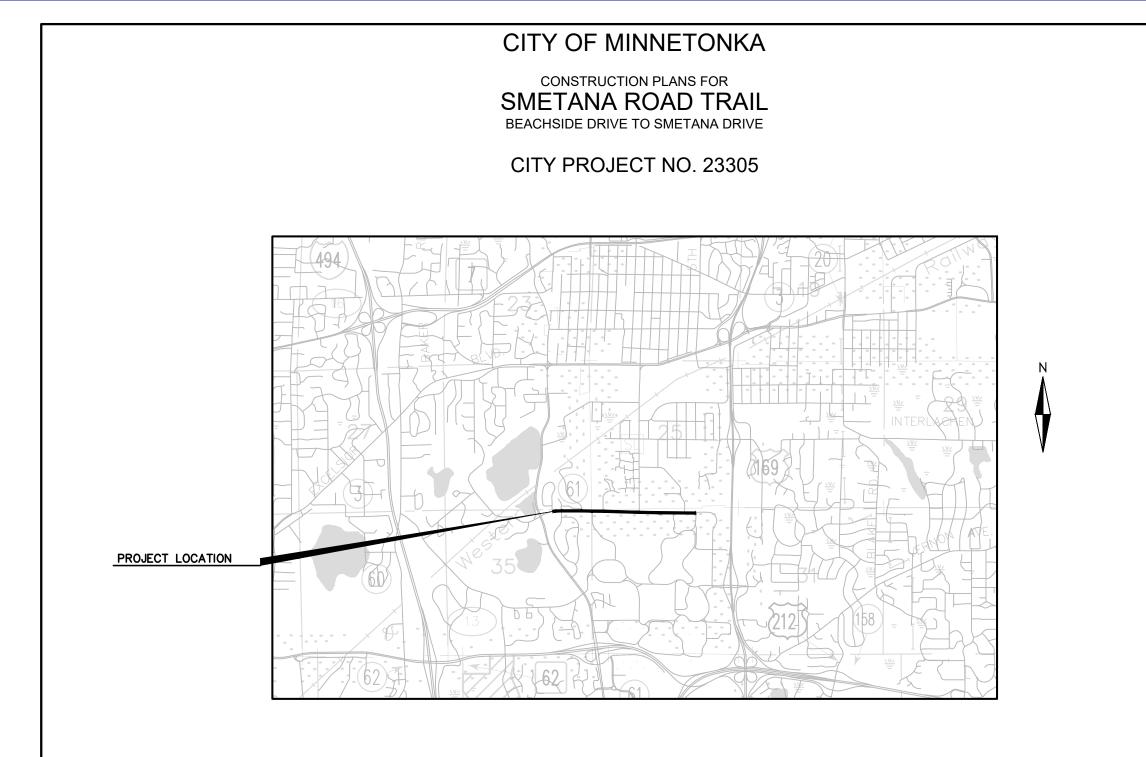
Approval, contingent upon:

General Provisions

The applicant provides a name and contact information for the individual responsible for the erosion and sediment control at the site. NMCWD must be notified if the responsible individual changes during the permit term.

By accepting the permit, when issued, the applicant agrees to the following stipulations for closeout of the permit and release of the financial assurance after the project:

Per Rule 4.5.6, an as-built drawing of the floodplain areas disturbed and restored conforming to the design specifications of the project as approved by the district.



NOTE:

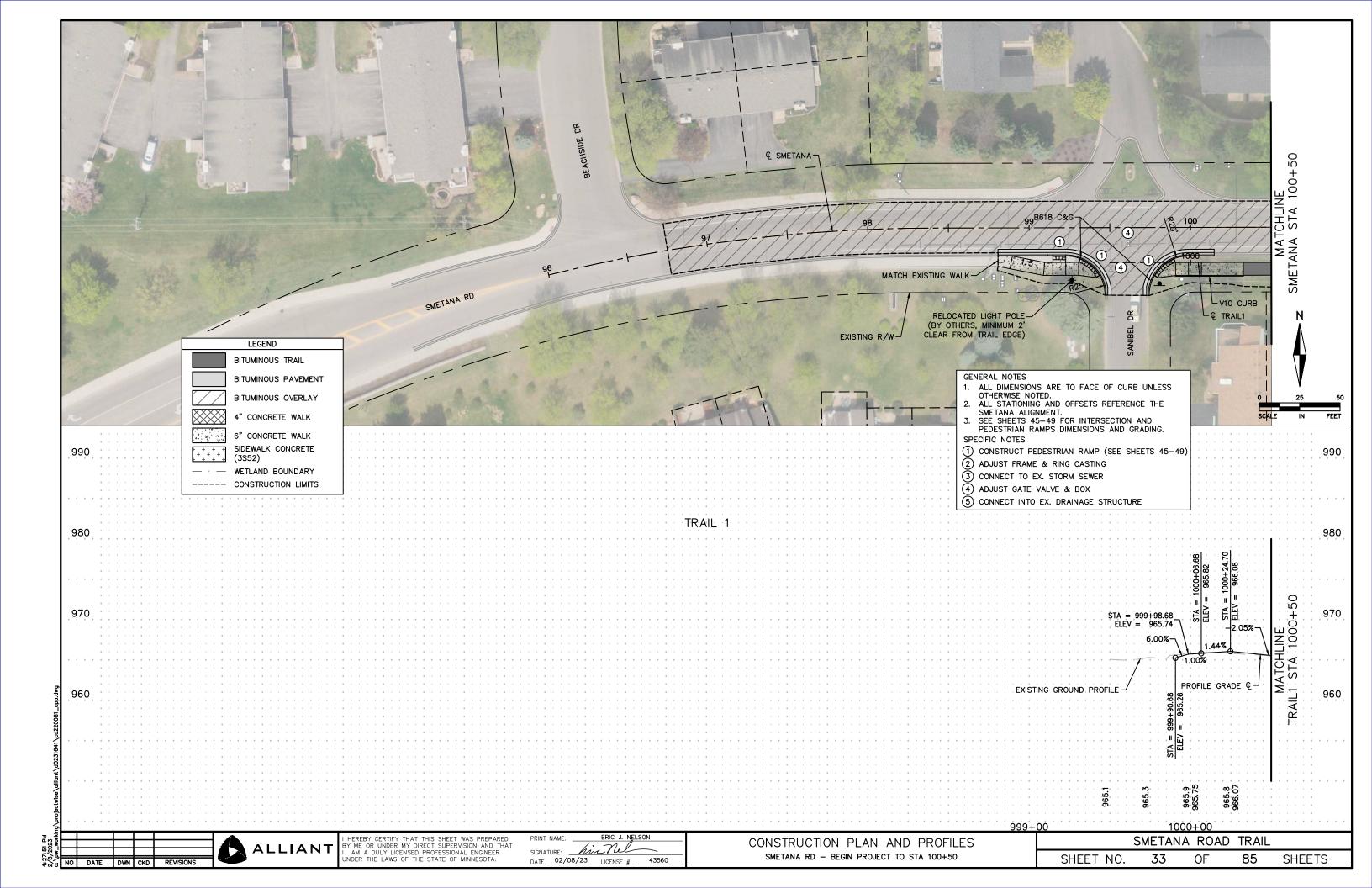
THE PLAN INDICATES THE GENERAL LOCATION OF KNOWN UTILITIES ON THE PROJECT. ALL UTILITY LOCATIONS ARE APPROXIMATE. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITY LOCATIONS AND ELEVATIONS WITH THE UTILITY COMPANIES.

