CITY OF MENDOTA HEIGHTS

PLANNING COMMISSION REGULAR MEETING AGENDA

June 24, 2025 at 7:00 PM
Mendota Heights City Hall, 1101 Victoria Curve, Mendota Heights

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
   a. Approve meeting minutes from the May 27, 2025 Planning Commission Meeting.
4. **Public Hearings**
   a. **CASE No. 2025-07 Variance** Application of Daniel Michel for a Variance to allow for the construction of a fence exceeding 6-ft in height for the property located at 1341 Cherry Hill Road
   b. **CASE No. 2025-08 Conditional Use Permit Amendment** Application of Glenn Baron requesting an amended Conditional Use Permit (CUP) approval for the outdoor commercial recreation use located at 1415 Mendota Heights Road
   c. **CASE No. 2025-09 Variance** Application of Darrel Tutewohl for a Variance to the rear-yard setback to allow for the construction of a three-season porch addition located at 2150 Aztec Lane
   d. **CASE No. 2025-10 MRCCA Permit and Conditional Use Permit Amendment** Application of Northern States Power Company – (Xcel Energy), requesting a Mississippi River Corridor Critical Area (MRCCA) Permit and Amended Conditional Use Permit to allow for the construction of a new 24-ft x 24-ft concrete pad foundation and prefabricated structure at the property located at 800 Sibley Memorial Highway
5. **New and Unfinished Business**
   a. **Tabled - CASE No. 2025-03 Preliminary Plat** Application of Spencer McMillan for a Preliminary Plat of three (3) existing parcels into six (6) single-family residential parcels located at 1707 Delaware Avenue and its adjacent vacant parcels.
6. **Updates/Staff Comments**
7. **Adjourn**

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CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

DRAFT PLANNING COMMISSION MINUTES
MAY 27, 2025

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, May 27, 2025, in the Council Chambers at City Hall, 1101 Victoria Curve, at 7:00 P.M.

The following Commissioners were present: Acting Chair Patrick Corbett, Commissioners Cindy Johnson (arrived at 7:20 p.m.), Brian Udell, Jason Stone, Jeff Nath, and Steve Goldade. Those absent: Chair Litton Field.

Election of Planning Commission Vice Chair for 2025

Acting Chair Corbett commented that he appreciated that the item was tabled at the last meeting in his absence. He stated that while he has enjoyed serving as Vice Chair for the last few years, he would gladly provide the opportunity to someone else to serve.

Commissioner Stone volunteered to serve.

ACTING CHAIR CORBETT MOVED, SECONDED BY COMMISSIONER GOLDADE, TO ELECT JASON STONE AS VICE CHAIR FOR 2025.

AYES: 5
NAYS: 0

Approval of Agenda

The agenda was approved as submitted.

Approval of March 31, 2025 Minutes

COMMISSIONER GOLDADE MOVED, SECONDED BY COMMISSIONER NATH, TO APPROVE THE MINUTES OF MARCH 31, 2025.

AYES: 5
NAYS: 0

Hearings

A) PLANNING CASE 2025-03 SPENCER MCMILLAN, 1707 DELAWARE AVENUE AND ADJACENT VACANT PARCELS – PRELIMINARY PLAT

Community Development Manager Sarah Madden explained that the applicant is seeking a Preliminary Plat approval of the properties located at 1707 Delaware Avenue and two vacant parcels generally located at the north end of Ridgewood Drive. The residential property and two vacant parcels are all owned by Spencer McMillan, the applicant. The proposed plat is entitled McMillan Estates, and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record.

Hearing notices were published and mailed to all properties within 350-ft. of the site; seven written comments were provided in the packet, along with two additional written comments provided at the dais.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Commissioner Johnson arrived.

Staff recommended approval of this application based on the findings and with conditions.

Commissioner Johnson asked for more details on the decision timeline related to the Wetland Conservation Act (WCA).

Community Development Manager Sarah Madden reiterated that the decision is still pending while that review is completed and confirmed that the related condition of approval would address that item.

Acting Chair Corbett stated that much of the feedback received from residents was related to the potential wetland impacts. He clarified that is being reviewed under a separate application and is not part of the discussion tonight.

Community Development Manager Sarah Madden confirmed that is a separate application. She noted that there was a public comment period for the wetland request, which is why many of the comments were related to that topic.

Acting Chair Corbett asked if there is a limit on the amount of wetland that can be impacted without replacement.

Community Development Manager Sarah Madden confirmed that is true.

Acting Chair Corbett stated that while it appears the applicant's request would be just under that maximum disturbance threshold, the narrative also mentions that additional wetland impacts may occur by each lot in the future, and asked for more information.

Community Development Manager Sarah Madden replied that the applicant is requesting the full amount allowed under a de minimis request. She stated that if there were future wetland impacts

as the individual home lots are created, they would need to come forward with new wetland applications, as there would not be any further exemptions allowed.

Acting Chair Corbett commented that he would not want to see three of these lots become unbuildable because of wetland impacts, but it seems that each lot would be buildable as proposed. He also asked for details on who makes the decision related to wetlands and impacts.

Community Development Manager Sarah Madden commented that wetlands two and three are adjacent to the potential driveways and, therefore, those wetland impacts had been accounted for. She explained that staff reviews an exemption request under the WCA Ordinance within the City Code.

Commissioner Stone asked who would pay for the utility connections, roadways, fire hydrants, and stormwater management.

Community Development Manager Sarah Madden replied that the developer/applicant would be responsible for the public improvements associated with the project. She commented that following construction and inspection, the City would take over management of those improvements.

Commissioner Stone asked the definition of a heritage tree.

Natural Resources Coordinator Krista Spreiter replied that a significant tree is six inches or greater, while a heritage tree is 24 inches or greater. She commented that there is more than one heritage tree, but only one is proposed for removal.

Commissioner Stone asked how the residents in the area were made aware that the wetland process was separate from this public hearing.

Natural Resources Coordinator Krista Spreiter replied that the WCA process does not have a notice requirement unless those property owners requested notification. She stated that anyone who expressed interest in this matter ahead of time was sent notice.

Commissioner Stone recognized that many residents in that area are interested in the wetlands portion of the request and asked if they were not notified.

Natural Resources Coordinator Krista Spreiter replied that the WAC notice is only done by request, but it is public information. She stated that the public comment period for the WCA ended on May 13th.

Commissioner Udell referenced draft condition 14 and asked for clarification on the order of operations.

Community Development Manager Sarah Madden explained that the street construction and utility installation would be the first step, and as part of that, the applicant would be required to remove the existing cul-de-sac to create a straight street.

Acting Chair Corbett asked if the additional land that is no longer used for the road would be dedicated to the neighbors.

Community Development Manager Sarah Madden replied that the land is not automatically vacated as right-of-way. She stated that if the neighbors wanted to request the right-of-way to be vacated, they would need to make that separate request to the City.

Commissioner Goldade referenced the culvert that would be placed and asked if that water is from Hidden Creek.

Public Works Director Ryan Ruzek replied that staff refer to that drainageway as Marie Creek. He noted that Hidden Creek does not actually exist as it is groundwater.

Commissioner Goldade asked who would document the conditions of the creek over time.

Public Works Director Ryan Ruzek explained the path the water flows prior to reaching this point, noting the water goes through pipes throughout that process until Nature Way, where it goes through a 36-inch culvert.

Commissioner Goldade asked if that is taken into account as part of the wetland application.

Public Works Director Ryan Ruzek commented that there is a stormwater management report, which is in a preliminary stage. He stated that the City is currently objecting to the current stormwater design and is requiring the water to be managed publicly rather than requiring treatment to be provided on individual lots.

Commissioner Stone asked if the City has approved the stormwater management plan.

Public Works Director Ryan Ruzek commented that the Commission is reviewing the plat at this time, and the draft conditions would need to be corrected before a final plat application would be considered.

Commissioner Stone asked if it would make sense for the City to approve that element before the Commission makes its decision.

Public Works Director Ryan Ruzek commented that any approval of the Commission would be contingent upon meeting all the conditions as drafted prior to final plat. He commented that those issues do not need to be resolved prior to preliminary plat.

Acting Chair Corbett asked if the culvert and stormwater management would be part of the wetland decision.

Public Works Director Ryan Ruzek replied that the WCA application only looks at the potential wetland impacts. He commented that the City will review the overall hydrology and stormwater management separately from the WCA request.

Community Development Manager Sarah Madden commented that the culvert construction is included in one of the potential wetland impacts because of the impact that construction would have on the wetland. She stated that the condition related to stormwater management was included for the applicant to address prior to final plat.

Acting Chair Corbett referenced lot six and asked for clarification related to the easement and setback.

Community Development Manager Sarah Madden explained that the driveway is five feet from the property line, which does meet the driveway setback. She stated that the easement width is 15 feet in that location, and therefore, the driveway will be within an easement.

Public Works Director Ryan Ruzek commented that the setback is met, and driveways are allowed within drainage and utility easements.

Acting Chair Corbett stated that it seems like there is bad language within the cul-de-sac ordinance and asked whether that could be addressed or cleaned up, as it seems unenforceable.

Community Development Manager Sarah Madden commented that the language "shall not normally" exists several times in the subdivision ordinance, and perhaps the original intent was to allow flexibility. She stated that staff will be looking at all the subdivision ordinance language with the City Attorney as a separate project, noting that will come before the Planning Commission at a later time. She noted that this request must then be considered under the current ordinance language.

Acting Chair Corbett asked why the language is included if it is not enforceable.

Community Development Manager Sarah Madden stated that it is assumed that the intent is related to turnaround access for a fire truck and related to safety. She stated that the Fire Marshall did review the request and has no concerns with the length or plan as currently drawn.

Acting Chair Corbett opened the public hearing.

Spencer McMillan, applicant, thanked staff for working with him over the past 18 months. He stated that he was told during the first round of review that there cannot be additional wetland impacts after the WCA plan is approved, and everything proposed must occur all at once.

Natural Resources Coordinator Krista Spreiter stated that a future property owner could come in and request a replacement plan, but could not request further exemptions.

Paul Pontinen, 1760 Ridgewood Drive, commented that they share a 320-foot boundary with lot six and therefore have concerns. He wanted a more accurate count of the significant and heritage trees along their property lines, so he measured the trees himself last week. He reported 18 significant trees and six heritage trees. He noted that he did not measure the trees or bushes under six inches, and also did not measure on the McMillan property. He provided information on the

critical root zone for trees and wanted to ensure that the trees, and their root zones, for his property and on the property line would be protected. He was concerned that the potential driveway for lot six could impact the critical root zone for those trees.

Acting Chair Corbett commented that he was unsure where the driveway could be moved by 40 feet, but appreciated the concern.

John Weikert, 1737 Delaware Avenue, stated that his concern is also related to lot six. He asked why anyone would want to put a home on the lowest, wettest, steepest, most environmentally sensitive portion of the property. He proposed that lot six be eliminated and that land be added to one of the other lots. He noted that the other lots have more desirable building areas, and removing lot six would remove a lot of the problems. He stated that area of the property often floods and was unsure why anyone would want to build on that area. He stated that if the City approves this, he believed the City would be setting itself up for problems in the future.

Kris Fischer, 1775 Ridgewood Drive, was unsure of the measurements from Marie Avenue to the proposed new end of Ridgewood Drive and asked if there are any comparable cul-de-sac lengths in the community.

Sean Fahnhorst, 1767 Ridgewood Drive, stated that two years ago, the City introduced a living streets policy that promised engagement with the stakeholders in the design of all streets, and commented that the process did not occur for this project.

Commissioner Goldade asked the resident to share the three commonsense proposals that he included in his email.

Mr. Fahnhorst reviewed his suggestions related to the living streets questionnaire, onsite mitigation for tree replacement should be required, and there should be a no net loss requirement for the wetlands. He commented that the wetland on this property also goes onto all of the adjacent properties, and he did not want to see impacts on any property as a result of this action. He asked the recourse that adjacent properties would have if the changes on this property causes flooding of another home as a result of this development.

Commissioner Johnson asked the document the resident found the no net loss for wetlands.

Mr. Fahnhorst replied that he did not have that information with him but could follow up with an email.

Jonathan Deering, 1759 Ridgewood Drive, commented that his property is south of proposed lot one. He asked for clarification on the proposed routing of the road. He stated that it was mentioned that Ridgewood Drive would be the only access point. He asked if there was consideration made to provide access from Delaware to reduce the wetland impacts and concerns with the cul-de-sac length. He referenced the Orchard Heights case and stated that Judge did not rule against City Code, but found that the variance was met, therefore, he did not believe a Judge would rule against City Code. He stated that routing was approved because they were attempting to avoid wetland impacts. He referenced the intent to develop the Super Block 21 and stated that this could create

a cul-de-sac that is a full city block. He acknowledged the validity of the wetland delineation, but commented that if the date were seven days later, it would no longer be valid. He stated that delineation is as small as it would ever be, noting the dry conditions when it was completed.

Susan Micevych, 1778 Ridgewood Drive, stated that a few years ago, there was a variance requested to build a stadium at Sibley Memorial High School, which brought forward concerns from this neighborhood because of the impacts. She felt that the neighborhood is being placed in a similar situation where it will face impacts. She noted that it took several years to mitigate the noise concerns from the stadium. She asked why this would be approved now if additional wetland impacts are anticipated and would be pushed on future property owners. She asked the Commission to delay the decision until more information is made available. She believed that their property values would be impacted by the construction process and the addition of six homes in the area. She asked who would be responsible for redoing the cul-de-sac and how it would be landscaped. She also noted the increased traffic that would come down the cul-de-sac and how that could increase further if it were extended to Foxwood Lane in the future. She was unaware that the wetland report had to be requested and therefore requested that the eight homes on Ridgewood be provided with that report.

Jill Lipset, 1770 Ridgewood Drive, commented that she just moved to her property two months ago and therefore is still learning and appreciates the input that has been provided by her neighbors. She commented that she previously lived on Dodd Road and moved to her property to have more privacy, which would be impacted by the additional lots and construction. She asked for information on the length and phasing of construction. She stated that lot six would be most impactful to her property and seems to stick out as a sore thumb. She agreed that the lot should be removed.

Jim Kolar, 1695 Delaware, stated that he has appeared before this Commission many times related to requests for the development of this property. He noted that this proposal is significantly different than the previous proposal from Mr. McMillan and this creates a much denser development. He stated that he has supported the requests for development that have been presented for this property with the stipulation that his interests not be adversely harmed nor his property become landlocked, whether intentionally or unintentionally. He stated that he has repeatedly asked the Commission and Council to take a comprehensive approach to the planning of the Super Block, which has not occurred, as he would remain the sole 10-acre owner if this proposal is approved. He stated that he is generally supportive of the request, and while he appreciated that the utility easement would be extended for both water and sewer, he would also want a similar 60-foot nub from the cul-de-sac towards his property. He stated that without that, he would be limited in the potential development of his property. He believed that Ridgewood provided foresight for development that he should be granted as well. He noted that the stub provided by Ridgewood provides access for the McMillan property, and he is asked for the same. He stated that he agreed with the five-acre lots previously proposed for the McMillan property but noted that this is a much denser proposal. He asked that the Commission think forward to allow future development to the north. He stated that the back acreage of his property could accommodate the development of four to five lots and could provide additional opportunity for the Bader property. He stated that if the access that was provided to the McMillans is similarly provided to him, he would then provide similar connectivity to the Bader property. He stated that

if a comprehensive approach is taken, a better public safety solution could be provided, noting that a fire gate could be installed in the future for emergency access at Foxwood.

Acting Chair Corbett asked if the resident has concerns with more density as proposed.

Mr. Kolar replied that he will match whatever density there is of the surrounding development. He stated that in the previous proposal, he would have matched a five-acre lot, but with this density proposed, he would expect to match that as well. He stated that he is not interested in developing in the near future, but does not want to be landlocked.

Max Lipset, 1770 Ridgewood, echoed the comments his wife made related to a desire for privacy. He commented that the neighbors have been extremely welcoming to them as they joined the community. He referenced the renaming of the High School to Two Rivers and believed that wetlands near a school with that name should be preserved. He asked about the impacts that this development would have on the wildlife in the area. He asked if there has been a comprehensive study on potential endangered species that could be going through the property. He commented that he has known Mr. McMillan since high school and has no ill feelings towards him or his property rights, but also believes that there is value in maintaining the wetland.

Mr. McMillan stated that they have been working on this project for about 16 months and have tried every alternative and option. He noted that there is a giant wall of wetland along Delaware, and therefore, providing access from Delaware would have a much greater impact on the wetland. He commented that there were normal precipitation levels during the wetland delineation, as noted in that report. He disagreed that this is similar to Foxwood, as the road in Foxwood is only 50 feet wide with buildings that do not meet the setback requirements. He commented that there were many variances in that proposal, which did not leave much room for future development. He stated that this plan meets the requirements of the City Code, and the request tonight is related only to the plat request and not the wetland request. He stated that there are 5.5 acres of wetland and he is trying to mitigate the impact to the extent possible, noting that there will be a very small impact that falls below the de minimis.

Seeing no one further coming forward wishing to speak, Acting Chair Corbett asked for a motion to close the public hearing.

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER NATH, TO CLOSE THE PUBLIC HEARING.

AYES: 6
NAYS: 0

Commissioner Goldade asked staff to review the implications of the wetland review, the decision tonight, and how those interact.

Community Development Manager Sarah Madden stated that the action tonight is a recommendation from the Commission to the City Council related to the preliminary plat. She stated that the wetland impacts and request for exemption are not the purview of the Planning

Commission. She explained how the WCA review is completed, involving the Technical Evaluation Panel (TEP) and the different agencies involved.

Acting Chair Corbett asked for more information on the living streets policy and whether it should have been followed in this process.

Public Works Director Ryan Ruzek stated that the City developed that policy within the last 12 months. He stated that he reviewed the policy today, and the only element that would seem to apply is that the road width could be reduced. He noted that a narrower roadway could also reduce environmental impacts.

Acting Chair Corbett asked staff for more information on the no net loss policy for wetlands.

Natural Resources Coordinator Krista Spreiter stated that perhaps that is from the Surface Water Management Plan, or a similar document. She stated that it is always the goal of the City to conserve wetlands; however, under WCA, there are impacts allowed for development.

Acting Chair Corbett referenced lot six and the neighboring property. He asked if the placement of that home could be challenged based on a previous decision of the Council that homes should not be placed so far back as to be out of continuity with the neighborhood.

Public Works Director Ryan Ruzek replied that the zoning code has been revised, and the applicant has met the building setback lines. He was unsure if they would need to look at the string lines for lot six, as that is a requirement of R-1, but this is zoned R-E.

Community Development Manager Sarah Madden believed that only applies to R-1, but could find that information prior to the City Council meeting. She also noted the differences in home placement for the adjacent lots.

Acting Chair Corbett stated that it appears that staff finds this request in accord with the Comprehensive Plan.

Community Development Manager Sarah Madden confirmed that to be true.

Commissioner Johnson stated that the Comprehensive Plan speaks of development that does not prohibit or landlock other properties from future development and asked how that would be addressed.

Community Development Manager Sarah Madden stated that the proposal shows an easement extension and that the resident was requesting an extension of the right-of-way as well. She commented that a 60-foot easement width is provided on the current plans, and that condition could be amended to require the 60-foot easement and right-of-way.

Public Works Director Ryan Ruzek commented that a second cul-de-sac could also be added to Delaware to provide access to the northern properties.

Community Development Manager Sarah Madden stated that they did review the option of access from Delaware, but that would require even more wetland impacts along with demolition of the existing home, and therefore, staff found the stub from the Ridgewood Drive cul-de-sac to be the feasible option.

Commissioner Johnson asked how the Tree Preservation Ordinance would relate to the property line of lot six and the proximity to the property line. She stated that perhaps the driveway could curve away from the property line to lessen the impact on the trees.

Community Development Manager Sarah Madden commented that there is a driveway setback from the property line, but there is also a wetland buffer setback requirement that would come into play.

Natural Resources Coordinator Krista Spreiter stated that within the forestry management plan, any trees to be preserved must have protections in place as shown on the plan. She stated that does not address neighboring property trees, but that could be added to the forestry management plan.

ACTING CHAIR CORBETT MOVED, SECONDED BY COMMISSIONER GOLDADE, TO TABLE CASE #2025-03 BASED ON NEW QUESTIONS THAT HAVE COME TO LIGHT, POTENTIAL CONFLICTS WITH THE COMPREHENSIVE PLAN AND THE ABILITY FOR FUTURE DEVELOPMENT, AND THE POSITION OF LOT SIX RELATED TO CONTINUITY IN THE NEIGHBORHOOD BASED ON PREVIOUS RULING OF THE CITY COUNCIL.

Further discussion: Commissioner Goldade stated that he is also interested in knowing the results of the WCA decision before making a decision.

AYES: 6
NAYS: 0

Acting Chair Corbett commented that he will work with staff to address the concerns he brought forward before the Commission revisits this next month.

New and Unfinished Business

B) PLANNING CASE 2025-06
CONDOOR CORPORATION, 2320 LEXINGTON AVENUE – CONCEPT PUD

Community Development Manager Sarah Madden explained that the applicant, Condor Corporation, is seeking a Planned Unit Development – Concept Plan Review for an addition to the Lexington Heights Planned Unit Development located at 2320 Lexington Avenue. The subject site is currently zoned R-3 Multi-Family Residential and was developed as a Planned Unit Development in 1983 for a three-building, 225-unit apartment development. Once a PUD has been approved, it typically serves as a form of zoning category (overlay) on a site, however, the apartment complex properties have remained under the R-3 High Density Residential District since their development, as all current and past zoning maps for the City have identified the sites as R-3 zoning. This does not negate the fact that the City adopted a Resolution for a Conditional Use

Permit (CUP) and PUD to establish the Lexington Heights Planned Unit Development. The City recently adopted a new zoning ordinance that modified the way that the City acknowledges and processes PUDs. AS this application moves forward in the PUD Amendment process, part of the requested approvals will be a rezoning request to acknowledge the PUD overlay district.

Community Development Manager Sarah Madden provided a planning staff report and a presentation on this planning item to the Commission (which is available for viewing through the City's website).

Jon Riley, applicant, commented that his family has owned the property for over 45 years, noting that his father originally developed and built the property. He stated that they do not have a lot of detail as this is a concept plan, but there is excess land on the north end of the site, and he believes a new apartment building would fit nicely into that area and provide nice amenities for the residents. He welcomed input from the Commission.

Acting Chair Corbett commented that he appreciates the applicant bringing this forward early to obtain input. He asked for input on the change from 650 to 700 square feet.

Mr. Riley replied that originally they envisioned corporate offices on the first floor, but believed they would be eliminating those offices, which would create space for larger units and/or more amenities. He stated that they believe the residents will desire larger units.

Commissioner Goldade asked if the new building would go into the existing parking lot.

Mr. Riley commented that the building would not go into that parking area, but the parking would be reconfigured.

Commissioner Goldade asked if the trees to the north would be impacted.

Mr. Riley commented that there are some trees there, and he would minimize the removal to the extent possible. He stated that there are not many trees in the area proposed for building, as there was previously a helipad in that location.

Commissioner Goldade referenced the driveway furthest to the north, asking and receiving confirmation that the driveway would provide two-way access. He asked if the lost stalls to the east would be replaced with a 1:1 ratio in the north.

Mr. Riley commented that it would not be a 1:1 replacement as the property is currently overparked.

Commissioner Goldade asked why a four-story building would be put in when the others are three-stories.

Mr. Riley replied that it would provide more units and more opportunities for people to live in the community.

Commissioner Stone asked if the rent prices would be similar.

Mr. Riley anticipated that the rent would be higher than the existing building, but in line with The Reserve and newer constructed properties.

Commissioner Johnson asked if this would be a pet-friendly building.

Mr. Riley stated that the rest of the property is not pet-friendly, but many of his developments in other communities are pet-friendly. He stated that decision is yet to be determined.

Commissioner Johnson stated that if the building is going to accept pets, she would request a fenced outdoor area for pets to go to the bathroom. She encouraged the applicant to look at their tree and landscaping to provide natural species. She asked if the applicant would consider realigning the driveway to allow for a native buffer between the subject property and the neighboring property. She appreciated that the applicant would be increasing the bedroom unit range size, similar to other recently developed apartment complexes.

Acting Chair Corbett asked if the applicant had watched the proceedings from the AtHome Apartment project.

Mr. Riley commented that he is familiar with that development and its review.

Acting Chair Corbett commented on some of the concerns the Commission had with the density, but recognized that it is ultimately a decision of the City Council.

Mr. Riley thanked the Commission for their comments.

Staff Announcements / Updates

Community Development Manager Sarah Madden commented that she anticipates that the June meeting agenda will be robust. She provided an update on recent actions of the City Council and other items of interest to the Commission.

Commissioner Johnson asked if the Commission should review the subdivision ordinance in a workshop setting.

Community Development Manager Sarah Madden commented that she originally planned to present that at the June meeting, but agreed that it would perhaps be best to review the draft in a workshop setting. She noted that she could send an email to determine the availability of the Commission. She provided additional information on the housing needs study completed by Dakota County CDA, and related specifically to Mendota Heights. She commented that the presentation is available during the recording of the May 6th City Council meeting. She noted that she also has a copy of the full report for the county.

Adjournment

COMMISSIONER STONE MOVED, SECONDED BY COMMISSIONER JOHNSON, TO ADJOURN THE MEETING AT 9:39 P.M.

AYES: 6
NAYS: 0

Planning Commission

Meeting Date:	June 24, 2025		
Agenda Item:	**CASE No. 2025-07 Variance** Application of Daniel Michel for a Variance to allow for the construction of a fence exceeding 6-ft in height for the property located at 1341 Cherry Hill Road		
Department:	Community Development	**Contact:**	Sarah Madden, Community Development Manager

Introduction:
The applicant, Daniel Michel, is requesting a Variance to residential fence height standards for his property located at 1341 Cherry Hill Road. The applicant's existing rear-yard fence in 9-ft in height, and the existing side-yard fence is 6-ft in height. The request is to replace the 6-ft segment of fencing on the side property line (north of the existing home) with fencing 9-ft tall consistent with the existing rear-yard segment, and tapering to 6-ft fencing as the fence segment proceeds west.

This item is being presented under a duly noticed public hearing process. A notice of hearing on this item was published in the Pioneer Press newspaper; and notice letters of this hearing were mailed to all owners within 350-feet of the affected parcels. As of the submittal of this report, the City has received no public comments related to this item. The applicant did seek signatures from some neighboring property owners, which have been attached to this report.

Background:
The subject site is located at the end of the Cherry Hill Road cul-de-sac. The property consists of 0.54 acres of land, and contains a 3,416-sf. two-story dwelling, with an in-ground swimming pool in the rear yard.

In 2019, this property received Variance approval for the construction of a fence 9-ft tall on the east, rear property line of the parcel, which abuts Wachtler Avenue and an adjacent trail. This approval was granted based on the request demonstrating practical difficulties and a large aspect of the discussion centered around the grade difference between the trail on Wachtler Avenue and the backyard of the subject site. Resolution 2019-40 approving this Variance has been included as an attachment to this report.

Analysis:
City Code section 12-4A-10: Fences requires that "The maximum height of a fence erected on interior lot lines behind the front yard setback line and on any rear lot line is six feet (6') in height."

The proposed fence would replace the existing 6-ft privacy fence on the north side lot line with a new 9-ft privacy fence consistent with the 2019 Variance approval for the segment adjacent to the rear lot line and Wachtler Avenue. The applicant has indicated that the requested fence would provide additional privacy from the elevation changes on the property and sightlines

from Wachter Avenue, and then would taper down to 6-ft to maintain a consistent appearance with the surrounding residential fences.

City Code Section 12-5B-7 governs variance requests. The city must consider a number of variables when recommending or deciding on a variance, which generally fall into two categories: (i) practical difficulties; and (ii) impact to the community.

The “practical difficulties” test contains three parts: (i) the property owner proposes to use the property in a reasonable manner not otherwise permitted by the zoning ordinance; (ii) the plight of the property owner is due to circumstances unique to the property, not created by the property owner; and (iii) the variance, if granted, will not alter the essential character of the locality or neighborhood. It is also noted that economic considerations alone do not constitute practical difficulties. In addition, variances are only to be permitted when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan.

Section 12-5B-7(E)(1) further provides other issues the city may consider when granting or denying a variance, noted as follows:

a. Practical Difficulties exist that apply to the structure or land in question that are unique to such property or immediately adjoining property; and
b. Such Practical Difficulties do not apply generally to other land or structures in the Zoning District in which said land is located; and
c. That the granting of the Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant; and
d. That granting the proposed Variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values in the surrounding area; or
e. That granting the proposed Variance will not in any other way impair health, safety, comfort, or in any other respect be contrary to the intent of this Zoning Ordinance; and
f. That the granting of such Variance will not merely serve as a convenience to the Applicant but is necessary to alleviate a Practical Difficulty.
g. If all the conditions are met, then the City Council may grant such Variance and impose conditions and safeguards therein.

When considering a variance request, the Planning Commission must determine if these standards have been met in granting a variance, and provide findings of facts to support such a recommendation to the City Council. If the Planning Commission determines the Applicant has failed to meet these standards, or has not fully demonstrated a reasonableness in the granting of such variance, then findings of fact supporting a recommendation of denial must be determined.

As part of any variance request, Applicants are required to prepare and submit their own responses and findings, which for this case, are noted in the application materials (included in the attachments and noted below in italic text).

1. Are there any practical difficulties that help support the granting of this Variance?
Applicant’s Response: *In 2019 a Variance was granted for my backyard fence running parallel to Wachtler. I’m requesting a similar Variance to my sideyard fence running parallel to Farmdale Avenue. Because of the elevation of the walking path and street people can see into my backyard. I have a pool and children and this is a safety concern.*

Staff's Response: A question that must be considered in this case is whether or not the proposed 3-feet of additional fencing (from 6-ft. to 9-ft.) is reasonable on the north property line. The applicant has shown on the site plan that the entire segment of the existing north fence would be replaced with a 9-ft fence, with only the front-side yard segment being installed as a 6-ft fence. The existing fence meets the City Code requirements for at least a 5-foot high fence for security and safety reasons when surrounding a pool, and the side-front fence segment at 6-ft would be consistent with City Code. The location of the existing fence adjacent to Wachtler Avenue is impacted by grade and does provide a consistent look with neighboring fences when viewed from the street level at Wachtler Avenue. Staff is not supportive of the entire segment of north fencing being constructed at a height of 9-ft, as only a portion of the fence area is shown to be impacted by grades or by sight lines from Wachtler Avenue. The taper noted by the applicant, if applied after the first 15-ft of fence segment would be more adequately represented by a practical difficulty or unique circumstance of grade, as opposed to the entire north segment. The city will need to determine if this request is indeed reasonable or justifiable to extend the 9-ft fencing beyond the previously approved segment, or if additional conditions applied would provide a reasonable nexus to the practical difficulty claimed by the applicant.

2. Are there any circumstances unique to the property (not created by the owner) that support the granting of this Variance?
Applicant's Response: *There is an average 5.8-ft decline from the street and walking path down to the middle of my side yard fence, caused by grading when the neighborhood was built, not giving me enough privacy with a 6-ft fence.*

Staff's Response: The city must determine and substantiate if this grade change in the side yard is unique enough to support the granting of this variance. An alternative to the Variance request may exist, if the property owner opts instead to install evergreen trees or shrubs in the northeast corner to accomplish enhanced screening. The applicant has indicated that they have evaluated this option and would prefer not to attempt this type of screening in order to preserve the root zone of their existing established deciduous trees. The applicant has also indicated that a recent tree removal from the boulevard of an ash tree by Dakota County has also impacted the property's privacy within the rear yard from Wachtler Avenue.

3. The variance will not alter the essential character of the neighborhood; and economic considerations alone do not constitute practical difficulties.
Applicant's Response: *Because of the elevation on the walking path and Wachtler Ave I have an average loss of 5.8-ft of elevation. A 9-ft fence will match my existing fence and blend in with the neighborhood's 6-ft fences.*

Staff's Response: The existing neighborhood is residential in character; and there are a few neighboring houses that have similar style fences of 6-feet in height. Staff is unaware if there are any residential fences greater than 6-feet in this neighborhood. Following the prior approval of the 9-ft fence Variance in 2019, the installation of the 9-ft fence at the toe of the slope on the subject property gave the appearance of a smaller fence when viewed from the adjacent road and trail system. However, when viewed from the north or the south, the difference in fence height is noticeable and may seem out of place. The north fence segment replacement, with a taper from 9-ft to 6-ft after the first 15-ft of the property line fence, would give an appearance of a blended fence and soften the change in fence height when viewed from the north. The city will need to determine if the higher fence would alter the essential character of this neighborhood.

Conclusion:
Staff has evaluated the Variance request and finds that, with appropriate conditions relating to the specific dimensions of the taper from 9-ft height to 6-ft height, the applicant's request for a Variance is reasonable, and that the subject property possesses a practical difficulty that impacts the property owner's ability to reasonably enjoy the use of their property without such cause for a Variance, as the alternative option that exists for screening with plantings would impact existing established deciduous trees on site.

Alternatives:

1. Recommend approval of the Variance request as proposed by the applicant, based on certain findings of fact as determined by the Planning Commission, with specific conditions of approval, noted as follows:

1. The proposed higher fence shall require a building permit (instead of zoning permit) as per Minnesota State Building Codes.
2. The proposed fence shall not exceed 9-ft in height, as measured at a point six inches (6") below the top of the supporting posts and as illustrated on the application materials presented in Planning Case 2025-07

2. Recommend approval of the Variance request, with certain conditions based on certain findings of fact as included herein, along with the following conditions:

1. The proposed higher fence shall require a building permit (instead of zoning permit) as per Minnesota State Building Codes.
2. The proposed fence shall not exceed 9-ft in height, as measured at a point six inches (6") below the top of the supporting posts.
3. The proposed fence shall taper from 9-ft to 6-ft, beginning at the point 15-ft inward to the west from the existing fence boundary adjacent to Wachtler Avenue.

3. Recommend denial of the Variance request, based on the findings of fact that confirm the Applicant failed to meet the burden(s) of proof or standards in granting of the variance requested herein, noted as follows:

A. Under Title 12-5B-7 of the City Code, the City may only grant variances from the strict application of the provisions of the Code in cases where there are "practical difficulties" in carrying out the strict letter of the regulations of the Code. "Practical difficulties" consists of a three-part test: (i) the Applicant proposes to use the property in a reasonable manner not otherwise permitted by the Code; (ii) the plight of the Applicant is due to circumstances unique to the property not created by the Applicant; and (iii) the variance, if granted, will not alter the essential character of the neighborhood. Economic considerations alone do not constitute "practical difficulties."
B. The City hereby determines the Applicant has not met the burden of demonstrating the requisite "practical difficulties" in order to justify the granting of a variance for increased fence height. The proposed higher fence is not essential to the overall enjoyment and continued use of the property; there is an alternative for privacy screening through the use of evergreen trees which would not require a Variance; and the assertion that the need for additional privacy requires a variance from normal fence height standards is not warranted under this case, and is therefore not considered a reasonable use of the property.
C. Because the City finds that the first prong of the three-part test (reasonable use of the property) is not met by the Applicant, the City need not consider the remaining two

prongs of the test (unique circumstances of the property and essential character of the neighborhood).

4. Table the request and request additional information from the applicant or staff. Staff will extend the application review period an additional 60 days, in compliance with MN Statute. 15,99.

Staff Recommendation:

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed 9-ft fence height Variance request on the north side property line with certain conditions as noted in Alternative #2, based on the attached findings of fact. As noted in this report, the parameters of the fence tapering in height from east to west is included as a condition of approval in this alternative.

Attachments:

1. Findings of Fact for Approval
2. Site Aerial Map
3. Narrative Letter
4. Variance Request - Response Form
5. Fence and Elevation Plans
6. Adjacent Neighbors - Consent
7. Resolution 2019- 40 Variance 1341 Cherry Hill Road

FINDINGS OF FACT FOR APPROVAL

Variance
1341 Cherry Hill Road

The following Findings of Fact are made in support of approval of the proposed request:

A. Under Title 12-5B-7 of the City Code, the Council may only grant variances from the strict application of the provisions of the Code in cases where there are "practical difficulties" in carrying out the strict letter of the regulations of the Code. "Practical difficulties" consists of a three-part test: (i) the Applicant proposes to use the property in a reasonable manner not otherwise permitted by the Code; (ii) the plight of the Applicant is due to circumstances unique to the property not created by the Applicant; and (iii) the variance, if granted, will not alter the essential character of the neighborhood. Economic considerations alone do not constitute "practical difficulties."

B. The Applicant has met the burden of demonstrating the requisite "practical difficulties" in order to justify the granting of a Variance to allow a residential fence height increase from 6-ft. to 9-ft. along the northern side lot line, by the following:

   i.) The proposed increased fence height is a reasonable request on the subject property, due to the elevation change in the northeast corner of the property;

   ii.) Dakota County has recently removed a boulevard tree which acted as additional screening for the property, and thus created a unique situation for the homeowner to keep and maintain a certain level of privacy and screening measures from the abutting county roadway and trail system;

   iii.) The applicant's request to expand the 9-ft fence from the rear property line to the north side property line would have a lesser impact on the established trees on the subject property than any additional installation of evergreen plantings for screening;

   iv.) Due to the grade differences between the existing 9-ft fence location on the east property line, and the northwest side yard of the subject property, approving the Variance for an increased fence height does not change the essential character of the neighborhood, as the residential properties adjacent to the subject site will see a taper in fence height as the grade levels to the west.

   v.) The reason for the Variance request is to permit a reasonable request to extend the privacy fence higher than the 6-ft. height standard in order to retain privacy and screening from the county roadway and northeast corner of the subject property, and for this reason the request is not solely based on economic considerations.

C. The City has considered the factors required by Title 12-1L-5E1 of the City Code, including but not limited to the effect of the Variance upon the health, safety, and welfare of the community, existing and anticipated traffic conditions, the effect of the Variance on the danger of fire and the

risk to public safety, and upon the value of properties in the surrounding area, and upon the Comprehensive Plan, and has determined this Variance will not affect or pose any negative impacts upon the neighborhood or the community in general.

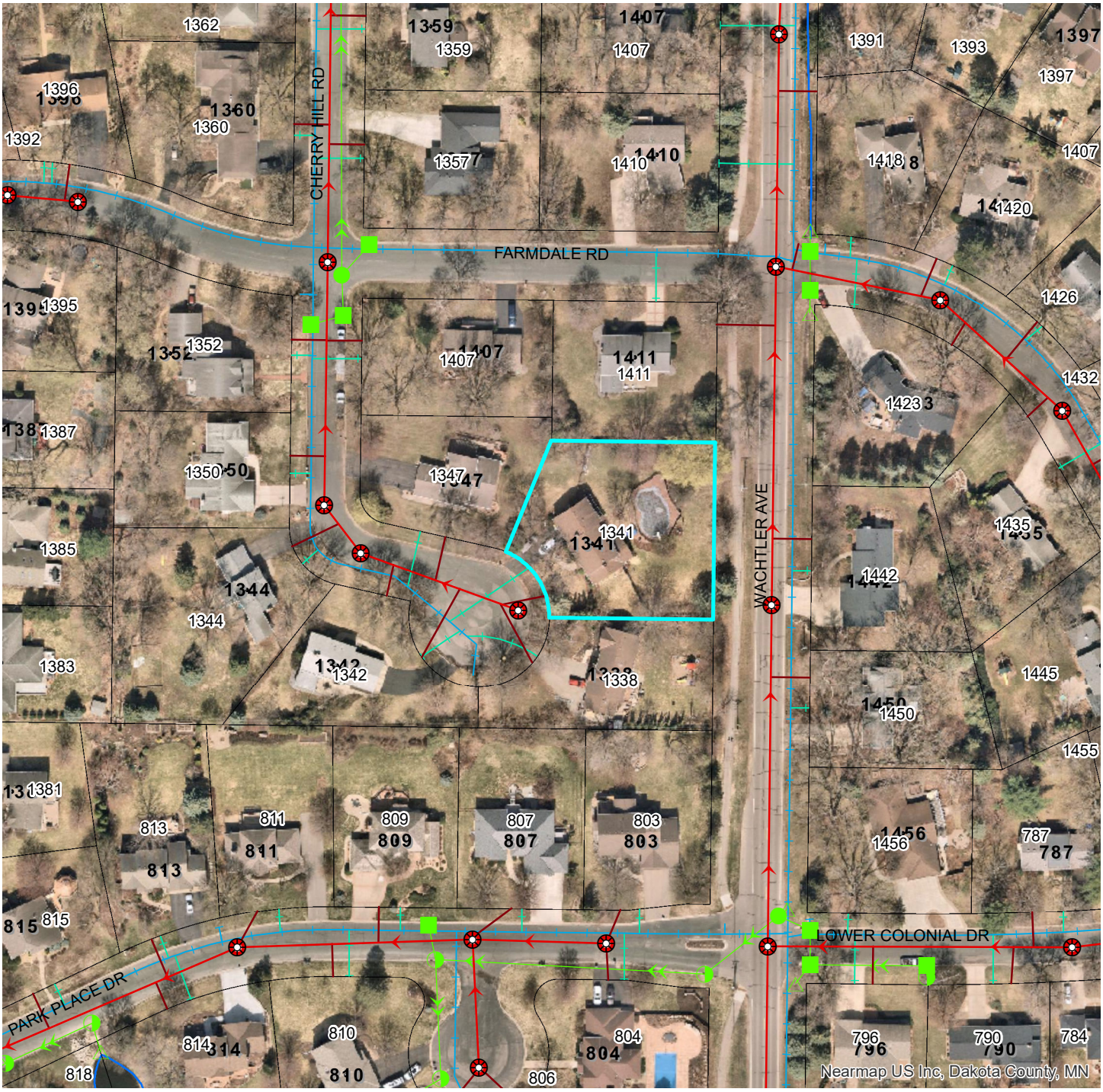
D. Approval of this Variance is for 1341 Cherry Hill Road only, and does not apply or give precedential value to any other properties throughout the City. All variance applicants must apply for and provide a project narrative to the City to justify a variance. All variance requests must be reviewed independently by City staff and legal counsel under the requirements of the City Code.

Site Location/Aerial Map
1341 Cherry Hill Road

Date: 6/19/2025

0 125
SCALE IN FEET

City of Mendota Heights



GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

Fence Variance Request
1341 Cherry Hill Road
Mendota Heights, MN 55118

To the Planning Commission and City Council of Mendota Heights,

I am writing to respectfully request a variance to install a 9-foot solid wood privacy fence along the side of our property that faces Farmdale Avenue.

In 2019, the City approved a variance for a 9-foot fence along the rear of our lot adjacent to Wachtler Avenue. That decision was based on elevation challenges and privacy concerns that arose after Dakota County required the previous fence to be moved out of the right-of-way. Those same conditions still exist today, and we are now seeking to extend that same approved solution along the Farmdale Avenue side of our property.

The existing 6-foot fence along Farmdale is aging and no longer offers adequate privacy. According to USGS elevation measurements (see attached), our home sits on average approximately 5.8 feet below the adjacent sidewalk and street at the lowest point along the fence line. This elevation difference allows pedestrians and passing vehicles to easily see into our backyard, including the pool area and our children's play space.

Based on the elevation measurements we took (6.5 ft, 5.8 ft, 6.1 ft, 6.1 ft, and 5.4 ft), the average elevation drop from the street and sidewalk to our yard is approximately 5.98 feet. Because of this elevation loss, our current 6-foot fence is effectively providing only about one foot of visual privacy from the street level. See USGS Measurements for details.

A 9-foot fence would restore some privacy from the elevation changes. This was the exact reasoning behind the previous variance approval from 2019. The proposed fence would be set back 51 feet from our home, while the rear fence on Wachtler sits 93 feet from our back door. This ensures the fence is well positioned and does not impact neighboring properties.

We plan to follow the same line as the existing fence along Farmdale with the new 9-foot design. Additionally, we would like to extend the fence slightly into our side yard to create more usable outdoor space for our children. As the ground becomes more level along the side of our house, this new section would gradually taper back down to 6 feet to maintain a consistent appearance with the surrounding neighborhood.

As parents of four young children, our primary goal is to create a safe and private backyard. This is important not only for our family's peace of mind but also to ensure that friends and relatives who visit feel secure and comfortable.

Since purchasing our home in August 2022, we have made meaningful investments to maintain and enhance our outdoor space. In 2023, we hired Bartlett Tree Experts, a certified arborist company, to assess, prune, and treat all of the mature trees on our property. They visit my property multiple times per year. Their work has helped preserve the long-term health of our five crabapple trees, one maple tree, and one weeping willow, which run parallel to Farmdale

Avenue. These trees add natural beauty and character to our yard and the neighborhood, and we remain committed to caring for them responsibly.

Last year, Dakota County removed a mature ash tree from the right-of-way along Wachtler Avenue, which increased the visibility into our yard from the trail and road. In response, we considered planting Arborvitae bushes along Farmdale as a natural screen. However, we chose not to proceed with this option due to the extensive root systems of our mature trees in that area. Research from Purdue University Extension and the University of Minnesota Extension notes that digging near established trees can disturb fine roots and reduce oxygen in the root zone, potentially leading to long-term decline or even tree loss.
https://www.extension.purdue.edu/extmedia/fnr/fnr-463-w.pdf
https://extension.umn.edu/planting-and-growing-guides/watering-established-trees-and-shrubs

According to Section E of the Variance Application Checklist and Response Form, the City Council is asked to consider the effect of the proposed variance on health, safety, welfare, traffic conditions, light and air, fire risk, public safety, surrounding property values, and the City's comprehensive plan.

With that in mind, I respectfully ask the Council to also consider a public safety concern that directly affects our family. A convicted child sex offender lives approximately 90 feet from our rear property line. He admitted to sexually abusing 31 children, including acts involving penetration, and remains in our community. For the safety and well-being of our children, and for the neighborhood children who often swim and play at our home, we ask that this be taken into consideration when reviewing our request to match the height of the existing fence on Wachtler Avenue.

We believe our request fully meets the City's variance criteria. The unique elevation and slope of our lot are factors beyond our control. A 9-foot fence is a practical, reasonable solution that complements the height of the existing approved fence and would not change the character of the neighborhood. Rather, it would help preserve privacy, safety, and the overall appearance of our property.

In Review:

1. **Practical Difficulties:** Our 6ft fence that runs parallel to Farmdale Ave on average has a 5.8 ft elevation change from the sidewalk and street to the middle of our fence. A standard 6-foot fence is ineffective at maintaining privacy from this elevation difference. A 9-foot fence is the only reasonable way to use our backyard for recreation in a manner consistent with other homes on level lots.
2. **Unique Circumstances:** The slope of our lot, the mature tree root systems, and the removal of a street-side ash tree are conditions that were not created by us as homeowners. These factors uniquely limit alternative privacy solutions.
3. **Neighborhood Character:** The fence will match the height of the previously approved 9-foot fence on the rear of our property and will gradually taper as the grade levels out. It will not alter the essential character of the neighborhood but will instead preserve a cohesive and attractive streetscape.

Thank you for your time and thoughtful consideration.

Sincerely,
Danny Michel
1341 Cherry Hill Road
Mendota Heights, MN 55118
Cell: 612 819 7376

Please answer the following three questions as they relate to the variance request.
Responses will be presented to the Planning Commission & City Council.
(Note: you may fill-in this form or create your own)

---

1. **Are there any practical difficulties that help support the granting of this variance?** (*Note: "practical difficulties" as used in connection with the granting of a variance, means that the owner proposes to use the property in a reasonable manner not permitted by City Code. Economic considerations alone do not constitute a practical difficulty).*

   ☒ YES ☐ NO

   Please describe or identify any practical difficulties and/or how you plan to use the property in a reasonable manner below:

   In 2019 a variance was granted for my backyard fence running parallel to Wachtler. I'm requesting a similar variance to my sideyard fence running parallel to Farmdale Ave. Because of the elevation of the walking path and street people can see into my backyard. I have a pool and children and this is a safety concern.

2. **Are there any circumstances unique to the property (not created by the owner) that support the granting of this variance?**

   ☒ YES ☐ NO

   Please describe or identify any unique circumstances below:

   There is an average 5.8ft decline from the street and walking path down to the middle of my side yard fence. Caused by grading when the neighborhood was built. Not giving me enough privacy with a 6ft fence.

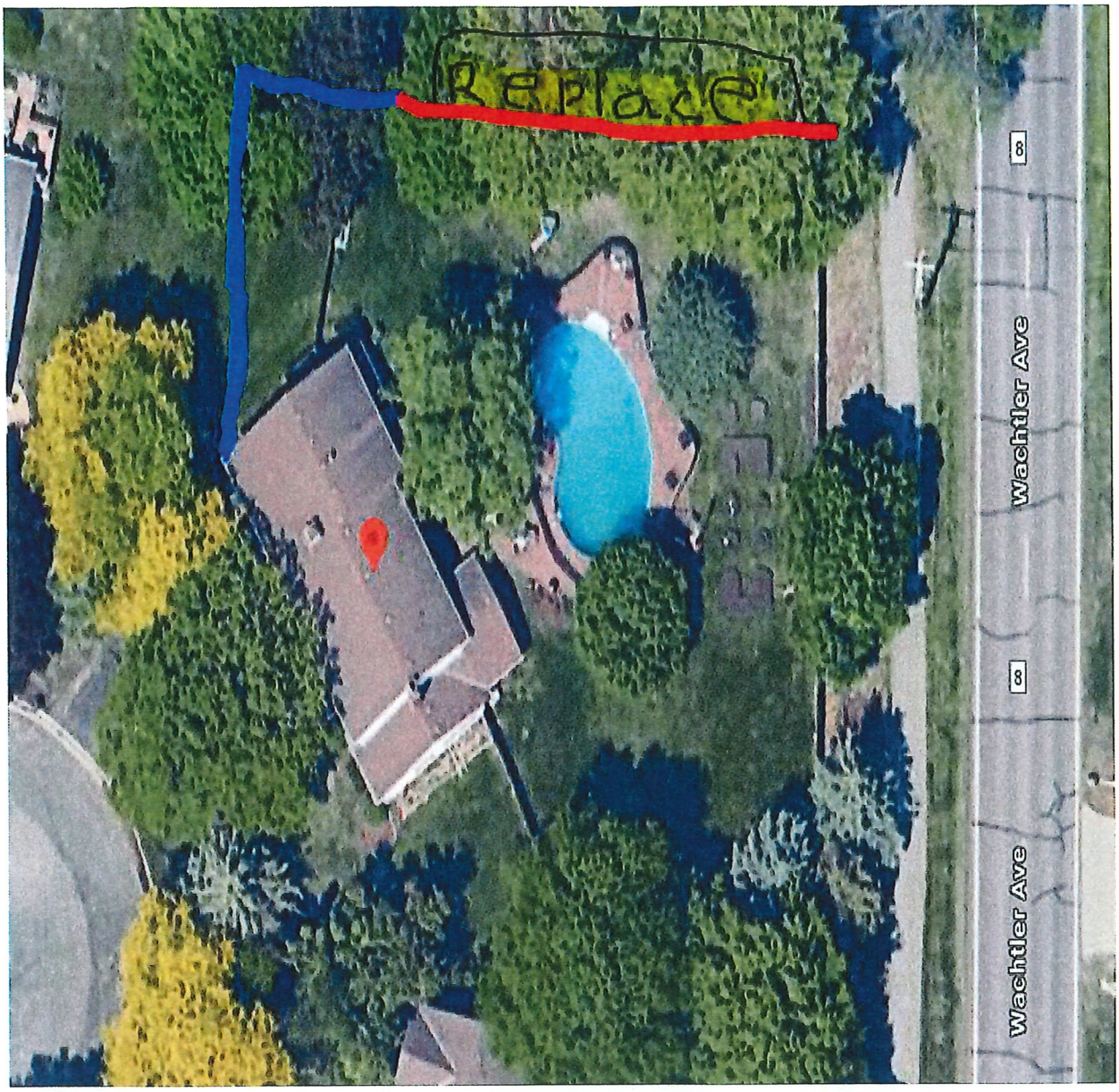
3. **If the variance was granted, would it alter the essential character of the neighborhood?**

   ☐ YES ☒ NO

   Why or Why Not? Please explain how the request fits with the character of the neighborhood.

