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# Memorandum

**To:** Erica Sniegowski, NMCWD Program and Project Manager
**From:** Matt Kumka, PLA
**Subject:** Permitting Narrative and Wetland Buffer Variance Request
**Date:** 6/7/2019
**Project:** 2019 Non-Profit Sites BMP Retrofits
**c:** Bob Obermeyer, PE – District Engineer
Janna Kieffer, PE

## Introduction

The 2019 Non-Profit Sites BMP Retrofits project consists of four rain gardens and vegetated swales to be constructed on church properties within the Nine Mile Creek Watershed District. The rain gardens will be constructed at Good Samaritan Church in Edina, St. Edwards Catholic Church, and Oak Grove Lutheran Church in Bloomington. These sites will be bid as one project, but treated as individual sites for permitting requirements.

## Permit Requirement Summary

### Good Samaritan United Methodist Church, Edina

With less than 50 cubic yards (excavation and fill) of disturbance planned, this rain garden site does not trigger stormwater or erosion and sedimentation control permits. Regardless this site will be constructed with catch basin inserts and sedimentation control log installed to protect against sediment transport. As a result of this project, 700 SF of existing impervious surface will be removed and replaced by a rain garden.

### Oak Grove Presbyterian Church, Bloomington

The project will disturb more than 50 cubic yards (excavation and fill) but less than 5000 square feet of surface area. The District's Stormwater Rule (4) applies since the project will meet Rule 4.2.1a and 5.2.1a. However since there are no impermeable areas associated with the project that will be created to generate runoff, no stormwater management facilities are required to meet the requirements of Rules 4.3.1a) volume retention, b) limit peak flow rates for the 2, 10, and 100 year storm events to existing conditions and c) water quality management. Since there are no impervious surfaces created or reconstructed ~~to~~ the 4.3.3 Chloride management requirements would not apply. The District's Erosion and Sediment Control Rule (5.2.1a) applies to the project because of the volume of disturbance proposed.

### St. Edwards Catholic Church, Bloomington

The project will disturb more than 50 cubic yards (excavation and fill). The District's Stormwater Rule (4) applies since the project will meet Rule 4.2.1a. However since there are no impermeable areas associated with the project that will be created to generate runoff, no stormwater management facilities are required to meet the requirements of Rules 4.3.1a) volume retention, b) limit peak flow rates for the 2, 10, and 100 year storm events to existing conditions and c) water quality management and there is no impervious surface created or reconstructed to which the 4.3.3 Chloride management requirements would apply. The

District's Erosion and Sediment Control Rule (5.2.1a) applies to the project because of the volume of disturbance proposed.

St. Edwards Wetland Buffer Requirement – Request for Variance

St. Edwards Catholic Church in Bloomington is adjacent to a wetland. A MnRAM wetland functional assessment summary has been previously prepared by the City of Bloomington and has determined the wetland to a Type II medium value wetland. A wetland boundary determination has not been completed. Due to a project disturbance of over 50 cubic yards of soil, thus triggering the requirement of a District permit, a medium value wetland would require a 40' average/20' minimum wetland buffer installed in accordance to the District rules. However, the wetland boundary is as close as 6 feet to the edge of an existing asphalt parking lot. See Figure 1.