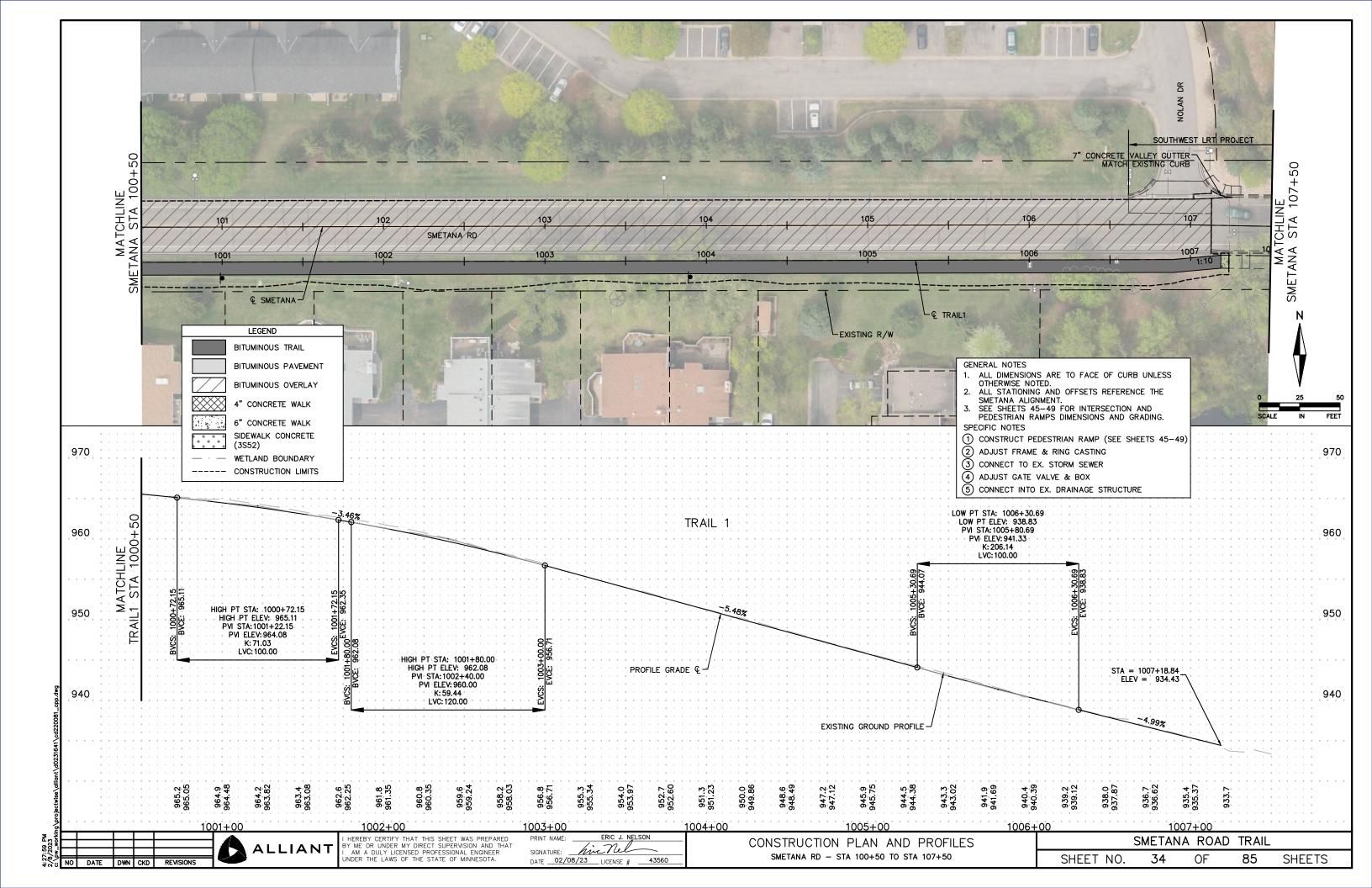
THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL C. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

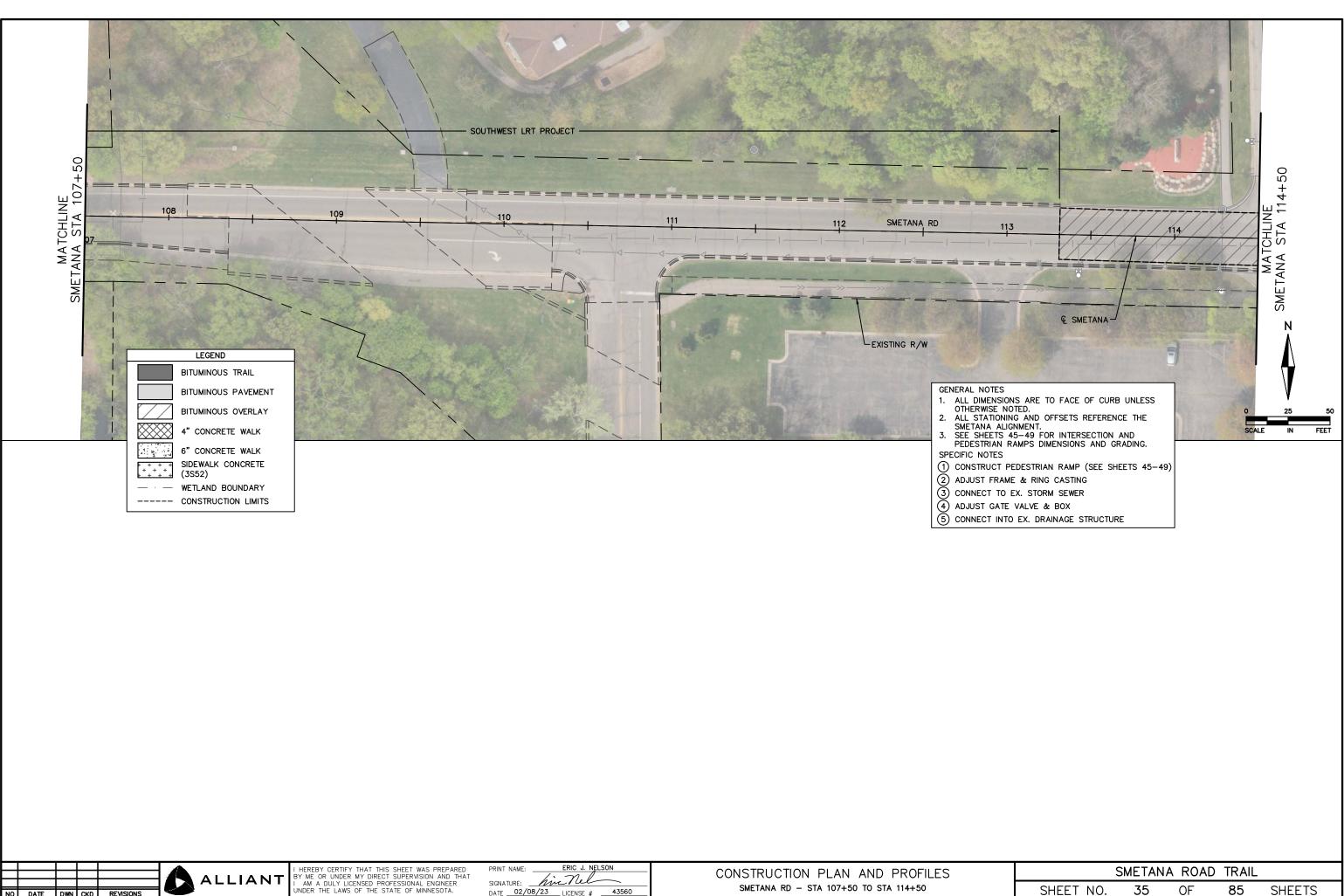