   Because of the elevation on the walking path and Wachtler Ave I have an average loss of 5.8ft of elevation. A 9ft fence will match my existing 9ft fence and blend in with the neighborhoods 6ft fences.

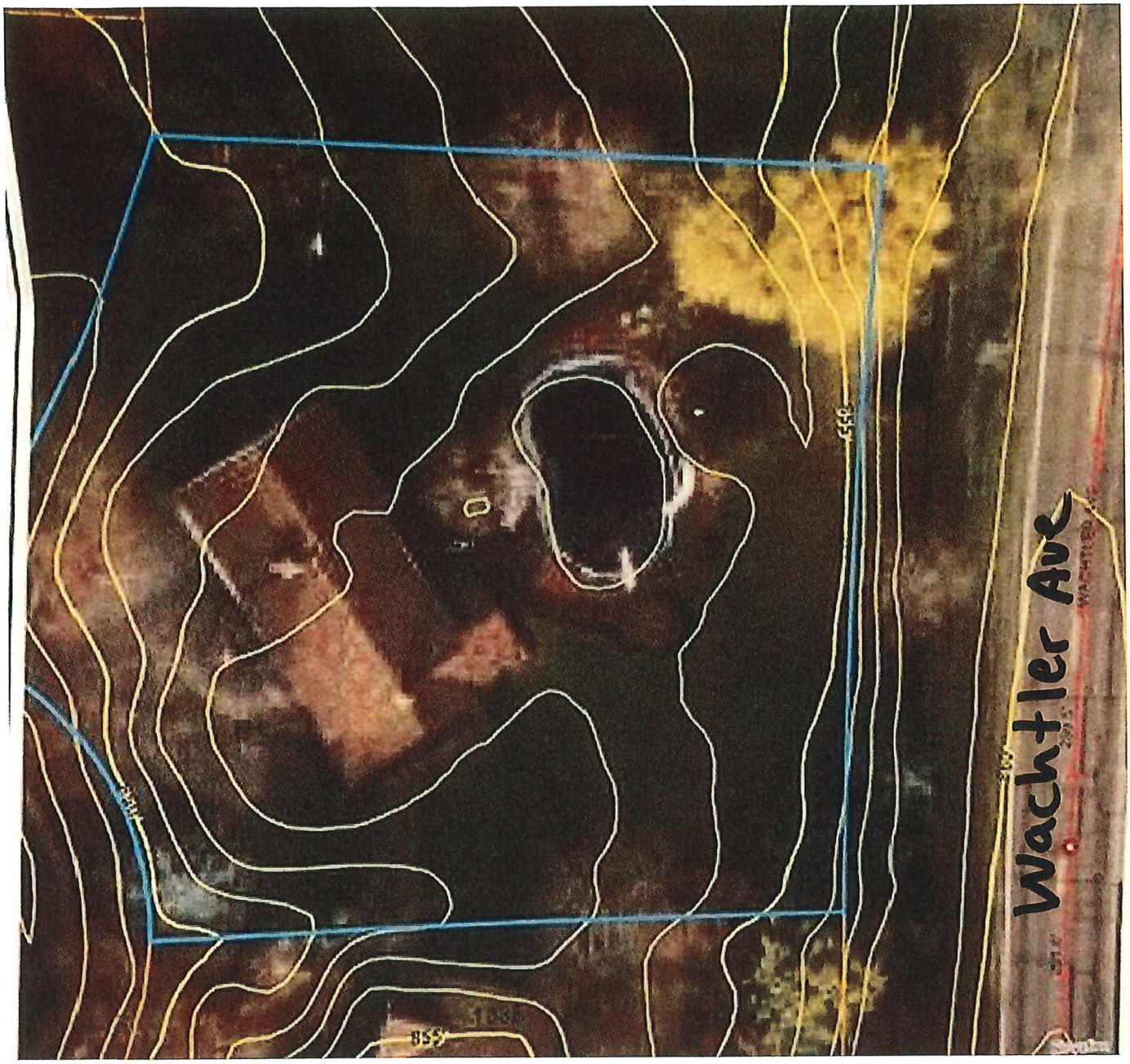
NEIGHBOR SIGNATURES OF CONSENT



***BLUE = New 6ft foot fence location and addition to side yard

***RED = Replacement of existing 6ft fence with 9ft variance if approved.

Farmdale Ave



20
140
102
1341
151
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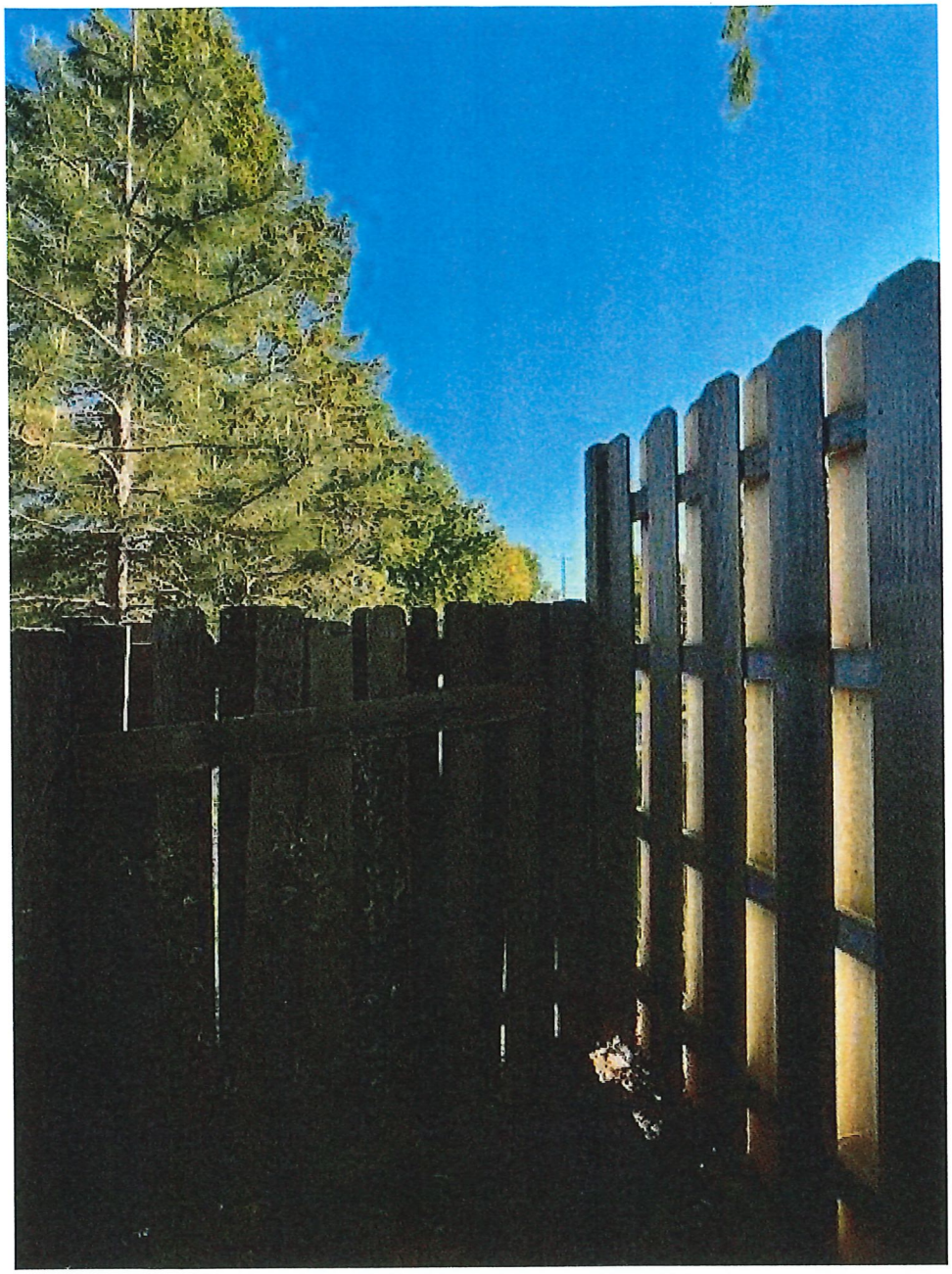
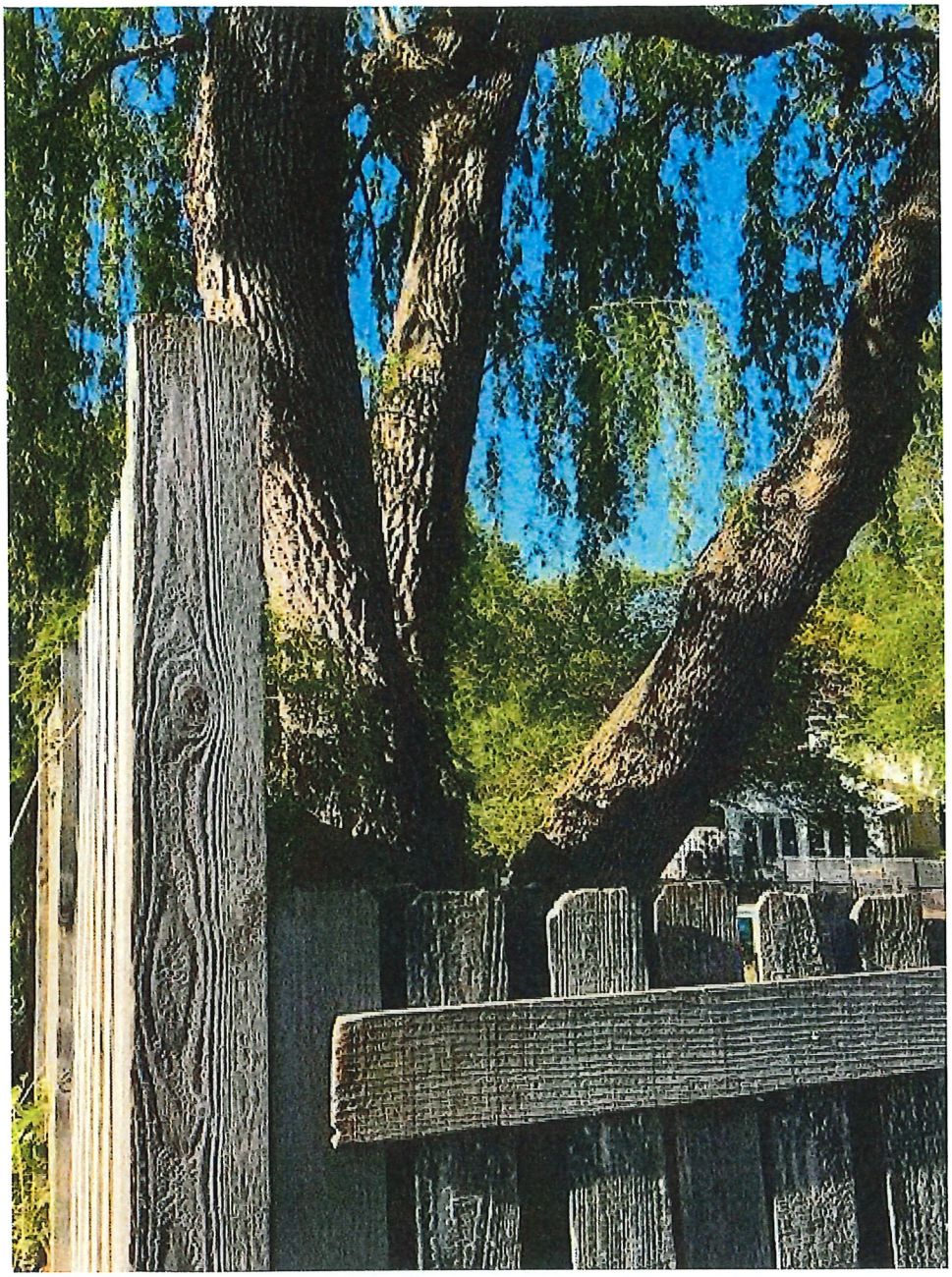
14
140

* Because of the elevation someone could stand on my neighbors porch and look directly into my back yard because of the elevation slope from Wachtler to the middle of my Side yard fence.

1411 Farmdale





Exposed Roots

Solid Board Privacy Fence

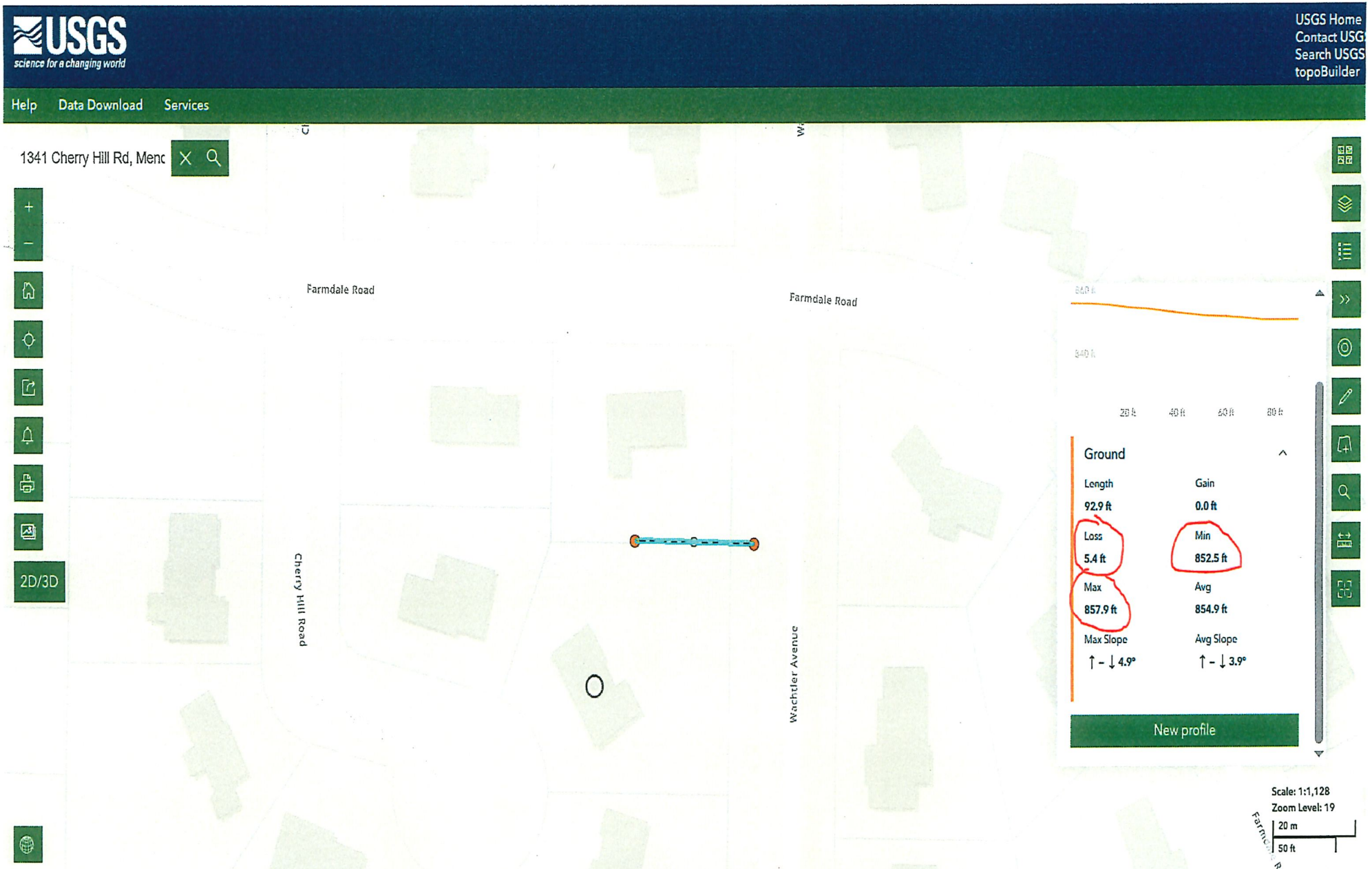
Elevation from sex offender to middle of my side yard : 858.5ft - 851.9ft = Loss elevation of 6.5ft according to USGS

Elevation from Farmdale Rd and Wachtler Ave to middle of my side yard: 857.6ft – 852.4ft = Loss of elevation of 5.8ft

Elevation from Road on Wachtler Ave and Farmdale (Cars driving by elevation. Please note this is ground elevation. Cars/trucks can have a height of 1-3 feet once a person is in the vehicle added to it: 858.4ft – 852.5 = 6.1ft of loss elevation to the middle of my side yard.

Elevation from Walking path to middle of my side yard fence: 858.4ft – 852.5ft = 6.1ft loss in elevation

Elevation from walking path to my side yard (Strait Line) = 857.98ft – 852.5ft = 5.4ft loss of elevation



Notes: Based on the elevation measurements we took (6.5 ft, 5.8 ft, 6.1 ft, 6.1 ft, and 5.4 ft), the average elevation drop from the street and sidewalk to our yard is approximately 5.98 feet. Because of this elevation loss, our current 6-foot fence is effectively providing only about one foot of visual privacy from the street level.

1101 Victoria Curve | Mendota Heights, MN 55118
651.452.1850 phone | 651.452.8940 fax
www.mendotaheightsmn.gov

CITY OF MENDOTA HEIGHTS

FOR VARIANCE REQUEST

To: The Mendota Heights Planning Commission

From: Daniel T Michel

Subject: Application for a Variance at: 1341 Cherry Hill Rd, Mendota Heights, MN, 55118

The request for a Variance is (*please describe accurately*): Fence Height Variance along Farmdale.

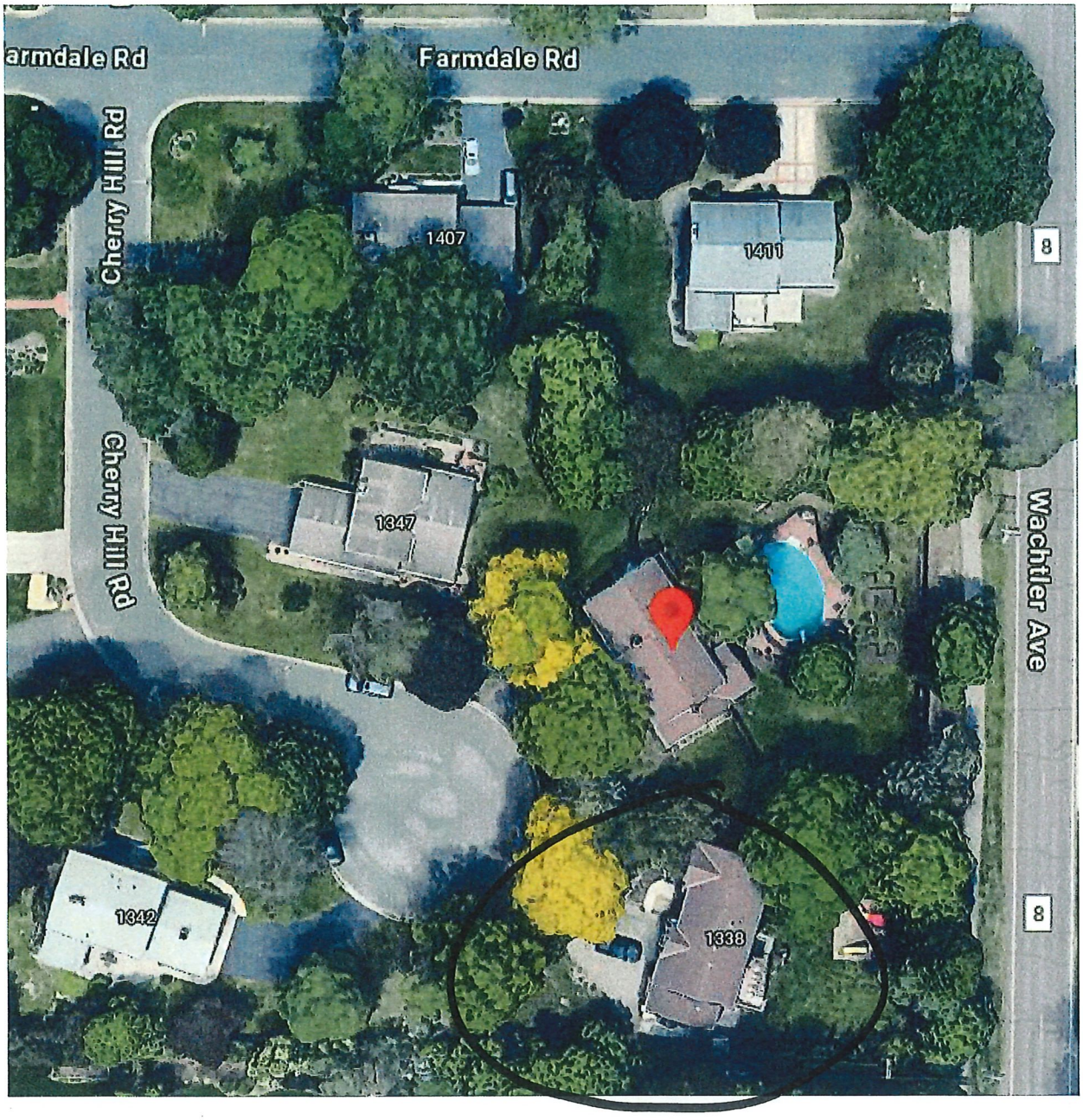
If written consent by all property owners within 100 feet of the boundaries of the subject property is obtained, the city may waive the requirement for a public hearing.

We, the undersigned have reviewed the plans for the above-described project, as requested by the property owner(s) identified above, and understand the terms and conditions of the requested variance.

We have no objections to this variance request, and do hereby give our written consent and waiver of a public hearing (*only one representative of the property is required for signature*):

NAME (Please Print)	ADDRESS	SIGNATURE
MIKE STOJOCKA	1407 FARMDALE RD.	
Amber Post	1338 Cherry Hill Rd	

(Applicant may re-copy this signature page for additional signatures if needed)



Ben: Amber Post

1338 Cherry Hill Rd

Mendota Heights, MN

55118

* Signed Variance Petition

*Mike: Ann Stodolka

Receipt:# 614718

RES $46.00

Return to:
SIMPLIFILE
5072 NORTH 300 W

PROVO UT 84604

3315767

Recorded on: 7/19/2019 8:57 AM

By: DRA, Deputy

Office of the County Recorder
Dakota County, Minnesota
Amy A. Koethe, County Recorder

CITY OF MENDOTA HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION 2019-40

RESOLUTION APPROVING A VARIANCE FOR PROPERTY LOCATED AT 1341 CHERRY HILL ROAD (PLANNING CASE NO. 2019-12)

WHEREAS, Charles "Chuck" Mastel (as "Applicant") applied for a variance for the property located at 1341 Cherry Hill Road (the "Subject Property"), and legally described on attached **Exhibit A**; and

WHEREAS, the Subject Property is guided LR-Low Density Residential in the *2030 Comprehensive Plan* and is located in the R-1 One Family Residential District; and

WHEREAS, the Applicant is seeking a variance to allow an oversized privacy fence of 9-feet in height, which would exceed the maximum allowable sized fence height of 6-feet in residential zoned properties, as proposed under Planning Case No. 2019-12; and

WHEREAS, Title 12-1L-5 of the City Code (Variances) allows for the City of Mendota Heights (the "City") to grant variances or certain modifications from the strict application of the provisions of the City Code, and impose conditions and safeguards with variances if so needed or granted: and

WHEREAS, on May 28, 2019 the Mendota Heights Planning Commission held a public hearing on this matter, and whereupon closing the hearing and follow-up discussion on this item with staff and the Applicant, the Planning Commission recommended unanimously (by 7-0 vote) to approve the Variance as presented under Planning Case No. 2019-12, with certain findings of fact to support such approval.

NOW THEREFORE BE IT RESOLVED by the Mendota Heights City Council that the recommendation from the Planning Commission is hereby affirmed, and the Variance application proposed under Planning Case No. 2019-12 is hereby approved, with the following findings of fact and conditions:

A. Under Title 12-1L-5A of the City Code, the Council may only grant variances from the strict application of the provisions of the Code in cases where there are "practical difficulties" in carrying out the strict letter of the regulations of the Code. "Practical difficulties" consists of a three-part test: (i) the Applicant proposes to use the property in a reasonable manner not otherwise permitted by the Code; (ii) the plight of the Applicant is due to circumstances unique to the property not created by the Applicant; and (iii) the variance, if granted, will not alter the essential character of the neighborhood. Economic considerations alone do not constitute "practical difficulties."

B. The Applicant has met the burden of demonstrating the requisite "practical difficulties" in order to justify the granting of a Variance to allow a residential fence height increase from 6-ft. to 9-ft. along the rear lot line, by the following:

i.) the proposed increased fence height is a reasonable request on the subject property, due to the need to relocated the fence from an elevated area to a lower level of the property;

ii.) Dakota County has ordered the removal of the fence from its current location next to the county trail system (and even after 32 years), and thus created a unique situation for the homeowner to keep and maintain a certain level of privacy and screening measures from the abutting county roadway and trail system;

iii.) due to the grade differences from the current fence location to new, approving the Variance for an increased fence height does not change the essential character of the neighborhood, as the subject property abuts residential properties on both sides, and the residential uses on the opposite side of Wachtler Avenue are situated far enough away that they will not be impacted by the higher fence; and

iv.) the reason for the Variance request is to permit a reasonable request to extend the privacy fence higher than the 6-ft. height standard in order to retain privacy and screening from the county roadway, and enhances safety for the homeowner.

C. The City has considered the factors required by Title 12-1L-5E1 of the City Code, including but not limited to the effect of the Variance upon the health, safety, and welfare of the community, existing and anticipated traffic conditions, the effect of the Variance on the danger of fire and the risk to public safety, and upon the value of properties in the surrounding area, and upon the Comprehensive Plan, and has determined this Variance will not affect or pose any negative impacts upon the neighborhood or the community in general.

D. Approval of this Variance is for 1341 Cherry Hill Road only, and does not apply or give precedential value to any other properties throughout the City. All variance applicants must apply for and provide a project narrative to the City to justify a variance. All variance requests must be reviewed independently by City staff and legal counsel under the requirements of the City Code.

E. The factual findings and analysis found in the Planning Staff Report for Planning Case No. 2019-12, dated and presented May 28, 2019 (on file with the City of Mendota Heights), is hereby fully incorporated into Resolution No. 2019-40.

F. The City has the authority to place reasonable conditions upon the property subject to his Variance request. Conditions must be directly related to and roughly proportional to the impact created by the variance. Conditions related to this transaction are as follows:

i.) The proposed higher fence shall require a building permit (instead of zoning permit) as per Minnesota State Building Codes.

ii.) The proposed fence shall not extend more than 9-ft. above the level grade of the rear yard at the property line parallel with Wachtler Avenue; and must match the current shadow-box style or design of the existing residential fence on the subject property.

iii.) Within one year of approval by the City Council, the Applicant shall obtain a building permit for construction of the proposed fence.

BE IT FURTHER RESOLVED, by the Mendota Heights City Council that the Variance application for the property located at 1341 Cherry Hill Road, as proposed under Planning Case No. 2019-12, is hereby approved.

Adopted by the City Council of the City of Mendota Heights this 4th day of June, 2019.

CITY COUNCIL
CITY OF MENDOTA HEIGHTS

Neil Garlock, Mayor

ATTEST:

Lorri Smith, City Clerk

Drafted by: City of Mendota Heights
1101 Victoria Curve
Mendota Heights, MN 55118

Exhibit A

PROPERTY ADDRESS: 1341 Cherry Hill Road
Mendota Heights, Minnesota 55118

PID No. 27-17151-03-040

LEGAL DESCRIPTION:

Lot Four (4), Block Three (3), Cherry Hill 2nd Addition, Dakota County, Minnesota

STATE OF MINNESOTA)
COUNTY OF DAKOTA) s.s.
CITY OF MENDOTA HEIGHTS)

I, Lorri Smith, being the duly appointed City Clerk of the City of Mendota Heights, do hereby certify that the attached **Resolution** is an exact copy of the resolution on file in my office adopted by the Mendota Heights City Council.

Signed and sealed by my hand on this 19th day of July, 2019.

Lorri Smith, City Clerk

Planning Commission

Meeting Date:	June 24, 2025		
Agenda Item:	**CASE No. 2025-08 Conditional Use Permit Amendment** Application of Glenn Baron requesting an amended Conditional Use Permit (CUP) approval for the outdoor commercial recreation use located at 1415 Mendota Heights Road		
Department:	Community Development	**Contact:**	Sarah Madden, Community Development Manager

Introduction:
The applicant, Glenn Baron, represents The Heights Social and Raquetball Club in their request to modify their Conditional Use Permit approval for outdoor commercial recreation, which was approved by the City in February 2024. Outdoor commercial recreation use is a Conditional Use in the I-Industrial zoning district, when accessory to an approved indoor commercial recreation use.

A public hearing notice for this planning item was published in the Pioneer Press and notice letters were mailed to all properties within 350-feet of the subject property. The city has not received any comments or objections to this land use request as of the submittal of this report.

Background:
The subject property is located on the northwestern corner of the intersection of Mendota Heights Road and Pilot Knob Road. It is also less than a mile from an I-494 onramp, Highway 13, and Highway 55. The site contains three access points off Mendota Heights Road to the south and one access off Pilot Knob Road to the east, with 155 marked or dedicated parking spaces spread throughout the property. The subject site and the adjacent properties on all sides are zoned and guided for Industrial uses.

The Dog Tank (2415 Pilot Knob Rd) and Southview Design are current tenants on the subject property and all tenants share the parking and principal structure on the site addressed collectively with 1415 Mendota Heights Rd.

In October 2022, the Applicant submitted a request for a CUP to construct a new indoor athletic club facility (to become The Heights Racquet & Social Club) inside the then vacant space within the multi-tenant building. The CUP was approved by Resolution 2022-82 (adopted 11/01/2022), and the Applicant obtained a certificate of occupancy in the late fall of 2023, allowing the club to open in December 2023. In February 2024, the City approved a Conditional Use Permit for outdoor commercial recreation, accessory to the permitted club facility. As part of this approval, The Heights could install 3,520 sq-ft of pickleball sorts, and 2,178 sq-ft of padel courts. Two pickleball courts were constructed in 2024, but the padel courts were not.

PROPOSED IMPROVEMENTS

The Applicant is proposing to construct an outdoor padel court, which requires a glass wall perimeter 10-ft in height. To enhance the club facility's ability to offer outdoor recreation, they are also proposing to install exterior lighting and increase their hours of operation from what was previously identified in their prior Conditional Use Permit approvals. These modifications to the outdoor commercial recreation use necessitate a Conditional Use Permit Amendment. As part of the overall site improvements, the applicant will also be installing a new retaining wall north of the proposed outdoor courts (requiring a separate building permit), and expanding their paved parking areas.

Analysis:

Pursuant to Title 12-5B-5, the city recognizes that the development and execution of Zoning Code is based upon the division of the city into districts within which regulations are specified. It is further recognized that there are special or conditional uses which, because of their unique characteristics, cannot be properly classified in any district or districts without consideration, in each case, of the impact of those uses on neighboring land or the public need for the particular location.

To provide for these needs, the city may approve a conditional use for those uses and purposes, and may impose conditions and safeguards in such permits to ensure that the purpose and intent of this chapter is effectively carried out.

Additionally, Per City Code section 12-4A-10: Fences, any fences over 6-ft in height in Business and Industrial Districts require a Conditional Use Permit (CUP). The proposed padel court enclosure is constructed of glass, not typical fencing material, however staff has made the determination that this requirement would include a gated enclosure for recreational sport in this planning case.

The City may grant a conditional use provided the proposed use demonstrates the following:

1. *Use will not be detrimental to the health, safety or general welfare of the community,*
2. *Use will not cause serious traffic congestion nor hazards,*
3. *Use will not seriously depreciate surrounding property value, and*
4. *Use is in harmony with the general purpose and intent of this chapter and the comprehensive plan.*

A-C) The proposed use will not be detrimental to the health, safety or general welfare of the community; will not cause serious traffic congestion or hazards; nor depreciate surrounding property value.

Staff Response:

The existing pickleball courts have not been reported to have any negative impacts on surrounding property owners, and the proposed expansion of the outdoor commercial recreation use use is not anticipated to have any negative impacts or effect upon the health, safety, and welfare of occupants (of the multi-tenant building) or surrounding land uses; nor will the use be detrimental to the health, safety or general welfare of the community. The use will provide a nice facility expansion for the Club, and for bettering the health and welfare of the community by allowing expanded year-round athletic or fitness activities for the city’s residents. The private club use provides members and participants the ability to stagger their use hours which aids in mitigating potential congestion or parking issues on the site.

Furthermore, the additional court space will be installed in a largely industrial area, so noise generated will not be disruptive to any residential neighborhoods. The proposed outdoor lighting addition is illustrated to produce a foot-candle emission of below .2 at the neighboring property lines, which is within the allowable lighting standards for the I-Industrial District.

4. **The proposed use conforms to the general purpose and intent of the city code and comprehensive plan, including all applicable performance standards, so as not to be in conflict on an on-going basis.**

   Staff Response:

   The subject property is guided I-Industrial in the 2040 Comprehensive Plan. The Plan provides the following goal statement:

   Goal 3: Encourage and support industrial and commercial development in designated area s.

   1. *The city will use available resources to identify redevelopment needs. This will in clude cooperation with Dakota County and the Metropolitan Council to achieve r edevelopment objectives.*
   2. *Transitions between adjoining land uses will be required for adjacent residential uses, and will be encouraged between compatible land uses (e.g. transition betw een a general manufacturing and retail use will be encouraged).*
   3. *Amenities within the industrial and commercial districts will be encouraged to promote a more vibrant and attractive place for workers.*

   Staff believes the proposed project is in harmony with the general purpose and intent of the City Code and Comprehensive Plan that encourages redevelopment of the industrial areas. The proposed use also supports an amenity within the industrial park that can be utilized by both residents and patrons/workers in the area. This type of use is compatible with the spirit and intent of the Industrial Zoning District and provides commercial reinvestment in an existing building.

   This fence, or wall, height is permitted by Conditional Use Permit in the I-Industrial zoning district, and the proposed exterior lighting addition is also consistent with City Code standards.

Specific to the existing Conditional Use Permit approval, pursuant to Ordinance No. 579, outdoor commercial recreation is permitted in Industrial Districts, provided the following conditions are met:

1. *The outdoor commercial recreation use must be accessory to a permitted or conditionally permitted principal use.*
2. *Outdoor recreation uses must be compatible and consistent with the principal use.*
3. *Adequate parking must be provided on site. The total area used for the outdoor commercial recreation use shall be used to determine the required number of stalls and calculation based on the principal use.*
4. *A site plan must be submitted to show the site layout, type and location of outdoor recreation uses proposed, the parking configuration, any proposed exterior lighting locations, and proposed landscaping.*

5. *An operations plan must be submitted that includes the proposed hours of operation.*

1. **The outdoor commercial recreation use must be accessory to a permitted or conditionally permitted principal use.**

   Staff Response:

   Staff confirms that this condition is met. The proposed outdoor recreation amenities is accessory to the property's permitted and principal commercial recreation use.

2. **Outdoor recreation uses must be compatible and consistent with the principal use.**

   Staff Response:

   Staff confirms that this condition is met. The proposed outdoor recreation amenities are in harmony with the property's permitted and principal commercial recreation use. A Conditional Use Permit has been obtained for The Heights Racquet & Social Club indoor and outdoor operations, and this Permit will allow for additional services and expansion of the business consistent with prior approvals.

3. **Adequate parking must be provided on site. The total area used for the outdoor commercial recreation use shall be used to determine the required number of stalls and calculation based on the principal use.**

   Prior Conditional Use Permit approvals noted the racquet club facility as having 21,250 sq-ft of floor space for their athletic activities, with staff utilizing both the 'Tennis Club' and 'golf or similar uses' categories in the parking provisions of City Code to determine if adequate parking was available on site.

   Staff confirms that with this update to the approved site plan, the addition of the padel courts continues to be consistent with the prior approval and 155 parking spaces on site.

   In addition to the 155 spaces noted on the previously approved site plan, the applicant is proposing to add an additional 12 parking spaces on site, recognizing that the expanded outdoor courts will add an additional recreation space for up to 8 players.

   However, it should be noted that the prior approval included padel and pickleball courts that were not constructed and which were shown to be adequately served by the existing 155 parking spaces on site.

   Based on this, and the private club membership business model, staff confirms that the site can provide sufficient parking for the outdoor commercial recreation use. Staff recommends including a condition that all parking must be handled onsite for the multi-tenant building, including all activities associated with The Heights Racquet and Social Club, similar to what was approved in the 2024 Conditional Use Permit. Any indication that the site is under parked or any change of occupancy within the building which increases the minimum parking standards may result in a required amendment to this Permit, and a reasonable solution to accommodate all parking on site must be provided.

4. **A site plan must be submitted to show the site layout, type and location of outdoor recreation uses proposed, the parking configuration, any proposed exterior lighting**

locations, and proposed landscaping.

Staff confirms that the Applicant provided a site layout plan, which included details about the location of the additional outdoor recreation amenities, which has been modified from the prior approval. The site plan also illustrates an area for additional paved parking, and proposed shrub landscaping.

The previous Conditional Use Permit approval included no exterior lighting, and noted that the hours of operation on site would be from 7:00am to Dusk (for the outdoor component). With this new site plan and expansion of the facility's services, the applicant has provided photometric information for the site, and has illustrated that the foot-candle is expected to be less than .2 when measured at the property lines. With these details, staff can approve the exterior lighting plan as it is within City Code standards.

Following approval of the Conditional Use Permit by the City Council, the applicant must obtain all necessary permits from the City, including but not limited to a Grading Permit and Building Permit, and the applicant will be required to provide fully designed and detailed plans with elevations and stormwater management information. The parking improvements, retaining wall details, and erosion control plan will be reviewed as part of the administrative building permit process. The site will be reviewed for compliance with the Land Disturbance requirements, impervious surface, and any additional landscaping which may be proposed. The application is currently compliant with the impervious surface standard for the I-Industrial zoning district.

6. **An operations plan must be submitted that includes the proposed hours of operation.**

   With this proposal and the inclusion of exterior lighting, the hours of operation are proposed to be changed from the prior approval, which was seasonal and limited to daylight hours from 7:00am to Dusk. The applicant has indicated in their narrative letter that the new hours of operation will be 6:00am to 11:30pm. The subject site is an Industrial zoned and guided property and has no residential neighbors, and staff does not anticipate any concerns with the proposal as presented by the applicant.

Staff believes the proposed project has met the Conditional parameters outlined in Ordinance No. 579, and with the conditions provided herein will not be detrimental to the health, safety or general welfare of the community, nor cause any serious traffic congestion or hazards, nor depreciate surrounding property values.

Alternatives:

1. Recommend approval of the Conditional Use Permit Amendment with certain conditions and based on the findings of fact contained herein; or

2. Recommend denial based on the findings of fact(s) determined by the Planning Commission, that the Conditional Use Permit Amendment requested herein is not consistent with the City Code or Comprehensive Plan and may have negative impact on the surrounding neighborhood and/or properties; or

3. Table the application and request additional information from staff and/or the applicant. Staff will extend the review period an additional 60 days in conformance with Minnesota Statute 15.99

Staff Recommendation:
Staff recommends approval of the Conditional Use Permit Amendment for 1415 Mendota Heights Road, based on the attached findings-of-fact and with the following conditionals of approval:

1. All parking for the multi-tenant building must be accommodated on site. Any indication that the site is under parked may result in required amendments to the Site Plan and/or the Conditional Use Permit.
2. The hours of operation for the Outdoor Commercial Recreation (Padel and Pickleball Courts) shall be seasonal and limited to 6:00am to 11:30pm.
3. The exterior lighting shall not exceed a reading of .2 foot-candles when measured at the property lines.
4. Site Grading, Erosion Control, and Stormwater Management plans shall be provided with a building permit application which show existing contours, proposed grading elevations, stormwater management details, and erosion and sediment control.
5. All grading and construction activity must be in compliance with applicable federal, state, and local regulations and codes, as well as in compliance with the City's Land Disturbance Guidance Document.

Attachments:
1. Findings of Fact for Approval
2. Site Aerial Map
3. Narrative Letter
4. Existing Conditions
5. Site Plan
6. Site Impacts and Improvements
7. Padel Court Rendering
8. Exterior Lighting Details

FINDINGS-OF-FACT FOR APPROVAL

Planning Case No. 2025-08
Conditional Use Permit for 1415 Mendota Heights Road

The following Findings-of-Fact are made in support of approval of the proposed Conditional Use Permit Amendment request to install outdoor padel courts:

1. The Proposed outdoor recreation use (padel and pickleball courts) is consistent with the adopted Comprehensive Plan and the Zoning Ordinance for property in the Industrial district.

2. The proposed principal and accessory use are an adaptive reuse of an industrial building which is consistent with the City's goals for reinvestment and redevelopment with the industrial zoning district.

3. The proposed outdoor padel and pickleball courts are accessory to the principal use of The Heights Racquet and Social Club which is an indoor commercial recreation use.

4. With the conditions included herein, the site will provide adequate parking for the multi-tenant building. All parking will be accommodated on-site and no adverse impacts off-site are anticipated.

5. The proposed outdoor recreation use of padel courts is consistent with the prior Conditional Use Permit approval, and the surrounding light industrial uses, and will not adversely impact the value of surrounding properties.

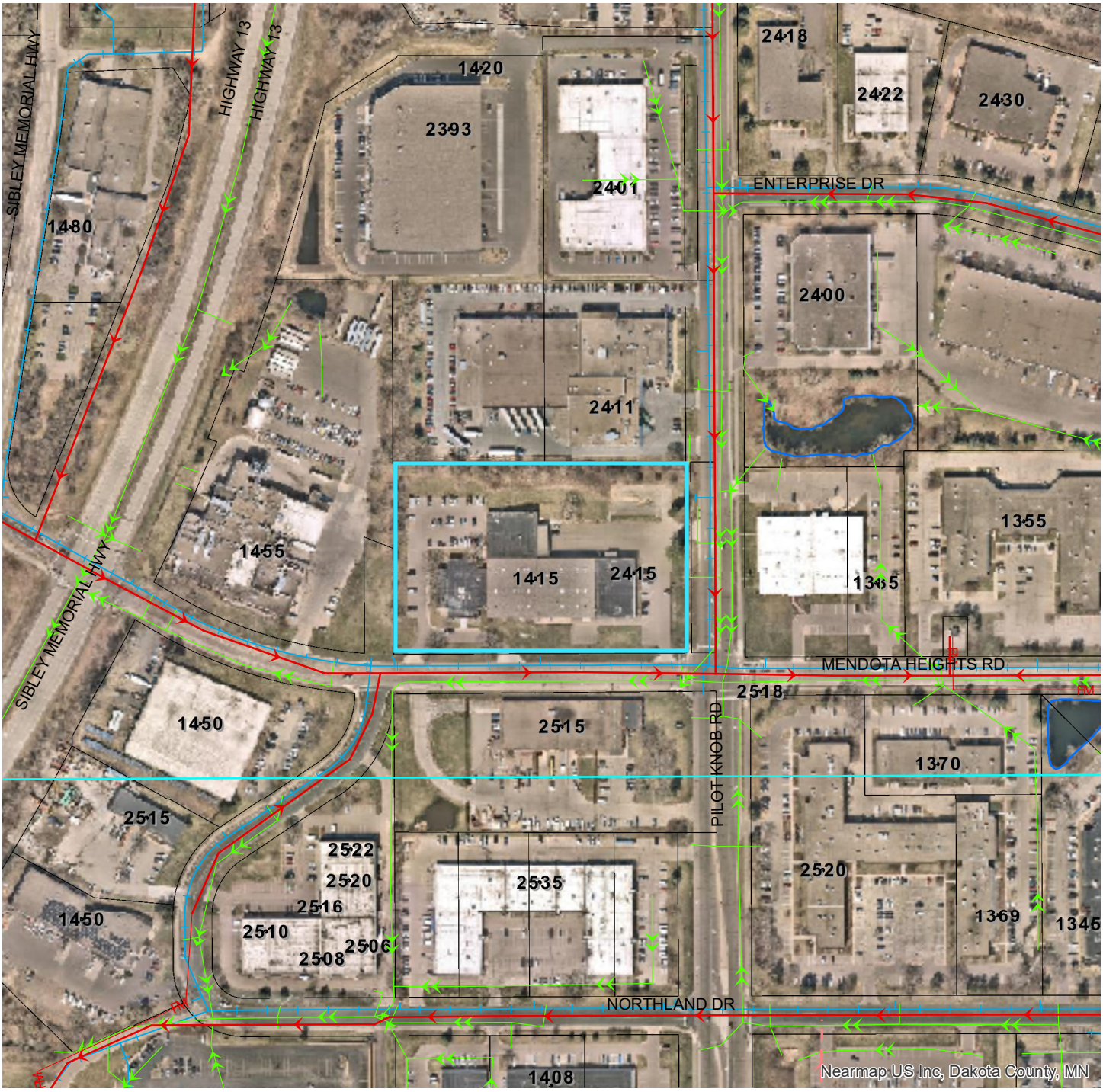
6. Parking is adequately provided onsite, and there will not be negative impacts to traffic flow on the surrounding roadway network.

Location Aerial Map
1415 Mendota Heights Road

Date: 1/23/2024

0 310
SCALE IN FEET

City of Mendota Heights



GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

The Heights Racquet & Social Club
1415 Mendota Heights Road, Mendota Heights, MN 55120

May 17, 2025

City of Mendota Heights

1101 Victoria Curve

Mendota Heights, MN 55118

RE: Letter of Intent, Conditional Use Permit

To Whom it may Concern:

The Heights Racquet & Social Club opened in December, 2023 with indoor padel, squash and pickleball courts. Soon after we added two outdoor pickleball courts. We now propose to add two outdoor padel courts and expand our parking. We believe the addition of outdoor padel for use during Minnesota's warmer months would be greatly appreciated by the members of the club and would enhance the appeal of this club to the citizens of Mendota Heights.

We have engaged civil engineering, excavation, landscaping, and lighting professionals to design our project and confirm feasibility of the design. Because of the importance of conditional use approval, we are submitting this application while, in parallel, completing design details for all additional required permitting. We are aware that implementation of this project will be contingent on our obtaining all necessary permits, including excavation, building, storm water management, and any other permits deemed applicable.

Herein we provide an overview of padel courts and their installation in the outdoor setting and summarize our proposed installation. We also address issues of interest specific to this conditional use, including parking, storm water management, lighting, and hours of operation. Finally, we provide response statements as required to the four standards as required of conditional use applicants.

Padel Courts & Our Proposed Outdoor Installation

Attachment A provides a summary of the structure, size, and use of padel courts in general. In addition, a gallery of representative outdoor installations is included. Padel courts are manufactured to withstand winter weather such as ours in Minnesota.

Attachment B shows our neighborhood and our proposed outdoor installation location, including the area to be excavated and leveled, the installation location of the retaining wall, the storm water mitigation elements, and the expanded, paved parking lot adjacent to the courts.

Parking

Attachment C is a site plan that indicates our existing and proposed additional parking. Our existing parking has been sufficient for our maximum-use episodes. With the addition of two outdoor padel courts, our club court player capacity will increase by 8 players. We propose to add 12 additional parking spots, sufficient to meet the potential additional parking need.

Storm Water Management

We have engaged a civil engineer with expertise in stormwater management and drainage design. Preliminary soil characterization indicates that we will be able to use stormwater management design elements to account for the small increase in impervious surface (parking lot extension). This will be accomplished in a manner consistent with the Mendota Heights Land Disturbance Guidance. Attachment C shows storm water management as well as landscaping elements.

Our proposed outdoor courts will use best-practice foundation design in which drainage will be through the permeable playing surface, such that all surface drainage will flow through permeable pavement (asphalt or concrete) and gravel sub-surface layers, eventually infiltrating into the soil below.

Outdoor Lighting

Our motivation in adding outdoor padel courts is to promote and accommodate our members' interest in outdoor play during the warmer months of our Minnesota climate. To maximize opportunity for play, we propose to light the two outdoor padel courts for night play. We also propose to light our existing two outdoor pickleball courts for night play. Our industrial site has no residential neighbors and there is minimal evening activity among our industrial neighbors.

Our proposed lighting plan makes use of highly efficient LED lighting. These fixtures, mounted on standards approx. 23' above the playing surface (21' for pickleball), have focused lenses to limit the predominate lighting to the playing surface of the respective courts. The retaining wall to be installed within the berm on the north side of our proposed court location will add additional privacy and screening.

We have engaged our padel court manufacturer and lighting professionals to model our outdoor lighting needs and that photometric study is included as Attachment D.

Photometric modeling indicates that very little light from the court lighting system will be detectable at our nearest property border (property line to the north), with no additional light being detectable at our other three property borders. At the northern bordering property line, the added light level will be less than 0.13 fc (foot candle).

The Heights Racquet & Social Club
1415 Mendota Heights Road, Mendota Heights, MN 55120

Hours of Operation

In order to maximize opportunity for summer nighttime play, we propose operational hours of 6a to 11:30p. Our indoor facility is well-controlled for member-only access and we will be able to limit nighttime outdoor use as well by control of the lighting itself. We also have an outdoor security camera system with the proposed outdoor padel court locations within view. We have no residential neighbors. Activity & traffic is minimal in the evening hours in our industrial neighborhood.

Conditional Use Standards

a) The proposed use will not be detrimental to the health, safety or general welfare of the community; As a racquet sports facility, our club is beneficial to the health, safety, and welfare of the community.

b) the proposed use will not cause serious traffic congestion nor hazards; Our club adds very modest traffic to our industrial-zoned neighborhood, which is well-served by two modern roadways, Pilot Knob Road and Mendota Heights Road. Our entry and exit points are well-conceived and do not present a hazard of any kind.