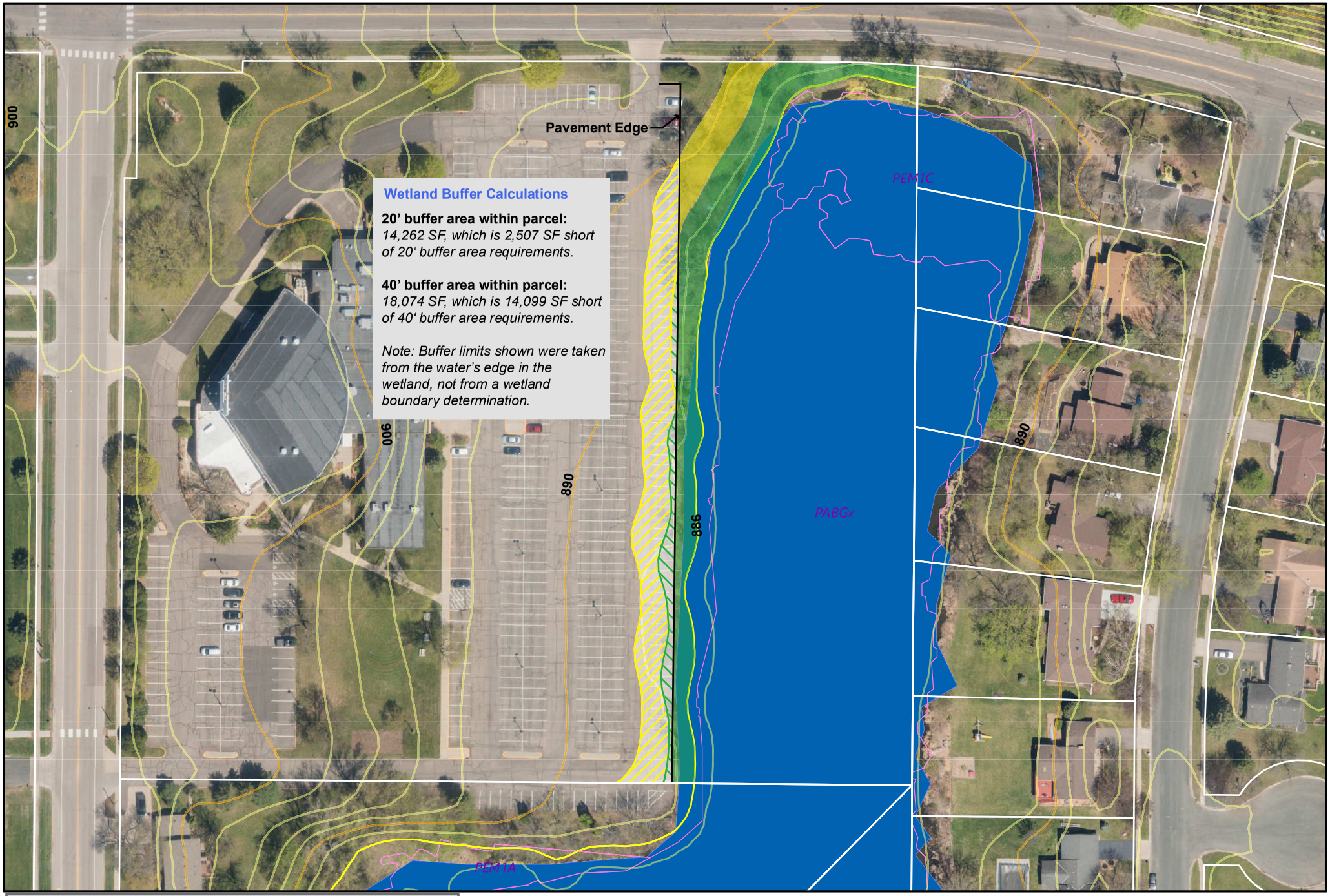
Nine Mile Creek Watershed Rule 10 states the Board of Manager may consider a request for variance from strict compliance with requirements of a District rule. To grant a variance, the Board of Managers must find based on a demonstration by the applicant:

1. Response: That because of unique conditions inherent to the subject property, which do not apply general to other land or structure in the district, undue hardship on the applicant, not mere inconvenience, will result from the strict application of the rule:
    a. Response: The existing parking lot has been in place before the 2008 watershed district rules requiring wetland buffers. There ~~is~~ simply is not enough green space adjacent to the wetland to meet the wetland rule requirement, thus we feel that requiring a wetland buffer for this property in this instance is not practical and/or feasible.
2. That the hardship was not created by the landowner, the landowner's agent or representative, or a contractor, and is unique to the property. Economic hardship alone may not serve as grounds for issuing a variance if any reasonable use of the property existing under the terms of the District rules:
    a. Response: As noted, the existing asphalt parking lot within the wetland buffer area constructed prior to the adoption of the 2008 district rules, provides as little as 6' between the parking lot and wetland, and as shown in Figure 1, the 20' minimum and 40' buffer areas would cannot be accommodated unless portions of the existing parking lot are removed and reconstructed as wetland buffer.
3. That the activity for which the variance is sought will not materially adversely affect the water resources, flood levels, drainage or the general welfare in the District.
    a. Response: The project being constructed is two rain gardens that will improve local water quality by capturing and filtering stormwater runoff from an adjacent asphalt parking lot that currently contributes runoff to the wetland untreated.
4. That there is no feasible and prudent alternative to the proposed activity requiring a variance.
    a. Response: Due to the area of the property that falls within the buffer zone, dozens of parking stalls would have to be removed to accommodate the requirements. This concession on the part of the property owner would likely result in them retracting their interest in partnering with the District on this rain garden project.

Sediment and Erosion Control Summary for All Sites

On all sites, catch basin inserts and sediment control logs will be placed within the site and along the perimeter of the disturbed construction area prior to any soil disturbance in order to prevent sediment displacement from the site and into adjacent streets, parking lots, or storm sewer structures. Soil stockpiles will only be allowed within the construction limits as shown on the Drawings and will be required to be removed from site within 48 hours to prevent windblown sediment from transporting off-site.

Permanent erosion control will consist of plantings within the finished rain gardens and swales, placement of 3" of shredded hardwood mulch within planted areas, and the placement and establishment of turf sod on all areas of disturbance outside the rain gardens.




# Non-Profits 2019 BMP Retrofit Projects: Wetland Buffer Permit Requirement - Variance Request

St. Edwards Catholic Church
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