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THIS PLAN CONTAINS 85 SHEETS
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DESIGN ENGINEER: I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. 02/08/23 LICENSE NUMBER: 43560
APPROVED: CITY OF MINNETONKA
APPROVED: CITY OF HOPKINS
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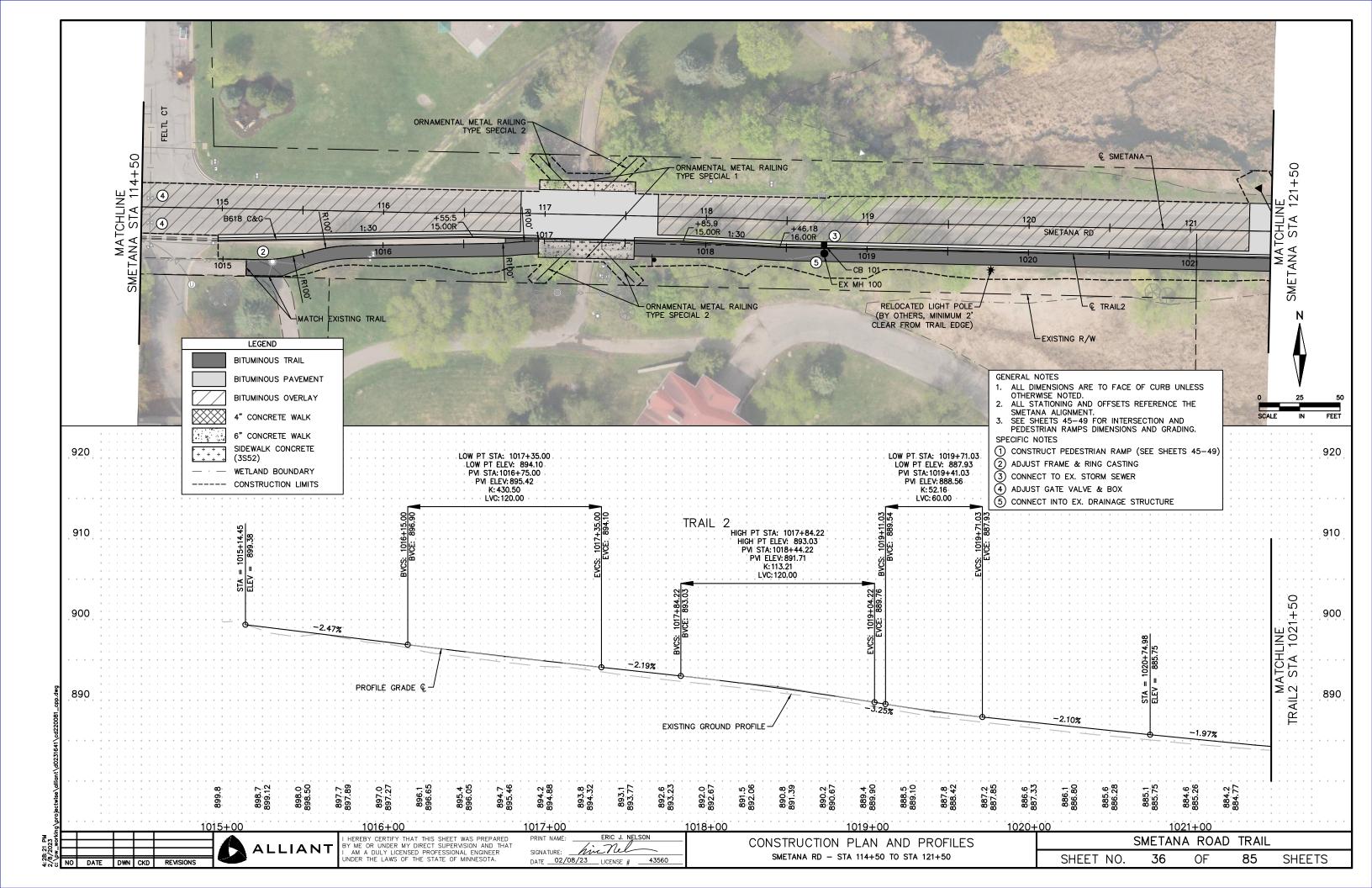
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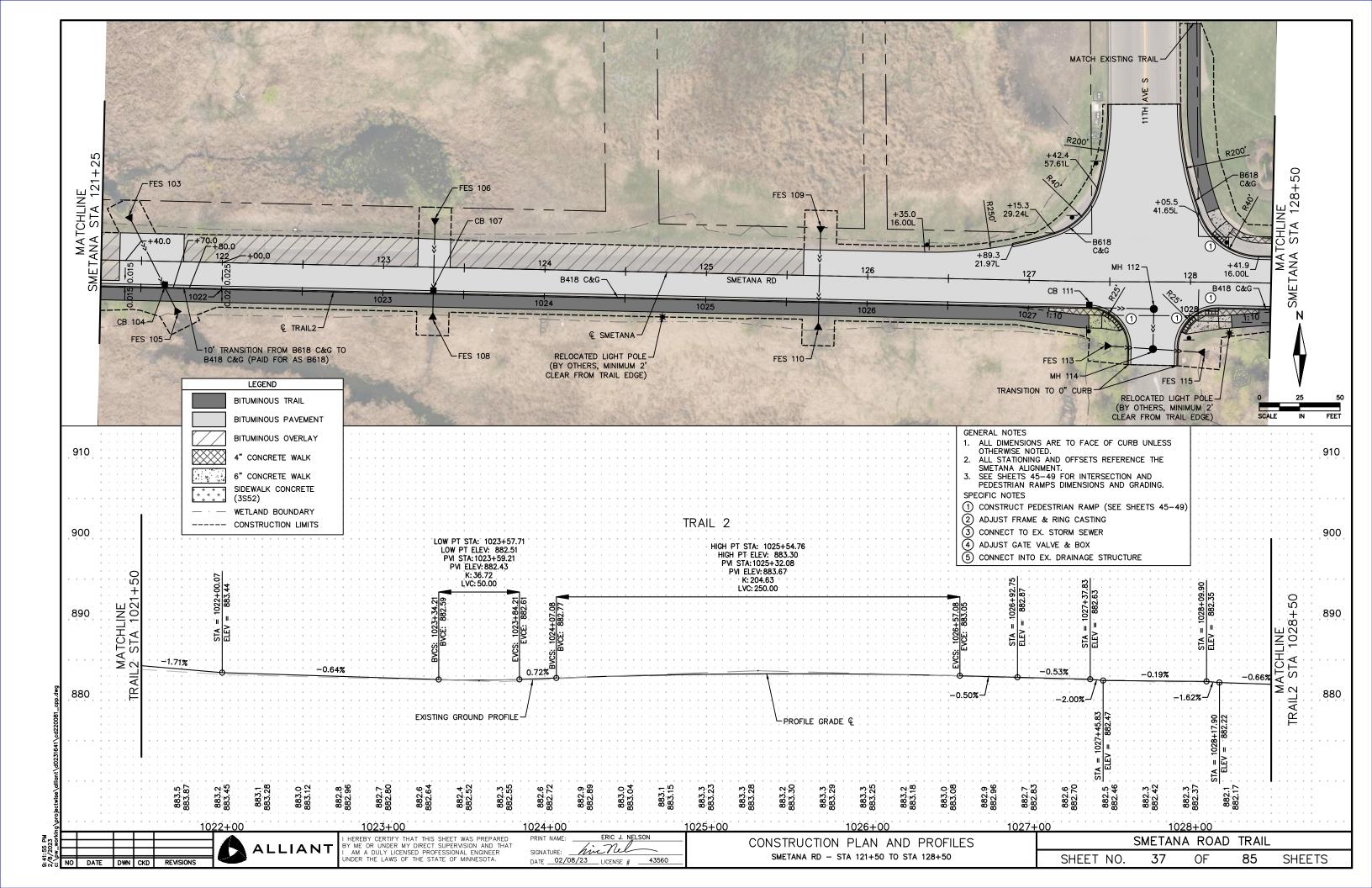
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