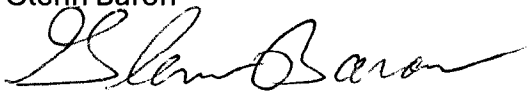
c) the proposed use will not seriously depreciate surrounding property value; We believe our site and its recreational use actually appreciates surrounding property values as we are a low-impact amenity to the neighborhood and community.

d) the proposed use is in harmony with the general purpose and intent of the City Code and the comprehensive plan; It is our understanding that the intent and nature of the comprehensive plan allows and encourages low impact use such ours.

We believe The Heights Racquet & Social club has been a very positive addition to the Mendota Heights community and that our proposed outdoor padel court project will further enhance the experience for our community.

Sincerely,

Glenn Baron

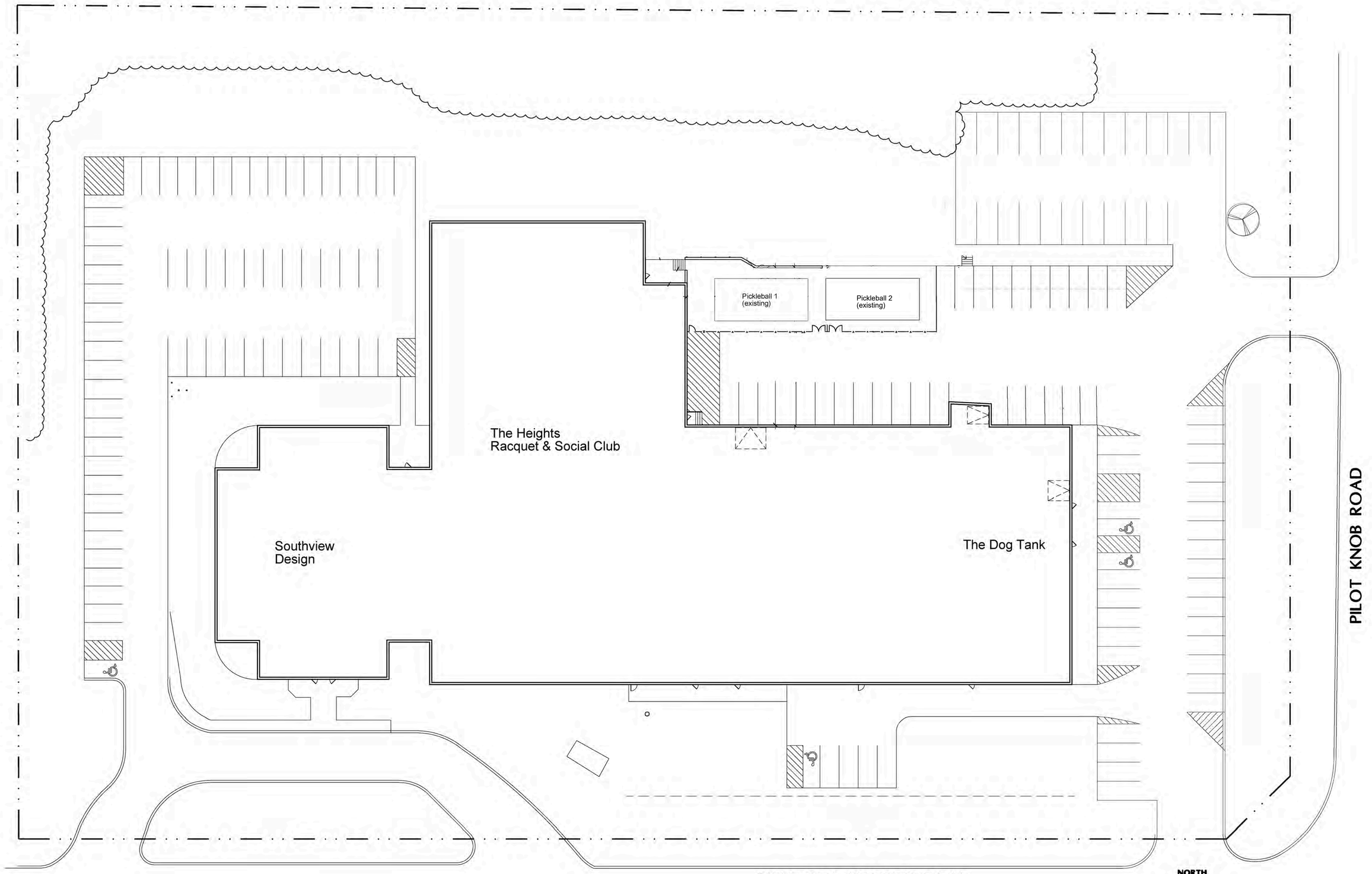


Partner

The Heights Racquet & Social Club

Attachment C

Existing Site Plan with existing parking



THE HEIGHTS RACQUET AND SOCIAL CLUB

Mendota Heights, Minnesota

NOTE: THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY. ACTUAL COLORS NEED TO BE FIELD VERIFIED.

4a1.

Proposed SIte Plan with additional padel courts and expanded parking

(including landscaping element types)

4b5.

Proposed Retaining Wall

Proposed Padel Courts

Proposed parking lot expansion (paved)

(retain existing mixed vegetation on berm)

Existing gravel lot - proposed to pave

4a1.

Drainage element

Leatherwood shrubs (2)

Permeable path & viewing

Drainage Element

White Spruce Shrubs (2, in each location)

Pickleball 1 (existing)

Pickleball 2 (existing)

The Heights Racquet & Social Club

Southview Design

The Dog Tank

PILOT KNOB ROAD

MENDOTA HEIGHTS ROAD

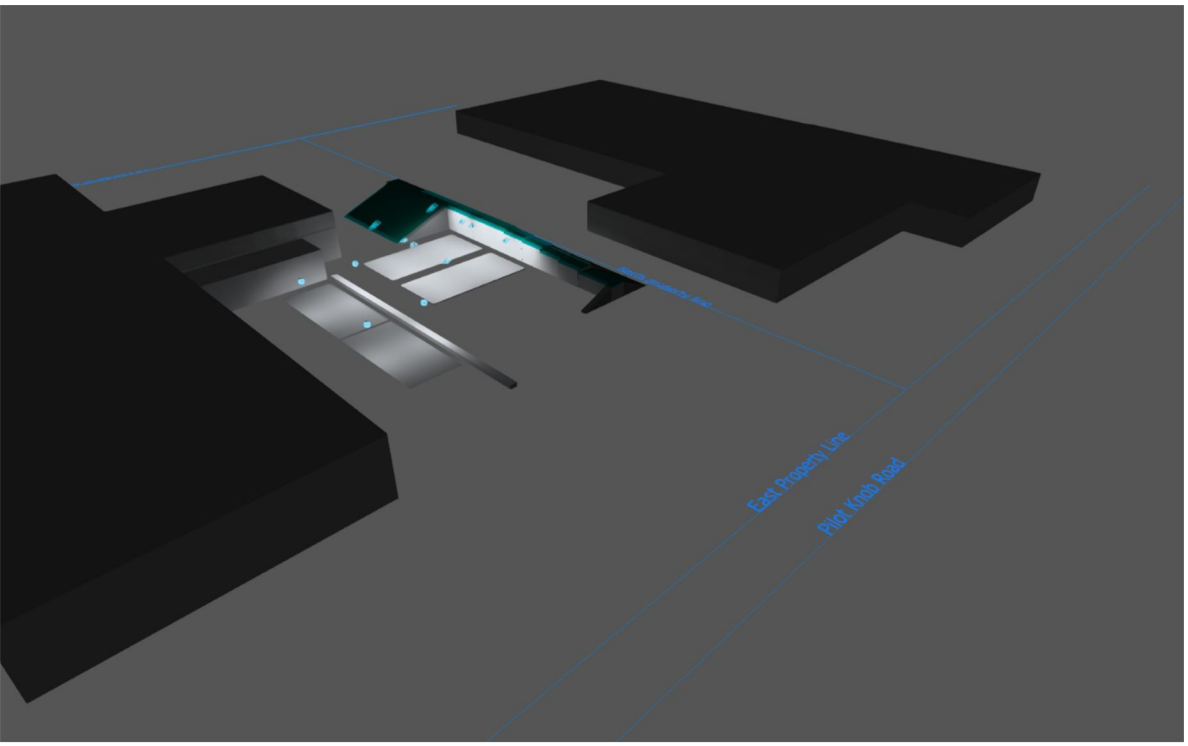
NORTH

THE HEIGHTS RACQUET AND SOCIAL CLUB

Mendota Heights, Minnesota

100.41 ft

NOTE: THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY. ACTUAL COLORS NEED TO BE FIELD VERIFIED.



The Heights Outdoor Padel Court Project

Install two outdoor padel courts while expanding and paving adjacent parking. Install outdoor lights on the two padel courts and the two existing pickleball courts. Utilize high efficiency LED lighting with focused lenses. Model the lighting on courts and stray light distribution beyond the court.

Object
1415 Mendota Heights Road
Mendota Heights, MN 55120
Contact: Glenn Baron (Managing Partner); 612-759-1278; sgnerb@gmail.com

Created with DIALux

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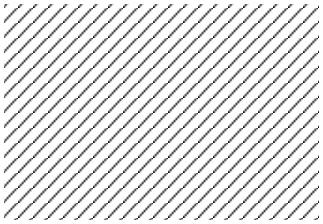
Heights Outdoor Padel Courts - Building 4

Storey 1

Property to North / Light scene 1 / Perpendicular illuminance 16

DIALux

Contacts



Managing Partner
Glenn Baron

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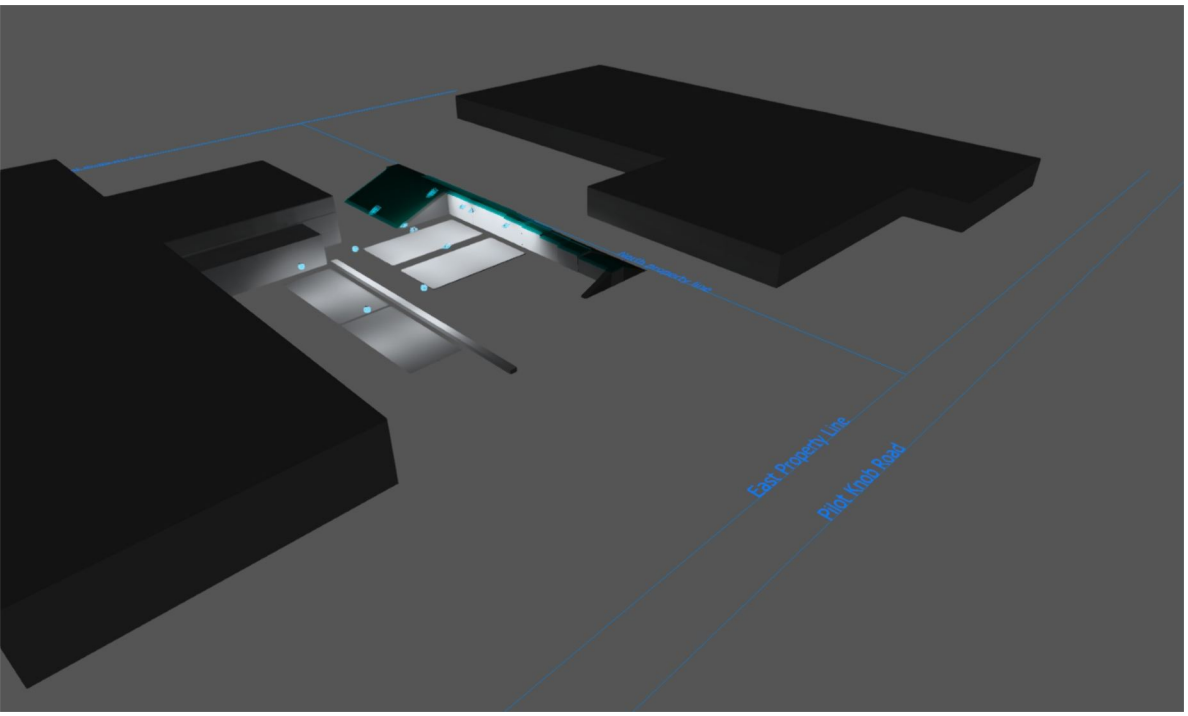

Description

Install two outdoor padel courts while expanding and paving adjacent parking. Install outdoor lights on the two padel courts and the two existing pickleball courts. Utilize high efficiency LED lighting with focused lenses. Model the lighting on courts and stray light distribution beyond the court.

Managing Partner
Glenn Baron

The Heights Racquet & Social Cl
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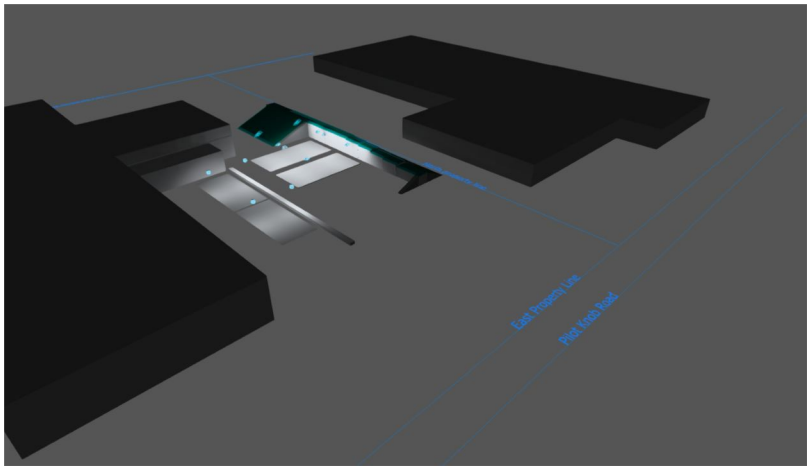
Mendota Heights, MN 55120

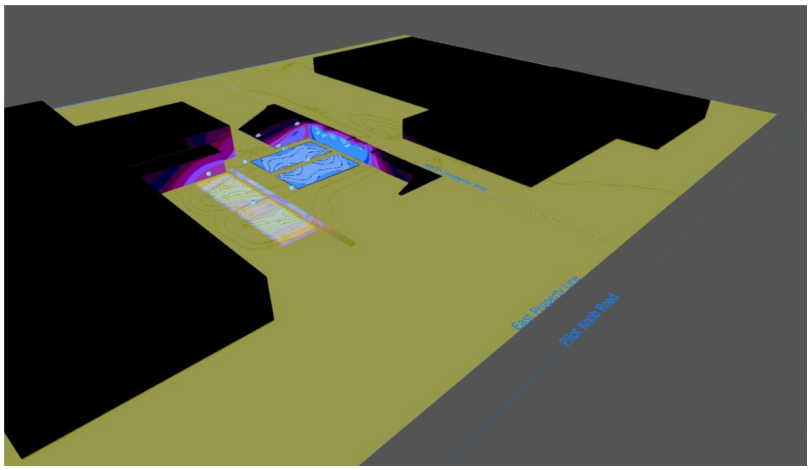
T 612-759-1278
sgnerb@gmail.com

Images

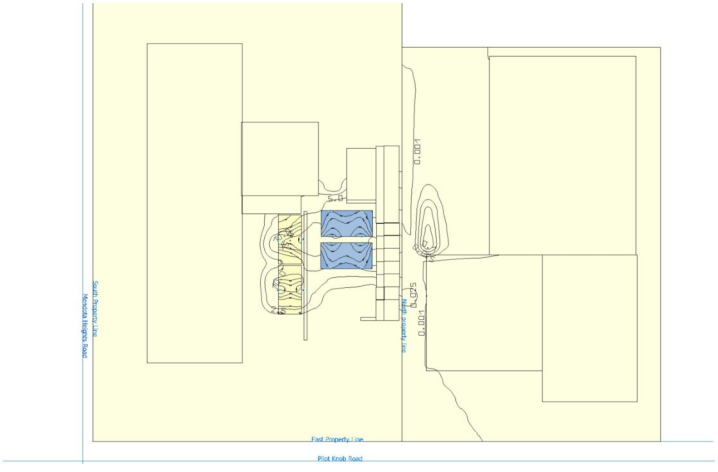
Heights Outdoor Padel Courts 3D Night View



Heights Outdoor Padel Courts False Colors

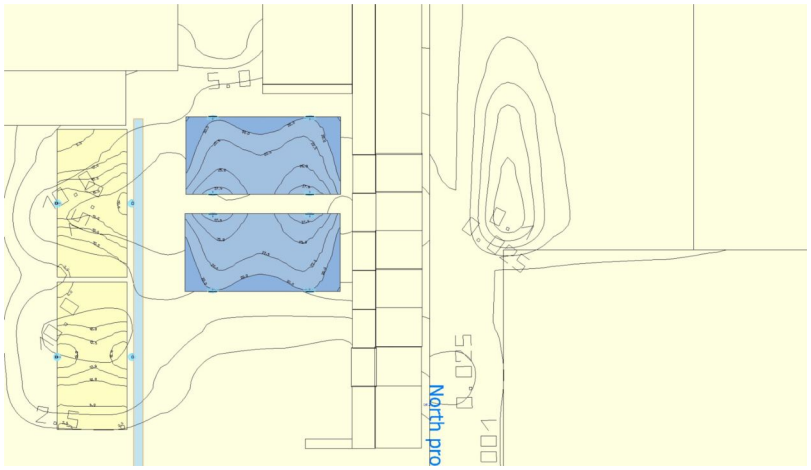


Heights Outdoor Padel Courts Overhead Contours Entire



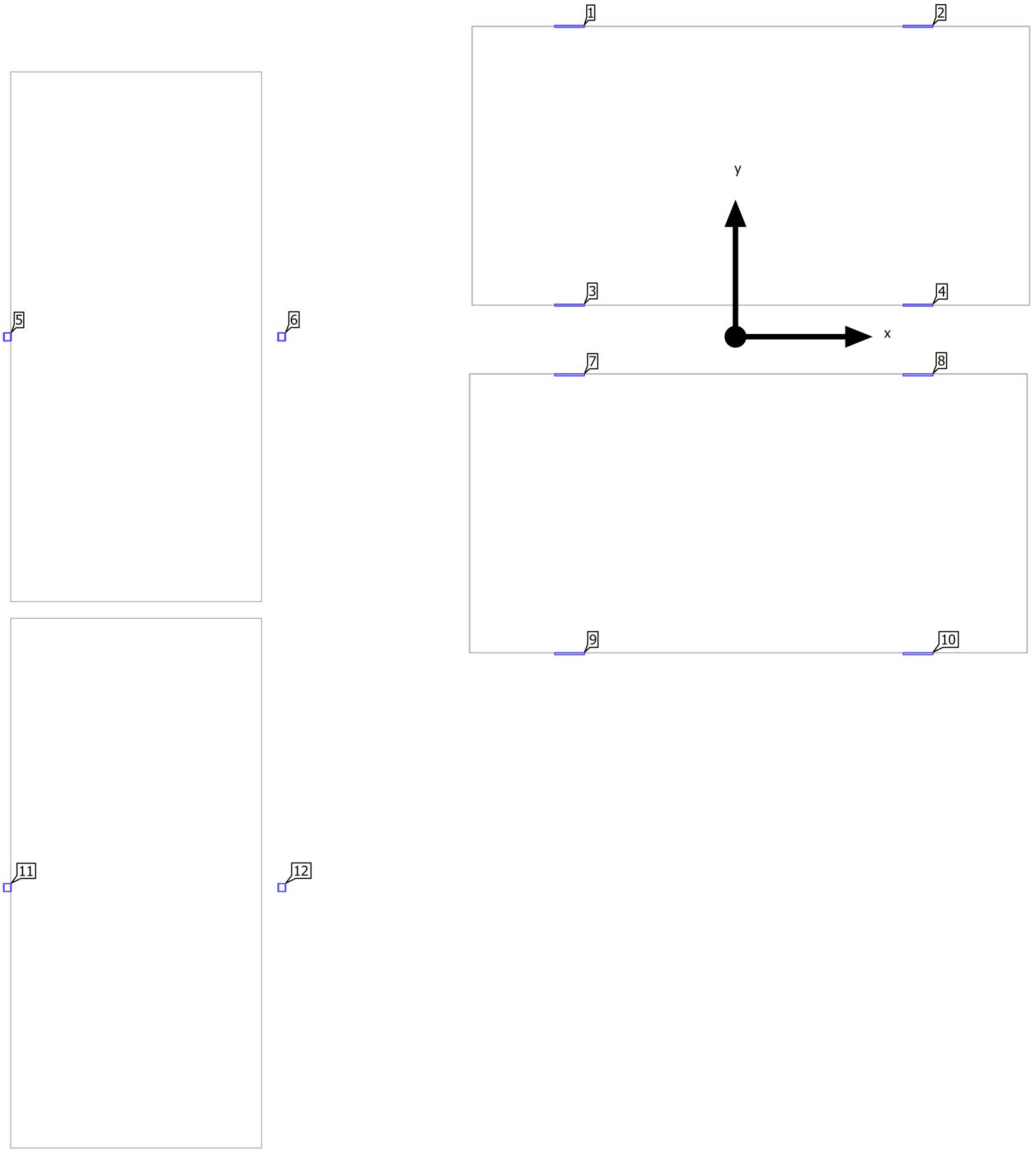
Images

Heights Outdoor Padel Courts Overhead Contours Zoomed Quantitative



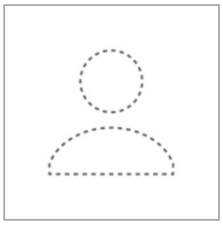
Heights Outdoor Padel Courts

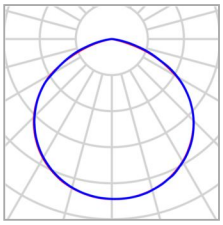
Luminaire layout plan



Heights Outdoor Padel Courts

Luminaire layout plan





Manufacturer	LED Lighting Supply/DRK - sales@ledlightingsupply.com
Article name	2268-MLLG-LED-FLD5-150-CC-PC
Fitting	1x /

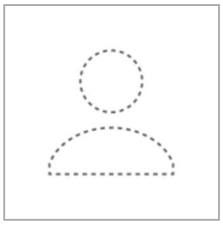
P	148.2 W
$\Phi_{Luminaire}$	22860 lm

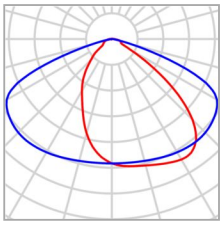
Individual luminaires

X	Y	Mounting height	Luminaire
-26.130 m	0.000 m	6.500 m	5
-16.265 m	0.000 m	6.500 m	6
-26.128 m	-19.756 m	6.500 m	11
-16.263 m	-19.756 m	6.500 m	12

Heights Outdoor Padel Courts

Luminaire layout plan





Manufacturer	Planet Power Tools	P	197.8 W
Article No.	PR-4x64-P30-200W-5K-70CRI	$\Phi_{Luminaire}$	30034 lm
Article name	Proyector TABLED 4x64		
Fitting	1x LUXEON 3030		

Individual luminaires

X	Y	Mounting height	Luminaire
-5.950 m	11.132 m	7.000 m	1
6.550 m	11.132 m	7.000 m	2
-5.950 m	1.132 m	7.000 m	3
6.550 m	1.132 m	7.000 m	4
-5.950 m	-1.368 m	7.000 m	7
6.550 m	-1.368 m	7.000 m	8
-5.950 m	-11.368 m	7.000 m	9
6.550 m	-11.368 m	7.000 m	10

Heights Outdoor Padel Courts

Luminaire list

Φ_{total}	P_{total}	Luminous efficacy
331712 lm	2175.2 W	152.5 lm/W

pcs.	Manufacturer	Article No.	Article name	P	Φ	Luminous efficacy
4	LED Lighting Supply/DRK - sales@ledlightingsupply.com		2268-MLLG-LED-FLD5-150-CC-PC	148.2 W	22860 lm	154.2 lm/W
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Heights Outdoor Padel Courts (Light scene 1)

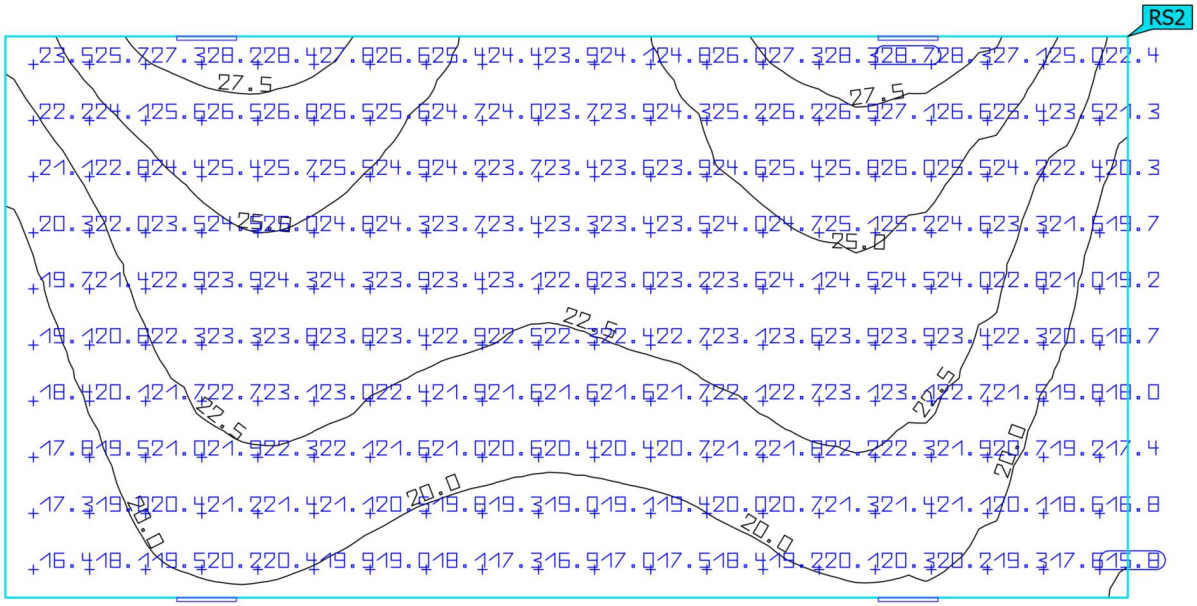
Padel Court West

Properties	Ē	E_{min}	E_{max}	U_o (g_1)	g_2	Index
Padel Court West Perpendicular illuminance (adaptive) Height: 0.100 m	2.08 fc	14.4 fc	29.3 fc	6.92	0.49	RS1

Utilisation profile: DIALux presetting (5.1.4 Standard (outdoor transportation area))

Heights Outdoor Padel Courts (Light scene 1)

Padel Court East



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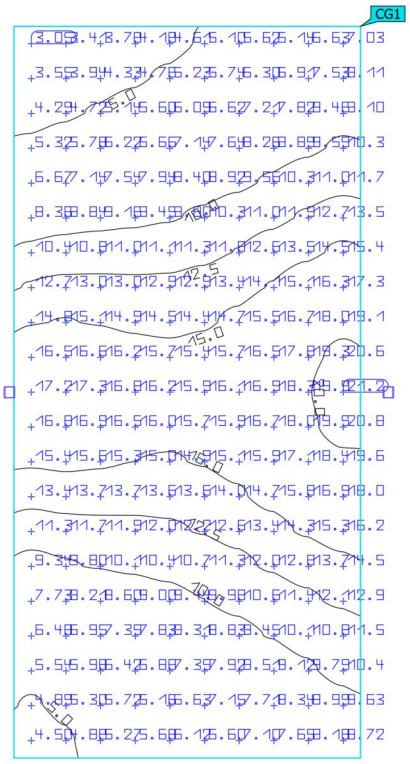
Heights Outdoor Padel Courts (Light scene 1)

PB Court West



Properties	Ē	E_{min}	E_{max}	U_o (g_1)	g_2	Index
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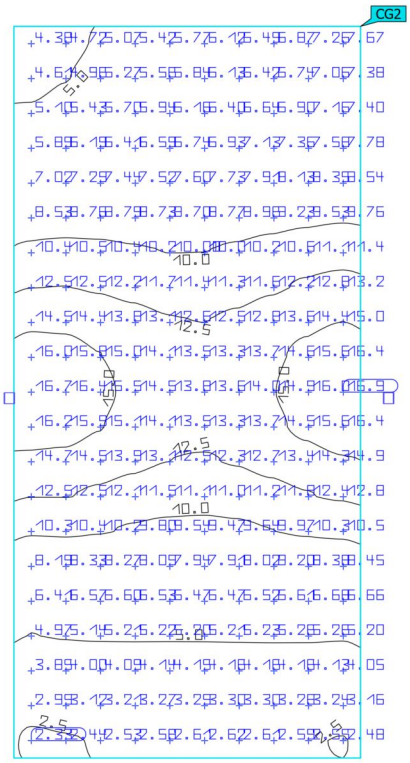

Properties	Ē	E_{min}	E_{max}	U_o (g_1)	g_2	Index
PB Court East Perpendicular illuminance Height: 0.000 m	8.97 fc	2.33 fc	16.9 fc	0.26	0.14	CG2

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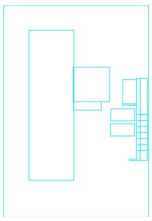
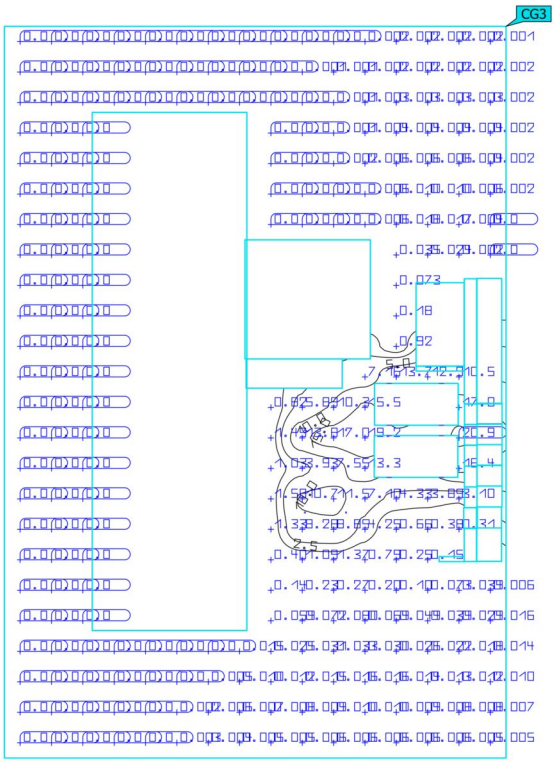
Heights Outdoor Padel Courts (Light scene 1)

Heights Site



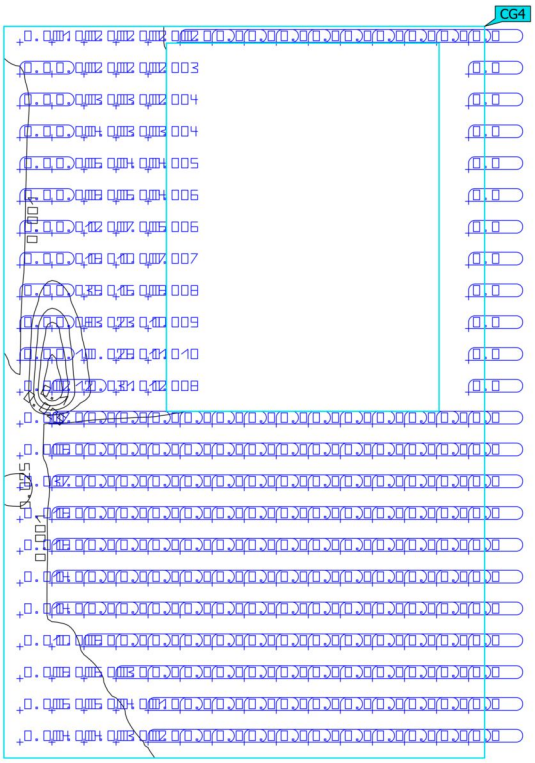


Properties	Ē	E_{min}	E_{max}	U_o (g_1)	g_2	Index
Heights Site Perpendicular illuminance Height: 0.000 m	1.10 fc	0.00 fc	20.9 fc	0.00	0.00	CG3

Utilisation profile: DIALux presetting (5.1.4 Standard (outdoor transportation area))

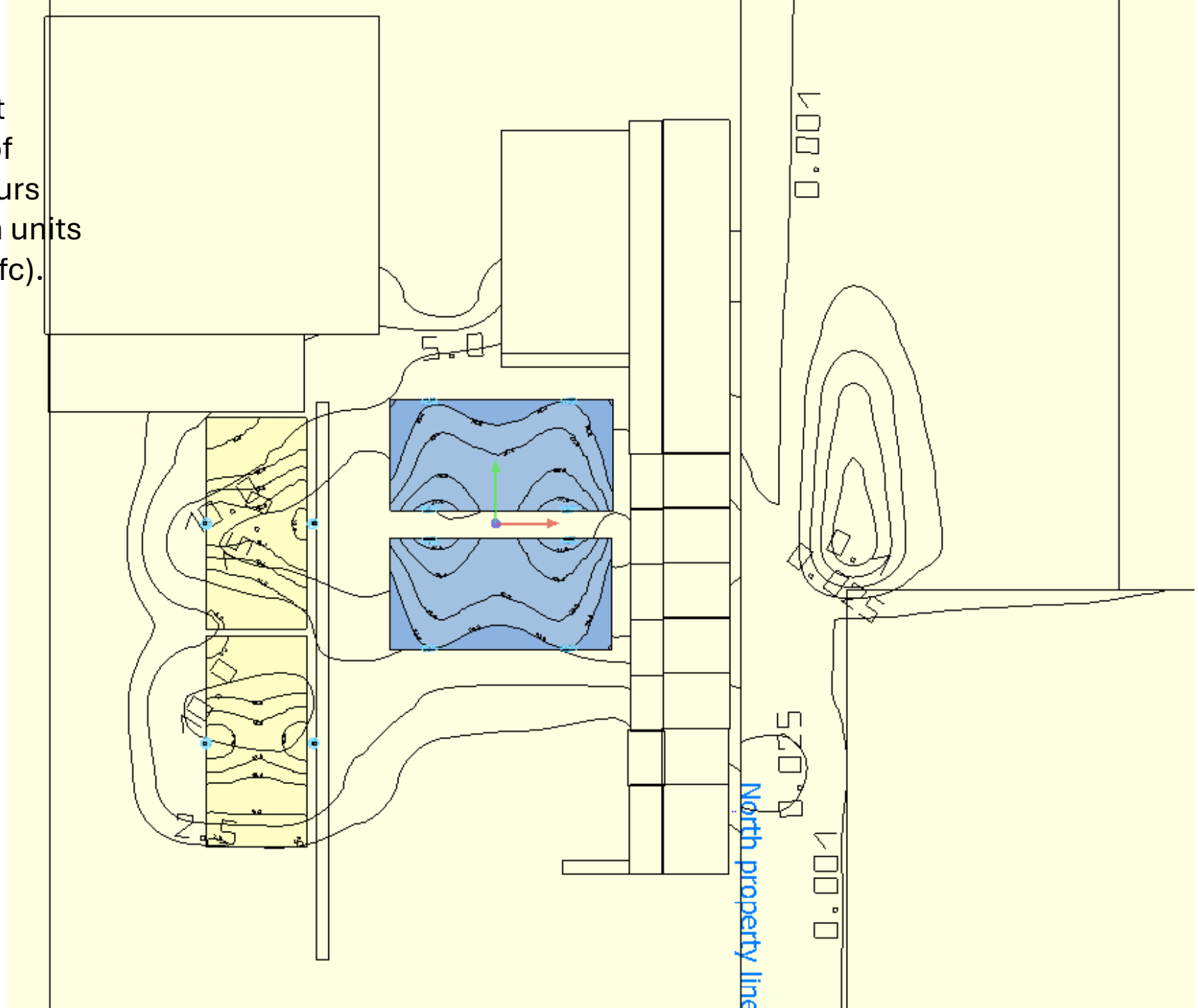
Building 4 · Storey 1 (Light scene 1)

Property to North

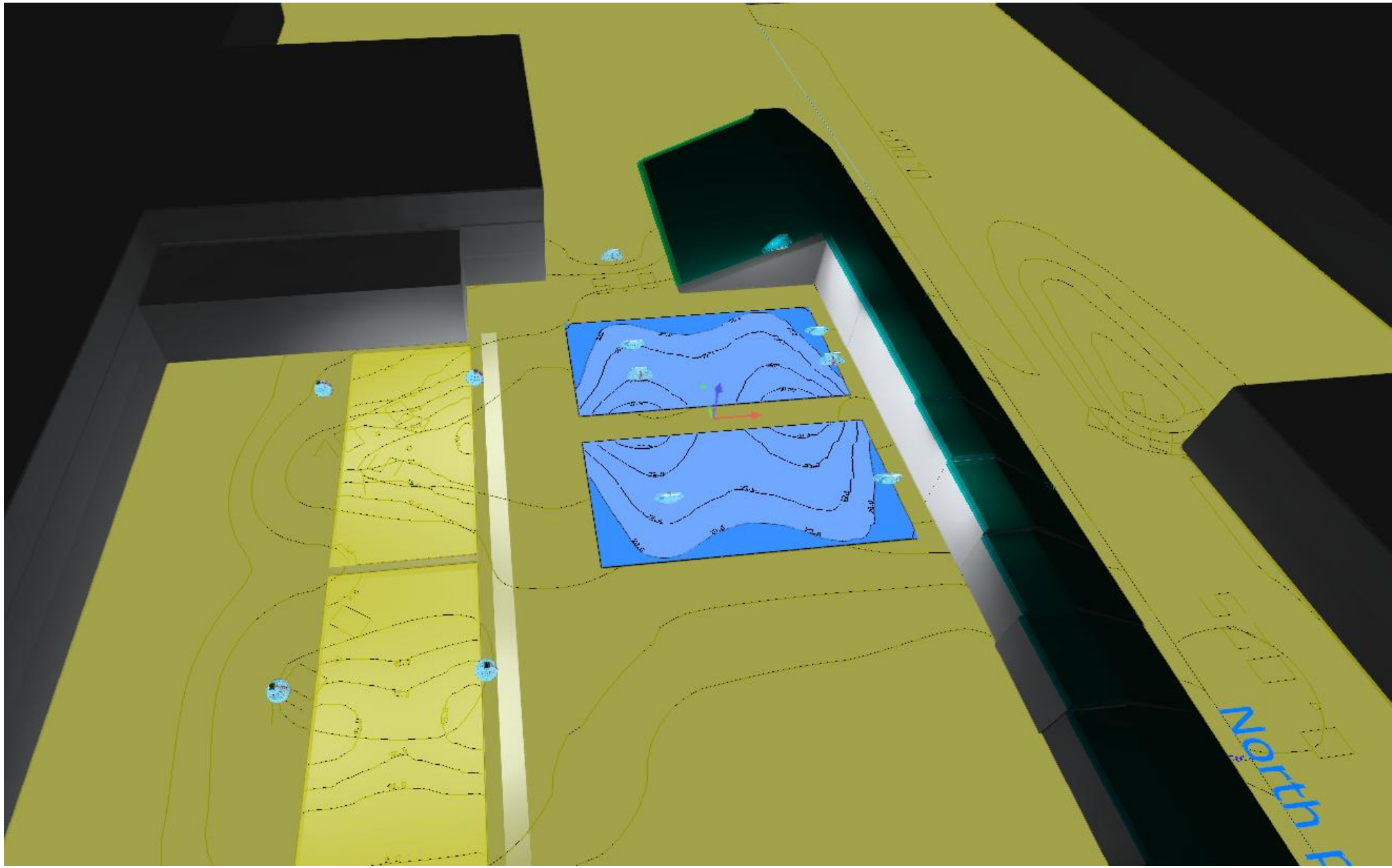


Properties	Ē	E_{min}	E_{max}	U_o (g_1)	g_2	Index
Property to North Perpendicular illuminance Height: 0.000 m	0.004 fc	0.00 fc	0.12 fc	0.00	0.00	CG4

Zoomed view of Photometric plot at north border of Property. Contours Indicate levels in units of foot-candles (fc).



Zoomed 3D view of Photometric plot at North property line



OPC Project Plan

Legend

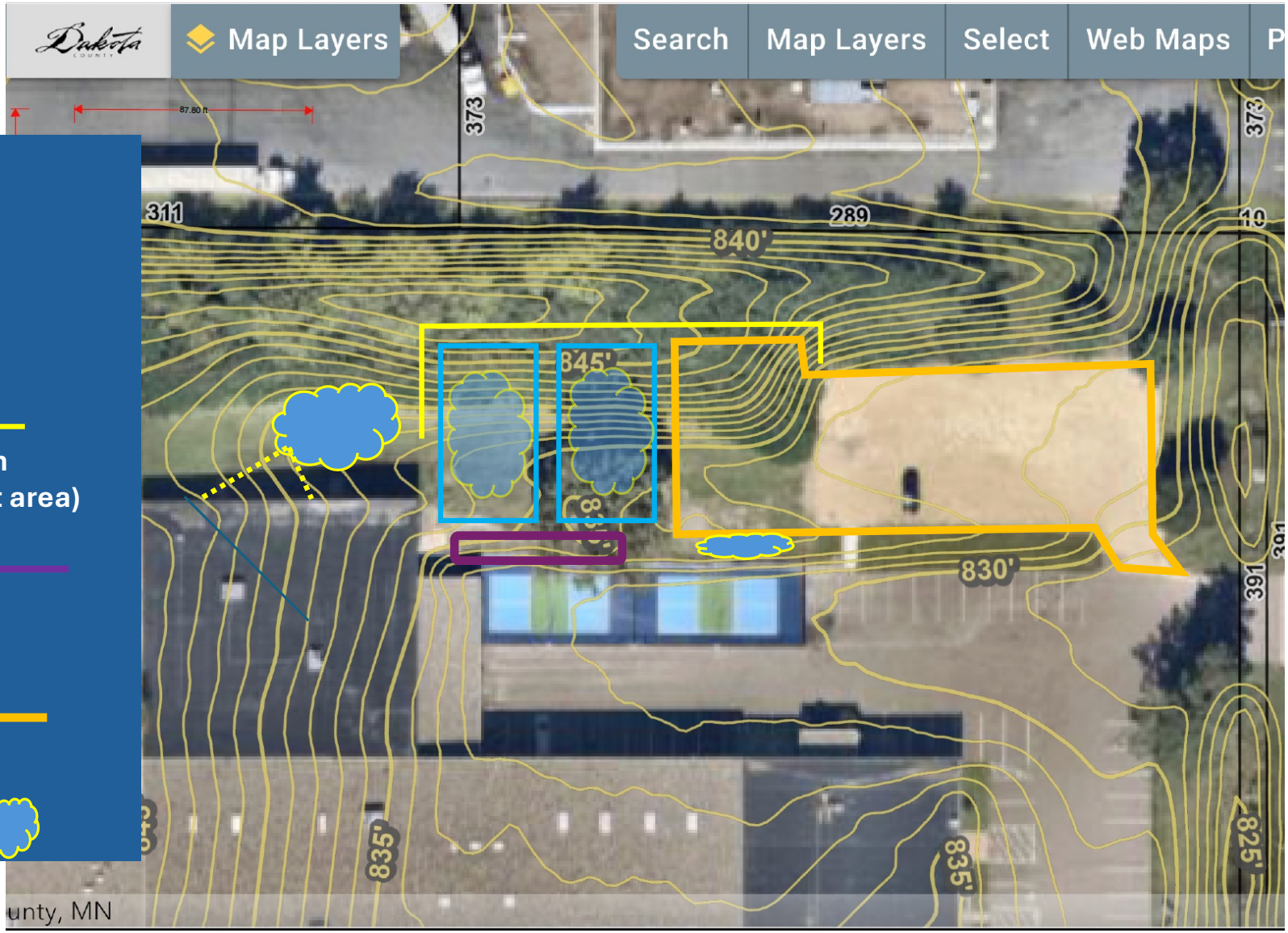
Courts 1&2

Retaining wall (excavate to level within retaining wall and court area)

Landscaped viewing

Expanded parking and gravel to pave

Drainage Mitigation



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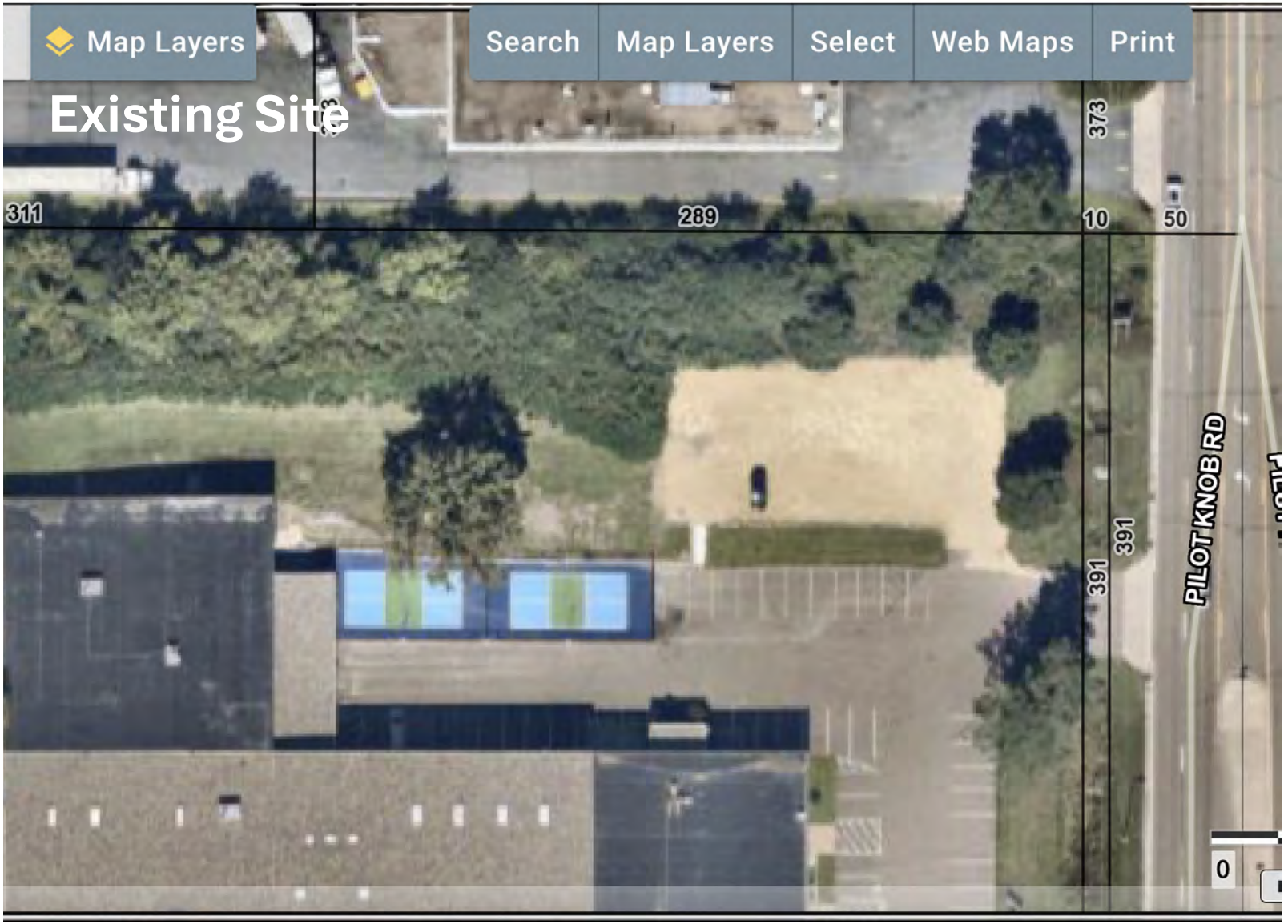
JOB RD
RIAL HWY
0
400 ft
Powered by Es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PILOT KNOB RD
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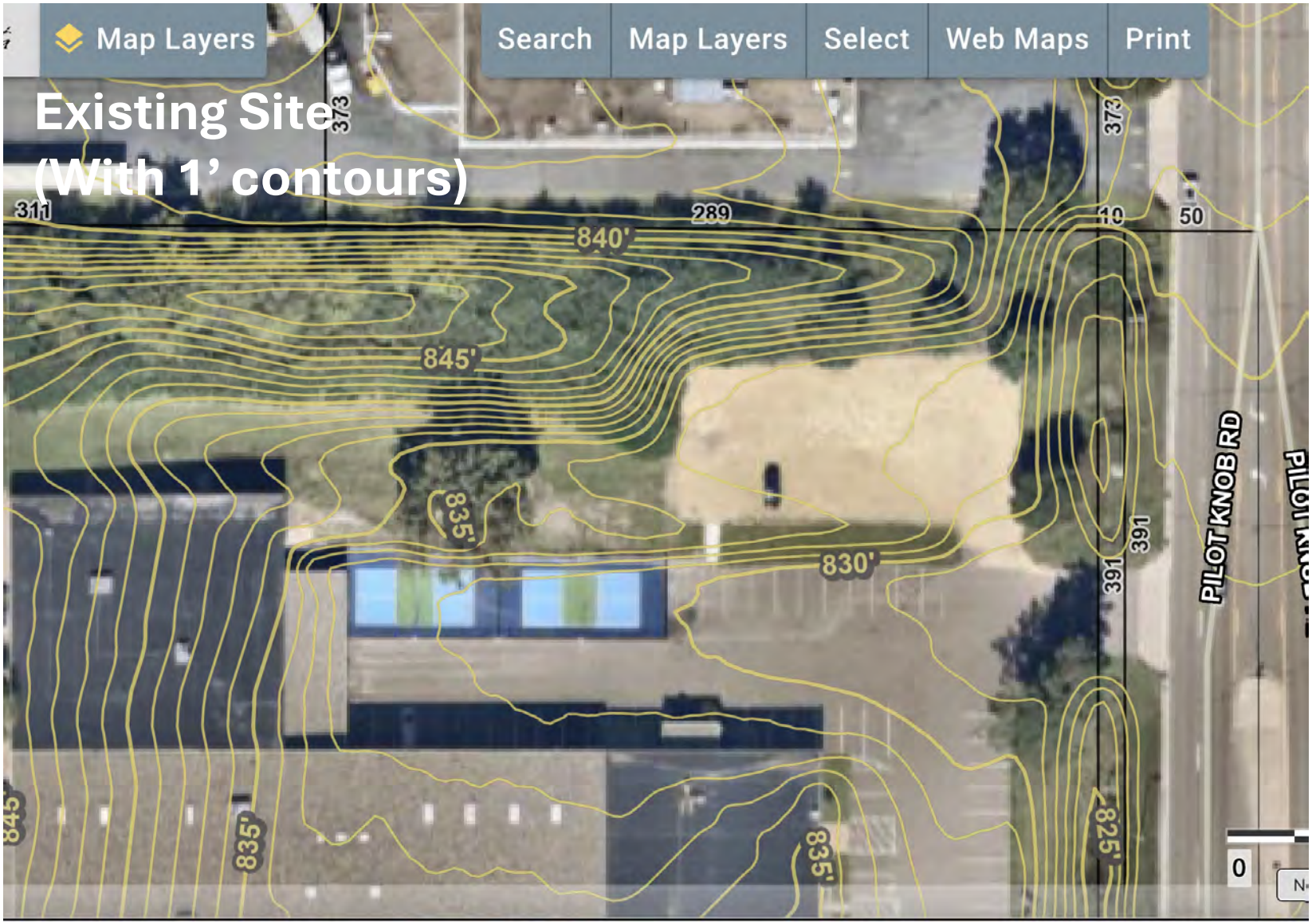
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(With 1’ contours)
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289
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845'
835'
830'
391
PILOT KNOB RD
845'
835'
835'
825'
0

OPC Project Plan

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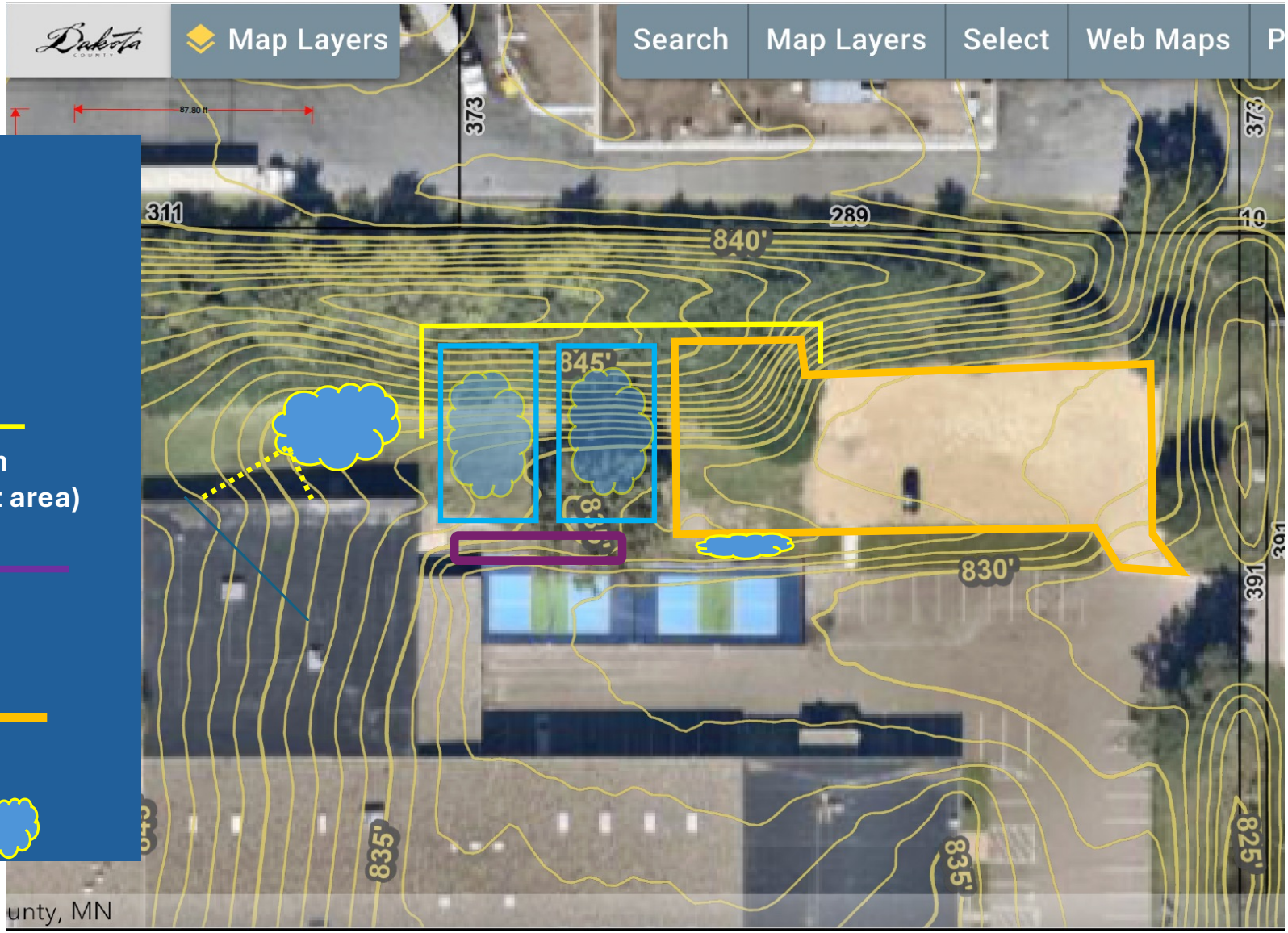


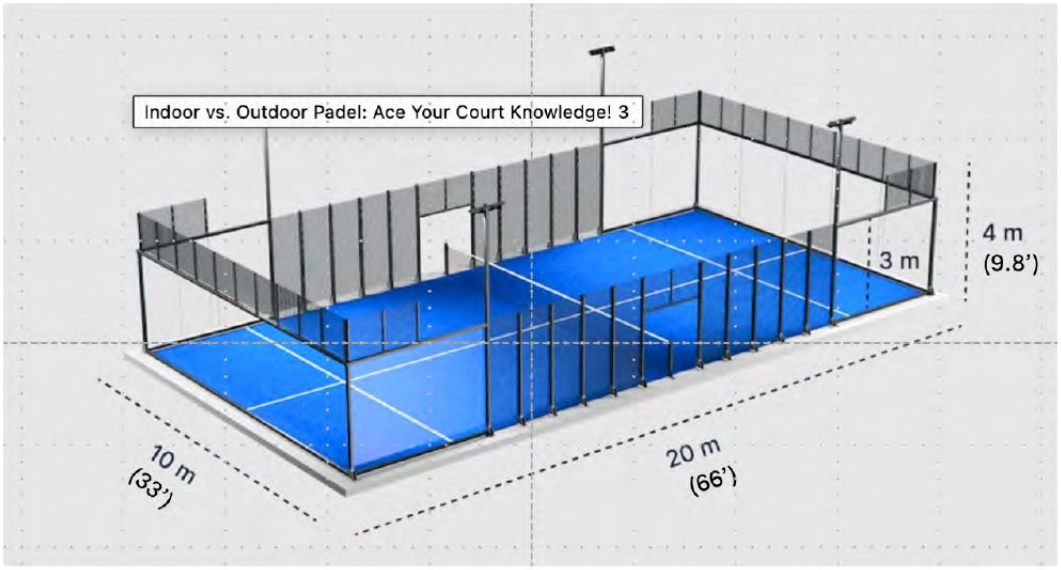
Project Simulation Images

- Site pre-construction

- Excavate part of berm to level and install retaining wall (12-13’ tall)

- Install courts with permeable foundations, extend gravel parking lot and pave

Padel court dimensions and structure

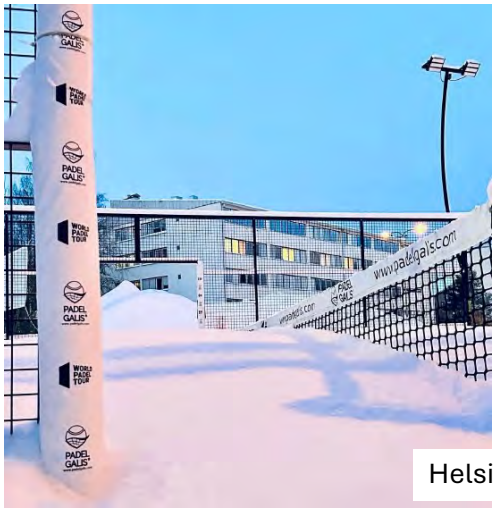


Note: The entire court structure (glass, steel framing, fencing) weighs approx. 4 tons. That weight is distributed on the perimeter of the court's foundation.

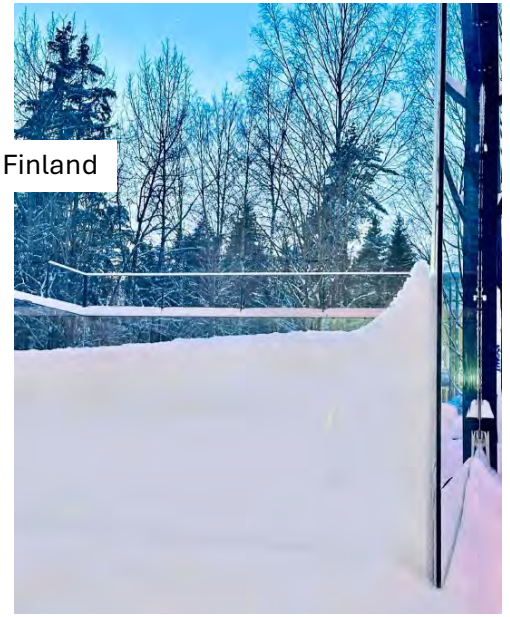
A padel court has a base surface and net similar to tennis, but also has back walls, rear side walls, and side fencing that limit the area of play and allow the ball to be played off of a wall or side fence (after bouncing first on the court surface). The playing surface of an outdoor padel court is a permeable, "synthetic grass" carpet with sand infill. Outdoor padel court foundations are based on a reinforced, concrete ring foundation about the perimeter of the court (frost-protected), upon which the fencing, steel framing, and ½" thick tempered glass walls are mounted. LED lighting standards are integrated into the fencing frame.

Padel courts are structurally designed to withstand high winds, inclement weather, and specifically winter weather (with multiple freeze-thaw cycles). 1

Padel Court Outdoor Installation Gallery



Helsinki, Finland



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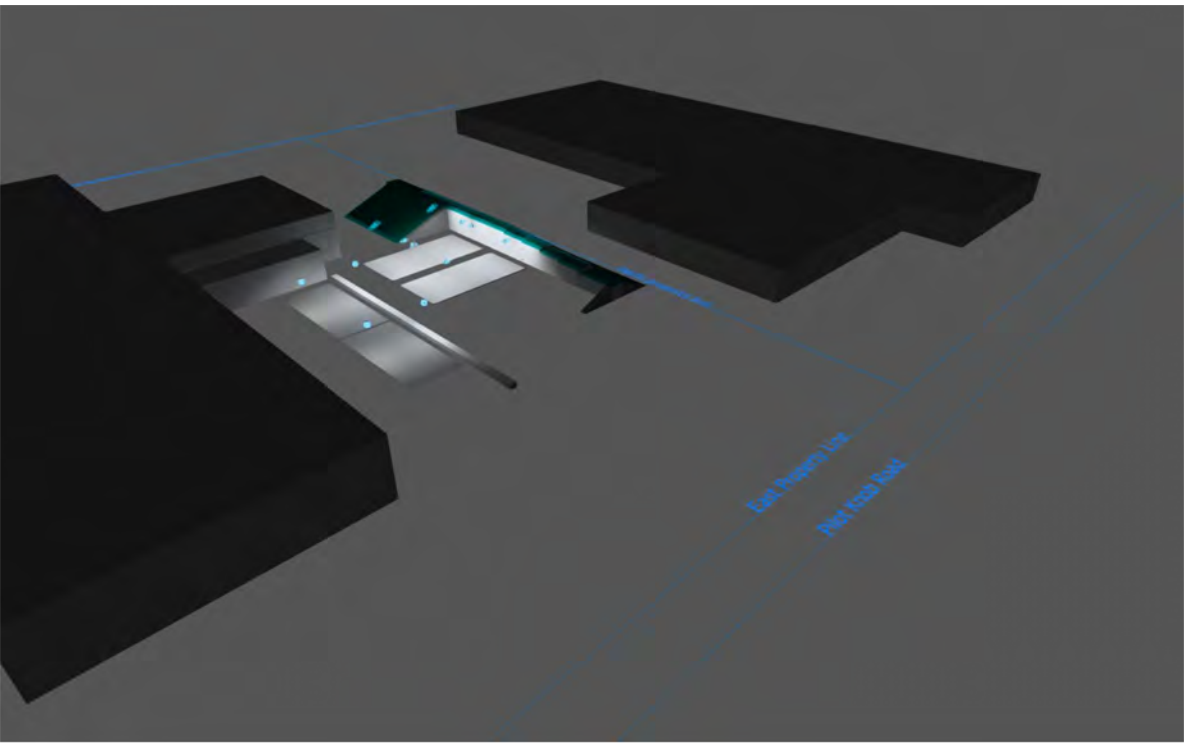

The Heights Outdoor Padel Court Project

Install two outdoor padel courts while expanding and paving adjacent parking. Install outdoor lights on the two padel courts and the two existing pickleball courts. Utilize high efficiency LED lighting with focused lenses. Model the lighting on courts and stray light distribution beyond the court.

Object
1415 Mendota Heights Road
Mendota Heights, MN 55120
Contact: Glenn Baron
(Managing Partner); 612-759-
1278; sgnerb@gmail.com

Created with DIALux

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Heights Outdoor Padel Courts - Building 4

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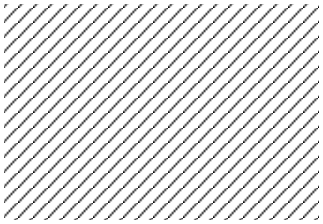
DIALux

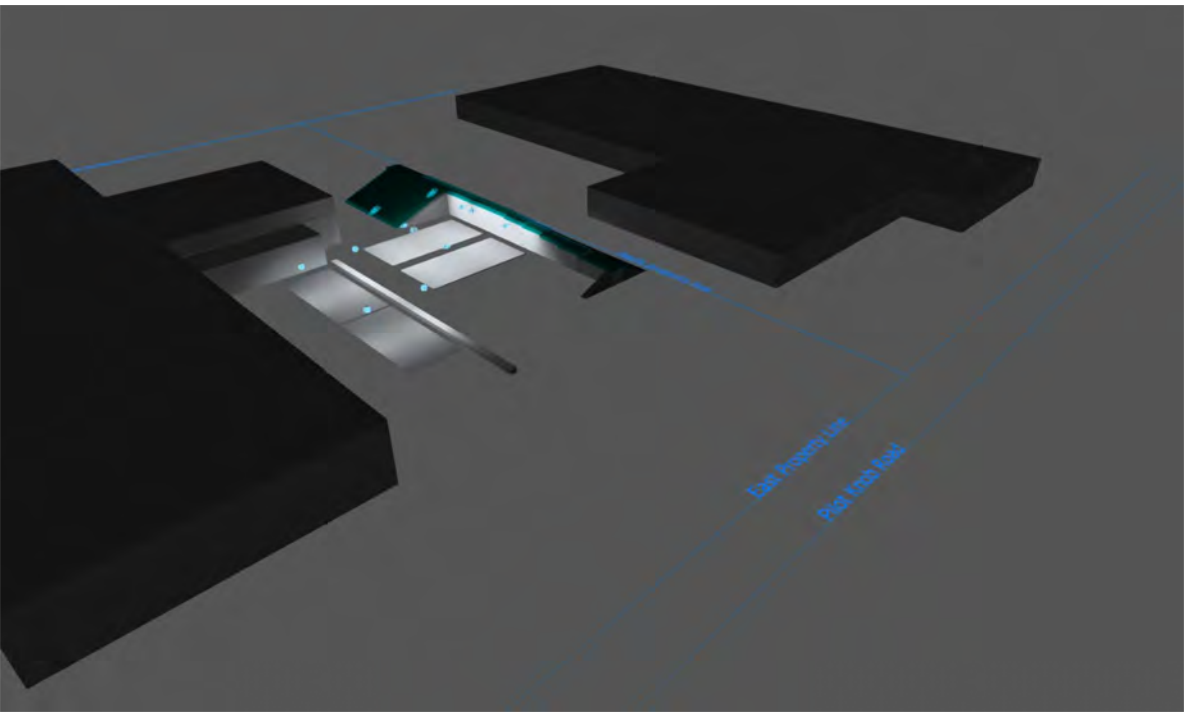
Contacts



Managing Partner
Glenn Baron

The Heights Racquet & Social Cl
1415 Mendota Heights Rd
Mendota Heights, MN 55120

T 612-759-1278
sgnerb@gmail.com



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T 612-759-1278
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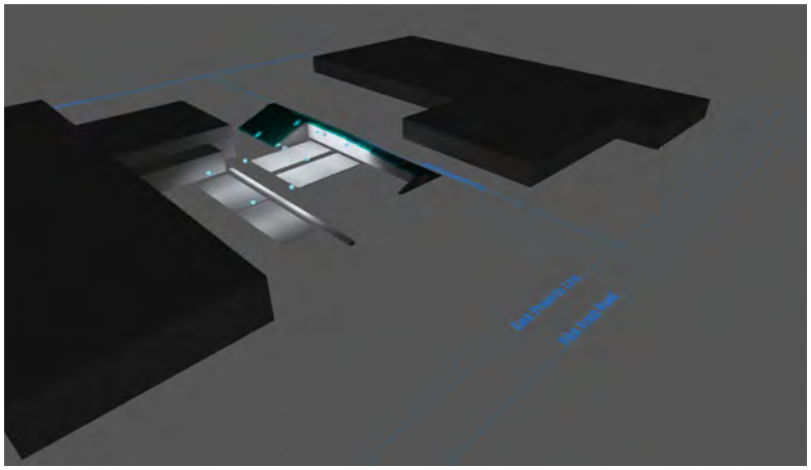
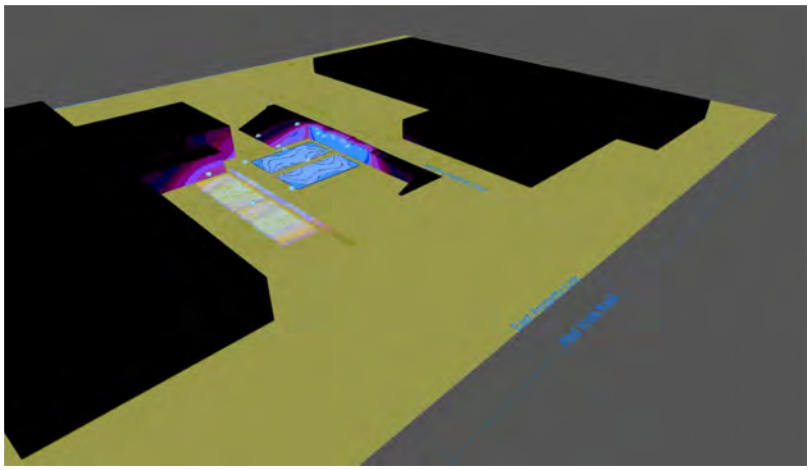
Images

Heights Outdoor Padel Courts 3D Night View



Heights Outdoor Padel Courts False Colors

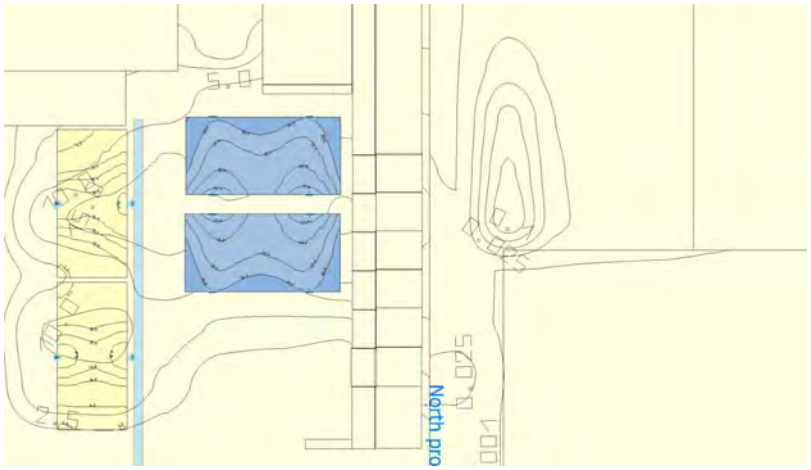


Heights Outdoor Padel Courts Overhead Contours Entire

DIALux

Images

Heights Outdoor Padel Courts Overhead Contours Zoomed Quantitative



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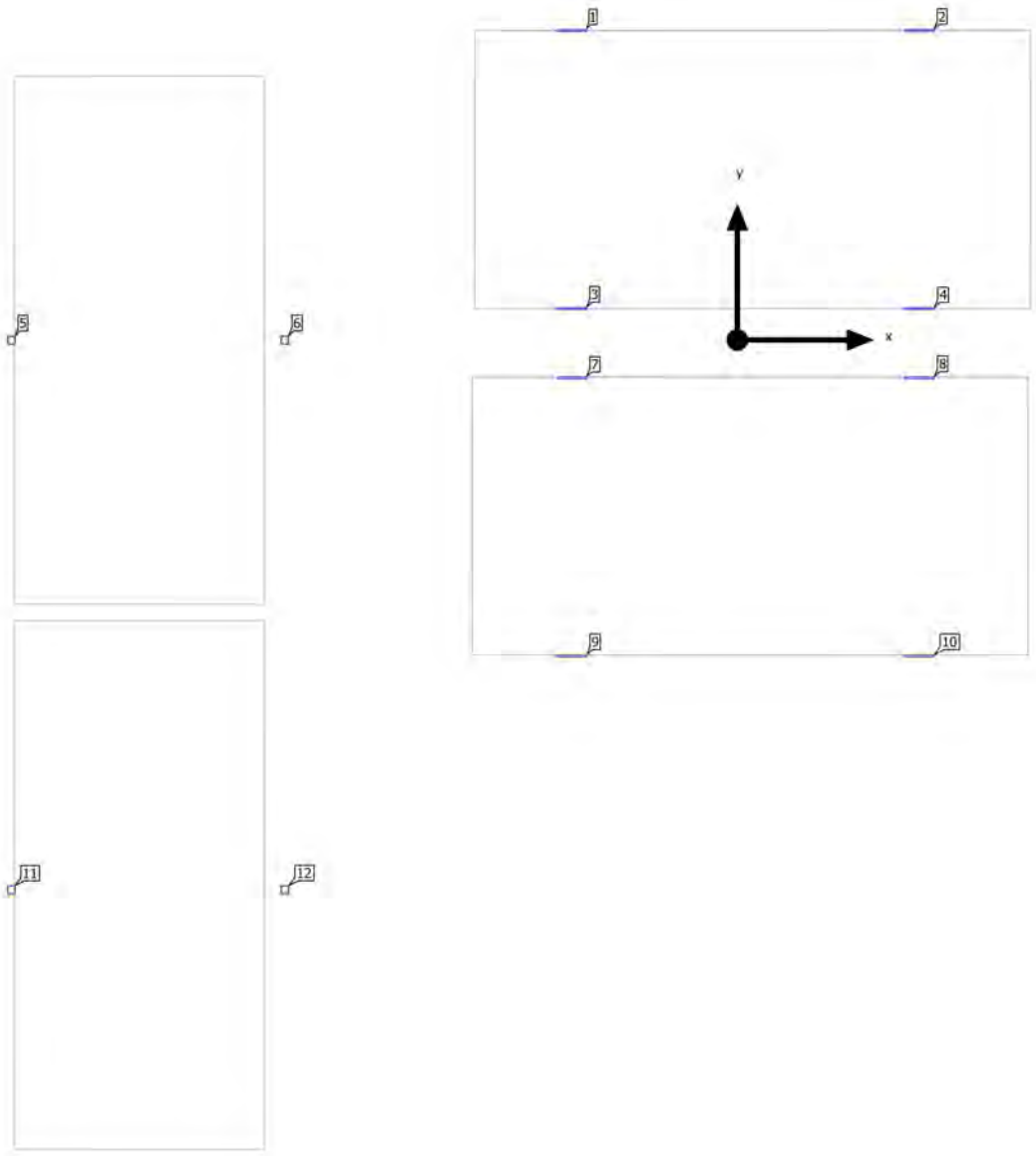
Heights Outdoor Padel Courts

Luminaire layout plan



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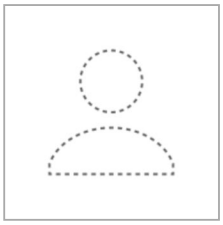

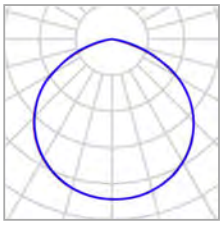

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Article name	2268-MLLG-LED-FLD5-150-CC-PC
Fitting	1x /

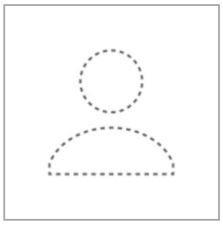
P	148.2 W
$\Phi_{Luminaire}$	22860 lm

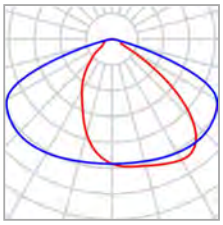
Individual luminaires

X	Y	Mounting height	Luminaire
-26.130 m	0.000 m	6.500 m	5
-16.265 m	0.000 m	6.500 m	6
-26.128 m	-19.756 m	6.500 m	11
-16.263 m	-19.756 m	6.500 m	12

Heights Outdoor Padel Courts

Luminaire layout plan





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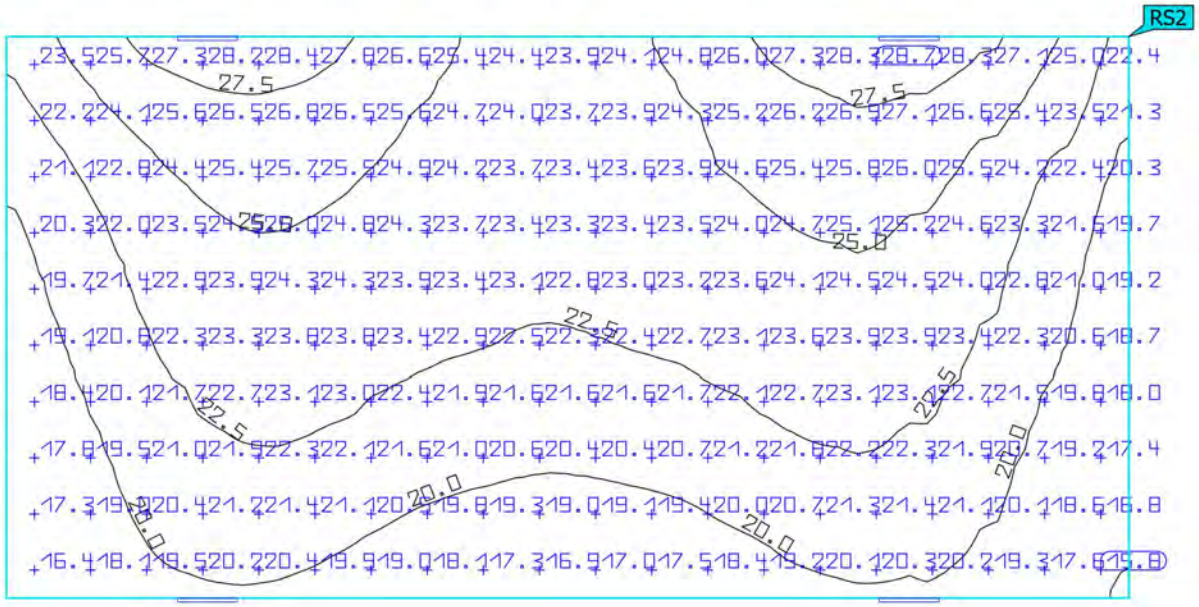
Padel Court East



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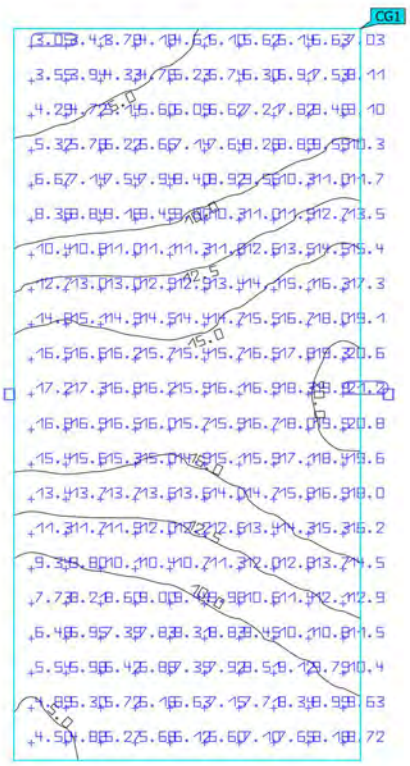

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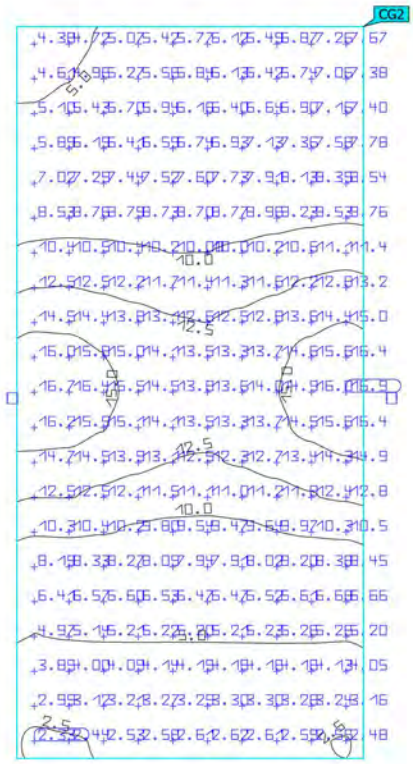

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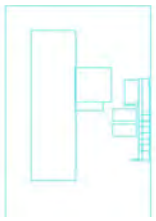
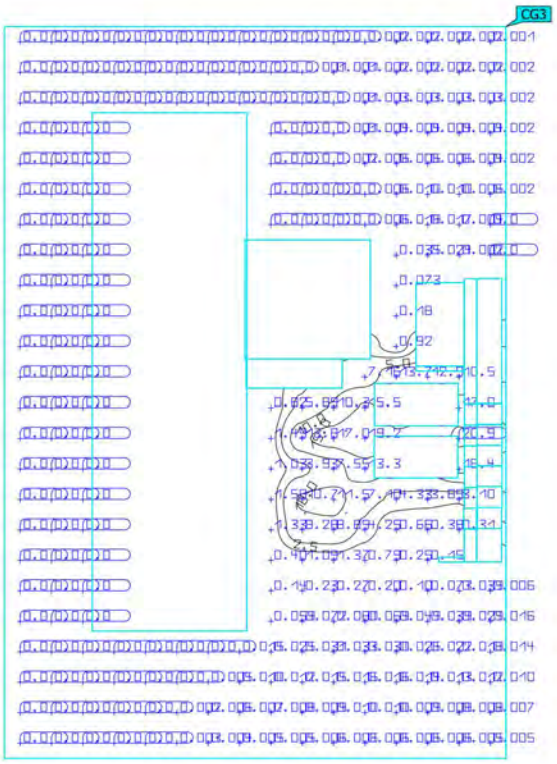
Heights Site



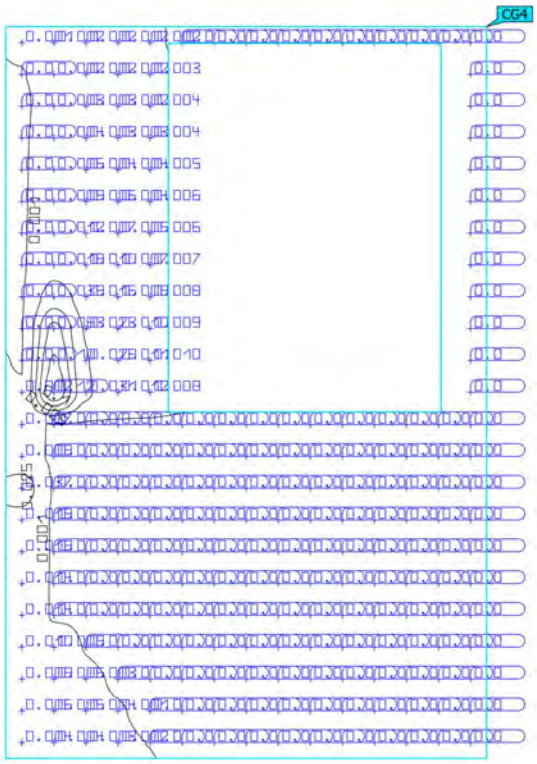


Properties	Ē	E_{min}	E_{max}	U_o (g_1)	g_2	Index
Heights Site Perpendicular illuminance Height: 0.000 m	1.10 fc	0.00 fc	20.9 fc	0.00	0.00	CG3

Utilisation profile: DIALux presetting (5.1.4 Standard (outdoor transportation area))

Building 4 · Storey 1 (Light scene 1)

Property to North



Properties	Ē	E_{min}	E_{max}	U_o (g_1)	g_2	Index
Property to North Perpendicular illuminance Height: 0.000 m	0.004 fc	0.00 fc	0.12 fc	0.00	0.00	CG4

Planning Commission

Meeting Date:	June 24, 2025		
Agenda Item:	**CASE No. 2025-09 Variance** Application of Darrel Tutewohl for a Variance to the rear-yard setback to allow for the construction of a three-season porch addition located at 2150 Aztec Lane		
Department:	Community Development	**Contact:**	Sarah Madden, Community Development Manager

Introduction:
The applicant, Darrel Tutewohl, is seeking to construct a new three-season porch onto the single-family home located at 2150 Aztec Lane, in the place of a currently existing rear deck. The request requires a Variance from rear yard setback requirements for such an addition in the R-1 Zoning District.

This item is being presented under a duly noted public hearing process. A notice of hearing on this item was published in the Pioneer Press newspaper; and notice letters of this hearing were mailed to property owners within 350 feet from the subject property. As of the submittal of this report, the City has not received any public comments related to this item, however the applicant did seek signature in support of the Variance request from immediate neighbors, which has been attached to this report.

Background:
The subject parcel is approximately 9,582 square feet in size and contains a single-family dwelling. The property is zoned R-1 Low Density Residential and guided for low density residential development. The existing single-family home was built in 1957 and is part of the Friendly Hills Rearrangement subdivision. The applicant intends to construct a new porch in the rear yard, generally in place of the existing rear deck structure. The home currently is setback approximately 25-ft from the rear property line, with the existing deck located approximately 15-ft from the rear property line. The new three-season porch would be 120 sq-ft in size, and extend 10-ft from the rear of the home. As proposed, the portion of the three-season porch within the rear yard requires a Variance from the 30-ft rear yard setback requirement in the R-1 District.

Analysis:
City Code requires structures in the R-1 Low Density Residential District to be setback a minimum of 30-ft from the rear property line. The Code provides flexibility on all lots within the City for some encroachments into the rear yard in cases of decks, stoops, and uncovered porches. However, an enclosed three-season porch would not qualify for this type of allowed encroachment. The applicant's existing deck currently encroaches 15-ft into the required rear-yard setback. The City was not able to locate any permit records for the existing deck, however a deck in this location appears to be visible on historical aerial photos prior to 1991.

The proposed three-season porch would be located in the exact same location as the existing

non-conforming deck. The request is for a 15-ft Variance to the rear yard setback to authorize construction of the new three-season porch as a replacement of this deck structure. The porch is proposed to be a 10x12 covered structure with LP panel siding and screened windows.

City Code Section 12-5B-7 governs variance requests. The city must consider a number of variables when recommending or deciding on a variance, which generally fall into two categories: (i) practical difficulties; and (ii) impact to the community.

The “practical difficulties” test contains three parts: (i) the property owner proposes to use the property in a reasonable manner not otherwise permitted by the zoning ordinance; (ii) the plight of the property owner is due to circumstances unique to the property, not created by the property owner; and (iii) the variance, if granted, will not alter the essential character of the locality or neighborhood. It is also noted that economic considerations alone do not constitute practical difficulties. In addition, variances are only to be permitted when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan.

Section 12-5B-7(E)(1) further provides other issues the city may consider when granting or denying a variance, noted as follows:

a. Practical Difficulties exist that apply to the structure or land in question that are unique to such property or immediately adjoining property; and
b. Such Practical Difficulties do not apply generally to other land or structures in the Zoning District in which said land is located; and
c. That the granting of the Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant; and
d. That granting the proposed Variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair established property values in the surrounding area; or
e. That granting the proposed Variance will not in any other way impair health, safety, comfort, or in any other respect be contrary to the intent of this Zoning Ordinance; and
f. That the granting of such Variance will not merely serve as a convenience to the Applicant but is necessary to alleviate a Practical Difficulty.
g. If all the conditions are met, then the City Council may grant such Variance and impose conditions and safeguards therein.

When considering a variance request, the Planning Commission must determine if these standards have been met in granting a variance, and provide findings of facts to support such a recommendation to the City Council. If the Planning Commission determines the Applicant has failed to meet these standards, or has not fully demonstrated a reasonableness in the granting of such variance, then findings of fact supporting a recommendation of denial must be determined.

As part of any variance request, Applicants are required to prepare and submit their own responses and findings, which for this case, are noted in the application materials (included in the attachments and noted below in italic text).

Are there any practical difficulties that support the granting of the Variance?

Applicant’s Response: *The existing deck is rotting away. It has to be replaced by something*

because of the drop off from house and the enhancement of having a structure there. A three season porch will be an upgrade within the same dimensions of the deck.

Staff's Response: The applicant's desire to construct a three-season porch onto the existing single-family dwelling in place of the existing deck is a reasonable use of the property. The property is an existing lot platted prior to 1982 and is substandard in lot size, at 9,582 sq-ft. The City Code provides some flexibility in side-yard setbacks for existing homes on substandard lots, but does not explicitly address rear-yard setbacks. The City's Comprehensive Plan also addresses flexibility in existing lots for the purposes of enhancements to the City's housing stock. Alternatively, the City Code would allow the reconstruction of a deck of like size and like materials as a replacement of the non-conforming structure. The upgrade of the deck to a covered porch structure necessitates a Variance request.

The plight of the property owner is due to circumstances unique to the property, not created by the property owner.

Applicant's Response: *The property behind ours has no residential homes, because its owned by CDA. Its woods!*

Staff's Response: The subject site abuts land owned by the Dakota County CDA to the rear, which is currently vacant and there are no plans to develop the property. The uniqueness of this property is its substandard lot size and width. The property is 9,582 square feet in size and approximately 88-ft in width. The existing home was constructed in 1957, prior to current City Code standards for minimum lot size and setbacks from property lines. The existing home encroaches at least 5-ft into the rear yard setback. There is no alternative location for this porch structure which would not require a Variance.

The Variance, if granted will not alter the essential character of the neighborhood.

Applicant's Response: *Not all, but some homes have decks or porches, patios*

Staff's Response: The proposed three-season porch extending into the rear yard will not alter the essential character of the neighborhood. There is an existing deck in the same location as this proposed improvement, and a three-season porch is a reasonable upgrade and addition to the home. Based on aerial maps, it appears that nearby dwellings also contain similar improvements to their properties, and also would be considered substandard lots with encroachments into the rear yard setback for the home, porches, or decks.

Conclusion:
Staff has evaluated the Variance request and finds that the application does demonstrate practical difficulties in its substandard lot size and existing non-conformance to the rear-yard setback, which would make any porch improvements to the home require a Variance request and approval. The proposed upgrade to the home to install a three-season porch is consistent with neighborhood character, and with the reasonable use of a single-family home property within the City of Mendota Heights.

Alternatives:

1. **Recommend approval of the 15-ft (fifteen-foot) variance request for construction of the proposed porch, based on the attached findings of fact and specific conditions of approval as included herein; or**

2. **Recommend denial of the Variance request, based on the findings of fact that confirm the Applicant failed to meet the burden(s) of proof or standards in granting of the variance requested herein, noted as follows:**
    A. Under Title 12-1L-5A of the City Code, the City may only grant variances from the strict application of the provisions of the Code in cases where there are "practical difficulties" in carrying out the strict letter of the regulations of the Code. "Practical difficulties" consists of a three-part test: (i) the Applicant proposes to use the property in a reasonable manner not otherwise permitted by the Code; (ii) the plight of the Applicant is due to circumstances unique to the property not created by the Applicant; and (iii) the variance, if granted, will not alter the essential character of the neighborhood. Economic considerations alone do not constitute "practical difficulties."
    B. The City hereby determines the Applicant has not met the burden of demonstrating the requisite "practical difficulties" in order to justify the granting of a variance for a 15-ft rear yard setback reduction. The existing deck may be replaced in its location with like materials without the need for a Variance, and the proposed three-season porch as opposed to a deck is not essential to the overall enjoyment and continued use of the property; there is an alternative for replacement of the dilapidated structure without the need for a Variance and the upgraded replacement structure is therefore not considered a reasonable use of the property.
    C. Because the City finds that the first prong of the three-part test (reasonable use of the property) is not met by the Applicant, the City need not consider the remaining two prongs of the test (unique circumstances of the property and essential character of the neighborhood)
3. **Table the request and request additional information from the applicant or staff. Staff will extend the application review period an additional 60 days, in compliance with MN Statute. 15.99.**

Staff Recommendation:
Staff recommends approval (Alternative #1) of the proposed 15-ft (fifteen-foot) rear yard setback variance as proposed by the applicant, based on the Findings of Fact as included herein, along with the following conditions:

1. The fifteen-foot setback Variance is exclusively for the construction of a 10x12 three-season porch in the rear yard.

2. The Applicant shall not deviate from the deck plan under this application review without first seeking and receiving city approvals, unless City Code provides for certain or allowable improvements to be made without any additional application review process.

3. No work begins on the proposed porch construction until a building permit has been issued by the City.

Attachments:
1. Findings of Fact for Approval
2. Site Location Map
3. Site Aerial
4. Variance Response Form
5. Deck Plan
6. Neighbor Signatures

FINDINGS OF FACT FOR APPROVAL

Variance
2150 Aztec Lane

The following Findings of Fact are made in support of approval of the proposed request:

A. Under Title 12-5B-7 of the City Code, the Council may only grant variances from the strict application of the provisions of the Code in cases where there are "practical difficulties" in carrying out the strict letter of the regulations of the Code. "Practical difficulties" consists of a three-part test: (i) the Applicant proposes to use the property in a reasonable manner not otherwise permitted by the Code; (ii) the plight of the Applicant is due to circumstances unique to the property not created by the Applicant; and (iii) the variance, if granted, will not alter the essential character of the neighborhood. Economic considerations alone do not constitute "practical difficulties."

B. The Applicant has met the burden of demonstrating the requisite "practical difficulties" in order to justify the granting of a Variance to allow a three-season porch to be setback 15-ft from the rear property line, by the following:

    i.) The proposed upgrade from the existing deck to a new three-season porch is a reasonable use of the property consistent with a single-family residential property;

    ii.) The subject site is a substandard lot, platted prior to current City Code requirements for minimum lot size and setback dimensions; the existing home and deck encroach into the rear yard setback, and there is no location to construct a porch or other covered structure which would not encroach into the rear yard setback and require a Variance

    iii.) The reason for the Variance request is to permit a reasonable request to replace an aging deck structure with a modern enhancement to the property consistent with single-family home development and character, and for this reason the request is not solely based on economic considerations.

C. The City has considered the factors required by Title 12-1L-5E1 of the City Code, including but not limited to the effect of the Variance upon the health, safety, and welfare of the community, existing and anticipated traffic conditions, the effect of the Variance on the danger of fire and the risk to public safety, and upon the value of properties in the surrounding area, and upon the Comprehensive Plan, and has determined this Variance will not affect or pose any negative impacts upon the neighborhood or the community in general.

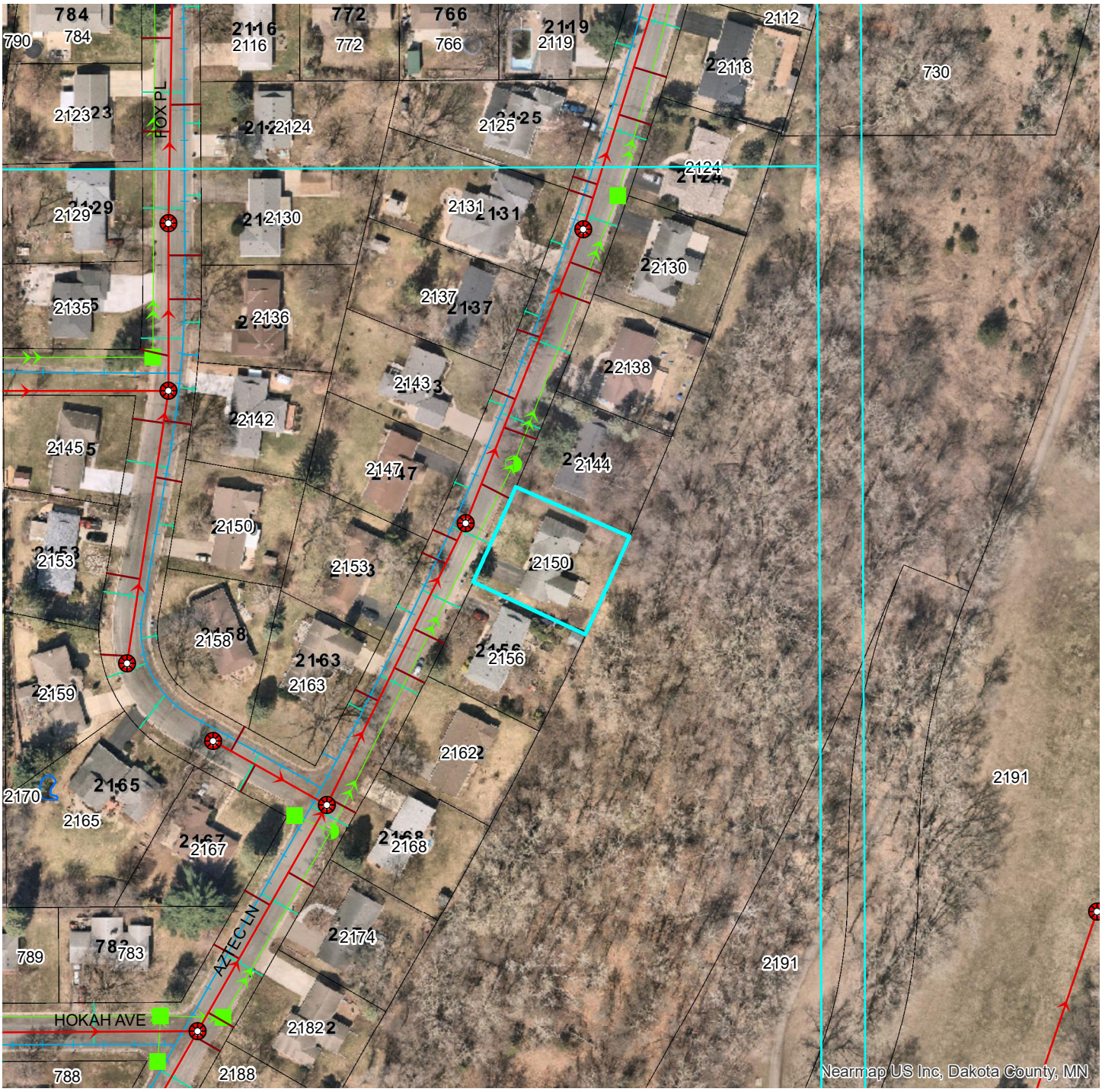
D. Approval of this Variance is for 2150 Aztec Lane only, and does not apply or give precedential value to any other properties throughout the City. All variance applicants must apply for and provide a project narrative to the City to justify a variance. All variance requests must be reviewed independently by City staff and legal counsel under the requirements of the City Code.

Site Location/Aerial Map
2150 Aztec Lane

Date: 6/19/2025

0 125
SCALE IN FEET

City of Mendota Heights



GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

215 Aztec Lane

Please answer the following three questions as they relate to the variance request.
Responses will be presented to the Planning Commission & City Council.
(Note: you may fill-in this form or create your own)

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1. **Are there any practical difficulties that help support the granting of this variance?** (*Note: "practical difficulties" as used in connection with the granting of a variance, means that the owner proposes to use the property in a reasonable manner not permitted by City Code. Economic considerations alone do not constitute a practical difficulty).*

   ☒ YES ☐ NO

   Please describe or identify any practical difficulties and/or how you plan to use the property in a reasonable manner below:

   The existing deck is rotting away. It has to be replaced by something because of the drop off from house + the enhancement of having a structure there. A three season porch will be an upgrade within the same demensions of the deck.

2. **Are there any circumstances unique to the property (not created by the owner) that support the granting of this variance?**

   ☒ YES ☐ NO

   Please describe or identify any unique circumstances below:

   The property behind ours has no residential homes, because its owned by COA. Its woods.

3. **If the variance was granted, would it alter the essential character of the neighborhood?**

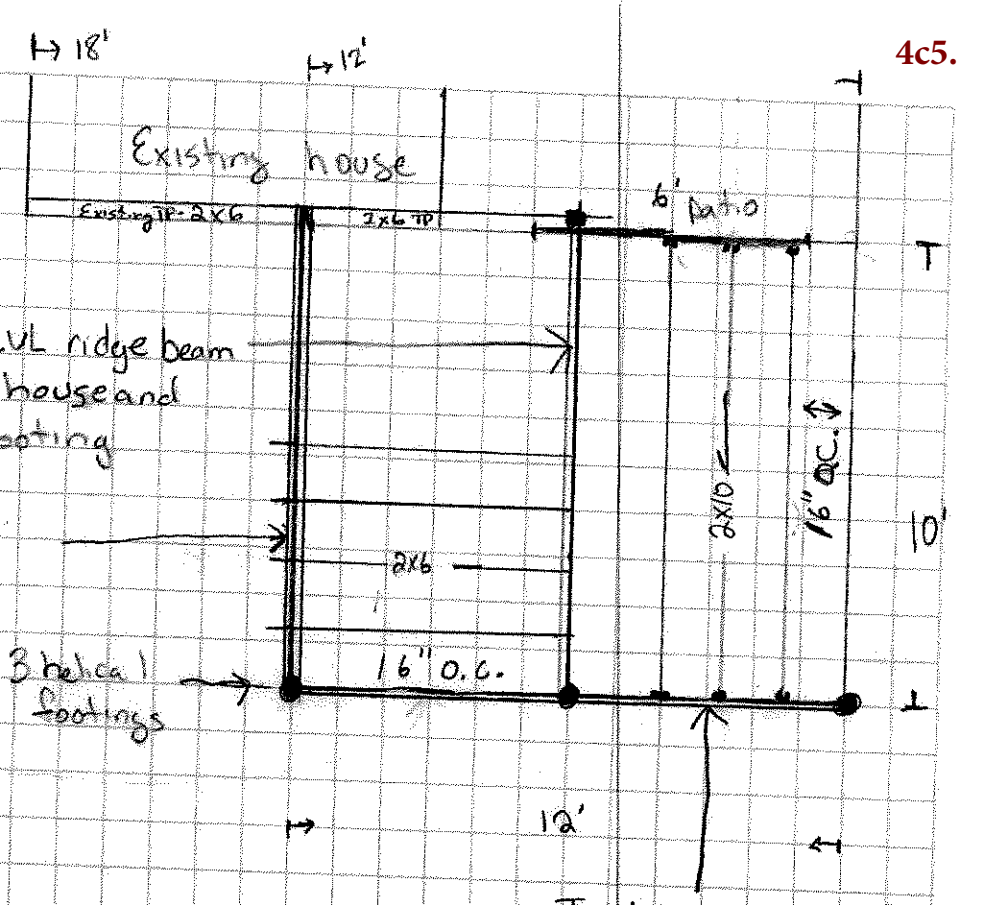
   ☐ YES ☒ NO

   Why or Why Not? Please explain how the request fits with the character of the neighborhood.