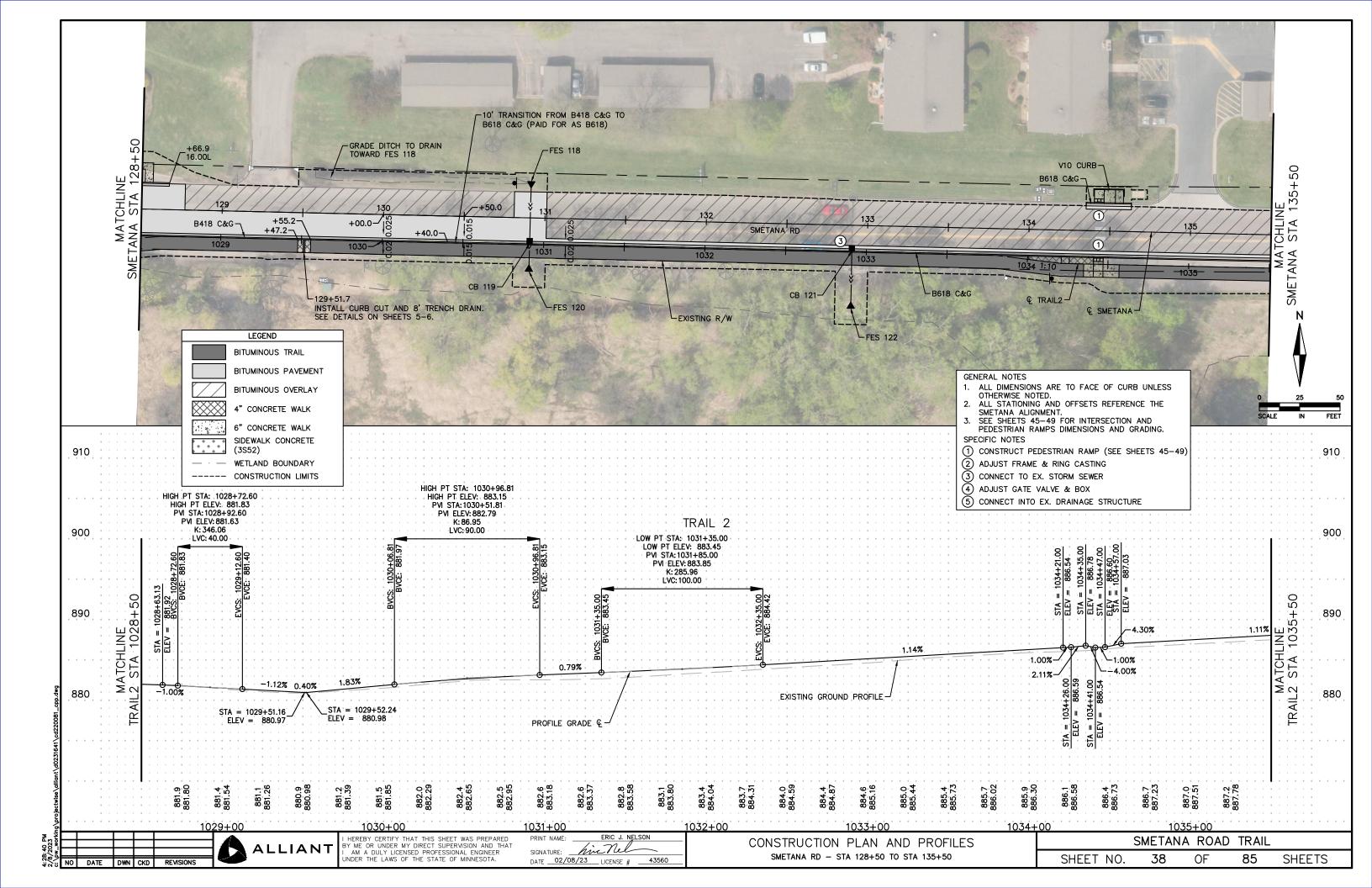
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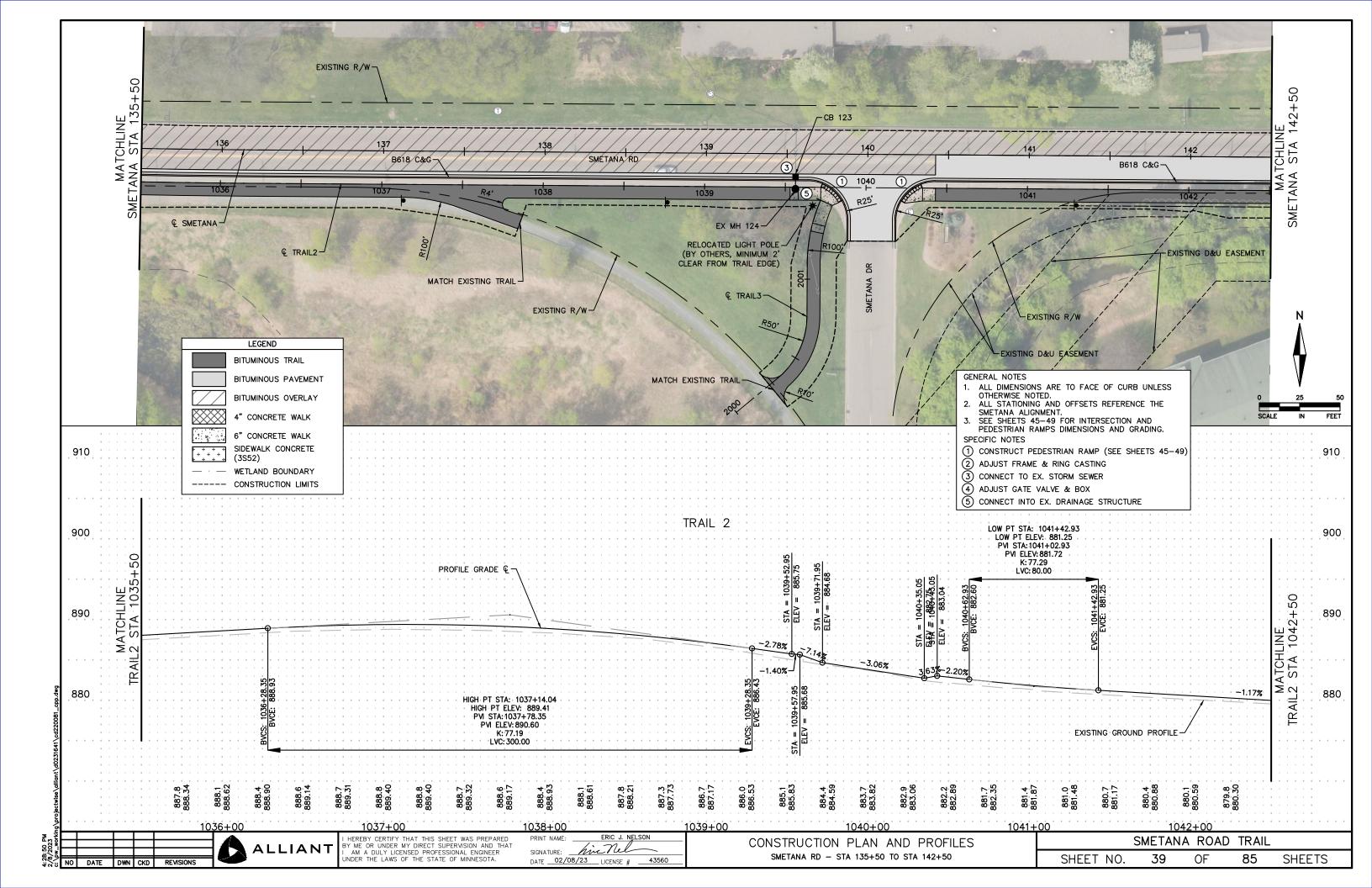