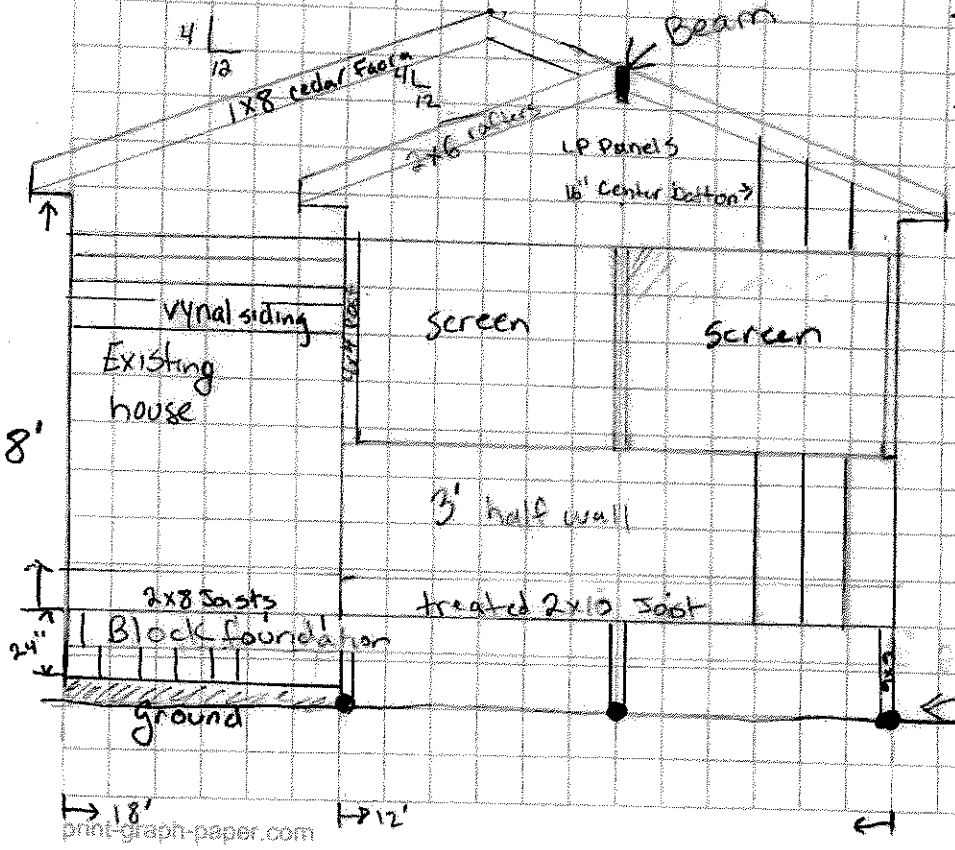
   Not all, but some homes have decks or porches, patios

NEIGHBOR SIGNATURES OF CONSENT

Tutewhol
2150 Aztec Ln
mendota heights MN



NOTES:
- Post footing to deck 6x6 w/ Bases
- All other framing 2x4 & 4x4 posts
- Maintence free Azek decking
- Asphalt GAF Shingles
-



print-graph-paper.com

1101 Victoria Curve | Mendota Heights, MN 55118
651.452.1850 phone | 651.452.8940 fax
www.mendotaheightsmn.gov

CITY OF MENDOTA HEIGHTS

FOR VARIANCE REQUEST

To: The Mendota Heights Planning Commission

From: _____

Subject: Application for a Variance at: _____

The request for a Variance is (*please describe accurately*): _____

_____

If written consent by all property owners within 100 feet of the boundaries of the subject property is obtained, the city may waive the requirement for a public hearing.

We, the undersigned have reviewed the plans for the above-described project, as requested by the property owner(s) identified above, and understand the terms and conditions of the requested variance.

We have no objections to this variance request, and do hereby give our written consent and waiver of a public hearing (*only one representative of the property is required for signature*):

NAME (Please Print)	ADDRESS	SIGNATURE
Sara Brakefield	2156 Aztec lane	Sara Brakefield
Charrie Brady	2144 AZTec Ln	Charrie Brady

(Applicant may re-copy this signature page for additional signatures if needed)

1101 Victoria Curve Mendota Heights, MN 55118
651.452.1850 phone 651.452.8848 fax
www.mendotaheightsmn.gov

CITY OF MENDOTA HEIGHTS

FOR VARIANCE REQUEST

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We have no objections to this variance request, and do hereby give our written consent and waiver of a public hearing (*only one representative of the property is required for signature*):

NAME (Please Print)	ADDRESS	SIGNATURE
Sara Brakefield	2156 Aztec lane	Sara Brakefield
Anna Judge	CDA parcel adjacent to Aztec Ln.	Anna Judge (DCCDA)

(Applicant may re-copy this signature page for additional signatures if needed)

Planning Commission

Meeting Date:	June 24, 2025
Agenda Item:	**CASE No. 2025-10 MRCCA Permit and Conditional Use Permit Amendment** Application of Northern States Power Company – (Xcel Energy), requesting a Mississippi River Corridor Critical Area (MRCCA) Permit and Amended Conditional Use Permit to allow for the construction of a new 24-ft x 24-ft concrete pad foundation and prefabricated structure at the property located at 800 Sibley Memorial Highway
Department:	Community Development
Contact:	Sarah Madden, Community Development Manager

Introduction:
Xcel Energy (Northern States Power Company) is seeking approval of a Mississippi River Corridor Critical Area (MRCCA) Permit and Conditional Use Permit, in order to authorize the construction of a new 24x24 electronic control center within the fenced compound area at the Sibley Propane Plant facility, located at 800 Sibley Memorial Highway.

This item is being presented under a duly noticed public hearing process. A notice of hearing was published in the Pioneer Press; and notice letters were mailed to all owners within 350-feet of the subject property. The city has not received any objection or comments related to this application as of the submission of this report.

Background:
The subject property is generally known or identified as the Sibley Propane Gas Plant facility, which is located south and east of State Trunk Highway 13, and abuts Valley Park to the south, commercial/office developments to the north, and Park Place and Summit residential neighborhoods to the east. The plant property contains two parcels comprising of approximately 25 total acres, which are all owned and operated by Xcel Energy (formerly Northern States Power Company). According to Xcel representatives, the plant use has existed in its current location since the mid-1950's.

The site is fairly open with security style fencing around its perimeter, and contains a number of support structures and buildings that house office/work spaces, maintenance areas, valve/mixing rooms, and includes 37 horizontal laying propane tanks on the back side of the plant site (referred to as the "Tank Farm")

The plant is used primarily to feed propane into the local natural gas line systems during periodic "spikes" or peak demand events, typically experienced in winter heating season months and only as needed.

In 2016, the City approved a Conditional Use Permit and Critical Area Permit related to improvements to a structure on the Sibley Plant property. 'Essential Services' is a listed Conditional Use in the B-1A zoning district, and prior to that application the site did not have a

record of Conditional Use Permit approval for the use, due to the age and historical use of the property.

In August 2021, Xcel received an Administrative Critical Area Permit, in order to complete some immediate and mandatory infrastructure improvements to this plant. These upgrades included replacing some outdated and worn out valves, pipes and equipment with new modern materials, equipment, pipes, valves and miscellaneous safety measures. Due to the importance of providing continued natural gas service to the community and region, and ensuring that gas is available to local customers when the cold/winter season comes, these equipment upgrades and the work proposed by Xcel were deemed essential to the general public, and the council elected to expedite this work under an Administrative Critical Area Permit approval.

In May 2022, the City reviewed a full MRCCA Permit application for additional improvements to the tank facility, including replacing the propane loading facilities, improvements to the stormwater management on site, and a new fire suppression system. The fire suppression system included a new 12-inch watermain extension coming from the water main line underneath Farmdale Road to the east. At that time, drainage issues on site were also proposed to be addressed through a re-grading of the site, a new detention basin, and a network of concrete stormwater trenches within the tank field.

In October 2024, the City reviewed another full MRCCA Permit application and site plan update under the site's Conditional Use Permit approval to authorize a number of improvements, including a storm shelter, retaining wall, compound perimeter fencing expansion, and grading modifications surrounding the propane tanks as fire suppression.

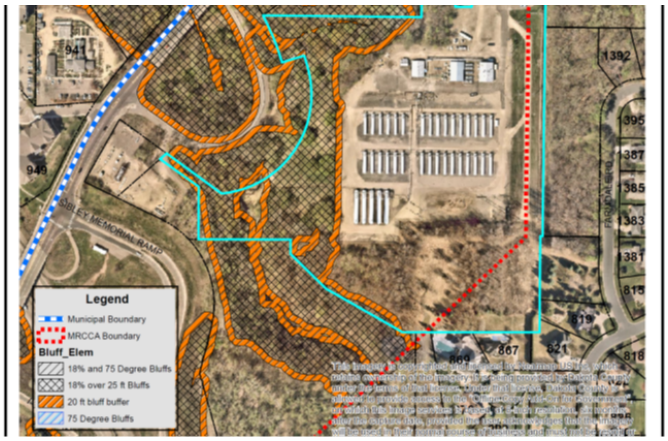
This specific MRCCA Permit application is to authorize the completion of a 24x24 concrete slab, which would house a new electronic control center for the property, within the fenced in compound area. The new electronic control center will be a prefabricated building from VP Buildings that will be placed on the concrete pad foundation and will contain all new life safety upgrades and existing controls for the facility. This new control center will be essential in consolidating equipment and upgrading the existing technology on site. After installation, the existing building will remain as a transfer point and will continue to store physical records.

The maintenance and refurbishment of the facility is ongoing, with work taking place in 2025 that was reviewed as part of the prior MRCCA Permit. This proposed work is scheduled to take place this Summer 2025.

The review and approval includes an update to their existing Conditional Use Permit (CUP), approved in 2016, which noted that future site alterations would need to be processed as an amendment to the CUP as well as any critical area permits needed. This aspect of the land use approval is coordinated as a site plan review within their MRCCA Permit submittal.

Analysis:

A majority of the plant site is situated in the MRCCA Overlay boundary, and is located within the **SR-Separated by River District**.



Along the westerly boundary of the site is where the mapped bluffs are located, identified as the cross-hatched areas – and the related 20-foot buffer or bluff impact zone (BIZ), as noted by orange-hatched areas (*see MRCCA map image- above*).

Properties located in the **SR District** are characterized or governed by the following principles:

> Description. The SR district is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.
> Management Purpose. The SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and the flow of untreated storm water into the river are priorities in the district. In addition, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are also priorities in the district.

Per **Section 12-6A-8. E., Public utilities** must comply with the following standards:

1. High-voltage transmission lines, wind energy conversion systems greater than five (5) megawatts, and pipelines are regulated according to Minnesota Statutes, chapter 216E, 216F, and 216G respectively; and
2. If overhead placement is necessary, utility facility crossings must minimize the visibility of the facility from the river and follow other existing right of ways as much as practicable.
3. The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.
4. Wireless communication facilities must comply with Section 12-3-5.B.6.

There are no new high-voltage line, wind energy systems, pipelines or wireless communication systems proposed under this project.

Pursuant to **City Code Section 12-6A-3**, no building permit, zoning approval, or subdivision approval shall be issued for any action or development located in an area covered by this chapter until a site plan has been prepared and approved in accordance with the provisions of this chapter. The new ordinance also provides for new rules and standards for new developments, which may include Land Alteration activities and Vegetation Management (removals and replanting).

The entirety of the work will take place within the fenced compound of the Sibley Plant which has been maintained as an asphalt and gravel surface, and contains no vegetated areas. No work is proposed in any Primary Conservation Areas (PCA's) on the property and all existing vegetation outside the site compound will remain.

The primary focus of the project is dedicated to installing a 24x24 concrete slab foundation, upon which a prefabricated structure will be placed which is planned to house a new electrical control center building. The building will be part of the essential utility service provided on site.
The proposed building will be located to the east of the existing tank farm, northeast of the pipe bridge, and directly north of the vaporizer building.

The 2022 and 2024 MRCCA approval evaluated changes in containment of stormwater runoff, and the applicant prepared a Storm Water Pollution Prevention (SWPP) plan at that time, which is included as an attachment to this report. The stormwater management plan is not impacted by the proposed improvement of the 24x24 concrete slab and foundation for the new service structure. The new structure will not be within any bluff setback or Bluff Impact Zone and no site impacts are anticipated.

CUP/Site Plan Amendment

The 2016 Conditional Use Permit approval established the 'Essential Services' use as the zoning use existing on the property, encompassing the service and delivery of the propane at the facility. This current proposal does not modify the primary structures or essential services of the site, but does encompass the addition of a small structure for an electrical control building for employee use. The existing approval included a condition that 'future improvements on the subject property that expand, alter, or otherwise change the existing use or site conditions in any manner shall require an amendment to the conditional use permit, including a critical area permit if applicable.' The proposed improvements do constitute a change in the site conditions due to the addition of an additional structure for the operations of the essential service function. No additional performance standards are noted with the essential services use in City Code, apart from the applicable provisions for all Conditional Use Permits within the City.

The City may grant a conditional use provided the proposed use demonstrates the following:

a) Use will not be detrimental to the health, safety or general welfare of the community,
b) Use will not cause serious traffic congestion nor hazards,
c) Use will not seriously depreciate surrounding property value, and
d) Use is in harmony with the general purpose and intent of this chapter and the comprehensive plan.

The site is enclosed by a 10-foot-high, barbed-wire-topped, chain link security fence. The proposed improvements are within this secure site, and the proposed new electrical control building will not have any adverse effects on adjacent property owners, cause traffic congestion or hazards, and the essential services and public utility use is in harmony with the Zoning Ordinance and Comprehensive Plan. Staff is supportive of this site plan update, as required under the site's existing Conditional Use Permit approval.

The Conditional Use will not negatively affect resources identified in the City's MRCCA Plan, such PCA's, bluffs, wetlands, river overlooks, and parks and open space. The proposed improvements are consistent with the purpose of the MRCCA district in which it is located, and the provisions related to public facilities and utilities as outlined in 12-6A-8. The site is not visible from the river, and the river is not visible from the site, and the facility maintains its security and separation from neighboring uses through the utilization of fencing and buffered by natural vegetation.

INTERAGENCY REVIEW

The city is required to give Minnesota Dept. of Natural Resources and National Park Service at least 20-day notice of any new MRCCA Permit application request. These notices were emailed directly to the appropriate staff; and no response has been received as of the date of this report.

Alternatives:

1. Approve the MRCCA Permit and amended Conditional Use Permit request to Xcel Energy and for 800 Sibley Memorial Highway, which would allow site improvements to construct a new 24x24 concrete slab and prefabricated electrical control center building, based on certain findings of fact as included herein and with specific conditions; or

2. Deny the MRCCA Permit request to Xcel Energy and for 800 Sibley Memorial Highway, based on the recommendation the application and project does not meet certain policies and standards of the MRCCA Ordinance and City Code, based on revised findings-of-facts determined by the Planning Commission; or

3. Table the application and request additional information from City Staff or the Applicant. Staff will extend the application review period an additional 60 days, in compliance with MN Statute 15.99.

Staff Recommendation:

Staff recommends approval of the proposed MRCCA Permit and amended Conditional Use Permit request from Xcel Energy and for the property located at 800 Sibley Memorial Highway, with the following conditions:

1. The new improvements and work described, illustrated and detailed on the “Sibley Propane Plant” plans, dated 05/27/2025, and any other plans related to this project, shall be the only work or improvements allowed and approved under this new MRCCA Permit.
2. Full erosion and sedimentation measures will be put in place prior to and during grading and construction work activities.
3. All grading and construction activity will be in compliance with applicable federal, state, and local regulations and codes, as well as in compliance with the City’s Land Disturbance Guidance Document. The Applicants must submit and receive a SWPPP Permit and NPDES Permit (if necessary) prior to start of any new construction work.
4. All work on site will only be performed between the hours of 7:00 AM and 8:00 PM Monday through Friday; 9:00 AM to 5:00 PM weekends.

Attachments:

1. Findings of Fact for Approval
2. Site Maps
3. Narrative
4. Site and Building Plans
5. SWPPP and Erosion Sediment Control Plan

FINDINGS-OF-FACT FOR APPROVAL

Miss. River Corridor Critical Area Permit and amended Conditional Use Permit
for the
Xcel Energy Sibley Gas Plant Facility
800 Sibley Memorial Highway

The following Findings-of-Fact are made in support of approval of the proposed MRCCA Permit request:

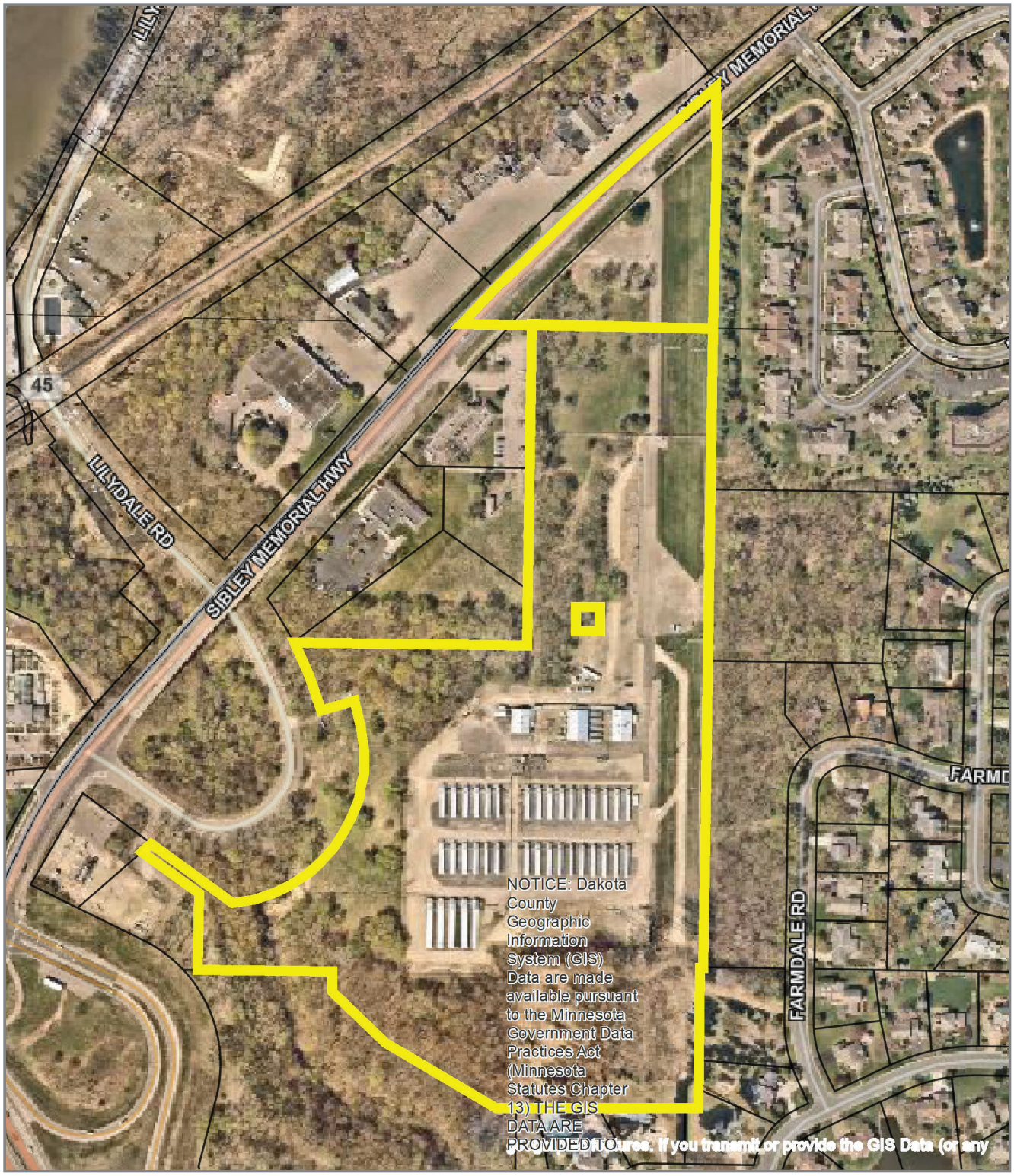
1. The proposed 24x24 concrete slab and prefabricated electrical control building improvements planned for by Xcel Energy on the subject property, meets the general purpose and intent of the Mississippi River Corridor Critical Area (MRCCA) District ordinances and standards.

2. The proposed work to construct the new electrical control building on the subject site is deemed minimally invasive and the proposed site modifications are all reasonable and within the spirit and intent established under the MRCCA Overlay District regulations.

3. The proposed work will not be detrimental to the health, safety or general welfare of the community; should not cause any serious traffic congestion nor hazards; will not seriously depreciate surrounding property value; and also is in harmony with the general purpose and intent of the City Code and the Comprehensive Plan.

4. The overall construction of the building improvement will comply with all standards and regulations of the MRCCA Ordinance and any related Zoning Ordinance, State Building and Fire Codes, and other applicable ordinances; and represents a considerable investment by the Applicants (Xcel Energy) to an important utility service feature in the community.

Xcel - Gas Plant - 800 Sibley Mem. Hwy.



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

Map Scale
1 inch = 300 feet
4/26/2022

800 SIBLEY MEMORIAL HWY.
NSP / Xcel Energy Gas Plant
MRCCA MAP

Date: 4/26/2022

0 250
SCALE IN FEET

City of Mendota Heights

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City Base Map

Date: 4/26/2022

0 200

SCALE IN FEET

City of Mendota Heights

GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

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May 27, 2025

Sarah Madden
Community Development Director
City of Mendota Heights
1101 Victoria Circle
Mendota Heights, MN 55118

RE: Sibley Plant Improvements
Conditional Use Permit Amendment & MRCCA Permit

Dear Sarah Madden,

Please find this letter of intent and application materials for the MRCCA Permit and the Conditional Use Permit Amendment for the NSP (Xcel Energy) Sibley Gas Plant located at 800 Sibley Memorial Hwy with Parcel ID numbers of 270140075011, 270230002013, 270230002012, 271715102091, and 275660002081. The plant stores propane which can be inserted into the natural gas system during periods of peak demand in the winter. The plant has been in service since the 1950's prior to the incorporation of the City of Mendota Heights. NSP is currently investing in this site and is seeking the following:

- Amend the existing CUP to allow for the construction of a 24' x 24' concrete pad foundation to situate a prefabricated structure to serve as the facility's new electronic control center within the fenced compound.

The property is in the southeast quadrant of land adjacent to I-35E and US Hwy 13. The site is irregularly shaped and additionally abuts Lilydale Road and Farmdale Road. The property is in the Critical Area Overlay Zone and includes steep slopes to the south and west and forested land surrounding the facility. NSP purchased additional buffer land to the east to help screen the facility from adjacent development. City parkland to the south and east provide additional screening and buffering. The site cannot be seen from the river, nor can the river be seen from the site.

Control Center Foundation:

The existing controls building serving the site is simply too small to accommodate file storage, existing control equipment, and additional upgrades to life safety equipment stored within. Furthermore, the existing building has become outdated and no longer meets the building standards of NSP considering all its current uses. The new electronic control center will be a prefabricated building from VP Buildings that will be placed on a 24' x 24' concrete pad foundation and will house all new life safety upgrades and existing controls for the facility. This new control center will be essential in consolidating equipment and upgrading the existing technology on site. After installation, the existing building will remain as a transfer point and will continue to store physical records.

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MRCCA Permit:

NSP's team of designers and engineers worked hard to limit the footprint of the proposed improvements to lessen any impacts on the river and its sensitive ecosystems. As the siting of the project is outside of all PCA's within the property, and with the site fundamentally saying the same, the potential impacts to the river area will be minimal in completing this project.

Construction Timing: The construction of the concrete pad foundation is expected to occur during the Summer of 2025.

The proposed improvement is an important component for the efficient operation of the Sibley Plant and is a part of our commitment to provide safe and reliable natural gas to our customers and help ensure the safety of NSP employees, contractors, and the neighboring communities. Thank you for your consideration of our request to upgrade the Sibley Plant. The proposed improvement will minimally impact the natural environment and enhance the reliability and safety of the natural gas system in Mendota Heights and surrounding communities.

Regards,

Brian Sullivan
Siting and Land Rights
P: 612.330.5925 I C:612.366.0234 I F: 612.329.3096
Email: brian.e.sullivan@xcelenergy.com

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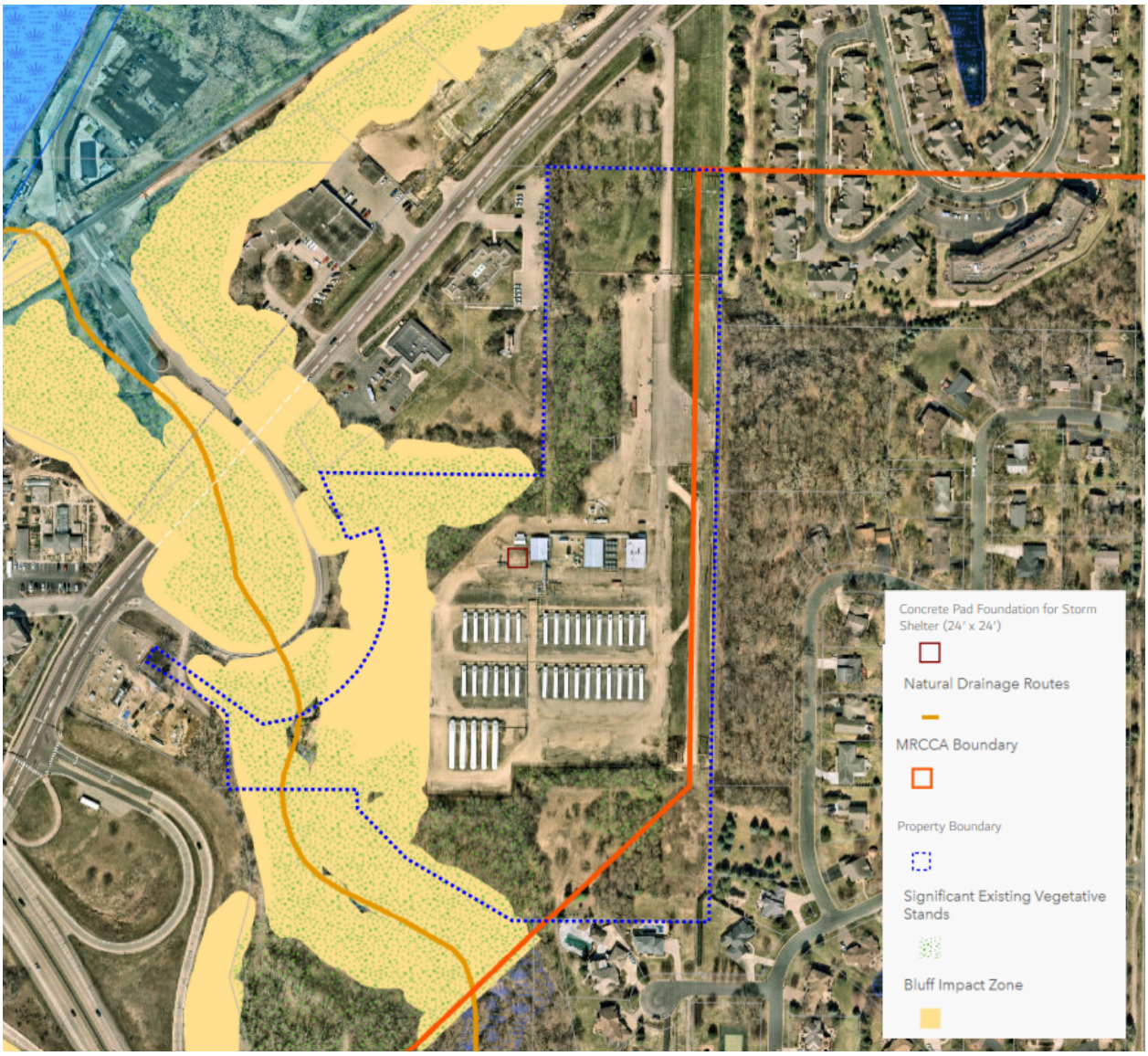

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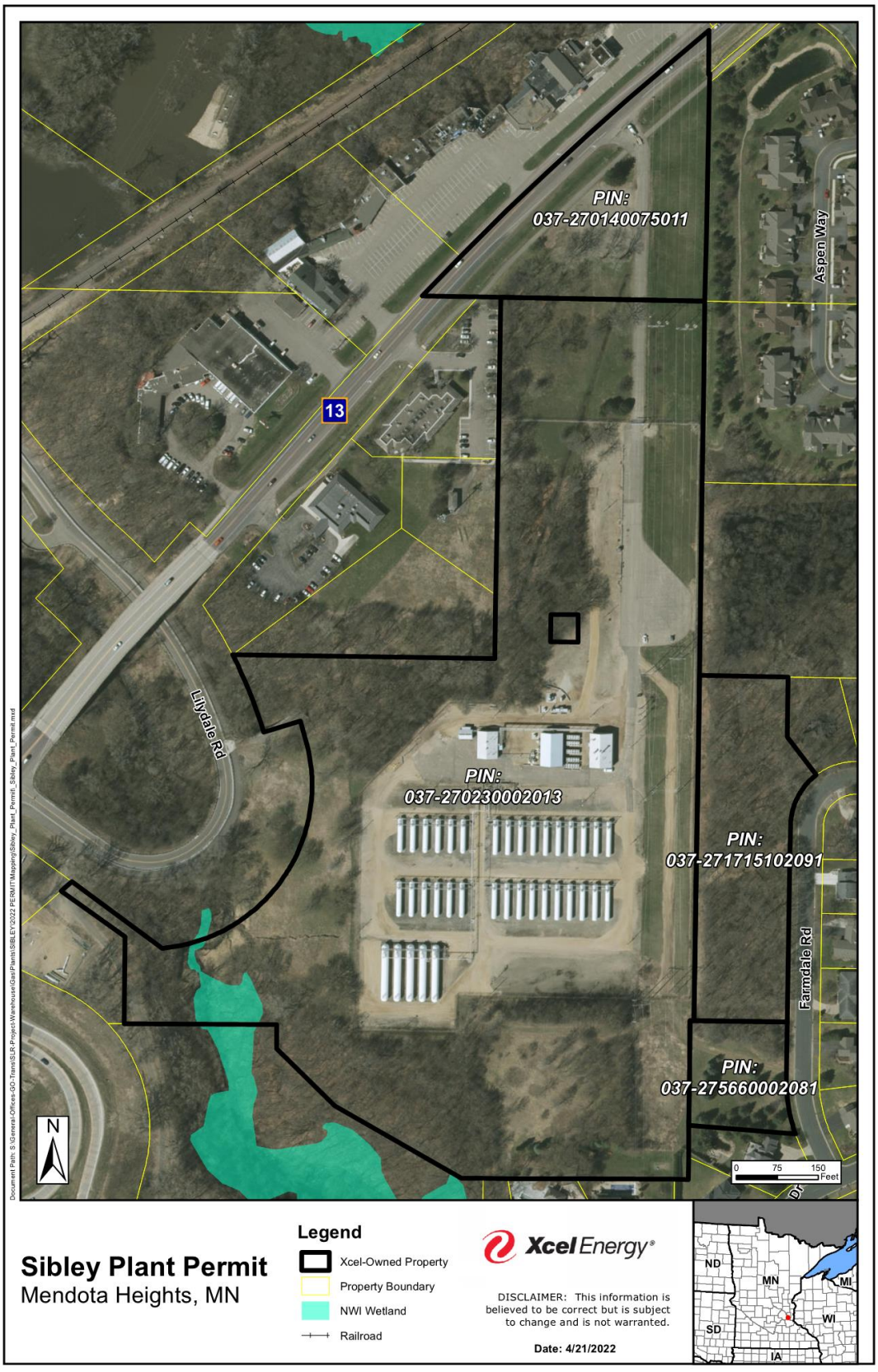

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SIBLEY PLANT

LEGAL DESCRIPTION

1. Name of Insured:

   Northern States Power Company, a Minnesota corporation

2. The estate or interest in the Land that is insured by this policy is:

   Fee Simple

3. Title is vested in:

   Northern States Power Company, a Minnesota corporation

   Note: Vesting Instruments into Original NSP Entity: Warranty Deed County Recorder Document No. 226074, in Book 245 of Deeds, Page 510, dated June 29, 1953, recorded August 14, 1953; Warranty Deed County Recorder Document No. 220874 in Book 245 of Deeds, Page 146, dated June 30, 1952, recorded September 5, 1952; Warranty Deed County Recorder Document No. 510789, dated April 13, 1978, recorded April 21, 1978; Quit Claim Deed County Recorder Document No. 356587, dated June 4, 1968, recorded December 30, 1968; Warranty Deed County Recorder Document No. 220875 in Book 245 of Deeds, Page 147, dated July 15, 1952, recorded September 5, 1952; Warranty Deed County Recorder Document No. 285810 in Book 276 of Deeds, Page 635, dated January 12, 1961, recorded November 1, 1961; Warranty Deed County Recorder Document No. 220873 in Book 245 of Deeds, Page 145, dated June 30, 1952, recorded September 5, 1952; and Certificate of Title No. 119905.

4. The Land referred to in this policy is described as follows:

   Real property in the County of Dakota, State of Minnesota, described as follows:

   ABSTRACT PARCELS:

   1. LOTS FIVE (5) THROUGH NINE (9), BLOCK TWO (2), CHERRY HILL SECOND ADDITION, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER IN AND FOR DAKOTA COUNTY, MINNESOTA.

   2. THE EAST FORTY (40) RODS OF THE SOUTH FORTY (40) RODS OF GOVERNMENT LOT TWO (2) IN THE NORTHWEST QUARTER (NW¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23), ACCORDING TO THE GOVERNMENT SURVEY THEREOF.

   EXCEPT,

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THAT PART OF THE EAST FORTY (40) RODS OF THE SOUTH (40) RODS OF GOVERNMENT LOT TWO (2) IN THE NORTHWEST QUARTER (NW¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23), ACCORDING TO THE GOVERNMENT SURVEY THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST FORTY (40) RODS OF THE SOUTH FORTY (40) RODS OF SAID GOVERNMENT LOT TWO (2); THENCE SOUTH ALONG THE WEST LINE THEREOF FOR 409.87 FEET TO AN INTERSECTION WITH LINE "A" WHICH LIES SOUTHEASTERLY AND NORTHWESTERLY AT AN ANGLE OF 54°30' TO SAID WEST LINE; THENCE SOUTH ALONG SAID WEST LINE TO AN INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND DISTANT 75 FEET SOUTHWESTERLY OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE TO AN INTERSECTION WITH A CURVED LINE WHICH IS PARALLEL WITH AND DISTANT 150 FEET SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY OF LINE "B" DESCRIBED AS FOLLOWS:

FROM A POINT ON THE WEST LINE OF THE EAST FORTY (40) RODS OF THE SOUTH FORTY (40) RODS OF SAID GOVERNMENT LOT TWO (2), DISTANT 409.87 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE NORTHWESTERLY FROM SAID POINT AT AN ANGLE OF 54°30' TO SAID WEST LINE FOR 173.25 FEET TO THE POINT OF BEGINNING OF LINE "B" TO BE DESCRIBED; THENCE SOUTHEASTERLY ALONG THE LAST DESCRIBED COURSE FOR 100 FEET; THENCE DEFLECT TO THE LEFT ON A CURVE HAVING A RADIUS OF 150 FEET, (DELTA ANGLE 140°13'44") FOR 367.12 FEET; THENCE DEFLECT TO THE LEFT ON A 7°30' CURVE (DELTA ANGLE 34°00') FOR 453.33 FEET AND THERE TERMINATING;

THENCE ALONG SAID CURVED PARALLEL LINE CURVING TO THE LEFT TO ITS INTERSECTION WITH A LINE WHICH LIES NORTHEASTERLY AT RIGHT ANGLES TO THE TANGENT OF THE 7°30' CURVE DESCRIBED ABOVE TO A POINT ON SAID TANGENT DISTANT 413.57 FEET SOUTHEASTERLY OF THE POINT OF TERMINATION OF SAID LINE "B"; THENCE SOUTHWESTERLY ALONG SAID RIGHT ANGLED LINE FOR 70 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS PARALLEL WITH AND DISTANT 80 FEET NORTHEASTERLY OF SAID LINE "B" TO THE INTERSECTION OF SAID PARALLEL LINE WITH THE NORTH LINE OF THE EAST FORTY (40) RODS OF THE SOUTH FORTY (40) RODS OF SAID GOVERNMENT LOT TWO (2); THENCE WEST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

3. THE WEST 375 FEET OF THE SOUTH 30 ACRES OF THE NE¼ OF THE NE¼ OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 23 WEST, ACCORDING TO THE GOVERNMENT SURVEY THEREOF.

4. THE NORTH TWO HUNDRED EIGHTY AND SIX-TENTHS (280.6) FEET OF THE WEST THREE HUNDRED SEVENTY FIVE (375) FEET OF THE SOUTHEAST QUARTER (SE¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION TWENTY THREE (23), TOWNSHIP TWENTY EIGHT (28) NORTH, RANGE TWENTY THREE (23) WEST.

5. A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW¼) OF NORTHEAST QUARTER (NE¼), SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW¼) OF THE NORTHEAST QUARTER (NE¼) OF SAID SECTION TWENTY-THREE (23),THENCE SOUTH ALONG THE EAST QUARTER-QUARTER (¼¼) LINE OF SAID SECTION TWENTY-THREE (23), A DISTANCE OF TWO HUNDRED EIGHTY AND SIX TENTHS (280.6) FEET; THENCE WESTERLY AT A DEFLECTION ANGLE OF NINETY-THREE DEGREES, THIRTY-FIVE MINUTES (93°35') TO THE RIGHT A DISTANCE OF THIRTY-NINE AND SEVEN-TENTHS (39.7) FEET; THENCE NORTHWESTERLY AT A DEFLECTION ANGLE OF TWENTY-SIX DEGREES, TEN MINUTES (26°10') TO THE RIGHT A DISTANCE OF TWO HUNDRED SIXTY-SIX AND FIVE-TENTHS (266.5) FEET; THENCE NORTHWESTERLY AT A DEFLECTION ANGLE OF THIRTEEN DEGREES, TWENTY-NINE MINUTES (13°29') TO THE RIGHT A DISTANCE OF ONE HUNDRED FORTY-NINE AND SEVEN-TENTHS (149.7) FEET; THENCE NORTHERLY AT A DEFLECTION ANGLE OF FORTY-SIX DEGREES, TWELVE MINUTES (46°12') TO THE RIGHT A DISTANCE OF FORTY-FOUR AND

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SEVEN-TENTHS (44.7) FEET TO THE NORTH QUARTER-QUARTER (¼-¼) LINE OF SAID SECTION TWENTY-THREE (23); THENCE EAST ALONG SAID NORTH QUARTER-QUARTER (¼-¼) LINE A DISTANCE OF THREE HUNDRED EIGHTY AND EIGHT-TENTHS (380.8) FEET TO POINT OF BEGINNING.

6. ALL THAT PART OF GOVERNMENT LOT SIX (6), SECTION FOURTEEN (14), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23), WHICH LIES SOUTHERLY OF THE CENTER LINE OF SIBLEY MEMORIAL HIGHWAY (SUBJECT TO SAID HIGHWAY) AND ALSO THE NORTH QUARTER (N¼) OF THE NORTHEAST QUARTER (NE¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-EIGHT (28), RANGE TWENTY-THREE (23), SUBJECT TO EASEMENT FOR PUBLIC UTILITY.

EXCEPT,

THE EASTERLY NINE HUNDRED FORTY FIVE (945) FEET OF ALL THAT PART OF GOVERNMENT LOT SIX (6), SECTION FOURTEEN (14), TOWNSHIP TWENTY EIGHT (28), RANGE TWENTY THREE (23), WHICH LIES SOUTHERLY OF THE CENTER LINE OF SIBLEY MEMORIAL HIGHWAY (SUBJECT TO SAID HIGHWAY); AND ALSO THE EASTERLY NINE HUNDRED FORTY FIVE (945) FEET OF THE NORTH QUARTER (N¼) OF THE NORTHEAST QUARTER (NE¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION TWENTY THREE (23), TOWNSHIP TWENTY EIGHT (28), RANGE TWENTY THREE (23), SUBJECT TO EASEMENTS OF RECORD.

ALSO EXCEPT,

THAT PART OF TRACT A DESCRIBED BELOW:

TRACT A. THAT PART OF GOVERNMENT LOT 6 OF SECTION 14, TOWNSHIP 28 NORTH, RANGE 23 WEST, DAKOTA COUNTY, MINNESOTA, LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF TRUNK HIGHWAY NO. 13 AS NOW LOCATED AND ESTABLISHED, EXCEPT THE EAST 945 FEET THEREOF;

WHICH LIES NORTHWESTERLY OF A LINE PARALLEL WITH AND DISTANT 60 FEET SOUTHEASTERLY OF LINE 1 DESCRIBED BELOW:

LINE 1. BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 14, DISTANT 1323.6 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE RUN SOUTHWESTERLY AT AN ANGLE OF 48 DEGREES 53 MINUTES 50 SECONDS FROM SAID EAST SECTION LINE (MEASURED FROM SOUTH TO WEST) FOR 1174.61 FEET; THENCE DEFLECT TO THE LEFT ON A TANGENTIAL CURVE HAVING A RADIUS OF 5729.58 FEET AND A DELTA ANGLE OF 8 DEGREES 30 MINUTES 22 SECONDS FOR 850.61 FEET AND THERE TERMINATING.

EXCEPT

THAT PART OF GOVERNMENT LOT SIX, SECTION FOURTEEN, TOWNSHIP TWENTY EIGHT NORTH, RANGE TWENTY THREE WEST LYING ADJACENT TO AND WITHIN SIXTY FEET SOUTHEASTERLY OF THE CENTERLINE AS MEASURED AT RIGHT ANGLES OF SIBLEY MEMORIAL HIGHWAY, ALSO KNOWN AS TRUNK HIGHWAY 13, AS TRAVELED ON JULY 17, 1960.

TORRENS PARCEL

1. LOTS 7 AND 8, BLOCK 2, PARK PLACE, DAKOTA COUNTY, MN, ACCORDING TO THE PLAT THEREOF.

CERTIFICATE OF TITLE NO. 119905

REVISION SUMMARY: 4d4. 4A

0. RETAINING WALL IFC ONLY
1. BALANCE OF PLANT IFC
2. UPDATED FOUNDATIONS NEAR RETAINING WALL DUE TO SHORING COORDINATION
3. UPDATED ANCHOR & BASE PLATE PER STEEL FABRICATION
4A. ADDED WEST ELECTRICAL BUILDING, ISSUED FOR PERMITTING

STRUCTURAL COVER SHEET

DRAWING NUMBER	REV	TITLE	DRAWING NUMBER	REV	TITLE	DRAWING NUMBER	REV	TITLE	DRAWING NUMBER	REV	TITLE
40000	4A	STRUCTURAL COVER / INDEX 4A	42000	0	STRUCTURAL KEY PLAN	44000	0	FOUNDATION DETAILS - TYPICAL DETAILS	4700	0	STEEL DETAIL DIAGRAMS - PIPE BRIDGE ELEVATION
40010	1	STRUCTURAL NOTES	42001	0	STRUCTURAL PLAN - TANK BANK 360	44001	0	FOUNDATION DETAILS - SLAB & SIDEWALK DETAILS	4701	0	STEEL DETAIL DIAGRAMS - PIPE BRIDGE TRUSS PLANS
40011	1	STRUCTURAL NOTES	42006	0	STRUCTURAL PLAN - TANK BANK 360	44002	0	FOUNDATION DETAILS - SLAB & SIDEWALK DETAILS	4702	0	STEEL DETAIL DIAGRAMS - PIPE BRIDGE SECTIONS & DETAILS
41000	3A	FOUNDATION KEY PLAN 4A	42007	0	STRUCTURAL PLAN - TANK BANK 360	44003	1	TYPICAL THRUST BLOCK DETAIL	4703	0	STEEL DETAIL DIAGRAMS - PIPE BRIDGE SECTIONS & DETAILS
41001	0	FOUNDATION PLAN - TANK BANK 360	42011	0	STRUCTURAL PLAN - TANK BANK 350	44004	0	FOUNDATION DETAILS - STAIR SECTIONS & DETAILS	4704	1	STEEL DETAIL DIAGRAMS
41002	0	FOUNDATION PLAN - TANK BANK 360	42012	0	STRUCTURAL PLAN - TANK BANK 350 & 320	44005	0	FOUNDATION DETAILS - STAIR SECTIONS & DETAILS	4705	1	STEEL DETAIL DIAGRAMS
41006	0	FOUNDATION PLAN - TANK BANK 360	42014	0	STRUCTURAL PLAN - TANK BANK 320	44006	0	FOUNDATION DETAILS - STAIR SECTIONS & DETAILS	4706	1	STEEL DETAIL DIAGRAMS
41007	0	FOUNDATION PLAN - TANK BANK 360	42016	0	STRUCTURAL PLAN - TANK BANK 350	44007	0	FOUNDATION DETAILS - STAIR SECTIONS & DETAILS	4707	1	STEEL DETAIL DIAGRAMS
41011	0	FOUNDATION PLAN - TANK BANK 350	42017	0	STRUCTURAL PLAN - TANK BANK 350 & 320	44008	0	FOUNDATION DETAILS - STAIR SECTIONS & DETAILS	4708	1	STEEL DETAIL DIAGRAMS - CABLE TRAY SUPPORT SECTIONS & DETAILS
41012	0	FOUNDATION PLAN - TANK BANK 320 & 350	42018	0	STRUCTURAL PLAN - TANK BANK 320	44009	0	FOUNDATION DETAILS - STAIR SECTIONS & DETAILS	4709	0	STEEL DETAIL DIAGRAMS - CABLE TRAY SUPPORT SECTIONS & DETAILS
41014	0	FOUNDATION PLAN - TANK BANK 320	42019	0	STRUCTURAL PLAN - TANK BANK 320	44010	0	FOUNDATION DETAILS - ELECTRICAL & LIFE SAFETY FOUNDATIONS	4710	0	STEEL DETAIL DIAGRAMS - CABLE TRAY SUPPORT SECTIONS & DETAILS
41016	0	FOUNDATION PLAN - TANK BANK 350	42021	0	STRUCTURAL PLAN - TANK BANK 340	44011	2	FOUNDATION DETAILS - PIPE & TRAY SUPPORT FOUNDATIONS	4711	1	STEEL DETAIL DIAGRAMS - PIPE SUPPORT SECTIONS & DETAILS
41017	0	FOUNDATION PLAN - TANK BANK 350 & 320	42022	0	STRUCTURAL PLAN - TANK BANK 340 & 310	44012	0	FOUNDATION DETAILS - CABLE TRAY FOUNDATION	4712	1	STEEL DETAIL DIAGRAMS - PIPE SUPPORT SECTIONS & DETAILS
41018	0	FOUNDATION PLAN - TANK BANK 320	42023	0	STRUCTURAL PLAN - TANK BANK 310	44013	1	FOUNDATION DETAILS - PIPE & TRAY SUPPORT FOUNDATIONS	4713	1	STEEL DETAIL DIAGRAMS - EAST PIPE BRIDGE ELEVATION
41019	0	FOUNDATION PLAN - TANK BANK 320	42024	0	STRUCTURAL PLAN - TANK BANK 310	44014	0A	FOUNDATION DETAILS - WEST ELECTRICAL BUILDING 4A	4714	1	STEEL DETAIL DIAGRAMS - EAST PIPE BRIDGE TRUSS PLANS
41021	0	FOUNDATION PLAN - TANK BANK 340	42027	0	STRUCTURAL PLAN - MANIFOLD & PUMPS	44015	0A	FOUNDATION DETAILS - WEST ELECTRICAL BUILDING	4715	1	STEEL DETAIL DIAGRAMS - SECTIONS & DETAILS
41022	0	FOUNDATION PLAN - TANK BANK 340 & 310	42028	0	STRUCTURAL PLAN	44016	0A	FOUNDATION DETAILS - WEST ELECTRICAL BUILDING	4716	1	STEEL DETAIL DIAGRAMS - SECTIONS & DETAILS
41023	0	FOUNDATION PLAN - TANK BANK 310	42030	0	STRUCTURAL PLAN	45000	0	STEEL DETAIL DIAGRAMS - TYPICAL CONNECTION DETAILS	4717	1	STEEL DETAIL DIAGRAMS - SECTIONS & DETAILS
41024	0	FOUNDATION PLAN - TANK BANK 310	42031	0	STRUCTURAL PLAN	45001	1	STEEL DETAIL DIAGRAMS - TYPICAL CONNECTION DETAILS	4718	1	STEEL DETAIL DIAGRAMS - TRUCK UNLOADING SKID SECTIONS & DETAILS
41027	2	FOUNDATION PLAN - MANIFOLDS & PUMPS	42035	0	STRUCTURAL PLAN	45002	0	STEEL DETAIL DIAGRAMS - PIPE RACK PLAN & SECTION	4719	1	STEEL DETAIL DIAGRAMS - PIPE SUPPORT SECTIONS & DETAILS
41028	0	FOUNDATION PLAN	4101	2	STRUCTURAL PLAN - VAPORIZER BUILDING	45003	0	STEEL DETAIL DIAGRAMS - PIPE RACK SECTIONS	4720	3	FOUNDATION DETAIL DIAGRAMS - PIPE BRIDGE SECTIONS & DETAILS
41030	0	FOUNDATION PLAN - SALES GAS	4102	2	STRUCTURAL PLAN - CABLE TRAY AND PIPE RACK	45004	0	STEEL DETAIL DIAGRAMS - PIPE RACK SECTIONS	4721	0	FOUNDATION DETAIL DIAGRAMS - CONCRETE SECTIONS & DETAILS
41031	1A	FOUNDATION PLAN 4A	4103	1	STRUCTURAL PLAN - COMPRESSOR BUILDING AND PIPE RACK	45005	0	STEEL DETAIL DIAGRAMS - TANK BANK PIPE SUPPOORT SECTIONS & DETAILS	4722	3	FOUNDATION DETAIL DIAGRAMS - CONCRETE SECTIONS & DETAILS
41035	0	FOUNDATION PLAN	4104	1	STRUCTURAL PLAN - COMPRESSOR BUILDING AND PIPE RACK	45006	0	STEEL DETAIL DIAGRAMS - TANK BANK PIPE SUPPOORT SECTIONS & DETAILS	4723	0	FOUNDATION DETAIL DIAGRAMS - CABLE TRAY SECTIONS & DETAILS
41036	0	FOUNDATION PLAN	4105	1	STRUCTURAL PLAN - BOILER BUILDING AND PIPE RACK	45007	0	STEEL DETAIL DIAGRAMS - TANK BANK PIPE SUPPOORT SECTIONS & DETAILS	4724	0	FOUNDATION DETAIL DIAGRAMS - CONCRETE SECTIONS & DETAILS
4121	1	FOUNDATION PLAN - PIPE BRIDGE	4106	1	STRUCTURAL PLAN - EAST PIPE BRIDGE	45008	0	STEEL DETAIL DIAGRAMS - CABLE TRAY SUPPORT DETAILS & SECTIONS	4725	0	FOUNDATION DETAIL DIAGRAMS - CONCRETE SECTIONS & DETAILS
4122	1	FOUNDATION PLAN - VAPORIZER BUILDING	4107	1	STRUCTURAL PLAN - SLEEPER RACK	45009	0	STEEL DETAIL DIAGRAMS - CABLE TRAY SUPPORT DETAILS & SECTIONS	4726	1	FOUNDATION DETAIL DIAGRAMS - CONCRETE SECTIONS & DETAILS
4123	2	FOUNDATION PLAN - CABLE TRAY AND PIPE RACK	4108	1	STRUCTURAL PLAN - SLEEPER RACK AND TRUCK UNLOADING	45010	0	STEEL DETAIL DIAGRAMS - ELECTRICAL RACK SECTIONS & DETAILS	4727	0	PIPE SUPPORT SECTIONS & DETAILS
4124	1	FOUNDATION PLAN - COMPRESSOR BUILDING AND PIPE RACK	4109	1	STRUCTURAL PLAN - TRANSFER PUMP AREA	45011	0	STEEL DETAIL DIAGRAMS - ELECTRICAL SUPPORT SECTIONS & DETAILS	4728	0	PIPE SUPPORT SECTIONS & DETAILS
4125	1	FOUNDATION PLAN - BOILER BUILDING AND PIPE RACK				45012	0	STEEL DETAIL DIAGRAMS - CROSSOVER PLATFORM DETAILS	4729	0	PAD GAS COMPRESSOR PAD & PIPE SUPPORTS
4126	1	FOUNDATION PLAN - EAST PIPE BRIDGE				45013	0	STEEL DETAIL DIAGRAMS - CROSSOVER PLATFORM SECTIONS & DETAILS	48000	2	RETAINING WALL PLAN & ELEVATION
4127	1	FOUNDATION PLAN - SLEEPER RACK				45014	0	STEEL DETAIL DIAGRAMS - TYPICAL STAIR & PLATFORM DETAILS	48001	2	RETAINING WALL SECTION
4128	1	FOUNDATION PLAN - SLEEPER RACK AND TRUCK UNLOADING							48002	2	RETAINING WALL SECTIONS & DETAILS
4129	1	FOUNDATION PLAN - TRANSFER PUMP AREA									

CAD FILE NAME: *D1_40000_Sibley Mounding.dwg*

Xcel Energy®

FLOC: *GU-SPG*

PROFESSIONAL ENGINEER
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.
Signature: Randy Paul
Typed or Printed Name: Randy S. Paul
Date: 05/26/2025 License Number: 56637

CAMPOS EPC

HISTORY	DATE
DRAWN BY: *JMC*	*04/04/24*
DESIGNED BY: *RSP*	*04/04/24*
CHECKED BY: *JG*	*05/24/24*
APPROVED BY: *RSP*	*12/19/24*
IN SERVICE DATE:	

REVISIONS			
NO.	DESCRIPTION	BY	DATE
1	*ISSUED FOR CONSTRUCTION*	*JMC*	*10/23/24*
2	*RE-ISSUED FOR CONSTRUCTION*	*JMC*	*12/19/24*
3	*RE-IFC-UPDATED ANCHOR LAYOUT*	*PJM*	*03/17/25*
4A	*ISSUED FOR PERMIT - WEST ELEC BUILDING*	*JMC*	*05/27/25*

SIBLEY PROPANE PLANT
STRUCTURAL COVER / INDEX

SERVICE CENTER: *NORTHERN STATES POWER COMPANY* | LOCATION: *UNIT 00*
DIVISION: *NORTHERN* | CITY/COUNTY : *MENDOTA HEIGHTS / DAKOTA* | TYPE: *FACILITY*

DRAWING
40000
4A

STRUCTURAL NOTES

A. DESIGN AND CONSTRUCTION

1. GENERAL SITE INFORMATION: DAKOTA COUNTY, MN (44.90244167, -93.1311555)
2. DESIGN IN ACCORDANCE WITH THE FOLLOWING CODES:
   a. MINNESOTA BUILDING CODE 2020, INCORPORATING 2018 IBC
   b. ASCE 7-16
   c. A.C.I. 318-14
   d. A.I.S.C. 360-16
3. RISK CATEGORY = IV
4. DESIGN LOADS:
   a. LIVE LOADS:
      I. PIPE RACK: PIPING LOADS PER PIPE STRESS
      II. CABLE TRAY: 75 PLF
   b. WIND LOADS:
      I. BASIC WIND SPEED (3-SECOND GUST) = 121 MPH
      II. EXPOSURE = C
   c. SEISMIC DESIGN CRITERIA
      I. SEISMIC IMPORTANCE FACTOR, I_E = 1.5
      II. SITE CLASS = D
      III. MAPPED SPECTRAL RESPONSE ACCELERATIONS, S_S=0.05, S_1=0.03
      IV. MAPPED SPECTRAL RESPONSE COEFFICIENTS, S_{DS}=0.05, S_{D1}=0.05
      V. SEISMIC DESIGN CATEGORY (SDC) = A
   d. LATERAL SOIL LOAD = 35 PCF EQUIV. FLUID PRESSURE

A. EARTHWORK AND FOUNDATION CONSTRUCTION

1. FOUNDATIONS SHALL BEAR ON UNDISTURBED, UNFROZEN SUBGRADE, AND ON COMPACTED ENGINEERED-FILL WHERE SPECIFIED ON PLANS.
2. SOIL ENGINEERING DESIGN PARAMETERS: PER SITE SPECIFIC SOIL REPORT NO. 00044.0011.0030 CONDUCTED BY CAMPOS EPC DATED SEPTEMBER 9, 2021
   a. FROST DEPTH: 42 IN.
   b. ALLOWABLE BEARING CAPACITY: 3,000 PSF (SHALLOW SPREAD FOOTINGS)
   c. FOUNDATION SYSTEM: SHALLOW SPREAD FOOTINGS, DEEP FOUNDATIONS.
3. EXCAVATION AND BACKFILL:
   a. ALL EXCAVATION AND GRADING WORK FOR FOUNDATIONS SHALL CONFORM TO THE SPECIFICATIONS HEREIN AND ALL LOCAL, COUNTY, STATE, AND FEDERAL LAWS AND REGULATIONS. ENTIRE AREA AROUND EACH FOUNDATION MUST BE THOROUGHLY PROBED FOR UNDERGROUND PIPE, CONDUIT, HIGH PRESSURE LINES, ETC. BEFORE ANY EXCAVATION BEGINS.
   b. WHENEVER POSSIBLE, EXCAVATION FOR CONCRETE FOUNDATION SHALL BE NEATLY CUT TO THE EXACT SIZE SPECIFIED.
   c. IF THE GROUND WATER LEVEL IS FOUND TO BE ABOVE THE BOTTOM OF THE FOUNDATION EXCAVATION, THE FOLLOWING PROCEDURE SHALL BE FOLLOWED:
      I. EXCAVATE THE FOUNDATION 1' BELOW THE BOTTOM OF THE CONCRETE FOUNDATION AND 1' BEYOND THE FOUNDATION BASE ON EACH SIDE.
      II. THE WATER SHALL BE REMOVED FROM THE EXCAVATED FOUNDATION. CONTRACTOR SHALL KEEP EXCAVATED FOUNDATION FREE OF WATER AT ALL TIMES UNTIL THE BASE HAS BEEN PREPARED TO THE FINISHED ELEVATION OF THE FOUNDATION BASE.
      III. PLACE WOVEN GEOTEXTILE FABRIC MIRAFI 600X OR EQUAL 1' BEYOND THE FOUNDATION BASE ON EACH SIDE.
      IV. PLACE 12" OF CLASS II AGGREGATE BASE IN TWO SEPARATE 6" LIFTS, COMPACT TO 95% OF THE MAX DRY DENSITY PER ASTM D1557.
      V. BEFORE PLACING THE FORMS, REBAR AND CONCRETE POUR, THE CONTRACTOR SHALL KEEP THE EXCAVATED FOUNDATION FREE OF WATER.
   d. DURING AND UPON COMPLETION OF THE INSTALLATION OF ANY FOUNDATION, THE WORK SHALL BE INSPECTED AND APPROVED BY THE OWNER OR THEIR REPRESENTATIVE BEFORE THE EXCAVATION IS BACKFILLED. AFTER SUCH APPROVAL, THE EXCAVATION, UNLESS REQUIRED TO BE LEFT OPEN FOR GOOD CAUSE, SHALL BE PROMPTLY BACKFILLED IN A SATISFACTORY MANNER PROVIDED THE FOUNDATION HAS ATTAINED SUFFICIENT STRENGTH.
   e. FORMS SHALL NOT BE STRIPPED UNTIL 3 DAYS AFTER THE POUR OR CONCRETE STRENGTH REACHES 75% F'C, WHICHEVER OCCURS LATER.
   f. STRUCTURAL BACKFILL SHALL CONSIST OF GRANULAR NON-EXPANSIVE SAND, GRAVEL AND SAND-GRAVEL MIXTURES, WITH PLASTICITY INDEX BELOW 15, WITH 100% LESS THAN 3/4" SIZE ROCK AND MAX. 10% PASSING NO. 200 SIEVE PER MN DOT CLASS 5 BASE MATERIAL REQUIREMENTS. IT SHALL BE PLACED IN 8" MAX. LIFTS. BACKFILL SHALL BE COMPACTED TO 95% M.D.D. PER ASTM D1557.
   g. EXCAVATED SUBGRADE SHALL BE COMPACTED TO MINIMUM 95% OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D1557, PRIOR TO STRUCTURAL OR COMMON BACKFILL. MINIMUM 1 (ONE) IN-SITU DENSITY TEST SHALL BE CONDUCTED PER CONCRETE STRUCTURE, UNLESS DEEMED OTHERWISE BY THE FIELD GEOTECHNICAL PROFESSIONAL.
   h. SUBGRADE CONDITIONS SHALL BE INSPECTED BY A GEOTECHNICAL ENGINEER PROR TO PLACEMENT OF ANY CONCRETE. STRUCTURAL FILL SHALL BE INSPECTED AND TESTED.

B. DEMOLITION

1. CONTRACTOR SHALL FIELD-VERIFY ALL CONDITIONS AND DIMENSIONS (INCLUDING UTILITIES AND POSSIBLE PRESENCE OF HAZARDOUS MATERIALS) PRIOR TO STARTING WORK AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR ADDITIONAL WORK THAT MAY BE REQUIRED.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SHORING, SHIELDING, TEMPORARY WALLS, WATER SPRAY, ETC., AS NECESSARY TO PROTECT EXISTING WORK TO REMAIN, AND TO PREVENT THE SPREAD OF DUST AND DEBRIS.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE TO SURROUNDING STRUCTURES AND EQUIPMENT DUE TO DEMOLITION WORK. THIS INCLUDES REQUIRED CLEANUP DUE TO SPREAD OF DUST AND DEBRIS. CONTRACTOR MAY WISH TO DOCUMENT CONDITION OF NEARBY STRUCTURES PRIOR TO BEGINNING DEMOLITION AS A DEFENSE AGAINST DAMAGE CLAIMS.
4. MATERIAL NOTED TO BE SALVAGED SHALL BE REMOVED AND HANDLED SO AS TO PREVENT DAMAGE. ALL MATERIALS FROM DEMOLITION NOT NOTED TO BE SALVAGED SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER BY THE CONTRACTOR.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF ALL WORKERS, TENANTS, AND THE PUBLIC DURING HIS WORK. BARRICADES, WARNING SIGNS, TRAFFIC CONTROL, ETC. SHALL BE PROVIDED AND MAINTAINED AS REQUIRED.

D. CONCRETE AND GROUT (CAST-IN-PLACE)

1. CONCRETE MIX DESIGNS SHALL MEET THE FOLLOWING REQUIREMETS:
   a. CONCRETE F'C = 3,000 PSI AFTER 7 DAYS, 4,500 PSI MIN. AFTER 28 DAYS. CEMENT TYPE II.
   b. MAXIMUM SLUMP SHALL BE 4" (PLUS OR MINUS 1 INCH) BEFORE ADDITION OF SUPERPLASTICIZERS, OR ALL CONCRETE EXCEPT 6" TO 9" FOR DRILLED PIERS.
   c. ALL CONCRETE EXCEPT USED FOR INTERIOR SLABS, SHALL BE AIR ENTRAINED TO 6% PLUS OR MINUS 1.5%. INTERIOR FLOOR CONCRETE SHALL NOT BE AIR ENTRAINED.
   d. WATER/CEMENT RATIO SHALL NOT EXCEED 0.45
   e. WATER USED IN MIXING CONCRETE SHALL CONFORM TO ASTM C1602
   f. ADMIXTURES SHALL NOT BE USED WITHOUT PRE-APPROVAL BY ENGINEER. ADMIXTURES CONTAINING CHLORIDES SHALL NOT BE USED.
   g. MAXIMUM RATIO OF FLY-ASH TO TOTAL CEMENTITIOUS MATERIALS SHALL BE 0.15
   h. AGGREGATES SHALL BE CRUSHED STONE CONFORMING TO ASTM C33
   i. CONCRETE MIX DESIGNS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL. CONTRACTOR SHALL NOT BEGIN CONCRETE INSTALLATION UNTIL CONCRETE MIX DESIGNS HAVE BEEN APPROVED BY THE ENGINEER.
2. CONCRETE PROTECTION FOR REINFORCEMENT: CLEAR DISTANCE FROM FACE OF CONCRETE TO BAR SHALL BE AS FOLLOWS UNLESS NOTED OTHERWISE.
   a. CONCRETE DEPOSITED AGAINST GROUND OR VOID FORM: 3"
   b. CONCRETE SURFACES EXPOSED TO WEATHER OR IN CONTACT WITH GROUND AFTER REMOVAL OF FORMS: 1 1/2" FOR #5 BARS AND SMALLER, 2" FOR #6 THROUGH #18.
3. REINFORCING SHALL BE DEFORMED, INTERMEDIATE GRADE NEW BILLET STEEL CONFORMING TO ASTM A615, GRADE 60 FY = 60,000 PSI (EXCEPT REINFORCEMENT TO BE WELDED SHALL BE ASTM A706). ALL WELDING OF REINFORCEMENT SHALL CONFORM TO THE STRUCTURAL WELDING CODES, REINFORCING STEEL AWS D1.4, CURRENT EDITION.
4. REINFORCEMENT DETAILING REQUIREMENTS
   a. ALL REINFORCING STEEL IN CONCRETE SHALL BE LAPPED IN ACCORDANCE WITH ACI STANDARD 318. WHERE BARS OF DIFFERENT SIZES ARE LAPPED, THE LAP LENGTH SHALL BE BASED ON THE SMALLER BAR. WHERE BARS ARE SHOWN SPLICED, THEY MAY RUN CONTINUOUS AT CONTRACTOR'S OPTION.
   b. REINFORCEMENT SHALL BE CONTINUOUS THROUGH CONSTRUCTION JOINTS UNLESS NOTED OTHERWISE.
   c. PROVIDE BENT CORNER REBAR TO MATCH AND LAP WITH HORIZONTAL REBAR AT CORNERS AND INTERSECTIONS OF WALLS AND GRADE BEAMS.
   d. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL. REBAR FABRICATION SHALL NOT BEGIN UNTIL SHOP DRAWINGS HAVE BEEN APPROVED BY THE ENGINEER. ALL SPLICE LOCATIONS ARE SUBJECT TO ENGINEER'S APPROVAL. PLACE REBAR PER CRSI STANDARDS
   e. ALL BARS AND DOWELS SHALL BE SUPPORTED AND WIRED IN PLACE. DOWELS SHALL BE WIRED IN PLACE, NOT PUSHED INTO FRESH CONCRETE. WELDED WIRE REINFORCEMENT SHALL BE POSITIVELY SUPPORTED, NOT PULLED UP AFTER CONCRETE PLACEMENT. BAR SUPPORTS IN CONTACT WITH EXPOSED SURFACES SHALL HAVE PLASTIC TIPS.
   f. IF REINFORCING OR MESH IS FIELD CUT FOR SMALL OPENINGS, CONDUIT, ELECTRICAL BOXES, ETC. CUT REINFORCING SHALL BE REPLACED WITH AN EQUIVALENT AREA OF STEEL. ALL SUCH BARS SHALL EXTEND 24" MINIMUM (OR MESH LAP 2") BEYOND CORNER OR EDGE OF OPENING IF NECESSARY. REINFORCING SHALL BE BENT TO PROVIDE THIS MINIMUM EMBEDMENT. MAKE ALL BARS CONTINUOUS AROUND CORNERS.
5. REBAR NOTED TO BE DRILLED INTO CONCRETE AND SET WITH ADHESIVE TO USE HILTI ADHESIVE HIT-HY 200 V3 ADHESIVE "SAFE SET SYSTEM" AS DOCUMENTED BY CURRENT ICC-ES REPORT ESR-4868. CONTRACTOR MAY SUBMIT ALTERNATE FOR APPROVAL WITH ALLOWABLE LOAD VALUES EQUAL TO OR EXCEEDING THOSE FOR HILTI.
6. CONCRETE PLACEMENT REQUIREMENTS:
   a. CONCRETE SHALL NOT BE PLACED ON FROZEN GROUND.
   b. MECHANICALLY VIBRATE ALL CONCRETE WHEN PLACED.
   c. ALL EXPOSED EDGES SHALL BE CHAMFERED 3/4" UNLESS NOTED OTHERWISE.
7. EXPANSION JOINT MATERIAL FOR EXPANSION OR ISOLATION JOINTS SHALL BE PREMOLDED, BITUMINOUS IMPREGNATED FIBERBOARD.CONFORMING TO ASTM D994. JOINT THICKNESS SHALL BE 1/2" UNLESS NOTED OTHERWISE ON DESIGN DRAWINGS.
8. JOINT SEALANT FOR ALL CONCRETE CONTROL, CONSTRUCTION AND ISOLATION JOINTS SHALL BE SIKAFLEX-1A BY SIKA CORP., OR APPROVED EQUAL.
9. WATERSTOPS SHALL BE TPER MATERIAL. WATER STOPS SHALL BE WIRED TO REINFORCEMENT TO PREVENT FOLDOVER DURING CONCRETE PLACEMENT. ALL JOINTS, EXCEPT STRAIGHT BUTT JOINTS, SHALL BE SHOP MADE BY THE MANUFACTURER. FIELD SPLICES SHALL BE HEAT-WELDED.
10. PER MANUFACTURER'S RECOMMENDATION.GROUT USED FOR VARIOUS APPLICATIONS SHALL BE AS FOLLOWS:
    a. GROUT USED FOR STRUCTURAL STEEL COLUMN BASE PLATES SHALL BE PREPACKED, HIGH-FLUIDITY NON-SHRINK, NATURAL AGGREGATE GROUT SUCH AS "MASTERFLOW 713 PLUS" BY BASF (FORMERLY MASTER BUILDERS) OR APPROVED EQUAL. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION. SPACE BETWEEN THE ANCHOR RODS AND OVERSIZED HOLES IN THE BASE PLATE SHALL BE FULLY GROUTED WITH NON-SHRINK GROUT TO ASSURE PROPER SHEAR TRANSFER. GROUTING SHALL BE PERFORMED ONE BOLT AT A TIME, WHILE OTHER BASE PLATE RODS ARE FULLY TIGHTENED.
    b. GROUT USED FOR GROUTING COMPRESSORS, TURBINES, LARGE PUMPS, AND OTHER RECIPROCATING OR ROTATING EQUIPMENT THAT REQUIRES EPOXY GROUTING AS SHOWN ON DESIGN DRAWINGS SHALL BE "FIVE STAR HP" EPOXY GROUT BY FIVE STAR PRODUCTS, INC. OR APPROVED EQUAL, FOLLOW MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION.
11. VOID FORM SHALL BE "SURE VOID" OR APPROVED EQUAL. KEEP VOID FORM MATERIAL DRY DURING PLACEMENT AND INSTALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.VOID FORM SHALL BE BIODEGRADABLE AND CAPABLE OF SUPPORTING THE FLUID WEIGHT OF THE CONCRETE.
12. SIZES AND LOCATIONS OF EQUIPMENT BASES, SUMPS, AND EQUIPMENT ANCHOR BOLTS SHOWN ON DRAWINGS ARE APPROXIMATE; THE GENERAL CONTRACTOR SHALL VERIFY ALL SIZES AND LOCATIONS WITH MECHANICAL AND ELECTRICAL DIVISIONS.

E. HELICAL PILES

1. HELICAL PILES SHALL BE INSTALLED WITHIN 1" OF COORDINATE (PLAN) LOCATIONS, AND WITHIN -1/2", +1/8" IN ELEVATION. SHIM AS REQUIRED.
2. IF HELICAL PILES ARE NOT ZINC COATED, DESIGN WALL THICKNESS AND OUTSIDE DIAMETER SHALL ACCOUNT FOR CORROSION LOSS OF 0.018" OF OUTSIDE WALL THICKNESS, AS INDICATED IN SECTION 3.9 OF AC358 "ACCEPTANCE CRITERIA FOR HELICAL PILE SYSTEMS AND DEVICES". ZINC COATINGS, IF USED, SHALL COMPLY WITH ASTM A123, A153, B633, OR B695, AS APPLICABLE.
3. PILES SHALL BE DESIGNED TO LIMIT DEFLECTION UNDER SERVICE LOAD TO 1/2", AND PILE CAPACITY SHALL BE DESIGNED FOR 2X SERVICE LOAD.
4. PILE DESIGN CONTRACTOR SHALL PROVIDE CUT SHEETS ON MATERIALS USED, CONFIGURATION OF SCREW PILES, AND INSTALLATION CRITERIA (TORQUE, DEPTH, ETC.) FOR APPROVAL PRIOR TO FABRICATION.
5. ANY LOAD TESTING SHALL BE PERFORMED PER ASTM 1143 (COMPRESSION), ASTM 3689 (TENSION) AND ASTM 3966 (LATERAL), AS APPLICABLE.
6. CONTINUOUS INSPECTION BY QUALIFIED PERSONNEL IS REQUIRED FOR ALL PILE INSTALLATIONS.

F. STRUCTURAL STEEL

1. MATERIAL SPECIFICATIONS, UNLESS NOTED OTHERWISE ON PLAN:
   a. WIDE FLANGE ASTM A992 (FY = 50KSI)
   b. CHANNELS, ANGLES, PLATES, AND BARS ASTM A36 (FY = 36 KSI)
   c. SQUARE AND RECTANGULAR HSS SHAPES ASTM A500 (FY = 46 KSI)
   d. PIPES ASTM A53 (FY=35 KSI)
2. CONNECTIONS:
   a. ANCHOR RODS SHALL MEET THE REQUIREMENTS OF ASTM F1554, 36 KSI YIELD STRENGTH. COMMON ROD STOCK BARS SHALL NOT BE USED.
   b. BOLTED CONNECTIONS SHALL BE FASTENED WITH HIGH STRENGTH A-325 BOLTS DESIGNED FOR THREADS INCLUDED IN SHEAR PLANES (CONNECTION TYPE N) EXCEPT AS NOTED ON THE PLANS.
   c. WELDING SHALL CONFORM TO THE CURRENT AMERICAN WELDING SOCIETY CODE. WELDING ELECTRODES SHALL BE E70XX, UNLESS NOTED OTHERWISE. ALL WELDING SHALL BE BY AWS CERTIFIED WELDERS. WELDS WHICH ARE FOUND TO BE FAULTY SHALL BE REWORKED BY THE CONTRACTOR AT NO COST.
   d. ADHESIVE ANCHORS FOR CONCRETE SHALL BE HAS-V-36 RODS (ASTM F1554 36 KSI) WITH HILTI HIT-HY 200 V3 ADHESIVE "SAFE SET SYSTEM" AS DOCUMENTED BY CURRENT ICC-ES REPORT ESR-4868. CONTRACTOR MAY SUBMIT ALTERNATE FOR APPROVAL WITH ALLOWABLE LOAD VALUES EQUAL TO OR EXCEEDING THOSE FOR HILTI. ANCHORS SHALL BE GALVANIZED.
3. FABRICATION:
   a. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL. STEEL FABRICATION SHALL NOT BEGIN UNTIL SHOP DRAWINGS HAVE BEEN APPROVED BY THE ENGINEER.
   b. STEEL SHALL BE FABRICATED IN AN A.I.S.C.-CERTIFIED STEEL FABRICATION SHOP UNLESS APPROVED BY THE ENGINEER.
   c. MILL REPORTS SHALL BE PROVIDED FOR ALL STEEL.
4. COATINGS:
   a. STRUCTURAL STEEL SHALL BE SHOT BLASTED, PRIMED, AND GALVANIZED.
   b. ALL STEEL SHALL BE HOT DIP GALVANIZED PER ASTM A123 (3-MIL MIN.)
   c. IF FIELD MODIFICATIONS REQUIRE REMOVAL OF HDG, THEN UTILIZE ZRC COLD GALVANIZATION PRODUCT TO PERFORM GALVANIZATION TOUCH-UPS.
5. ERECTION
   a. FIELD CUTTING OF STEEL OR OTHER FIELD MODIFICATIONS ARE PROHIBITED WITHOUT WRITTEN APPROVAL FROM THE ENGINEER.
   b. FABRICATOR SHALL FURNISH ALL FIELD BOLTS, BOLT SCHEDULE, CLIP ANGLES, AND TEMPORARY FASTENINGS REQUIRED FOR ERECTION.
   c. THE CONTRACTOR SHALL PROVIDE TEMPORARY SUPPORT AND SAFE LIFTING SCHEMES FOR STEEL MEMBERS AS REQUIRED DURING ALL PHASES OF CONSTRUCTION.
   d. ALL DAMAGED MATERIAL SHALL BE REPAIRED OR REPLACED AT NO EXTRA COST TO THE OWNER AND SUBJECT TO THE APPROVAL OF THE OWNER OR AUTHORIZED REPRESENTATIVE.

G. GENERAL CONSTRUCTION

1. THE STRUCTURAL ENGINEER SHALL NOT HAVE CONTROL OR CHARGE OF, AND SHALL NOT BE RESPONSIBLE FOR: CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES; FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK; FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS, OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
2. ANY TEMPORARY FACILITIES PLACED BY THE CONTRACTOR FOR CONSTRUCTION OPERATIONS, SUCH AS CRANE BASES, TRAILERS, SHEET PILING, ETC., SHALL BE LOCATED SO AS NOT TO INTERFERE WITH PERMANENT BUILDING CONSTRUCTION. IF INTERFERENCE OCCURS, THE CONTRACTOR SHALL REMOVE OR RELOCATE HIS TEMPORARY FACILITIES AT HIS OWN EXPENSE.
3. DO NOT BACKFILL AGAINST BUILDING, TANK, OR TUNNEL WALLS BELOW GRADE UNTIL FLOOR (OR ROOF) SLAB HAS BEEN PLACED AND CURED FOR AT LEAST SEVEN DAYS AND WALLS HAVE ATTAINED A STRENGTH OF 3,000 PSI. PLACE BACKFILL EVENLY ON EACH SIDE OF WALLS TO PREVENT ECCENTRIC LOADING ON WALLS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR STABILITY BRACING AND SHORING OF THE STRUCTURE DURING CONSTRUCTION, INCLUDING ALL CONSTRUCTION LOADS. THE CONTRACTOR SHALL COORDINATE THE LOCATION OF ALL FOUNDATION WORK WITH THE LOCATION OF ALL SUBGRADE MECHANICAL AND ELECTRICAL WORK. THE CONTRACTOR SHALL PROVIDE ADDITIONAL REINFORCEMENT AROUND ALL PENETRATIONS IN FOUNDATION WALLS. UNLESS SPECIFICALLY NOTED ON THE DRAWINGS, MECHANICAL AND ELECTRICAL WORK IS NOT PERMITTED TO BE EMBEDDED IN FOUNDATIONS OR PLACED BENEATH FOUNDATION BEARING.
5. THE CONTRACTOR SHALL BE AWARE OF OVERHEAD POWER LINES, SUBFLOOR ELECTRICAL CONDUIT, AND SUBGRADE UTILITIES OR TUNNELS AT THE SITE. VERIFY UTILITY LOCATIONS WITH OWNER, GOPHER STATE ONE-CALL (651-454-0002), AND UTILITY COMPANIES.
6. ANY ENGINEERING DESIGN PROVIDED BY OTHERS SHALL BE SUBMITTED FOR REVIEW AND SHALL BEAR THE SIGNATURE AND VALID REGISTRATION NUMBER OF A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF MINNESOTA.
7. CONTRACTOR SHALL FIELD-VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AT THE BUILDING AND/OR SITE.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL WORK PERFORMED BY SUBCONTRACTORS.
9. THE CONTRACTOR SHALL DOCUMENT AS-BUILT INFORMATION AND PROVIDE AS-BUILT DRAWINGS TO THE ENGINEER FOR ALL WORK PERFORMED.
10. SCALES NOTED ON DRAWINGS ARE ACCURATE FOR FULL-SIZE (22x34) DRAWINGS ONLY.

H. SCHEDULE OF GENERAL AND SPECIAL INSPECTIONS (AS APPLICABLE)

1. SPECIAL INSPECTION: THE FOLLOWING ITEMS REQUIRE SPECIAL INSPECTION (PER SECTION 1704 OF THE IBC, PROVIDE MINIMUM 24-HOUR NOTICE TO INSPECTOR:
   a. EARTHWORK
   b. FOUNDATION CAPACITY
   c. CONCRETE CYLINDER (7 AND 28 DAY AND SPARE) AND SLUMP
   d. CONCRETE REINFORCING
   e. STRUCTURAL STEEL WELDING AND HIGH STRENGTH BOLTING
   f. EXPANSION AND ADHESIVE ANCHORS
2. INSPECTION AND TESTING REPORTS SHALL BE COMPLETED AND DISTRIBUTED AT THE COMPLETION OF EACH TASK. IF A TASK IS TO TAKE LONGER THAN THREE (3) DAYS, PROVIDE REPORTS FOR EACH DAY. PROVIDE COPIES OF REPORTS TO: CONTRACTOR, OWNER, AND THE ENGINEER OF RECORD. INSPECTOR TO KEEP A NON-COMPLIANCE LIST DOCUMENTING ITEMS INSPECTED NOT MEETING APPROVED CONSTRUCTION DOCUMENTS AND WHEN/HOW RESOLVED.

CAD FILE NAME: *D1_40010_Sibley Mounding.dwg*

Xcel Energy®

FLOC: *GU-SPG*

PROFESSIONAL ENGINEER
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.

Signature: Randy Paul
Typed or Printed Name: Randy S. Paul
Date: 05/26/2025 License Number: 56637

CAMPOS EPC

HISTORY	DATE
DRAWN BY: *JMC*	*04/04/24*
DESIGNED BY: *RSP*	*04/04/24*
CHECKED BY: *JG*	*05/24/24*
APPROVED BY: *RSP*	*10/23/24*
IN SERVICE DATE:	

REVISIONS			
NO.	DESCRIPTION	BY	DATE
0	*ISSUED FOR CONSTRUCTION - RET. WALL*	*JMC*	*05/31/24*
1	*ISSUED FOR CONSTRUCTION*	*JMC*	*10/23/24*

SIBLEY PROPANE PLANT
STRUCTURAL NOTES

SERVICE CENTER: *NORTHERN STATES POWER COMPANY* | LOCATION: *UNIT 00*

DIVISION: *NORTHERN* | CITY/COUNTY : *MENDOTA HEIGHTS / DAKOTA* | TYPE: *FACILITY*

DRAWING
40010

1

INSPECTION AND VERIFICATION OF CONCRETE CONSTRUCTION				
INSPECTION REQUIRED Y/N	VERIFICATION AND INSPECTION TASK	FREQUENCY OF INSPECTION		REFERENCED STANDARD
		CONTINUOUS DURING TASK LISTED	PERIODICALLY DURING TASK LISTED	
Y	1. INSPECTION OF REINFORCING STEEL, INCLUDING PRESTRESSING TENDONS AND PLACEMENT.	---	X	ACI 318: 3.5, 26.6
N	2. INSPECTION OF REINFORCING STEEL WELDING IN ACCORDANCE WITH TABLE 1705.2.2, ITEM 2b.	---	X	AWS D1.4 ACI 318: 26.6.4
Y	3. INSPECTION OF ANCHORS CAST IN CONCRETE .	---	X	ACI 318: 26.7
Y	4. INSPECTION OF ANCHORS POST-INSTALLED IN HARDENED CONCRETE MEMBERS.	---	X	ACI 318: 26.7
Y	5. VERIFICATION OF ANCHOR MATERIAL CERTIFICATIONS.	---	X	AISC 360
Y	6. VERIFYING USE OF REQUIRED DESIGN MIX.	---	X	ACI 318: 26.4
Y	7. AT THE TIME FRESH CONCRETE IS SAMPLED TO FABRICATE SPECIMENS FOR STRENGTH TESTS, PERFORM SLUMP AND AIR CONTENT TESTS AND DETERMINE THE TEMPERATURE OF THE CONCRETE.	X	---	ASTM C 172 ASTM C 31 ACI 318: 26.12,26.13
Y	8. INSPECTION OF CONCRETE AND SHOTCRETE PLACEMENT FOR PROPER APPLICATION TECHNIQUES.	X	---	ACI 318: 26.5
Y	9. INSPECTION FOR MAINTENANCE OF SPECIFIED CURING TEMPERATURE AND TECHNIQUES.	---	X	ACI 318: 26.5.3
Y	10. VERIFICATION OF IN-SITU CONCRETE STRENGTH, PRIOR TO STRESSING OF TENDONS IN POST-TENSIONED CONCRETE AND PRIOR TO REMOVAL OF SHORING AND FORMS FROM BEAMS AND STRUCTURAL SLABS.	---	X	ACI 318: 26.11
Y	11. INSPECT FORMWORK FOR SHAPE, LOCATION AND DIMENSIONS OF THE CONCRETE MEMBER BEING FORMED.	---	X	ACI 318: 26.11

INSPECTION AND VERIFICATION OF SOILS			
INSPECTION REQUIRED Y/N	VERIFICATION AND INSPECTION TASK	FREQUENCY OF INSPECTION	
		CONTINUOUS DURING TASK LISTED	PERIODICALLY DURING TASK LISTED
Y	1. VERIFY MATERIALS BELOW FOOTINGS ARE ADEQUATE TO ACHIEVE DESIRED BEARING CAPACITY.	---	X
Y	2. VERIFY EXCAVATIONS ARE EXTENDED TO PROPER DEPTH AND HAVE REACHED PROPER MATERIAL.	---	X
Y	3. PERFORM CLASSIFICATION AND TESTING OFCOMPACTED FILL MATERIALS.	---	X
Y	4. VERIFY USE OF PROPER MATERIALS, DENSITIES AND LIFT THICKNESSES DURING PLACEMENT AND COMPACTION OF COMPACTED FILL.	X	---
Y	5. PRIOR TO PLACEMENT OF COMPACTED FILL, OBSERVE SUBGRADE AND VERIFY THAT SITE HAS BEEN PREPARED PROPERLY.	---	X

INSPECTION AND VERIFICATION OF HELICAL PILE FOUNDATONS				
INSPECTION REQUIRED Y/N	VERIFICATION AND INSPECTION TASK	FREQUENCY OF INSPECTION		REFERENCED STANDARDS
		CONTINUOUS DURING TASK LISTED	PERIODICALLY DURING TASK LISTED	
Y	1. CONTINOUS INSPECTION SHALL BE PERFORMED DURING INSTALLATION OF HELICAL PILE FOUNDATIONS. INFORMATION SHALL BE RECORDED INCLUDING INSTALLATION EQUIPMENT USED, PILE DIMENSIONS, TIP ELEVATIONS, FINAL DEPTH, FINAL INSTALLATION TORQUE, AND OTHER PERTINENT INSTALLATION AS REQUIRED BY THE REGISTERED DESIGN PROFESSIONAL RESPONSIBLE IN CHARGE. THE APPROVED GEOTECHNICAL REPORT AND CONSTRUCTION DOCUMENTS PREPARED BY THE REGISTERED DESIGN PROFESSIONAL SHALL BE USED TO DETERMINE COMPLIANCE.	X		IBC SECTION 1705.9

INSPECTION AND VERIFICATION OF STEEL CONSTRUCTION				
INSPECTION REQUIRED Y/N	VERIFICATION AND INSPECTION TASK	FREQUENCY OF INSPECTION		REFERENCED STANDARD
		CONTINUOUS DURING TASK LISTED	PERIODICALLY DURING TASK LISTED	
	1. MATERIAL VERIFICATION OF HIGH-STRENGTH BOLTS, NUTS, AND WASHERS:			
Y	A. IDENTIFICATION MARKINGS TO CONFORM TO ASTM STANDARDS SPECIFIED IN THE APPROVED CONSTRUCTION DOCUMENTS.	-	X	AISC 360 SECTION A3.3 AND APPLICABLE ASTM MATERIAL STANDARDS
Y	B. MANUFACTURER'S CERTIFICATE OF COMPLIANCE REQUIRED.	-	X	-
	2. INSPECTION OF HIGH-STRENGTH BOLTING:			
Y	A. SNUG TIGHT JOINTS.	-	X	AISC 360 SECTION M2.5
N	B. PRETENSIONED AND SLIP-CRITICAL JOINTS USING TURN-OF-NUT WITH MATCHMARKING, TWIST-OFF BOLT, OR DIRECT TENSION INDICATOR METHOD OF INSTALLATION.	-	X	
N	C. PRETENSIONED AND SLIP-CRITICAL JOINTS USING TURN-OF-NUT WITHOUT MATCHMARKING, OR CALIBRATED WRENCH METHODS OF INSTALLATION.	X	-	
	3. MATERIAL VERIFICATION OF STRUCTURAL STEEL AND COLD-FORMED STEEL DECK:			
Y	A. FOR STRUCTURAL STEEL, IDENTIFICATION MARINGS TO CONFORM TO AISC 360.	-	X	-
Y	B. FOR OTHER STEEL, IDENTIFICATION MARKINGS TO CONFORM TO ASTM STANDARDS SPECIFIED IN THE APPROVED CONSTRUCTION DOCUMENTS.	-	X	APPLICABLE ASTM MATERIAL STANDARDS
Y	C. MANUFACTURER'S CERTIFIED MILL TEST REPORTS.	-	X	-
	4. MATERIAL VERIFICATION OF WELD FILLER MATERIALS:			
Y	A. IDENTIFICATION MARKINGS TO CONFORM TO AWS SPECIFICATION IN THE APPROVED CONSTRUCTION DOCUMENTS.	-	X	AISC 360 SECTION A3.5 AND APPLICABLE AWS A5 DOCUMENTS
Y	B. MANUFACTURER'S CERTIFICATE OF COMPLIANCE REQUIRED.	-	X	-
	5. INSPECTION OF WELDING:			
	A. STRUCTURAL STEEL AND COLD FORMED STEEL DECK:			
N	1) COMPLETE AND PARTIAL PENETRATION GROOVE WELDS.	X	-	AWS D1.1
N	2) MULTIPASS FILLET WELDS.	X	-	
N	3) SINGLE-PASS FILLET WELDS > 5/16".	X	-	
N	4) PLUG AND SLOT WELDS.	X	-	
Y	5) SINGLE-PASS FILLET WELDS ≤ 5/16".	-	X	
N	6) FLOOR AND ROOF DECK WELDS.	-	X	AWS D1.3
	B. REINFORCING STEEL:			
Y	1) VERIFICATION OF WELDABILITY OF REINFORCING STEEL OTHER THAN ASTM A706.	-	X	AWS D1.4 ACI 318 SECTION 3.5.2
N	2) REINFORCING STEEL: RESISTING FLEXURAL AND AXIAL FORCES IN INTERMEDIATE AND SPECIAL MOMENT FRAMES, AND BOUNDARY ELEMENTS OF SPECIAL STRUCTURAL WALLS OF CONCRETE AND SHEAR REINFORCEMENT.	X	-	
Y	3) SHEAR REINFORCEMENT.	X	-	
Y	4) OTHER REINFORCING STEEL.	-	X	
	6. INSPECTION OF STEEL FRAME JOINT DETAIL FOR COMPLIANCE:			
Y	A. DETAILS SUCH AS BRACING AND STIFFENING.	-	X	-
Y	B. MEMBER LOCATIONS.	-	X	
Y	C. APPLICATION OF JOINT DETAILS AT EACH CONNECTION.	-	X	
N	7. SFRS (SEISMIC FORCE RESISTING SYSTEM)	X	-	-

SUBMITTALS:

1. ALL SUBMITTALS SHALL BE SENT TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO PROCUREMENT, FABRICATION, OR CONSTRUCTION.
2. REQUIRED SUBMITTALS ARE PROVIDED.
   a. STRUCTURAL FILL (A.3.f)
   b. CONCRETE MIX DESIGN (4010 D.1.i)
   c. REBAR SHOP DRAWINGS (4010 D.4.d)
   d. HELICAL PILE DESIGN & SUBMITTAL (4010 E)
   e. STRUCTURAL STEEL SHOP DRAWINGS (4010 F.3.a)
   f. ENGINEERING COMPLETED BY OTHERS (4010 G. 6)
   g. ANY MATERIAL THAT DIFFERS FROM WHAT IS SPECIFIED ON 4010, 4011, OR THE FOLLOWING STRUCTURAL DRAWINGS.

ABBREVIATIONS:

A.B. = ANCHOR BOLT
B.O.C. = BOTTOM OF CONCRETE
C.J. = CONSTRUCTION JOINT
C.L. = CENTERLINE
C.T. = CONTROL JOINT
C.V. = COMPACTED VOLUME
CLR. = CLEAR
CONC. = CONCRETE
CONT. = CONTINUOUS
DET. = DETAIL
DWGS. = DRAWINGS
E.F.= EACH FACE
E.J.= EXPANSION JOINT
E.W.= EACH WAY
ELEV. = ELEVATION
EQUIP. = EQUIPMENT
FDN. = FOUNDATION
GALV. = GALVANIZE
GRTG. = GRATING
HORIZ. = HORIZONTAL
I.F. = INSIDE FACE
MAX. = MAXIMUM
MFR. = MANUFACTURER
MIN. = MINIMUM
N.F.S. = NON-FROST-SUSCEPTIBLE
O.C. = ON CENTER
O.D. = OUTSIDE DIAMETER
O.F. = OUTSIDE FACE
REINF. = REINFORCEMENT
REQ'D. = REQUIRED
S.J. = SEALED JOINT
S.S. = STAINLESS STEEL
SPS. = SPACES
T & B = TOP AND BOTTOM
T.O.A. = TOP OF CONCRETE
T.O.S. = TOP OF STEEL
T.O.W. = TOP OF WALL
TYP. = TYPICAL
U.N.O. = UNLESS NOTED OTHERWISE
VERT. = VERTICAL

CAD FILE NAME: *D1_40011_Sibley Mounding.dwg*

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FLOC: *GU-SPG*

PROFESSIONAL ENGINEER
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.
Signature: Randy Paul
Typed or Printed Name: Randy S. Paul
Date: 05/26/2025 License Number: 56637

CAMPOS EPC

HISTORY	DATE
DRAWN BY: *JMC*	*04/04/24*
DESIGNED BY: *RSP*	*04/04/24*
CHECKED BY: *JG*	*05/24/24*
APPROVED BY: *RSP*	*10/23/24*
IN SERVICE DATE:	

REVISIONS			
NO.	DESCRIPTION	BY	DATE
0	*ISSUED FOR CONSTRUCTION - RET. WALL*	*JMC*	*05/31/24*
1	*ISSUED FOR CONSTRUCTION*	*JMC*	*10/23/24*

SIBLEY PROPANE PLANT
STRUCTURAL NOTES

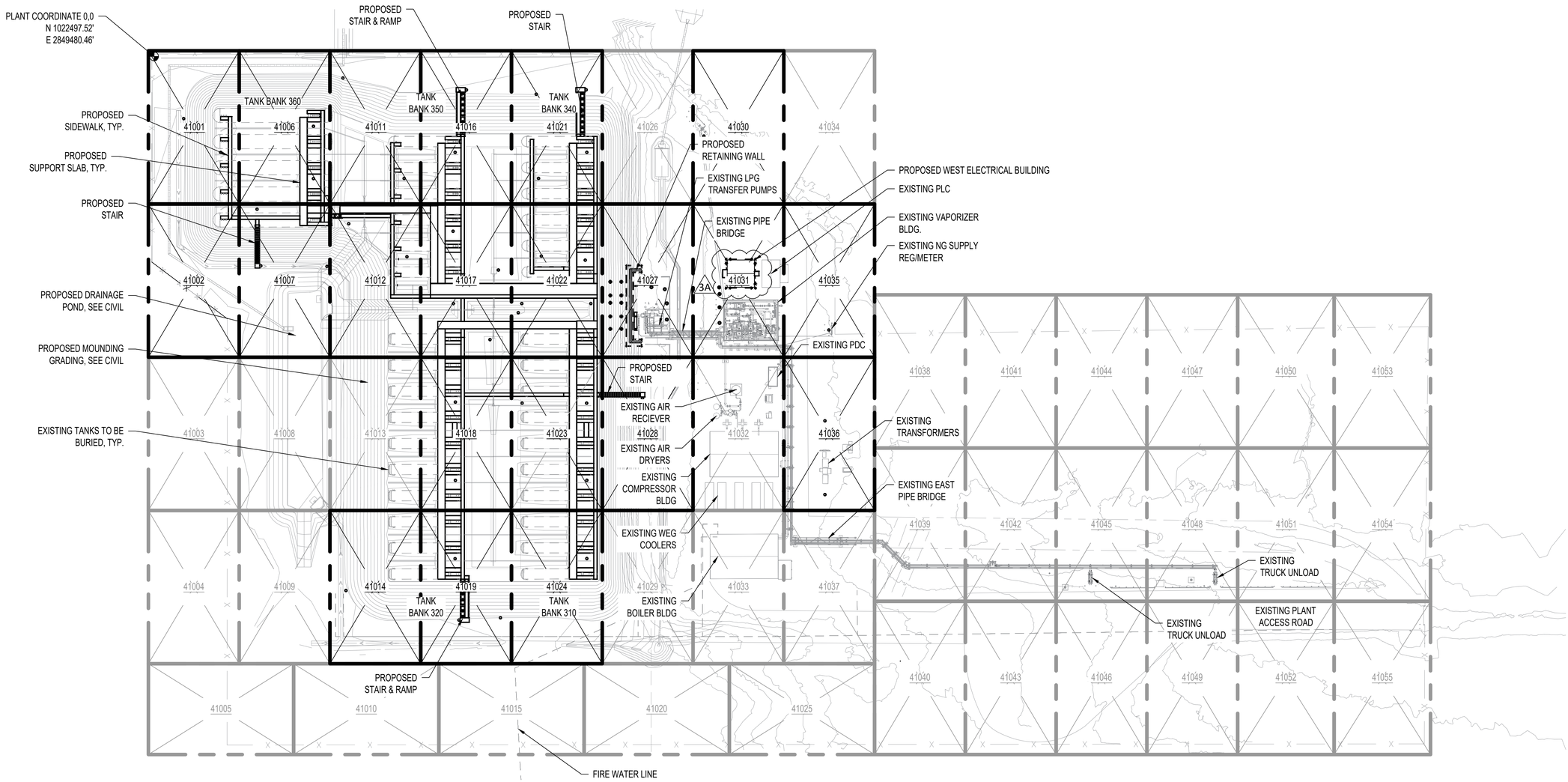
SERVICE CENTER: *NORTHERN STATES POWER COMPANY*
LOCATION: *UNIT 00*
DIVISION: *NORTHERN*
CITY/COUNTY : *MENDOTA HEIGHTS / DAKOTA*
TYPE: *FACILITY*

DRAWING
40011
1

PLANT NORTH

N 1.02° TRUE NORTH

REVISION SUMMARY:
3A. ADDED WEST ELECTRICAL BUILDING



FOUNDATION KEY PLAN

SCALE 1" = 50'

NOTES:

1. ALL COORDINATES BASED ON NAD83 MINNESOTA STATE PLANE, SOUTH ZONE.
2. SEE THE FOLLOWING FOR OTHER DISCIPLINE KEY PLANS: 4300 FOR CIVIL, 6100 FOR MECHANICAL & PIPING, 7200 FOR CONDUIT, 7300 FOR ELECTRICAL, & 8000 FOR CONTROLS.

CAD FILE NAME: *D1_41000_Sibley Mounding.dwg*

LEGEND:

- PROPOSED CONCRETE
- X EXISTING FENCE
- EXISTING STEEL/CONCRETE
- EXISTING ABOVE GROUND PIPING & EQUIPMENT
- EXISTING UNDER GROUND PIPING & EQUIPMENT

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PROFESSIONAL ENGINEER
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.

Signature: *Randy Paul*
Typed or Printed Name: Randy S. Paul
Date: 05/26/2025 License Number: 56637

CAMPOS EPC

HISTORY	DATE
DRAWN BY: *JMC*	*04/04/24*
DESIGNED BY: *RSP*	*04/04/24*
CHECKED BY: *JG*	*05/24/24*
APPROVED BY: *RSP*	*12/19/24*
IN SERVICE DATE:	

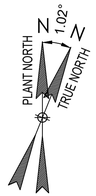
REVISIONS			
NO.	DESCRIPTION	BY	DATE
0	*ISSUED FOR CONSTRUCTION - RET. WALL*	*JMC*	*05/31/24*
1	*ISSUED FOR CONSTRUCTION*	*JMC*	*10/23/24*
2	*RE-ISSUED FOR CONSTRUCTION*	*JMC*	*12/19/24*
3A	*ISSUED FOR PERMIT - WEST ELEC BUILDING*	*JMC*	*05/27/25*

SIBLEY PROPANE PLANT
FOUNDATION KEY PLAN

DRAWING *41000* 3A

SERVICE CENTER: *NORTHERN STATES POWER COMPANY* LOCATION: *UNIT 00*

DIVISION: *NORTHERN* CITY/COUNTY : *MENDOTA HEIGHTS / DAKOTA* TYPE: *FACILITY*



SUPPORT LEGEND:

SUPPORT FOUNDATION DETAILS:

CT-9 & 11: F-8/44011
CT- 10: F-9/44011

DRAWING LIMITS, FOR CONTINUATION SEE 41035

DRAWING LIMITS, FOR CONTINUATION SEE 41030

DRAWING LIMITS, FOR CONTINUATION SEE 42032

EXISTING PLC BUILDING

1A

F-14
44014

EXISTING
VAPORIZER
BUILDING

N: 1022994.30
E: 2849718.57

EXISTING BURIED PIPE, EXACT LOCATION UNKNOWN, V.I.F. ADEQUATE CLEARANCE IS PROVIDED BETWEEN CT & PIPE PRIOR TO SUPPORT FABRICATION.