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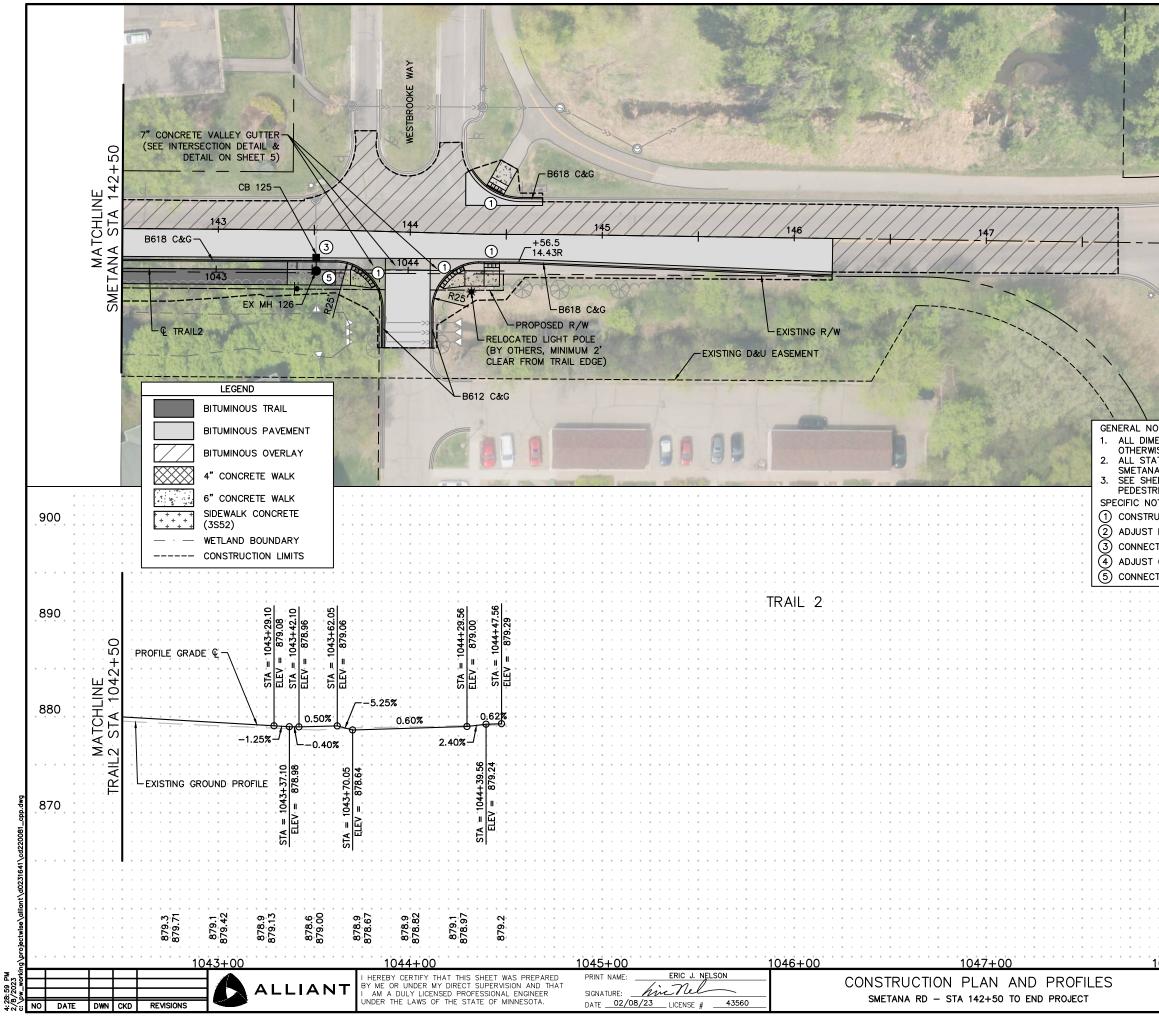
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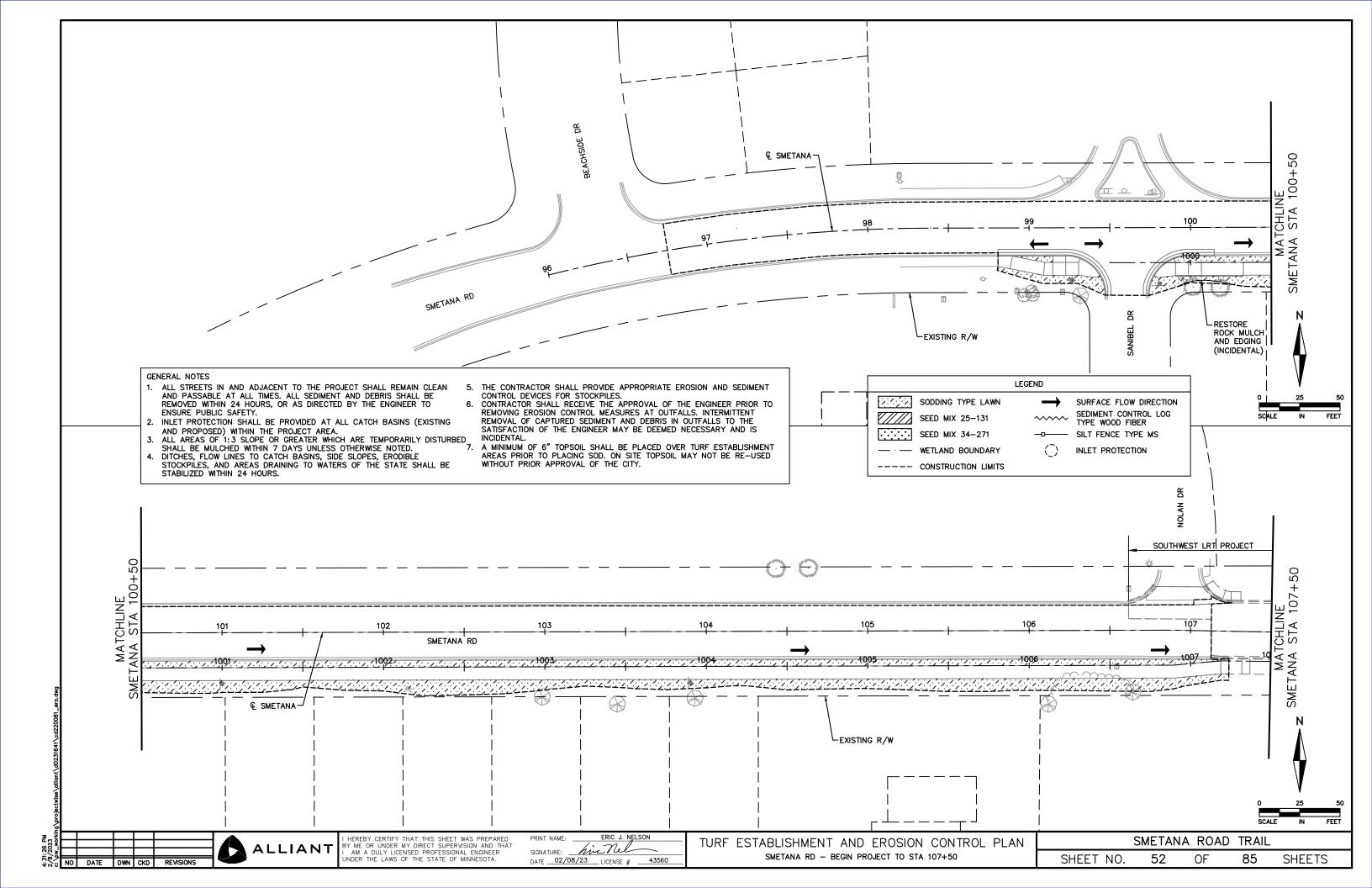