5'-6¼"

1'-1¾"

CT-11

11'-0"

CT-10

24'-10¾"

3'-5"

1'-10½"

7'-0¼"

CT-09

CENTER OF EXISTING
PIPE BRIDGE COLUMN

21'-6"

EXISTING PIPE BRIDGE

DRAWING LIMITS, FOR CONTINUATION SEE 41027

SLAB LEGEND:

- 4" SIDEWALK / STAIRS
- 6" SLAB
- 12" SLAB

LEGEND:

- PROPOSED CONCRETE
- EXISTING FENCE
- EXISTING STEEL/CONCRETE
- EXISTING ABOVE GROUND PIPING & EQUIPMENT
- EXISTING UNDER GROUND PIPING & EQUIPMENT

NOTES:
1. SEE 41000 FOR FOUNDATION KEY PLAN.
2. SEE 40010 & 40011 FOR STRUCTURAL NOTES.
3. ALL DIMENSIONS AND ELEVATIONS SHALL BE VERIFIED WITH EXISTING CONDITIONS PRIOR TO CONSTRUCTION.

FOUNDATION PLAN
SCALE 3/16" = 1'-0"

CAD FILE NAME: *D1_41031_Sibley Mounding.dwg*

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PROFESSIONAL ENGINEER
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.

Signature: Randy Paul
Typed or Printed Name: Randy S. Paul
Date: 05/26/2025 License Number: 56637

CAMPOS EPC

HISTORY	DATE
DRAWN BY: *JMC*	*04/04/24*
DESIGNED BY: *RSP*	*04/04/24*
CHECKED BY: *JG*	*05/24/24*
APPROVED BY: *RSP*	*10/23/24*
IN SERVICE DATE:	

REVISIONS			
NO.	DESCRIPTION	BY	DATE
0	*ISSUED FOR CONSTRUCTION*	*JMC*	*10/23/24*
1A	*ISSUED FOR PERMIT - WEST ELEC BUILDING*	*JMC*	*05/23/25*

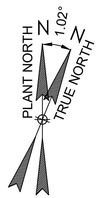
SIBLEY PROPANE PLANT
FOUNDATION PLAN

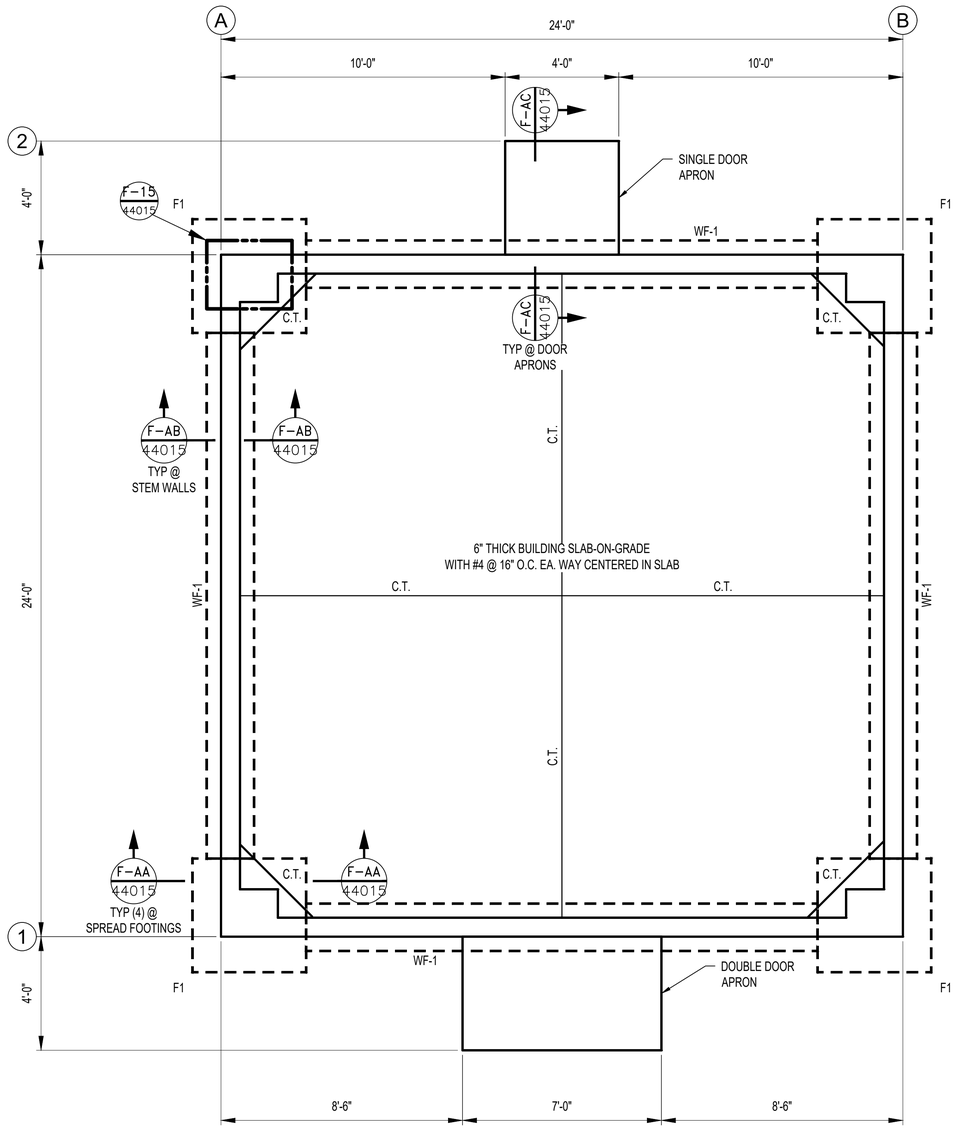
DRAWING *41031*

SERVICE CENTER: *NORTHERN STATES POWER COMPANY* | LOCATION: *UNIT 14*

DIVISION: *NORTHERN* | CITY/COUNTY : *MENDOTA HEIGHTS / DAKOTA* | TYPE: *FACILITY*

1A





WEST ELECTRICAL BUILDING PLAN (F-14 41031)

SCALE 3/8"=1'-0"

FOUNDATION FOR VARCO PRUDEN BUILDING
JOB #25-008413-01

NOTES:
1. SEE 41000 FOR FOUNDATION KEY PLAN.
2. SEE 40010 & 40011 FOR STRUCTURAL NOTES.
3. SEE 44015 FOR FOUNDATION SECTIONS & DETAILS
4. SEE 44016 FOR TYPICAL DETAILS
5. ALL DIMENSIONS AND ELEVATIONS SHALL BE VERIFIED WITH EXISTING CONDITIONS PRIOR TO CONSTRUCTION.

FOOTING SCHEDULE				
FOOTING	LENGTH	WIDTH	DEPTH	REINF.
F1	4'-0"	4'-0"	1'-0"	#5 @ 12" T&B E.W.
WF-1	CONT.	1'-8"	1'-0"	#5 @ 12" T&B E.W.

CAD FILE NAME: *D1_44014_Sibley Mounding.dwg*

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PROFESSIONAL ENGINEER
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.
Signature: Randy Paul
Typed or Printed Name: Randy S. Paul
Date: 05/26/2025 License Number: 56637

CAMPOS EPC

HISTORY	DATE
DRAWN BY: *JMC*	*05/27/25*
DESIGNED BY: *RSP*	*05/27/25*
CHECKED BY: *AT*	*05/27/25*
APPROVED BY: *RSP*	*05/27/25*
IN SERVICE DATE:	

REVISIONS			
NO.	DESCRIPTION	BY	DATE
0A	*ISSUED FOR PERMIT - WEST ELEC BUILDING*	*JMC*	*05/27/25*

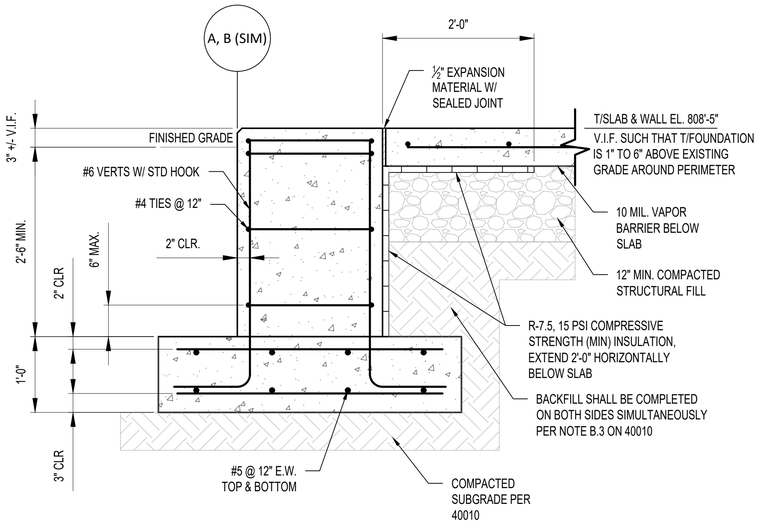
SIBLEY PROPANE PLANT
FOUNDATION DETAILS
ISSUED FOR PERMIT - WEST ELEC BUILDING

SERVICE CENTER: *NORTHERN STATES POWER COMPANY* | LOCATION:

DIVISION: *NORTHERN* | CITY/COUNTY : *MENDOTA HEIGHTS / DAKOTA* | TYPE: *FACILITY*

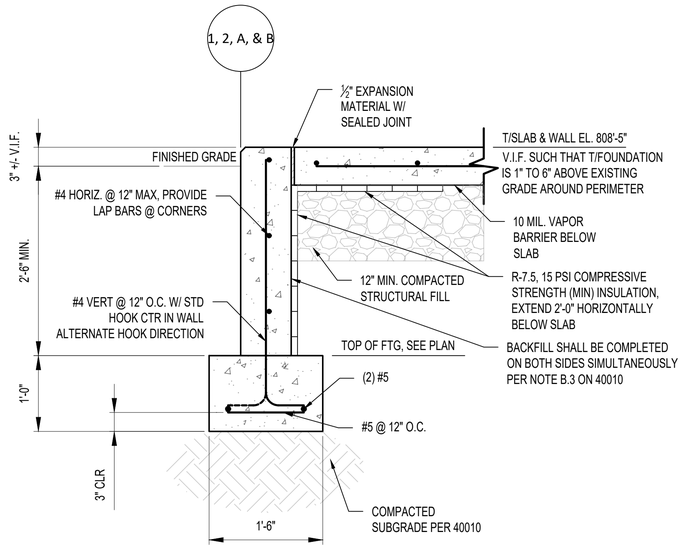
DRAWING
44014

0A



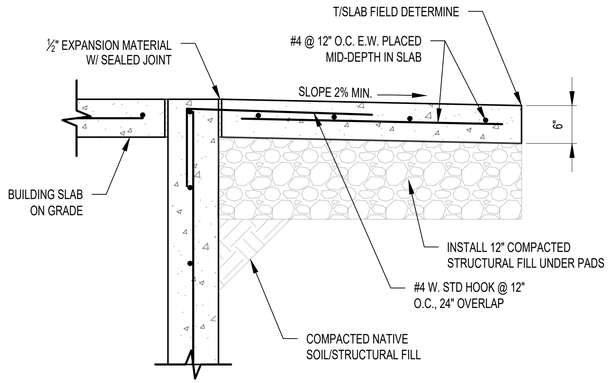
SECTION F-AA
SCALE 1"=1'-0" 44014

(TYP. @ BUILDING COLUMNS)



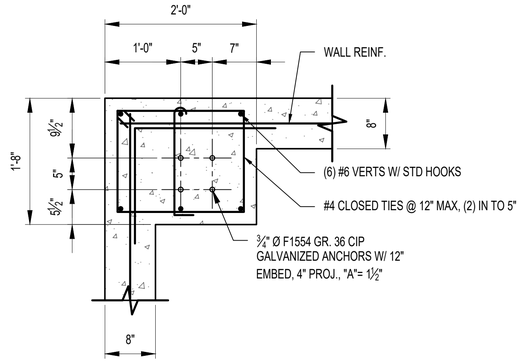
SECTION F-AB
SCALE 1"=1'-0" 44014

(TYP. @ WALLS)

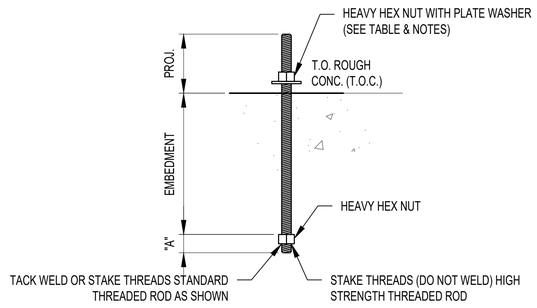


SECTION F-AC
SCALE 1"=1'-0" 44014

(TYP. @ DOOR APRONS)



SECTION F-15
SCALE 1"=1'-0" 44014



TYPICAL ANCHOR ROD DETAIL
SCALE NOT TO SCALE

CAD FILE NAME: *D1_44015_Sibley Mounding.dwg*

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Signature: Randy Paul
Typed or Printed Name: Randy S. Paul
Date: 05/26/2025 License Number: 56637

CAMPOS EPC

HISTORY	DATE
DRAWN BY: *JMC*	*05/27/25*
DESIGNED BY: *RSP*	*05/27/25*
CHECKED BY: *AT*	*05/27/25*
APPROVED BY: *RSP*	*05/27/25*
IN SERVICE DATE:	

REVISIONS			
NO.	DESCRIPTION	BY	DATE
0A	*ISSUED FOR PERMIT - WEST ELEC BUILDING*	*JMC*	*05/27/25*

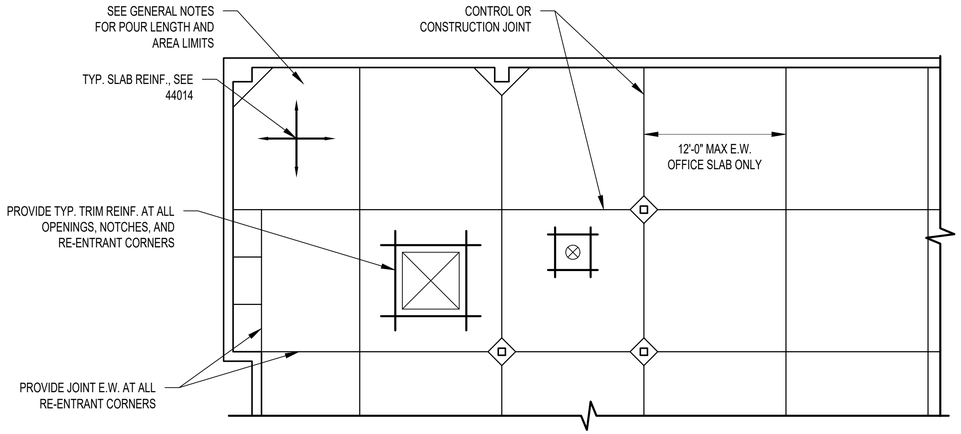
SIBLEY PROPANE PLANT
FOUNDATION DETAILS
ISSUED FOR PERMIT - WEST ELEC BUILDING

SERVICE CENTER: *NORTHERN STATES POWER COMPANY* | LOCATION:

DIVISION: *NORTHERN* | CITY/COUNTY : *MENDOTA HEIGHTS / DAKOTA* | TYPE: *FACILITY*

DRAWING
44015

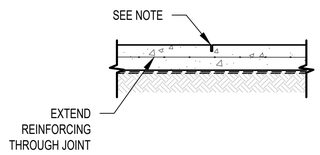
0A



NOTES:

1. KEY PLANN ILLUSTRATES CONSTRUCTION CONCEPTS ONLY. SEE PLAN FOR ACTUAL DIMENSIONS AND ARRANGEMENT.
2. PROVIDE ADDITIONAL CONTROL JOINTS AT ABRUPT CHANGES IN THICKNESS AND LOCATIONS PRONE TO CRACKING, COORDINATE LOCATIONS WITH FLOOR FINISHES AND INTERIOR WALLS.

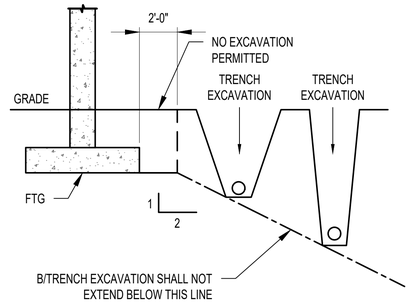
TYPICAL SOG KEY PLAN
SCALE NTS



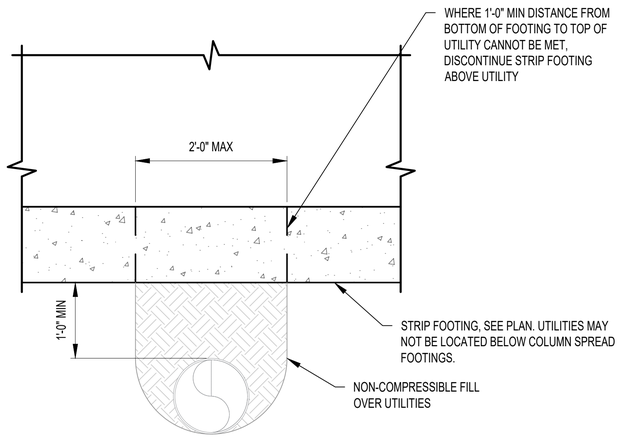
NOTE:

1. PROVIDE TOOLED JOINT OR SAW CUT AS SOON AS THE CONCRETE HAS HARDENED SUFFICIENTLY TO PERMIT CUTTING WITHOUT CHIPPING, SPALLING, OR TEARING (BUT NOT MORE THAN 12 HOURS AFTER CASTING).

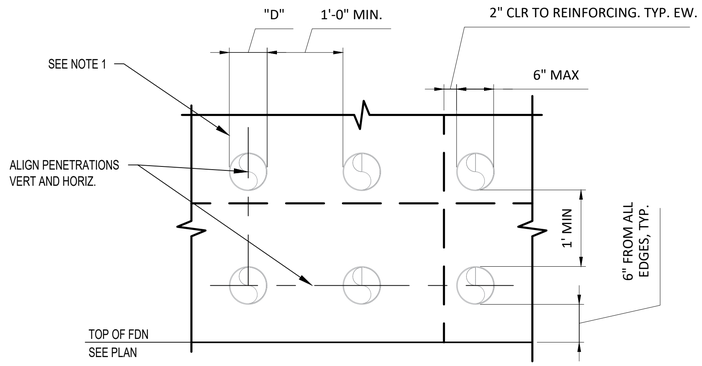
TYPICAL SOG CONTROL JOINT
SCALE NTS



TYPICAL FUTURE EXCAVATION AT FOOTING
SCALE NTS



TYPICAL UTILITY BELOW WALL FOOTING
SCALE NTS



NOTES:

1. DO NOT CORE OPENINGS. SLEEVE OPENINGS PRIOR TO PLACING CONCRETE.
2. DO NOT CUT REBAR AT PENETRATION LOCATIONS. REBAR MAY BE MOVED UP TO 8" TO ACCOMMODATE PENETRATIONS
3. SCH. 40 STEEL SLEEVES SHALL BE UTILIZED IN CRITICAL AREAS OF THE WALL AND SLABS AS DETERMINED BY EOR.
4. PENETRATIONS MAY NOT BE LOCATED THROUGH PEDESTALS.

TYPICAL PENETRATION THROUGH FOUNDATION WALL (WALL ELEVATION)
SCALE NTS

CAD FILE NAME: *D1_44016_Sibley Mounding.dwg*

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PROFESSIONAL ENGINEER
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.
Signature: Randy Paul
Typed or Printed Name: Randy S. Paul
Date: 05/26/2025 License Number: 56637

CAMPOS EPC

HISTORY	DATE
DRAWN BY: *JMC*	*05/27/25*
DESIGNED BY: *RSP*	*05/27/25*
CHECKED BY: *AT*	*05/27/25*
APPROVED BY: *RSP*	*05/27/25*
IN SERVICE DATE:	

REVISIONS			
NO.	DESCRIPTION	BY	DATE
0A	*ISSUED FOR PERMIT - WEST ELEC BUILDING*	*JMC*	*05/27/25*

SIBLEY PROPANE PLANT
FOUNDATION DETAILS
ISSUED FOR PERMIT - WEST ELEC BUILDING

SERVICE CENTER: *NORTHERN STATES POWER COMPANY* | LOCATION:

DIVISION: *NORTHERN* | CITY/COUNTY : *MENDOTA HEIGHTS / DAKOTA* | TYPE: *FACILITY*

DRAWING
44016
0A

4d5.

1.0 GENERAL CONSTRUCTION ACTIVITY INFORMATION:

THIS STORMWATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN PREPARED IN COMPLIANCE WITH THE MINNESOTA GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY NO. MNR100001 (GENERAL PERMIT), AS REQUIRED BY THE MINNESOTA POLLUTION CONTROL AGENCY (MPCA) UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM/STATE DISPOSAL SYSTEM (NPDES/SDS) PROGRAM.

THE PROJECT IS LOCATED AT 800 SIBLEY MEMORIAL HIGHWAY IN THE CITY OF MENDOTA HEIGHTS, DAKOTA COUNTY, MINNESOTA. PROPOSED CONSTRUCTION ACTIVITIES WILL TAKE PLACE WITHIN SECTION 23 TOWNSHIP 28 NORTH RANGE 23 WEST. THE APPROXIMATE CENTROID OF THE PROJECT HAS A LATITUDE OF 44.906177 AND A LONGITUDE OF -93.130502.

THIS PROJECT INVOLVES NEW WATER LINES FOR FIRE SUPPRESSION, BURYING EXISTING PROPANE TANKS, AND IMPROVEMENTS TO STORMWATER ROUTING, STORAGE, AND DISCHARGE SYSTEMS. THE PROJECT IS NOT A PART OF A LARGER COMMON PLAN OF DEVELOPMENT. THE PROJECT AS PROPOSED HAS A TOTAL DISTURBANCE AREA OF 5.38 ACRES. EROSION PREVENTION AND SEDIMENT CONTROL MEASURES ARE REQUIRED TO MINIMIZE SEDIMENT FROM BEING TRANSPORTED INTO THE MISSISSIPPI RIVER, REFER TO PROJECT DRAWINGS FOR FURTHER DETAILS. (CSW PERMIT PART III.A.1)

1.1 PROJECT SIZE AND CUMULATIVE IMPERVIOUS SURFACE:

- THE ANTICIPATED AREA OF DISTURBANCE IS APPROXIMATELY 5.38 ACRES.
- THE TOTAL AREA OF PRE-CONSTRUCTION IMPERVIOUS AREA IS APPROXIMATELY 3.93 ACRES.
- THE TOTAL AREA OF POST-CONSTRUCTION IMPERVIOUS AREA IS APPROXIMATELY 4.53 ACRES.
- THE TOTAL NEW IMPERVIOUS AREA IS APPROXIMATELY 0.60 ACRES.

1.2 DATES OF CONSTRUCTION:

- ANTICIPATED START DATE: SEPTEMBER 2024 — ANTICIPATED END DATE: APRIL 2026

1.3 CONTACT INFORMATION:

OWNER: XCEL ENERGY
MAILING ADDRESS: 10326 S. ROBERT TRAIL, INVER GROVE HEIGHTS, MN 55076
CONTACT PERSON: RICHARD HYDE — TITLE: SENIOR OPERATIONS MANAGER
PHONE NUMBER: 651-265-7055 — EMAIL ADDRESS: RICHARD.R.HYDE@XCELENERGY.COM

OPERATOR / GENERAL CONTRACTOR (WILL OVERSEE IMPLEMENTATION OF THE SWPPP): _____
MAILING ADDRESS: _____
CONTACT PERSON: _____ — TITLE: _____
PHONE NUMBER: _____ — EMAIL ADDRESS: _____

PARTY RESPONSIBLE FOR LONG-TERM OPERATION AND MAINTENANCE OF THE PERMANENT STORMWATER MANAGEMENT SYSTEM:
XCEL ENERGY
MAILING ADDRESS: 10326 S. ROBERT TRAIL, INVER GROVE HEIGHTS, MN 55076
CONTACT PERSON: RICHARD HYDE
TITLE: SENIOR OPERATIONS MANAGER
PHONE NUMBER: 651-265-7055
EMAIL ADDRESS: RICHARD.R.HYDE@XCELENERGY.COM

2.0 RECEIVING WATERS:

WATERS WITHIN ONE MILE (NEAREST STRAIGHT LINE DISTANCE) THAT ARE LIKELY TO RECEIVE STORMWATER RUNOFF FROM THE PROJECT SITE (CSW PERMIT ITEM 5.10) INCLUDE:

NAME OF WATER BODY	TYPE [1]	WATER BODY ID [2]	SPECIAL WATER? [3]	IMPAIRED WATER? [3]	PUBLIC WATER WITH WORK IN WATER RESTRICTIONS?
UNNAMED CREEK	CREEK	07010206-542	NO	NO	NO
MISSISSIPPI RIVER	RIVER	07010206-505	NO	YES	NO

(1) TYPE EXAMPLES: DITCH, POND, WETLAND, CALCAREOUS FEN, LAKE, STREAM, RIVER
(2) WATER BODY IDENTIFICATION (ID) MIGHT NOT BE AVAILABLE FOR ALL WATER BODIES. USE THE SPECIAL AND IMPAIRED WATERS SEARCH TOOL AT: HTTPS://WWW.PCA.STATE.MN.US/WATER/STORMWATER-SPECIAL-AND-IMPAIRED-WATERS-SEARCH
(3) REFER TO CSW PERMIT SECTION 23. IMPAIRED WATER FOR THE FOLLOWING POLLUTANT(S) OR STRESSOR(S): PHOSPHORUS (NUTRIENT EUTROPHICATION BIOLOGICAL INDICATORS), TURBIDITY, TOTAL SUSPENDED SOLIDS (TSS), DISSOLVED OXYGEN, OR AQUATIC BIOTA (FISH BIOASSESSMENT, AQUATIC PLANT BIOASSESSMENT, AND AQUATIC MACROINVERTEBRATE BIOASSESSMENT)

2.1 SPECIAL AND IMPAIRED WATERS:

THE MPCA'S SPECIAL AND IMPAIRED WATERS SEARCH TOOL WAS USED TO LOCATE SPECIAL AND IMPAIRED WATERS WITHIN ONE MILE (AERIAL RADIUS MEASUREMENT) OF THE PROJECT SITE. THIS SEGMENT OF THE MISSISSIPPI RIVER HAS EPA-APPROVED IMPAIRMENTS FOR FECAL COLIFORM, MERCURY IN FISH TISSUE, MERCURY IN WATER COLUMN, NUTRIENTS, PCB IN FISH TISSUE, TOTAL SUSPENDED SOLIDS, AND PERFLUOROOCTANE SULFUNATE (PFOs) IN FISH TISSUE. THESE IMPAIRMENTS ARE CONSIDERED CONSTRUCTION RELATED AND DO REQUIRE ADDITIONAL BEST MANAGEMENT PRACTICES (BMPS) OR PLAN REVIEW FOR COMPLIANCE WITH THE GENERAL PERMIT. (CSW PERMIT ITEM 2.7 AND SECTION 23)

ADDITIONAL BMPS OR OTHER SPECIFIC CONSTRUCTION RELATED IMPLEMENTATION ACTIVITIES IDENTIFIED IN AN APPROVED TOTAL MAXIMUM DAILY LOAD (TMDL) INCLUDE NEED TO UPDATE BASED ON TMDL - MIGHT INCLUDE THINGS LIKE IMMEDIATE STABILIZATION OF EXPOSED SOIL AREAS. (CSW PERMIT ITEM 5.19)

2.2 PUBLIC WATERS WITH WORK IN WATER RESTRICTIONS:

THIS PROJECT DOES NOT INCLUDE WORK IN PUBLIC WATERS. (CSW PERMIT ITEM 5.11)

2.3 WETLAND IMPACTS:

THIS PROJECT DOES NOT INCLUDE WETLAND IMPACTS. (CSW PERMIT ITEMS 2.4 AND 2.10, AND SECTION 22)

2.4 ENVIRONMENTAL REVIEW AND OTHER REQUIRED REVIEWS:

STORMWATER MITIGATION MEASURES ARE NOT REQUIRED AS A RESULT OF AN ENVIRONMENTAL REVIEW (E.G., EAW OR EIS), ENDANGERED OR THREATENED SPECIES REVIEW, ARCHEOLOGICAL SITE REVIEW, OR OTHER LOCAL, STATE, OR FEDERAL REVIEW CONDUCTED FOR THE PROJECT. (CSW PERMIT ITEMS 2.8, 2.9, AND 5.16)

2.5 KARST AREAS OR DRINKING WATER SUPPLY MANAGEMENT AREAS:

THE PRESENCE OF KARST IN THE VICINITY OF THE SITE RESULTS IN THE PROHIBITION OF INFILTRATION FEATURES FOR STORMWATER MANAGEMENT IN ORDER TO PROTECT GROUNDWATER STANDARDS. (CSW PERMIT ITEMS 16.19, 16.20, AND 18.10)

3.0 PROJECT PLANS AND SPECIFICATIONS:

REQUIRED FEATURE	SHEET NUMBER
• PROJECT LOCATION AND CONSTRUCTION LIMITS	4152
• EXISTING AND FINAL GRADES, INCLUDING DRAINAGE AREA BOUNDARIES, DIRECTIONS OF FLOW AND ALL DISCHARGE POINTS WHERE STORMWATER IS LEAVING THE SITE OR ENTERING A SURFACE WATER	4152
• SOIL TYPES AT THE SITE	4151
• LOCATIONS OF IMPERVIOUS SURFACES	4152
• LOCATIONS OF AREAS NOT BE BE DISTURBED (E.G., BUFFER ZONES, WETLANDS, ETC.)	4152
• LOCATIONS OF AREAS OF STEEP SLOPES	4152
• LOCATIONS OF AREAS WHERE CONSTRUCTION WILL BE PHASED TO MINIMIZE DURATION OF EXPOSED SOILS	N/A
• PORTIONS OF THE SITE THAT DRAIN TO A PUBLIC WATER WITH DNR WORK IN WATER RESTRICTIONS FOR FISH SPAWNING TIMEFRAMES	4152
• LOCATIONS OF ALL TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL BMPS AS REQUIRED IN PERMIT SECTIONS 8 THROUGH 10 AND 14 THROUGH 19	4152
• BUFFER ZONES AS REQUIRED IN PERMIT ITEMS 9.17 AND 23.11	N/A
• LOCATIONS OF POTENTIAL POLLUTION-GENERATING ACTIVITIES IDENTIFIED IN PERMIT SECTION 12	4152
• STANDARD DETAILS FOR EROSION AND SEDIMENT CONTROL BMPS TO BE INSTALLED AT THE SITE	4153

4.0 BEST MANAGEMENT PRACTICES (BMPS):

4.1 EROSION PREVENTION PRACTICES:

1. BEFORE LAND DISTURBING ACTIVITIES BEGIN, THE LIMITS OF THE AREAS TO BE DISTURBED DURING CONSTRUCTION WILL BE DELINEATED WITH FLAGS, STAKES, SIGNS, SILT FENCE, ETC.
2. TEMPORARY STABILIZATION OF SOILS AND SOIL STOCKPILES: (CSW PERMIT ITEMS 8.4, 8.5, AND 23.9)
   a. AREAS OF EXPOSED SOIL WILL BE STABILIZED WITH EROSION CONTROL BLANKET OR EQUIVALENT MEASURES.
   b. IF PRESENT, SOIL STOCKPILES WILL BE STABILIZED WITH FAST GROWING COVER CORP, MULCH SUCH AS STRAW MULCH OR EQUIVALENT MEASURES.
   c. TEMPORARY STOCKPILES WITHOUT SIGNIFICANT SILT, CLAY, OR ORGANIC COMPONENTS (E.G., CLEAN AGGREGATE STOCKPILES, DEMOLITION CONCRETE STOCKPILES, SAND STOCKPILES) AND THE CONSTRUCTED BASE COMPONENTS OF ROADS, PARKING LOTS, AND SIMILAR SURFACES ARE EXEMPT FROM THESE STABILIZATION REQUIREMENTS.
2. STABILIZATION OF DITCH AND SWALE WETTED PERIMETERS: (CSW PERMIT ITEMS 8.6 THROUGH 8.8)
   a. IF SOILS WITHIN EXISTING STORMWATER DITCHES OR SWALES ARE DISTURBED, THEY WILL BE STABILIZED WITH CHANNEL EROSION CONTROL BLANKET, RIPRAP, TURF REINFORCEMENT MAT OR EQUIVALENT MEASURES.
   b. MULCH, HYDROMULCH, TACKIFIER, POLYACRYLAMIDE, OR SIMILAR EROSION PREVENTION PRACTICES WILL NOT BE USED TO STABILIZE ANY PART OF AN EXISTING STORMWATER DITCH OR SWALE WITH A CONTINUOUS SLOPE OF GREATER THAN 2 PERCENT.
   c. THE LAST 200 LINEAL FEET OF LENGTH OF THE NORMAL WETTED PERIMETER OF ANY TEMPORARY OR PERMANENT DITCH OR SWALE THAT DRAINS WATER FROM ANY PORTION OF THE CONSTRUCTION SITE, OR DIVERTS WATER AROUND THE SITE, WITHIN 200 LINEAL FEET FROM THE PROPERTY EDGE, OR FROM THE POINT OF DISCHARGE INTO ANY SURFACE WATER WILL BE STABILIZED WITHIN 24 HOURS AFTER CONNECTING TO A SURFACE WATER OR PROPERTY EDGE.
   d. STABILIZATION OF THE REMAINING PORTIONS OF ANY TEMPORARY OR PERMANENT DITCHES OR SWALES WILL BE COMPLETED WITHIN 14 CALENDAR DAYS AFTER CONNECTING TO A SURFACE WATER OR PROPERTY EDGE AND CONSTRUCTION IN THAT PORTION OF THE DITCH HAS TEMPORARILY OR PERMANENTLY CEASED.
3. ENERGY DISSIPATION AT PIPE OUTLETS: ENERGY DISSIPATION AT PIPE OUTLETS WILL BE PROVIDED WITH ONE OR MORE OF THE FOLLOW METHODS: RIP RAP, SPLASH PADS, GABIONS, OR EQUIVALENT MEASURES. (CSW PERMIT ITEM 8.9)
4. EROSION PREVENTION IMPLEMENTATION TIMELINES: (CSW PERMIT ITEMS 5.4, 8.4 THROUGH 8.6, AND 23.9)
   a. SINCE THE SITE DRAINS TO A DISCHARGE POINT THAT IS WITHIN ONE MILE (AERIAL RADIUS MEASUREMENT) OF A SPECIAL OR IMPAIRED WATER (SEE SECTION 2.0), STABILIZATION OF EXPOSED SOIL AREAS (INCLUDING STOCKPILES) WILL BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION WHENEVER ANY CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING 7 CALENDAR DAYS.
   b. THE FOLLOWING ACTIVITIES CAN BE TAKEN TO INITIATE STABILIZATION: PREPPING THE SOIL FOR VEGETATIVE OR NON-VEGETATIVE STABILIZATION, APPLYING MULCH OR OTHER NON-VEGETATIVE PRODUCT TO THE EXPOSED SOIL AREA, OR SEEDING OR PLANTING THE EXPOSED AREA.
5. ADDITIONAL EROSION PREVENTION MEASURES: THE FOLLOWING ADDITIONAL EROSION PREVENTION METHODS WILL BE IMPLEMENTED AT THE SITE DURING CONSTRUCTION: (CSW PERMIT ITEMS 8.2, 8.3, AND 8.10)
   a. CONSTRUCTION PHASING WILL BE UTILIZED TO MINIMIZE THE AREA OF SOIL EXPOSED AT ANY ONE TIME.
   b. SOIL DISTURBANCE WILL BE MINIMIZED WHEREVER POSSIBLE TO AID IN EROSION PREVENTION.
   c. EXISTING VEGETATION WILL BE PRESERVED WHEREVER POSSIBLE TO LIMIT EXPOSED SOIL AND THUS WILL SERVE AS NATURAL VEGETATIVE BUFFERS.
   d. EXPOSED SOIL ON STEEP SLOPES (≤3H:1V) WILL BE STABILIZED USING EROSION CONTROL BLANKETS AND SEEDING.
   e. HORIZONTAL SLOPE GRADING WILL BE UTILIZED TO MINIMIZE EROSION POTENTIAL.
   f. TERRACING WILL BE USED TO MINIMIZED EROSION POTENTIAL.

4.2 SEDIMENT CONTROL PRACTICES:

1. DOWNGRADIENT PERIMETER CONTROLS: (CSW PERMIT ITEMS 9.2 THROUGH 9.6)
   a. SEDIMENT CONTROL PRACTICES WILL BE ESTABLISHED ON ALL DOWNGRADIENT PERIMETERS AND LOCATED UPGRADIENT OF ANY BUFFER ZONES. PERIMETER SEDIMENT CONTROLS WILL INCLUDE: SILT FENCE, SEDIMENT CONTROL LOGS / BIOROLLS (FILLED WITH COMPOST, WOOD CHIPS, ROCK, ETC.), VEGETATIVE BUFFERS (RETAIN EXISTING VEGETATION WHERE POSSIBLE) OR EQUIVALENT MEASURES.
   b. PERIMETER SEDIMENT CONTROL PRACTICES MUST BE INSTALLED BEFORE ANY UPGRADIENT LAND-DISTURBING ACTIVITIES BEGIN AND REMAIN IN PLACE UNTIL PERMANENT COVER HAS BEEN ESTABLISHED.
   c. IF SEDIMENT CONTROL PRACTICES HAVE BEEN ADJUSTED OR REMOVED TO ACCOMMODATE SHORT-TERM ACTIVITIES (SUCH AS CLEARING, GRUBBING, OR PASSAGE OF VEHICLES), THE CONTROLS MUST BE RE-INSTALLED IMMEDIATELY AFTER THE SHORT-TERM ACTIVITY HAS BEEN COMPLETED. SEDIMENT CONTROL PRACTICES MUST BE RE-INSTALLED BEFORE THE NEXT PRECIPITATION EVENT, EVEN IF THE SHORT-TERM ACTIVITY IS NOT COMPLETE.
   d. IF THE DOWNGRADIENT SEDIMENT CONTROLS ARE OVERLOADED (BASED ON FREQUENT FAILURE OR EXCESSIVE MAINTENANCE REQUIREMENT), INSTALL ADDITIONAL UPGRADIENT SEDIMENT CONTROL PRACTICES OR REDUNDANT BMPS TO ELIMINATE THE OVERLOADING AND AMEND THE SWPPP TO IDENTIFY THESE ADDITIONAL PRACTICES.
2. SOIL STOCKPILE PERIMETER CONTROLS: TEMPORARY SOIL STOCKPILES WILL BE SURROUNDED BY: SEDIMENT CONTROL LOGS / BIOROLLS (FILLED WITH COMPOST, WOOD CHIPS, ROCK, ETC.) OR EQUIVALENT MEASURES, AND SHALL NOT BE PLACED IN ANY NATURAL BUFFERS OR SURFACE WATERS.(CSW PERMIT ITEMS 9.9 AND 9.10)
3. STORM DRAIN INLET PROTECTION: (CSW PERMIT ITEMS 9.7 AND 9.8)
   a. INLET PROTECTION BMPS WILL BE INSTALLED AROUND ALL STORM DRAIN INLETS DOWNGRADIENT OF CONSTRUCTION ACTIVITIES.
   b. STORM DRAIN INLETS WILL BE PROTECTED UNTIL ALL SOURCES WITH POTENTIAL FOR DISCHARGING TO THE INLET HAVE BEEN STABILIZED.
   c. INLET PROTECTION BMPS WILL BE: SEDIMENT CONTROL LOG, FILTER SACK, ROCK WITH FILTER FABRIC, FILTER FENCE BOX OR EQUIVALENT MEASURES.
4. VEHICLE TRACKING BMPS: (CSW PERMIT ITEMS 9.11 AND 9.12)
   a. VEHICLE TRACKING BMPS WILL BE INSTALLED TO MINIMIZE THE TRACKING OUT OF SEDIMENT FROM THE CONSTRUCTION AREA AND WILL INCLUDE: ROCK PADS OR AN EQUIVALENT SYSTEM.
   b. IF SUCH VEHICLE TRACKING BMPS ARE NOT ADEQUATE TO PREVENT SEDIMENT FROM BEING TRACKED ONTO THE PAVED ROAD, STREET SWEEPING WILL ALSO BE EMPLOYED. SEDIMENT WILL BE REMOVED BY SWEEPING WITHIN 24 HOURS.
5. PROTECTION OF INFILTRATION AREAS: IF NECESSARY, ADDITIONAL SEDIMENT CONTROLS (E.G., DIVERSION BERMS) WILL BE INSTALLED TO KEEP RUNOFF AWAY FROM PLANNED INFILTRATION AREAS WHEN EXCAVATED PRIOR TO ESTABLISHING PERMANENT COVER WITHIN THE CONTRIBUTING DRAINAGE AREA. (CSW PERMIT ITEMS 16.4 AND 16.5)
6. MINIMIZATION OF SOIL COMPACTION AND PRESERVATION OF TOPSOIL: SOIL COMPACTION WILL BE MINIMIZED AND TOPSOIL WILL BE PRESERVED WHERE POSSIBLE. (CSW PERMIT ITEMS 5.24, 9.14, AND 9.15)
7. PRIORITIZATION OF ONSITE INFILTRATION AND SEDIMENT REMOVAL: (CSW PERMIT ITEM 9.16)
   a. PRIOR TO OFFSITE DISCHARGE, INFILTRATION AND SEDIMENT REMOVAL WILL BE IMPLEMENTED ONSITE WHERE POSSIBLE.
   b. DISCHARGES FROM BMPS WILL BE DIRECTED TO VEGETATED AREAS OF THE SITE (INCLUDING ANY NATURAL BUFFERS) IN ORDER TO INCREASE SEDIMENT REMOVAL AND MAXIMIZE STORMWATER INFILTRATION. IF EROSION IS NOTED TO OCCUR AS THE RESULT OF SUCH A DISCHARGE, VELOCITY DISSIPATION BMPS WILL BE CONSIDERED AND INSTALLED AS NECESSARY TO PREVENT EROSION.
8. BUFFER ZONE OR REDUNDANT SEDIMENT CONTROLS TO PROTECT SURFACE WATERS: (CSW PERMIT ITEM 9.17)
   a. A 50-FOOT NATURAL BUFFER WILL BE PRESERVED IN CONSTRUCTION AREAS DISCHARGING TO A NON-SPECIAL/NON-IMPAIRED SURFACE WATER OR WETLAND. IF A NON-SPECIAL/NON-IMPAIRED SURFACE WATER OR WETLAND IS LOCATED WITHIN 50 FEET OF THE PROJECT'S EARTH DISTURBANCES AND STORMWATER FLOWS TO THE SURFACE WATER, OR WHEN A BUFFER IS INFEASIBLE, REDUNDANT SEDIMENT CONTROLS WILL BE PROVIDED.
   b. A 100-FOOT NATURAL BUFFER WILL BE PRESERVED IN CONSTRUCTION AREAS DISCHARGING TO A SPECIAL OR IMPAIRED SURFACE WATER. IF A SPECIAL OR IMPAIRED SURFACE WATER IS LOCATED WITHIN 100 FEET OF THE PROJECT'S EARTH DISTURBANCES AND STORMWATER FLOWS TO THE SURFACE WATER, OR WHEN A BUFFER IS INFEASIBLE, REDUNDANT SEDIMENT CONTROLS WILL BE PROVIDED.
   c. REDUNDANT PERIMETER CONTROLS WILL BE INSTALLED AT LEAST 5 FEET APART UNLESS LIMITED BY LACK OF AVAILABLE SPACE.
9. SEDIMENTATION TREATMENT CHEMICALS: NOT APPLICABLE; USE OF SEDIMENTATION TREATMENT CHEMICALS (E.G., POLYMERS, FLOCCULANTS, ETC.) IS NOT ANTICIPATED AS PART OF THE PROJECT. (CSW PERMIT ITEMS 5.22 AND 9.18)
10. TEMPORARY SEDIMENT BASIN(S): THE PROJECT WILL NOT INCLUDE 10 OR MORE ACRES OF DISTURBED SOIL DRAINING TO A COMMON LOCATION OR 5 OR MORE ACRES DRAINING TO A COMMONLOCATION WITHIN 1 MILE OR A SPECIAL OR IMPAIRED WATER THEREFORE TEMPORARY SEDIMENT BASINS ARE NOT REQUIRED. (CSW PERMIT ITEMS 5.6, 9.13, AND 23.10 AND SECTION 14)

4.3 DEWATERING AND BASIN DRAINING:

NO DEWATERING OR BASIN DRAINING ARE ANTICIPATED AS PART OF THIS PROJECT. (CSW PERMIT SECTION 10 AND ITEM 10.5)

4.4 BMP DESIGN FACTORS:

THE FOLLOWING BMP DESIGN FACTORS HAVE BEEN CONSIDERED IN DESIGNING THE TEMPORARY EROSION PREVENTION AND SEDIMENT CONTROL BMPS:

1. EXPECTED AMOUNT, FREQUENCY, INTENSITY, AND DURATION OF PRECIPITATION:
2. NATURE OF STORMWATER RUNOFF AND RUN-ON AT THE SITE, INCLUDING FACTORS SUCH AS EXPECTED FLOW FROM IMPERVIOUS SURFACES, SLOPES, AND SITE DRAINAGE FEATURES:
3. STORMWATER VOLUME, VELOCITY, AND PEAK FLOW RATES TO MINIMIZE DISCHARGE OF POLLUTANTS IN STORMWATER AND TO MINIMIZE CHANNEL AND STREAMBANK EROSION AND SCOUR IN THE IMMEDIATE VICINITY OF DISCHARGE POINTS:
4. RANGE OF SOIL PARTICLE SIZES EXPECTED TO BE PRESENT:

4.5 BMP QUANTITIES:

ROCK CONSTRUCTION ENTRANCE: 1 EA.
SINGLE ROW SILT FENCE: 1,860 LF
DOUBLE ROW SILT FENCE: 510
SEDIMENT CONTROL LOG (SLOPE BREAKS): 200 LF

(SEE PAGE 2 OF 2)

ISSUED FOR REVIEW

Xcel Energy®

BARR
4300 MARKETPOINTE DRIVE
Suite 200
MINNEAPOLIS, MN 55435
Ph: 1-800-632-2277
Fax: (952) 832-2601
www.barr.com

HISTORY	DATE
DRAWN BY: OQR	07/24/2024
DESIGNED BY: BARR	07/24/2024
CHECKED BY: JPP	07/24/2024
APPROVED BY: JPP	07/24/2024
IN SERVICE DATE:	

NO.	DESCRIPTION	BY	DATE
A	ISSUED FOR REVIEW	OQR	07/24/2024
-	-	-	-
-	-	-	-

SIBLEY PHASE II FIRE SUPPRESSION
STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

SERVICE CENTER: NORTHERN STATES POWER COMPANY | PROJECT: 4501038238
DIVISION: NORTH | CITY/COUNTY : MENDOTA HEIGHTS / DAKOTA | TYPE:

DRAWING
4150
A

CADD USER: OWEN G. RICHEY FILE: \\EDI-CAD\CAD\DESIGN\2319148\.00\SIBLEY\2319148_G-01_SWPPP.DWG PLOT SCALE: 1:2 PLOT DATE: 7/24/2024 4:02 PM

5.0 PERMANENT STORMWATER MANAGEMENT SYSTEM:

A PERMANENT STORMWATER MANAGEMENT SYSTEM IS REQUIRED IF THE PROJECT RESULTS IN ONE ACRE OR MORE OF NEW IMPERVIOUS SURFACES OR RESULTS IN A NET INCREASE OF ONE OR MORE ACRES OF CUMMULATIVE NEW IMPERVIOUS SURFACES IN TOTAL OR IF THE PROJECT IS PART OF A LARGER PLAN OF DEVELOPMENT. (CSW PERMIT ITEM 15.3)

5.1 A PERMANENT STORMWATER TREATMENT SYSTEM IS NOT REQUIRED. (CSW PERMIT ITEMS 5.15, 15.4-15.9, AND 23.14)

5.2 THIS IS NOT A LINEAR PROJECT WITH LACK OF RIGHT OR WAY. (CSW PERMIT ITEM 15.9)

5.3 THIS PROJECT DOES NOT DISCHARGE TO A TROUT STREAM (OR A TRIBUTARY TO A TROUT STREAM). (CSW PERMIT ITEM 23.12)

6.0 INSPECTION AND MAINTENANCE ACTIVITIES:

6.1 PERSONS WITH REQUIRED TRAINING: TRAINED INDIVIDUALS INCLUDE THOSE PARTIES RESPONSIBLE FOR INSTALLING, SUPERVISING, REPAIRING, INSPECTING, AND MAINTAINING EROSION PREVENTION AND SEDIMENT CONTROL BMPS AT THE SITE. TRAINED INDIVIDUALS ARE ALSO RESPONSIBLE FOR IMPLEMENTATION OF THE SWPPP AND COMPLIANCE WITH THE GENERAL PERMIT UNTIL THE CONSTRUCTION ACTIVITIES ARE COMPLETE, PERMANENT COVER HAS BEEN ESTABLISHED, AND A NOTICE OF TERMINATION (NOT) HAS BEEN SUBMITTED. (CSW PERMIT ITEMS 5.20, 5.21, AND 11.9 AND SECTION 21)

THESE INDIVIDUALS WILL BE TRAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE GENERAL PERMIT, INCLUDING THE REQUIREMENT THAT THE CONTENT AND EXTENT OF TRAINING WILL BE COMMENSURATE WITH THE INDIVIDUAL'S JOB DUTIES AND RESPONSIBILITIES.

BELOW IS A LIST OF PEOPLE RESPONSIBLE FOR THIS PROJECT WHO ARE KNOWLEDGEABLE AND EXPERIENCED IN THE APPLICATION OF EROSION PREVENTION AND SEDIMENT CONTROL BMPS.