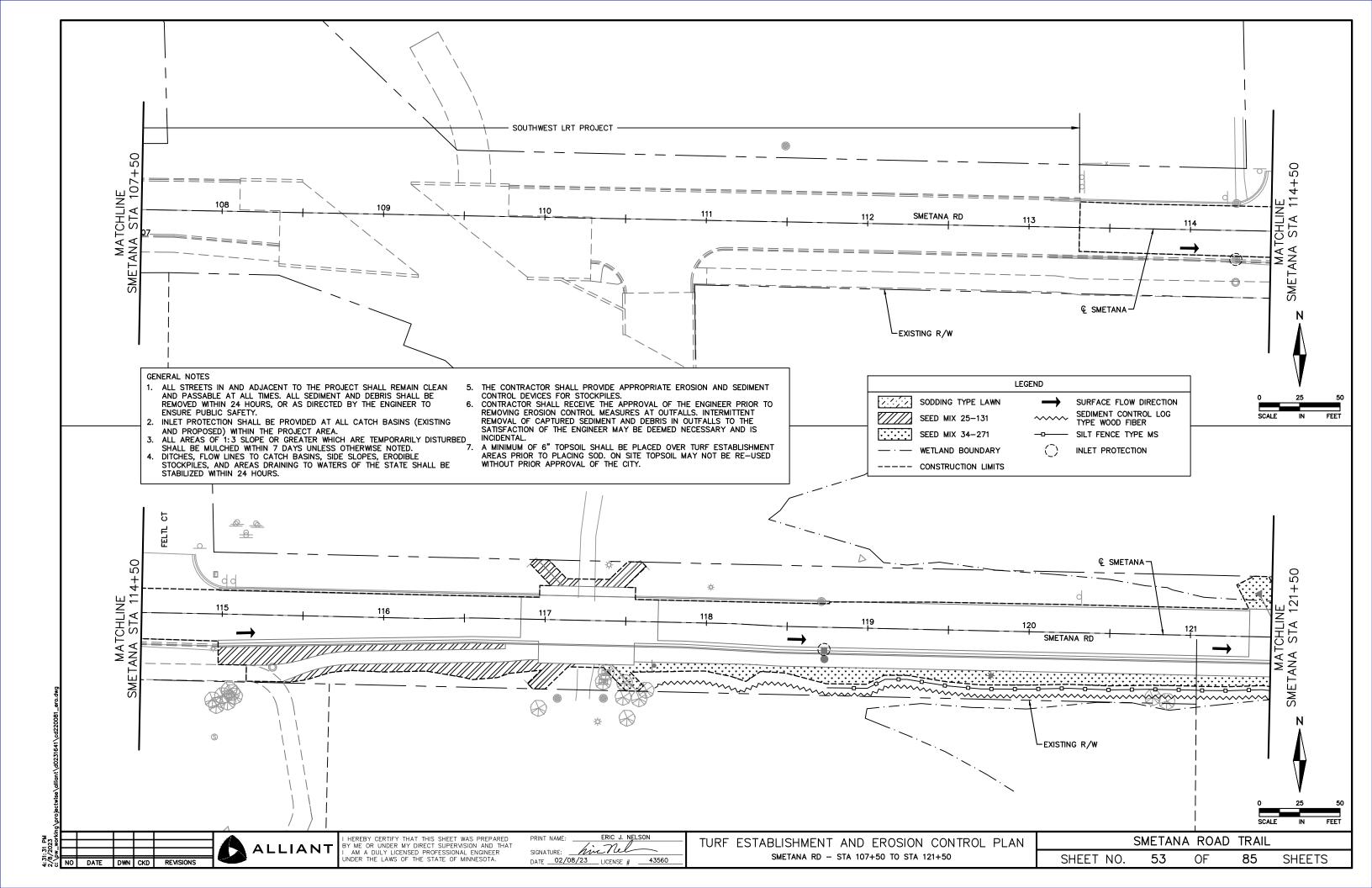


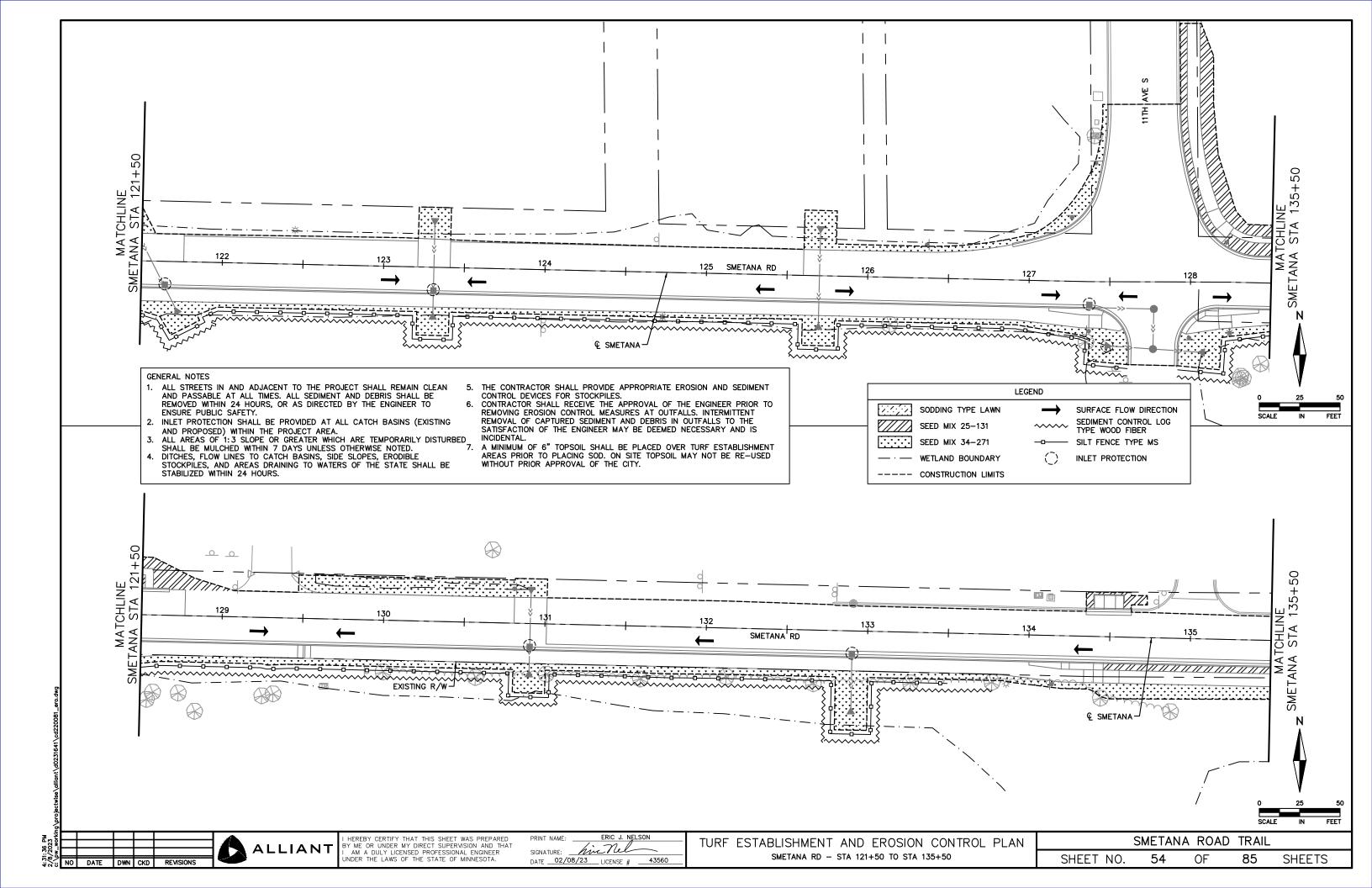


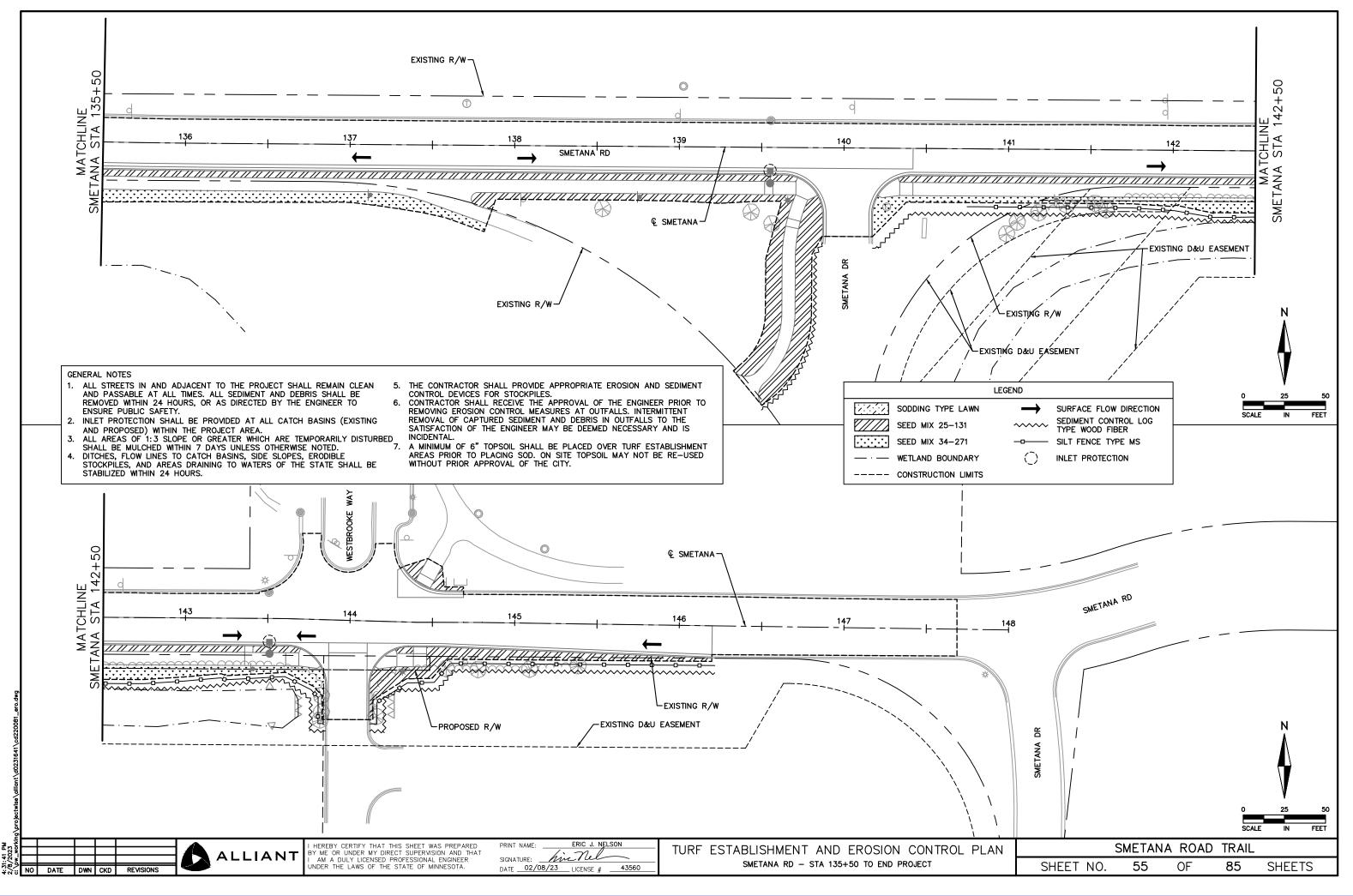


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