TRAINED INDIVIDUAL	RESPONSIBILITY	TRAINING ENTITY*	TRAINING DATE
JOSHUA P. PHILLIPS	PREPARATION OF THE SWPPP	UNIVERSITY OF MINNESOTA	MAY 2023
_____ _____	OVERSIGHT OF SWPPP IMPLEMENTATION, REVISION, AND AMMENDMENT	_____	_____
_____ _____	PERFORMANCE OF SWPPP INSPECTIONS	_____	_____
_____ _____	PERFORMANCE OR SUPERVISION OF INSTALLATION, MAINTENANCE, AND REPAIR OF BMPS	_____	_____

*TRAINING DOCUMENTATION AVAILABLE UPON REQUEST.

6.2 FREQUENCY OF INSPECTIONS: A TRAINED PERSON WILL ROUTINELY INSPECT THE ENTIRE CONSTRUCTION SITE. (CSW PERMIT ITEMS 11.2, 11.10, AND 23.13)

- AT LEAST ONCE EVERY 7 DAYS DURING ACTIVE CONSTRUCTION
- WITHIN 24 HOURS AFTER A RAINFALL EVENT GREATER THAN 0.5 INCHES IN 24 HOURS

INSPECTION FREQUENCY MAY BE ADJUSTED UNDER THE FOLLOWING CIRCUMSTANCES:

- WHERE PARTS OF THE CONSTRUCTION AREAS HAVE PERMANENT COVER, BUT WORK REMAINS ON OTHER PARTS OF THE SITE, INSPECTIONS OF THE AREAS WITH PERMANENT COVER MAY BE REDUCED TO ONCE PER MONTH.
- WHERE CONSTRUCTION AREAS HAVE PERMANENT COVER AND NO CONSTRUCTION ACTIVITY IS OCCURRING ON THE SITE, INSPECTIONS CAN BE REDUCED TO ONCE PER MONTH AND, AFTER 12 MONTHS, MAY BE SUSPENDED COMPLETELY UNTIL CONSTRUCTION ACTIVITY RESUMES.
- WHERE CONSTRUCTION ACTIVITY HAS BEEN SUSPENDED DUE TO FROZEN GROUND CONDITIONS, THE INSPECTIONS MAY BE SUSPENDED. THE REQUIRED INSPECTIONS AND MAINTENANCE SCHEDULE MUST BEGIN WITHIN 24 HOURS AFTER RUNOFF OCCURS AT THE SITE OR UPON RESUMING CONSTRUCTION, WHICHEVER COMES FIRST.

6.3 INSPECTION REQUIREMENTS: EACH CONSTRUCTION STORMWATER SITE INSPECTION WILL INCLUDE INSPECTION OF THE FOLLOWING AREAS: (CSW PERMIT ITEMS 11.3 THROUGH 11.8)

- ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS AND POLLUTION PREVENTION MANAGEMENT MEASURES
- SURFACE WATERS FOR EVIDENCE OF EROSION AND SEDIMENT DEPOSITION
- CONSTRUCTION SITE VEHICLE EXIT LOCATIONS FOR EVIDENCE OF OFFSITE SEDIMENT TRACKING
- STREETS AND OTHER AREAS ADJACENT TO THE PROJECT FOR EVIDENCE OF OFF SITE ACCUMULATIONS OF SEDIMENT

6.4 MAINTENANCE REQUIREMENTS: MAINTENANCE OF THE FOLLOWING AREAS AND BMPS WILL BE PERFORMED AS FOLLOWS: (CSW PERMIT ITEMS 11.3 THROUGH 11.8)

- NONFUNCTIONAL BMPS WILL BE REPAIRED, REPLACED, OR SUPPLEMENTED WITH FUNCTIONAL BMPS BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS.
- PERIMETER CONTROL DEVICES WILL BE REPAIRED, REPLACED, OR SUPPLEMENTED WHEN THEY BECOME NONFUNCTIONAL OR THE SEDIMENT REACHES 1/2 OF THE HEIGHT OF THE DEVICE.
- TEMPORARY AND PERMANENT SEDIMENTATION BASINS WILL BE DRAINED AND THE SEDIMENT REMOVED WHEN THE DEPTH OF SEDIMENT COLLECTED IN THE BASIN REACHES 1/2 THE STORAGE VOLUME.
- DELTAS AND SEDIMENT DEPOSITED IN SURFACE WATERS WILL BE REMOVED, AND THE AREAS WHERE SEDIMENT REMOVAL RESULTS IN EXPOSED SOIL WILL BE RE-STABILIZED. THE REMOVAL AND STABILIZATION WILL BE COMPLETED WITHIN 7 CALENDAR DAYS OF DISCOVERY UNLESS PRECLUDED BY LEGAL, REGULATORY, OR PHYSICAL ACCESS CONSTRAINTS. IF PRECLUDED DUE TO ACCESS CONSTRAINTS, REASONABLE EFFORTS TO OBTAIN ACCESS WILL BE USED. REMOVAL AND STABILIZATION WILL TAKE PLACE WITHIN 7 CALENDAR DAYS OF OBTAINING ACCESS.
- TRACKED SEDIMENT ON PAVED SURFACES WILL BE REMOVED WITHIN 1 CALENDAR DAY OF DISCOVERY.
- AREAS UNDERGOING STABILIZATION WILL BE RESTABILIZED AS NECESSARY TO ACHIEVE REQUIRED COVER.

6.5 RECORDKEEPING REQUIREMENTS: (CSW PERMIT ITEMS 11.11 AND 24.5 AND SECTIONS 6 AND 20)

1. ALL INSPECTIONS AND MAINTENANCE ACTIVITIES WILL BE RECORDED IN WRITING WITHIN 24 HOURS OF BEING CONDUCTED AND THESE RECORDS WILL BE RETAINED WITH THE SWPPP. RECORDS OF EACH INSPECTION AND MAINTENANCE ACTIVITY WILL INCLUDE THE DATE AND TIME; NAME OF INSPECTOR(S); FINDINGS OF INSPECTIONS; CORRECTIVE ACTIONS (INCLUDING DATES, TIMES, AND PARTY COMPLETING MAINTENANCE ACTIVITIES); AND DATE OF ALL RAINFALL EVENTS GREATER THAN 0.5 INCHES IN 24 HOURS AND THE AMOUNT OF RAINFALL FOR EACH EVENT.
   a. IF ANY DISCHARGE IS OBSERVED DURING THE INSPECTION, THE LOCATION AND APPEARANCE OF THE DISCHARGE (I.E., COLOR, ODOR, SETTLED OR SUSPENDED SOLIDS, OIL SHEEN, AND OTHER OBVIOUS INDICATORS OF POLLUTANTS) WILL BE DOCUMENTED AND A PHOTOGRAPH WILL BE TAKEN.
2. THE SWPPP WILL BE AMENDED TO INCLUDE ADDITIONAL OR MODIFIED BMPS TO CORRECT PROBLEMS OR ADDRESS SITUATIONS WHENEVER THERE IS A CHANGE IN DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, WEATHER, OR SEASONAL CONDITIONS THAT HAS A SIGNIFICANT EFFECT ON THE DISCHARGE OF POLLUTANTS TO SURFACE WATERS OR GROUNDWATER.
   a. THE SWPPP WILL BE AMENDED WHEN INSPECTIONS OR INVESTIGATIONS BY THE SITE OWNER, OPERATOR, OR CONTRACTORS OR BY USEPA/MPCA OFFICIALS INDICATE THAT THE SWPPP IS NOT EFFECTIVE IN ELIMINATING OR MINIMIZING THE DISCHARGE OF POLLUTANTS TO SURFACE WATERS OR GROUNDWATER; THE DISCHARGES ARE CAUSING WATER QUALITY STANDARD EXCEEDANCES; OR THE SWPPP IS NOT CONSISTENT WITH A USEPA APPROVED TMDL.
   b. ANY AMENDMENTS TO THE SWPPP PROPOSED AS A RESULT OF THE INSPECTION WILL BE DOCUMENTED AS REQUIRED WITHIN 7 CALENDAR DAYS.
   c. AMENDMENTS WILL BE COMPLETED BY AN APPROPRIATELY TRAINED INDIVIDUAL. CHANGES INVOLVING THE USE OF A LESS STRINGENT BMP WILL INCLUDE A JUSTIFICATION DESCRIBING HOW THE REPLACEMENT BMP IS EFFECTIVE FOR THE SITE CHARACTERISTICS.
3. RECORDS RETENTION: THE SWPPP, INCLUDING ALL CHANGES TO IT, AND INSPECTION AND MAINTENANCE RECORDS WILL BE KEPT AT THE SITE DURING CONSTRUCTION BY THE PERMITTEE WHO HAS OPERATIONAL CONTROL OF THE SITE. THE SWPPP CAN BE KEPT IN EITHER A FIELD OFFICE OR IN AN ON SITE VEHICLE DURING NORMAL WORKING HOURS.
4. RECORD AVAILABILITY: THE PERMITTEES WILL MAKE THE SWPPP, INCLUDING INSPECTION REPORTS, MAINTENANCE RECORDS, AND TRAINING RECORDS, AVAILABLE TO FEDERAL, STATE, AND LOCAL OFFICIALS WITHIN THREE DAYS UPON REQUEST FOR THE DURATION OF THE PERMIT COVERAGE AND FOR THREE YEARS FOLLOWING THE NOTICE OF TERMINATION.

7.0 POLLUTION PREVENTION MEASURES:

1. ANY CONSTRUCTION PRODUCTS AND LANDSCAPE MATERIALS THAT HAVE THE POTENTIAL TO LEACH POLLUTANTS WILL BE STORED UNDER COVER (E.G., PLASTIC SHEETING OR TEMPORARY ROOFS) TO PREVENT DISCHARGE OF POLLUTANTS THROUGH MINIMIZATION OF CONTACT WITH STORMWATER. STORAGE OF SUCH MATERIALS WITHIN THE PROJECT AREA WILL BE MINIMIZED TO THE EXTENT POSSIBLE. (CSW PERMIT ITEM 12.2)
2. PESTICIDES, FERTILIZERS, AND TREATMENT CHEMICALS WILL BE STORED UNDER COVER (E.G., PLASTIC SHEETING, TEMPORARY ROOFS, WITHIN A BUILDING, OR IN WEATHER-PROOF CONTAINERS) TO PREVENT DISCHARGE OF POLLUTANTS THROUGH MINIMIZATION OF CONTACT WITH STORMWATER. STORAGE OF SUCH MATERIALS WITHIN THE PROJECT AREA WILL BE MINIMIZED TO THE EXTENT POSSIBLE. (CSW PERMIT ITEM 12.3)
3. HAZARDOUS MATERIALS AND TOXIC WASTE (E.G., OIL, DIESEL FUEL, GASOLINE, HYDRAULIC FLUIDS, PAINT SOLVENTS, PETROLEUM-BASED PRODUCTS, WOOD PRESERVATIVES, ADDITIVES, CURING COMPOUNDS, AND ACIDS) WILL BE STORED AND DISPOSED OF IN COMPLIANCE WITH MINNESOTA RULES CHAPTER 7045, INCLUDING SECONDARY CONTAINMENT (AS APPLICABLE). HAZARDOUS MATERIALS WILL BE PROPERLY STORED IN SEALED CONTAINERS TO PREVENT SPILLS, LEAKS, OR OTHER DISCHARGES AND PREVENT PRECIPITATION FROM FALLING ONTO THE CONTAINERS OR STORED HAZARDOUS MATERIALS. (CSW PERMIT ITEMS 2.3 AND 12.4)
4. SOLID WASTE WILL BE COLLECTED, STORED, AND DISPOSED OF PROPERLY IN COMPLIANCE WITH MINNESOTA RULES CHAPTER 7035. THIS INCLUDES STORAGE WITHIN COVERED TRASH CONTAINERS AND DAILY REMOVAL OF LITTER AND DEBRIS. STORAGE OF SOLID WASTE WITHIN THE PROJECT AREA WILL BE MINIMIZED TO THE EXTENT POSSIBLE. (CSW PERMIT ITEM 12.5)
5. PORTABLE TOILETS WILL BE LOCATED AWAY FROM SURFACE WATERS AND POSITIONED AND SECURED TO THE GROUND SO THEY WILL NOT BE TIPPED OR KNOCKED OVER. SANITARY WASTE WILL BE DISPOSED OF IN ACCORDANCE WITH MINNESOTA RULES, CHAPTER 7041. PORTABLE TOILETS WILL BE PERIODICALLY EMPTIED AND THE WASTE HAULED OFF-SITE BY A LICENSED HAULER. (CSW PERMIT ITEM 12.6)
6. VEHICLE FUELING WILL ONLY OCCUR IN DESIGNATED AREAS. SPILL KITS SIZED APPROPRIATELY FOR THE AMOUNT OF REFUELING TAKING PLACE WILL BE LOCATED. SPILL KITS WILL BE CLEARLY LABELED AND CONTAIN MATERIALS TO ASSIST IN SPILL CLEANUP INCLUDING ABSORBENT PADS, BOOMS FOR CONTAINING SPILLS, AND HEAVY-DUTY PROTECTIVE GLOVES. SPILLS WILL BE REPORTED TO THE MINNESOTA DUTY OFFICER AS REQUIRED BY MINNESOTA STATUTES, SECTION 115.061. (CSW PERMIT ITEMS 2.3 AND 12.7)
   a. ANY FUEL TANKS BROUGHT ON-SITE WILL HAVE PROPERLY SIZED CONTAINMENT AND WILL NOT BE TOPPED OFF TO AVOID SPILLS FROM OVERFILLING. FUEL TANKS WILL MEET INDUSTRY STANDARDS (DESIGNED TO HOLD FUEL TYPE, PROPERLY MAINTAINED, NOT ILLEGALLY MODIFIED, NOT MISSING LEAK INDICATOR FLOATS FOR DOUBLE WALLED TANKS, SIGHT GAUGES NOT USED, ETC.) OR BE REMOVED FROM THE WORK AREA.
   b. GUIDELINES FOR SPILL PREVENTION AND RESPONSE INCLUDE:
      - TAKE REASONABLE STEPS TO PREVENT THE DISCHARGE OF SPILLED OR LEAKED CHEMICALS, INCLUDING FUEL, FROM ANY AREA WHERE CHEMICALS OR FUEL WILL BE LOADED OR UNLOADED, INCLUDING THE USE OF DRIP PANS OR ABSORBENTS UNLESS INFEASIBLE;
      - PERFORM REGULAR PREVENTATIVE MAINTENANCE ON TANKS AND FUEL LINES;
      - INSPECT PUMPS, CYLINDERS, HOSES, VALVES, AND OTHER MECHANICAL EQUIPMENT ON-SITE FOR DAMAGE OR DETERIORATION;
      - DO NOT WASH OR RINSE FUELING AREAS WITH WATER;
      - MAINTAIN ADEQUATE SUPPLIES TO CLEAN UP DISCHARGED MATERIALS AND PROVIDE AN APPROPRIATE DISPOSAL METHOD FOR RECOVERED SPILLED MATERIALS;
      - REPORT AND CLEAN UP SPILLS IMMEDIATELY AS REQUIRED BY MINNESOTA STATUTES, SECTION 115.061, USING DRY CLEAN UP MEASURES WHERE POSSIBLE; AND
      - MAINTAIN COPIES OF SAFETY DATA SHEETS (SDSS) FOR HAZARDOUS MATERIALS ON-SITE IN LOCATIONS READILY AVAILABLE TO EMERGENCY RESPONDERS.
7. IF VEHICLE AND EQUIPMENT WASHING IS NECESSARY, A VEHICLE WASH STATION WILL BE LOCATED IN A DESIGNATED AREA. RUNOFF FROM THE WASHING AREA WILL BE CONTAINED IN A SEDIMENT BASIN AND WASTE FROM THE WASHING ACTIVITY WILL BE PROPERLY DISPOSED OF. ANY SOAPS, DETERGENTS, OR SOLVENTS WILL BE PROPERLY USED AND STORED. ANY DETERGENTS AND OTHER CLEANERS NOT PERMITTED FOR DISCHARGE WILL NOT BE USED. (CSW PERMIT ITEMS 2.3 AND 12.8)
8. THE PROJECT WILL NOT RESULT IN CONCRETE OR OTHER WASHOUT ACTIVITIES. IF NECESSARY, A DESCRIPTION OF THE STORAGE AND DISPOSAL OF CONCRETE AND OTHER WASHOUT WASTES SO THAT WASTES DO NOT CONTACT THE GROUND WILL BE ADDED. (CSW PERMIT ITEMS 2.3 AND 12.9)

8.0 PERMANENT COVER AND PERMIT TERMINATION CONDITIONS:

1. THE AREAS DISTURBED DURING CONSTRUCTION WILL BE STABILIZED WITH PERMANENT COVER UPON COMPLETION OF WORK. PERMANENT COVER MAY BE VEGETATIVE OR NON-VEGETATIVE, AS APPROPRIATE. ESTABLISHMENT OF PERMANENT COVER MAY INCLUDE THE FOLLOWING ACTIVITIES: SEEDING, MULCHING, EROSION CONTROL BLANKETS. (CSW PERMIT ITEM 5.17)
2. FOR A CONSTRUCTION-SITE TO ACHIEVE "PERMANENT COVER", THE FOLLOWING REQUIREMENTS MUST BE COMPLETED PRIOR TO TERMINATION OF PERMIT COVERAGE: (CSW PERMIT SECTIONS 4 AND 13)
   a. ALL SOIL DISTURBING CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED AND PERMANENT COVER HAS BEEN INSTALLED OVER ALL AREAS. VEGETATIVE COVER CONSISTS OF A UNIFORM PERENNIAL VEGETATION WITH A DENSITY OF 70% OF ITS EXPECTED FINAL GROWTH. VEGETATION IS NOT REQUIRED WHERE THE FUNCTION OF A SPECIFIC AREA DICTATES NO VEGETATION (SUCH AS IMPERVIOUS SURFACES OR THE BASE OF A SAND FILTER).
   b. ALL SEDIMENT HAS BEEN REMOVED FROM CONVEYANCE SYSTEMS, INCLUDING CULVERTS.
   c. ALL TEMPORARY SYNTHETIC EROSION PREVENTION AND SEDIMENT CONTROL BMPS HAVE BEEN REMOVED. BMPS DESIGNED TO DECOMPOSE ON-SITE MAY BE LEFT IN PLACE.

WITHIN 30 DAYS AFTER THE TERMINATION CONDITIONS ARE COMPLETE, A NOTICE OF TERMINATION (NOT) FORM WILL BE SUBMITTED TO THE MPCA.

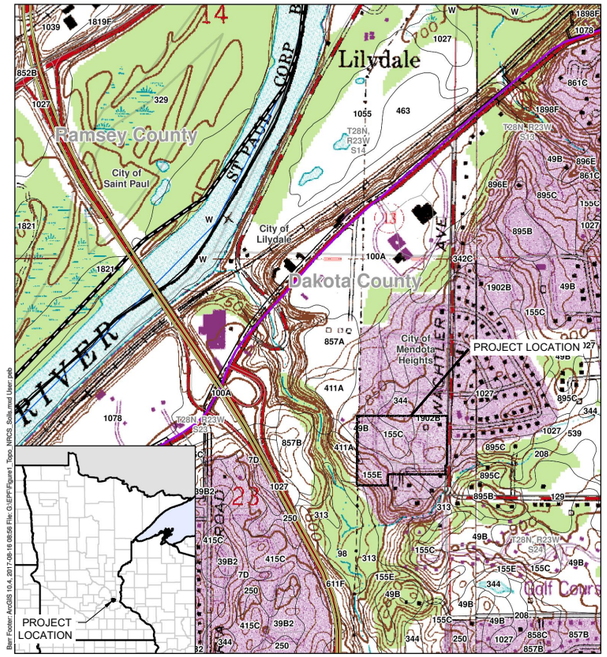

Figure 1

TOPOGRAPHIC MAP WITH SURFACE WATERS AND SOIL TYPES
Stormwater Pollution Prevention Plan
Hennepin County, Minnesota

ISSUED FOR REVIEW

Xcel Energy®

BARR
4300 MARKETPOINTE DRIVE
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Ph: 1-800-632-2277
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HISTORY	DATE
DRAWN BY: OQR	07/24/2024
DESIGNED BY: BARR	07/24/2024
CHECKED BY: JPP	07/24/2024
APPROVED BY: JPP	07/24/2024
IN SERVICE DATE:	

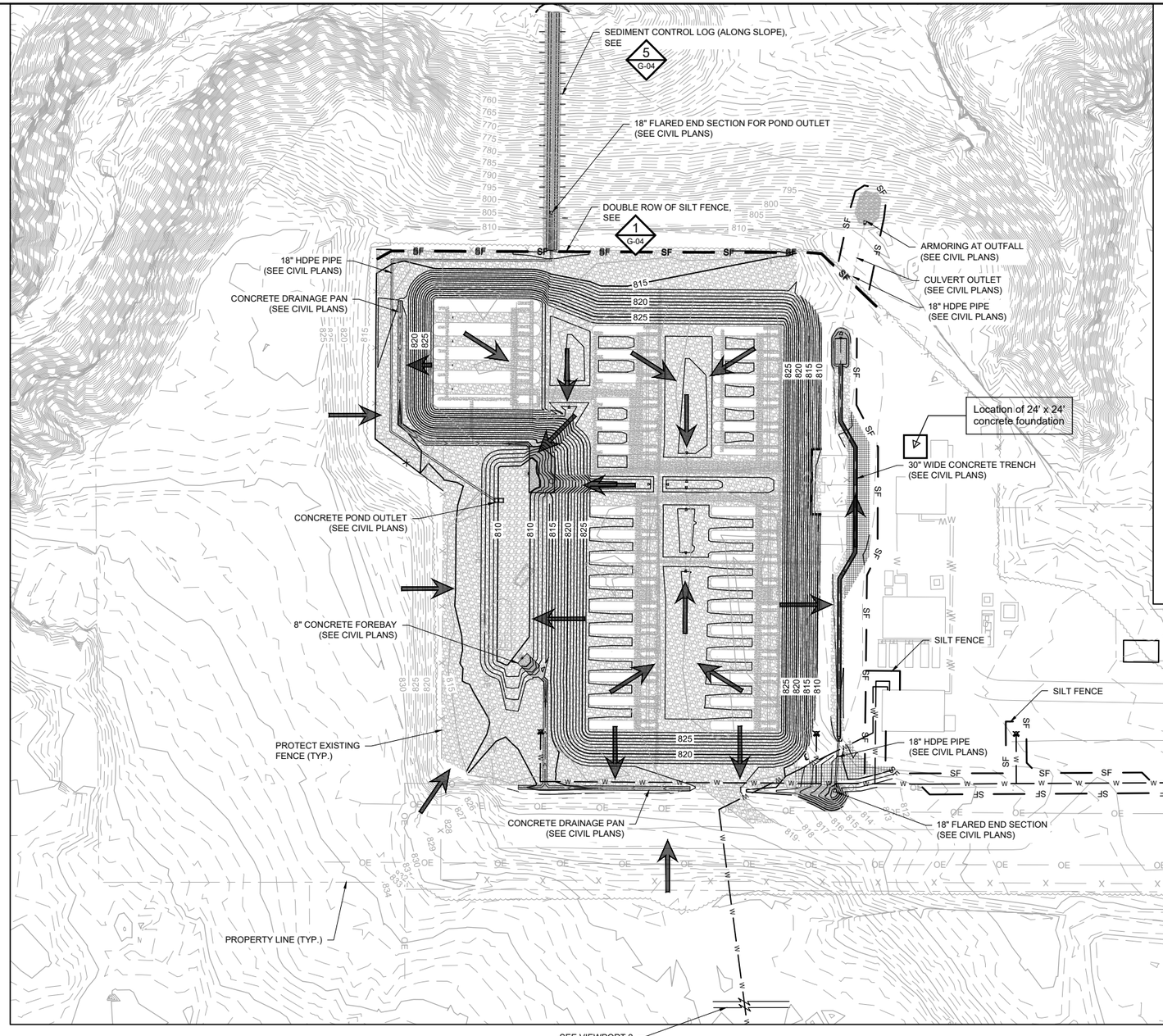
NO.	DESCRIPTION	BY	DATE
A	ISSUED FOR REVIEW	OQR	07/24/2024
-	-	-	-

SIBLEY PHASE II FIRE SUPPRESSION
STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

SERVICE CENTER: NORTHERN STATES POWER COMPANY | PROJECT: 4501038238
DIVISION: NORTH | CITY/COUNTY : MENDOTA HEIGHTS / DAKOTA | TYPE:

DRAWING
4151
A

CADD USER: OWEN Q, RICKEY FILE: \\EDI-CAD\CAD\DESIGN\23191480.00\SIBLEY\23191480_G-01_SWPPP.DWG PLOT SCALE: 1:2 PLOT DATE: 7/24/2024 4:02 PM



2 -

1 - PLAN: EROSION CONTROL

0 60 120

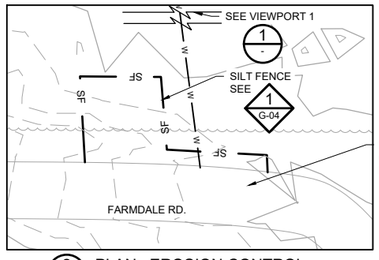
SCALE IN FEET

EROSION & SEDIMENT CONTROL NOTES:

1. INSTALL PERIMETER EROSION CONTROL AT THE LOCATIONS SHOWN ON THE PLANS PRIOR TO THE COMMENCEMENT OF ANY LAND DISTURBANCE OR CONSTRUCTION ACTIVITIES.
2. BEFORE BEGINNING CONSTRUCTION, INSTALL A TEMPORARY ROCK CONSTRUCTION ENTRANCE AT EACH POINT WHERE VEHICLES EXIT THE CONSTRUCTION SITE PRIOR TO COMMENCING ANY CLEARING/GRUBBING, REMOVAL, OR EARTHWORK ACTIVITIES. USE 2 INCH OR GREATER DIAMETER ROCK IN A LAYER AT LEAST 6 INCHES THICK ACROSS THE ENTIRE WIDTH OF THE ENTRANCE. EXTEND THE ROCK ENTRANCE AT LEAST 50 FEET INTO THE CONSTRUCTION ZONE USING A GEO-TEXTILE FABRIC BENEATH THE AGGREGATE TO PREVENT MIGRATION OF SOIL INTO THE ROCK FROM BELOW.
3. REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC AND PRIVATE PAVEMENT AREAS. AT A MINIMUM REMOVAL SHALL BE ONCE DAILY. SWEEPING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE CONSTRUCTION AND DONE IN A MANNER TO PREVENT DUST BEING BLOWN TO ADJACENT PROPERTIES.
4. INSTALL INLET PROTECTION AT ALL CATCH BASIN INLETS WHICH RECEIVE RUNOFF FROM THE DISTURBED AREAS. CONTRACTOR SHALL CLEAN, REMOVE SEDIMENT, OR REPLACE STORM DRAIN INLET PROTECTION DEVICES ON A ROUTINE BASIS SUCH THAT THE DEVICES ARE FULLY FUNCTIONAL FOR THE NEXT RAIN EVENT. SEDIMENT DEPOSITED IN AND/OR PLUGGING DRAINAGE SYSTEMS IS THE RESPONSIBILITY OF THE CONTRACTOR. HAY BALES OR FILTER FABRIC WRAPPED GRATES ARE NOT ALLOWED FOR INLET PROTECTION.
5. LOCATE SOIL OR DIRT STOCKPILES NO LESS THAN 25 FEET FROM ANY DRAINAGE CHANNEL. IF REMAINING FOR MORE THAN SEVEN DAYS, STABILIZE THE STOCKPILES BY MULCHING, VEGETATIVE COVER, TARPS, OR OTHER MEANS. CONTROL EROSION FROM ALL STOCKPILES BY PLACING SILT BARRIERS AROUND THE PILES.
6. MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ON A DAILY BASIS AND REPLACE DETERIORATED, DAMAGED, OR ROTTED EROSION CONTROL DEVICES IMMEDIATELY.
7. TEMPORARILY OR PERMANENTLY STABILIZE ALL CONSTRUCTION AREAS WHICH HAVE UNDERGONE FINAL GRADING, AND ALL AREAS IN WHICH GRADING OR SITE BUILDING CONSTRUCTION OPERATIONS ARE NOT ACTIVELY UNDERWAY AGAINST EROSION DUE TO RAIN, WIND AND RUNNING WATER. STABILIZATION TO BEGIN IMMEDIATELY AND BE COMPLETED WITHIN 7 DAYS. USE SEED AND MULCH, EROSION CONTROL MATTIING, AND/OR SODDING AND STAKING IN GREEN SPACE AREAS. REMOVE ALL TEMPORARY SYNTHETIC, STRUCTURAL, NON-BIODEGRADABLE EROSION AND SEDIMENT CONTROL DEVICES AFTER THE SITE HAS UNDERGONE FINAL STABILIZATION WITH PERMANENT VEGETATION ESTABLISHMENT. FINAL STABILIZATION FOR PURPOSES OF THIS REMOVAL IS 70% ESTABLISHED COVER OVER DENUDED AREA.
8. CHANGES TO APPROVED EROSION CONTROL PLAN MUST BE APPROVED BY THE ENGINEER PRIOR TO IMPLEMENTATION. CONTRACTOR TO PROVIDE INSTALLATION AND DETAILS FOR ALL PROPOSED ALTERNATE TYPE DEVICES.
9. IF DEWATERING OR PUMPING OF WATER IS NECESSARY, THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS AND/OR APPROVALS PRIOR TO DISCHARGE OF ANY WATER FROM THE SITE. IF THE DISCHARGE FROM THE DEWATERING OR PUMPING PROCESS IS TURBID OR CONTAINS SEDIMENT LADEN WATER, IT MUST BE TREATED THROUGH THE USE OF SEDIMENT TRAPS, VEGETATIVE FILTER STRIPS, FILTER BAGS (PUMP-IT TUBE DEWATERING BAGS OR EQUAL), OR OTHER SEDIMENT REDUCING MEASURES SUCH THAT THE DISCHARGE IS NOT VISIBLY DIFFERENT FROM THE RECEIVING WATER. ADDITIONAL EROSION CONTROL MEASURES MAY BE REQUIRED AT THE DISCHARGE POINT TO PREVENT SCOUR EROSION.
10. PLACE EROSION CONTROL BLANKET ON ALL DISTURBED AREAS. EROSION CONTROL BLANKET MUST BE 2-SIDED WITH NATURAL NETTING, MEETING MnDOT SPECIFICATIONS.
11. FINAL GRADING SHOWN ON CIVIL SHEETS.
12. DOWNSLOPE ARMORING AT STORM SEWER OUTFALL SHALL BE CONSTRUCTED IN SEMI-DRY CONDITIONS. IF THE FEATURE IS NOT ABLE TO BE CONSTRUCTIED AND STABILIZED WITH ARMORING IN A SINGLE DAY, EROSION CONTROL BLANKET SHALL BE PLACED OVER ANY DISTURBED CHANNEL AREAS UNTIL WORK RESUMES.
13. FOR ALL DISTURBED SLOPE AREAS ADJACENT TO DOWNSLOPE ARMORING, PROVIDE EROSION CONTROL BLANKET AND SEDIMENT CONTROL LOG (AS SLOPE BREAKS) WITHIN 7 DAYS OF COMPLETION OF WORK IN THE AREA. SEE DETAILS 2, 3, AND 5 ON SHEET 4153.

SYMBOL AND PATTERN LEGEND

- 996 — EXISTING 10' CONTOUR
- 994 — EXISTING 2' CONTOUR
- EXISTING PROPERTY LINE
- OE — EXISTING OVERHEAD ELECTRIC
- W — EXISTING WATERMAIN
- GAS — EXISTING GAS LINE
- X — EXISTING FENCE
- W — WATERMAIN
- SF — SILT FENCE
- SL — SEDIMENT CONTROL LOG
- FLOW DIRECTION
- EROSION CONTROL BLANKET



2 - PLAN: EROSION CONTROL

0 40 80

SCALE IN FEET

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HISTORY	DATE
DRAWN BY: OQR	07/24/2024
DESIGNED BY: BARR	07/24/2024
CHECKED BY: JPP	07/24/2024
APPROVED BY: JPP	07/24/2024
IN SERVICE DATE:	

NO.	DESCRIPTION	BY	DATE
A	ISSUED FOR REVIEW	OQR	07/24/2024
-	-	-	-
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SIBLEY PHASE II FIRE SUPPRESSION

EROSION CONTROL PLAN

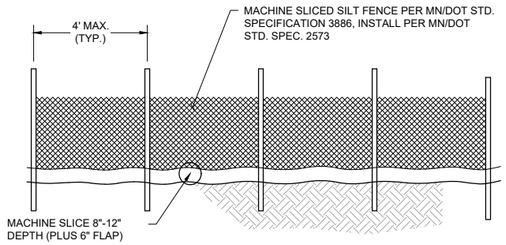
DRAWING 4152

SERVICE CENTER: NORTHERN STATES POWER COMPANY | PROJECT: 4501038238

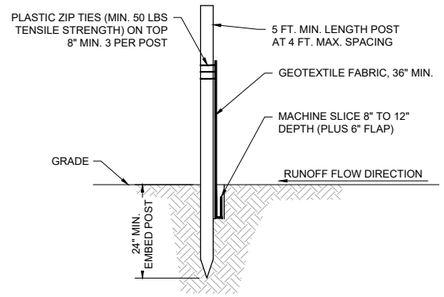
DIVISION: NORTH | CITY/COUNTY : MENDOTA HEIGHTS / DAKOTA | TYPE:

A

CADD USER: Owen Q. Richey FILE: \\EDI-CAD\CAD\DESIGN\23191480.00\SIBLEY\23191480_G-03_EROSION CONTROL PLAN.DWG PLOT SCALE: 1:2 PLOT DATE: 7/24/2024 4:02 PM



DOWNSTREAM VIEW

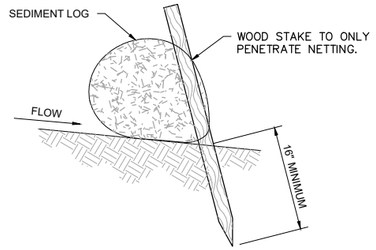


SECTION VIEW

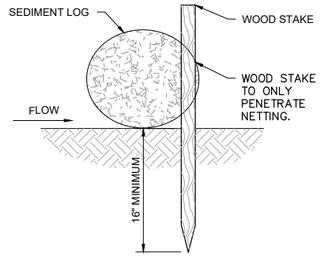
NOTES:

1. SILT FENCE SHALL BE INSTALLED PRIOR TO ANY GRADING WORK IN THE AREA TO BE PROTECTED AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. SILT FENCE AND ANY ACCUMULATED SEDIMENT SHALL BE REMOVED IN CONJUNCTION WITH THE FINAL GRADING AND SITE STABILIZATION.
2. SILT FENCE INSTALLATION AND MATERIALS SHALL MEET THE REQUIREMENTS OF MN/DOT SPECIFICATIONS 2573 AND 3886.
3. NO HOLES OR GAPS SHALL BE PRESENT IN/UNDER SILT FENCE. PREPARE AREA AS NEEDED TO SMOOTH SURFACE OR REMOVE DEBRIS.
4. WHEN SEDIMENT BUILD UP REACHES 1/2 OF FENCE HEIGHT, THE SILT FENCE SHOULD BE REMOVED OR A SECOND SILT FENCE INSTALLED UPSTREAM OF THE EXISTING FENCE AT A SUITABLE DISTANCE.
5. WHEN SPLICES ARE NECESSARY MAKE SPLICE AT POST ACCORDING TO SPLICE DETAIL. PLACE THE END POST OF THE SECOND FENCE INSIDE THE END POST OF THE FIRST FENCE. ROTATE BOTH POSTS TOGETHER AT LEAST 180 DEGREES TO CREATE A TIGHT SEAL WITH THE FABRIC MATERIAL. CUT THE FABRIC NEAR THE BOTTOM OF THE POSTS TO ACCOMMODATE THE 6 INCH FLAP. THEN DRIVE BOTH POSTS AND BURY THE FLAP. COMPACT BACKFILL.

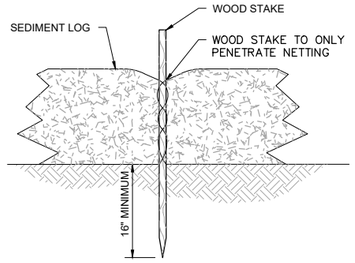
1 - DETAIL: SILT FENCE - MACHINE SLICED
NOT TO SCALE



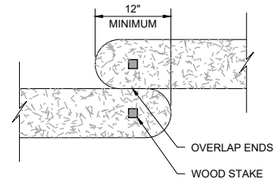
SIDE VIEW ON SLOPE



SIDE VIEW FLAT



FRONT VIEW

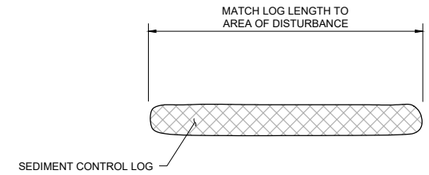


TOP VIEW

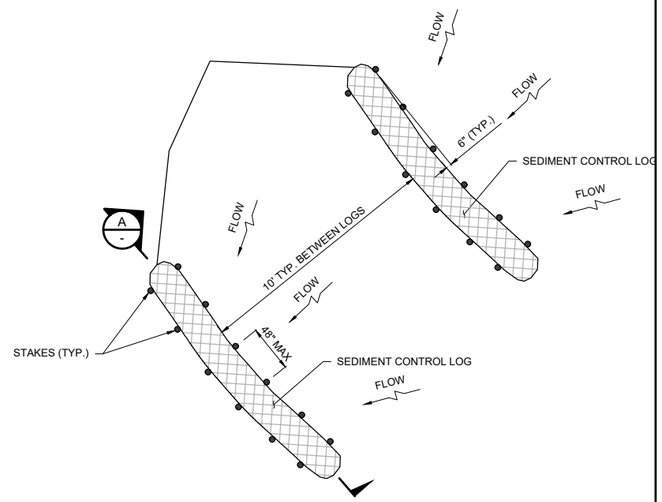
NOTES:

1. INSTALL SEDIMENT LOG ALONG CONTOURS (CONSTANT ELEVATION).
2. NO GAPS SHALL BE PRESENT UNDER SEDIMENT LOG. PREPARE AREA AS NEEDED TO SMOOTH SURFACE OR REMOVE DEBRIS.
3. REMOVE ACCUMULATED SEDIMENT WHEN REACHING 1/2 OF LOG HEIGHT.
4. MAINTAIN SEDIMENT LOG THROUGHOUT THE CONSTRUCTION PERIOD AND REPAIR OR REPLACED AS REQUIRED.

3 - DETAIL: EROSION LOG - STAKING
NOT TO SCALE



A - SECTION: SEDIMENT CONTROL LOG (ALONG SLOPE)
NOT TO SCALE

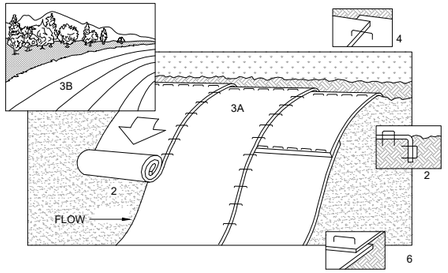


PLAN VIEW

NOTES:

1. SEDIMENT CONTROL LOG SHALL BE INSTALLED SO THAT MIDDLE OF LOG IS APPROXIMATELY 6" LOWER (DOWGRADIENT) TO CREATE A NATURAL FUNNELING AND KEEP SEDIMENT OUT OF DOWNSLOPE ARMORING.
2. CORE MATERIAL SHALL BE BIODEGRADABLE OR RECYCLABLE, SUCH AS COCONUT FIBERS. CORE MATERIAL SHALL BE COMPRESSED AND STUFFED INTO A NETTING.
3. CONTAINMENT MESH (NETTING) SHALL BE 100% BIODEGRADABLE MATERIAL SUCH AS BURLAP, TWINE, ETC.
4. SEDIMENT CONTROL LOG SHALL BE PLACED AS INDICATED ON THE PLANS AND WITHIN 24 HOURS OF VEGETATATION REMOVAL.
5. SECURE SEDIMENT CONTROL LOG IN A METHOD ADEQUATE TO PREVENT DISPLACEMENT AS A RESULT OF NORMAL RAIN EVENTS, SUCH THAT FLOW IS NOT ALLOWED UNDER THE SEDIMENT CONTROL LOG. ALL MATERIALS USED TO SECURE SEDIMENT CONTROL LOG SHALL BE 100% BIODEGRADABLE.
6. SEDIMENT CONTROL LOG SHALL BE NO LESS THAN 9" IN DIAMETER.
7. FOR SEDIMENT CONTROL LOG STAKING SEE 3 / 4153

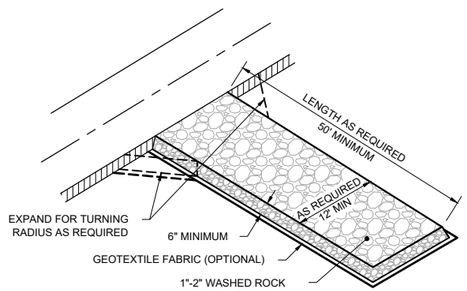
5 - DETAIL: SEDIMENT CONTROL LOG (ALONG SLOPE)
NOT TO SCALE



NOTES:

1. REFER TO MANUFACTURER RECOMMENDATIONS FOR STAPLE PATTERNS FOR SLOPE INSTALLATIONS.
2. PREPARE SOIL BY LOOSENING TOP 1-2 INCHES AND APPLY SEED (AND FERTILIZER WHERE REQUIRED) PRIOR TO INSTALLING BLANKETS. GROUND SHOULD BE SMOOTH AND FREE OF DEBRIS.
3. BEGIN (A) AT THE TOP OF THE SLOPE AND ROLL THE BLANKETS DOWN OR (B) AT ONE END OF THE SLOPE AND ROLL THE BLANKETS HORIZONTALLY ACROSS THE SLOPE.
4. THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 6" OVERLAP, WITH THE UPHILL BLANKET ON TOP.
5. WHEN BLANKETS MUST BE SPLICED DOWN THE SLOPE, PLACE BLANKETS END OVER END (SHINGLE STYLE) WITH APPROXIMATELY 6" OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" APART.
6. BLANKET MATERIALS SHALL BE AS SPECIFIED OR AS APPROVED BY ENGINEER.

2 - DETAIL: EROSION CONTROL BLANKET - INSTALLATION
NOT TO SCALE



NOTES:

1. MAINTAIN ENTRANCE THROUGHOUT THE CONSTRUCTION PERIOD AND REPAIR OR REPLACE AS REQUIRED TO PREVENT TRACKING OFFSITE.
2. REMOVE ENTRANCE IN CONJUNCTION WITH FINAL GRADING AND SITE STABILIZATION.

4 - DETAIL: CONSTRUCTION ENTRANCE - ROCK
NOT TO SCALE

ISSUED FOR REVIEW

BARR
4300 MARKETPOINTE DRIVE
Suite 200
MINNEAPOLIS, MN 55435
Ph: 1-800-632-2277
Fax: (952) 832-2601
www.barr.com

HISTORY		DATE
DRAWN BY:	OQR	07/24/2024
DESIGNED BY:	BARR	07/24/2024
CHECKED BY:	JPP	07/24/2024
APPROVED BY:	JPP	07/24/2024
IN SERVICE DATE:		

NO.	DESCRIPTION	BY	DATE
A	ISSUED FOR REVIEW	OQR	07/24/2024
-	-	-	-

SIBLEY PHASE II FIRE SUPPRESSION
EROSION CONTROL DETAILS

SERVICE CENTER: NORTHERN STATES POWER COMPANY | PROJECT: 4501038238
DIVISION: NORTH | CITY/COUNTY : MENDOTA HEIGHTS / DAKOTA | TYPE:

DRAWING 4153 A

CADD USER: Owen Q. Richey FILE: \\ED\-CAD\CAD\DESIGN\20191480\00\SIBLEY\20191480_G-04_EROSION CONTROL DETAILS.DWG PLOT SCALE: 1:2 PLOT DATE: 7/24/2024 4:02 PM

Planning Commission

Meeting Date:	June 24, 2025		
Agenda Item:	**Tabled - CASE No. 2025-03 Preliminary Plat** Application of Spencer McMillan for a Preliminary Plat of three (3) existing parcels into six (6) single-family residential parcels located at 1707 Delaware Avenue and its adjacent vacant parcels.		
Department:	Community Development	**Contact:**	Sarah Madden, Community Development Manager

Introduction:
The applicant is seeking a Preliminary Plat approval of the properties located at 1707 Delaware Avenue and two vacant parcels generally located at the north end of Ridgewood Drive. The residential property and the two vacant parcels are all owned by Spencer McMillan, the applicant in this Planning Case. The proposed plat is titled McMillan Estates and the subdivision would divide and redistribute the existing land within the three parcels into six new lots of record.

In 2021, an application was submitted to the City for the subject site (by a different applicant and property owner) with a very similar proposal for subdivision of the existing three parcels into three new lots of record (Planning Case No. 2021-19). That prior application was withdrawn before the public hearing at the Planning Commission. Within the prior applicant's written notice of withdrawal, they indicated that the applicant team was unable to come to an agreement with the Seller and property owner regarding a request for dedicated right-of-way along Delaware Avenue for Dakota County. The property sold following this withdrawn application, and the item in this planning case is a separate application by the current applicant and property owner.

This current property owner and applicant submitted a previous application in 2024, known as Planning Case No. 2024-01, which subdivided the subject site into three new lots of record. The Planning Commission reviewed that application at public hearings in March-June of 2024, and the City Council reviewed the application at their regular meetings in July-August, 2024. The City Council was not supportive of the applicant's prior request to defer public improvements. Ultimately, the applicant withdrew the prior application in order to re-submit with greater detail and required information to the City relating to the construction of the cul-de-sac extension of Ridgewood Drive.

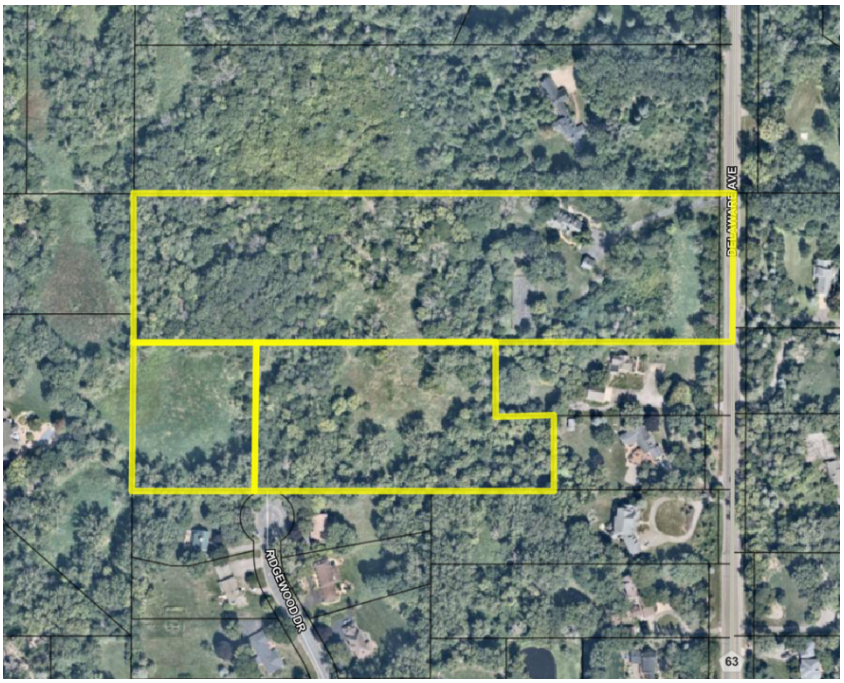
This item was presented under a fully noticed public hearing process on May 27, 2025, with notices published in the Pioneer Press newspaper and notice letters mailed to all owners within 350-feet of the subject parcels.

Nine residents spoke at the public hearing. Written public comments have also been received for this item and are included as an attachment to this report. As of the submittal of this report,

there were seven instances of public comment. Some of these public comments were received as part of submitted comments on the Wetland Conservation Act (WCA) Joint Water Resources Application. Those comments have been included in the total instances of public comments. Any additional comments received prior to the meeting will be provided to the Planning Commission and made part of the public record.

Following the verbal comments provided at the May 27th public hearing, the hearing was closed, and the Planning Commission discussed the application amongst themselves and asked questions of staff. The Commission inquired about the Wetland Conservation Act (WCA) process, the Comprehensive Plan policies that apply to this application request, and the Urban Forest Preservation Ordinance. Following their discussion, the Commission voted 6-0 to table the application request.

Background:



The subject site consists of 16.63 acres of combined land across three separate parcels (*see aerial image – right*). The primary property addressed as 1707 Delaware Avenue is a long, rectangular, unplatted parcel consisting of 10.06 acres, measuring 329.18-ft. in width along Delaware Avenue to the east. This parcel contains an existing single-family home. The remaining two parcels are known as Outlots A and B of Grappendorf Addition, which was approved in 1984. The two Outlots are situated at the end of Ridgewood Drive and consist of 4.5 acres (Outlot A) and 2 acres (Outlot B). Both outlots are vacant.

The proposed subdivision requested by the applicant will dedicate new right-of-way for an extension of Ridgewood Avenue, ending in a new cul-de-sac, and create six new lots of record from these parcels. Lots 1, 2, 3, 5, and 6 are intended to be platted for future development of new single-family homes. The proposed Lot 4 would remain as the applicant's residence but would be subdivided into a smaller parcel.

In order to establish the required 125-foot of frontage on a city approved street for new platted lots in an R-E District, the applicant is proposing to dedicate 38,158 s.f. (.88 acres) of right-of-way extending north from the existing Ridgewood Drive right-of-way. The dedicated right-of-way would allow for the construction of an extension northward of Ridgewood Drive into the proposed subdivision, ending in a new cul-de-sac bulb. The street extension would be required to be constructed prior to the construction of any of the new single-family homes, and the work would include the removal of the existing cul-de-sac on Ridgewood Drive, to be replaced with a straight street extension. More information on this design will be provided in the Analysis section of this report. Additionally, 19,751 s.f. (.45 acres) of right-of-way is proposed to be dedicated along Delaware Avenue, to accommodate Dakota County's request

for 60-ft of half right-of-way.

A large portion of the subject site is encumbered by wetlands. Prior to this application, the previous property owner hired an environmental specialist to study, identify, and map out these wetlands on the property; an official Wetland Delineation Report dated 06/22/2021 was submitted to the City for review and was later accepted by the City Council on September 9, 2021. This report is valid for five years. The wetland impacts proposed under that prior application are no longer applicable to the site. The applicant has concurrently submitted a new Joint Water Resources Application to the City to request approval of the wetland impacts associated with this development. This topic is discussed in further detail in the Wetland Impacts section of this report.

The application under review as part of this planning case is solely for the subdivision to be known as McMillan Estates, as outlined in the applicant's proposal and Preliminary Plat documents attached to this report. If the Preliminary Plat is approved by the City Council and there are not any significant changes to the Final Plat from their approval, then the Final Plat will be reviewed at a later date by the City Council.

Analysis:

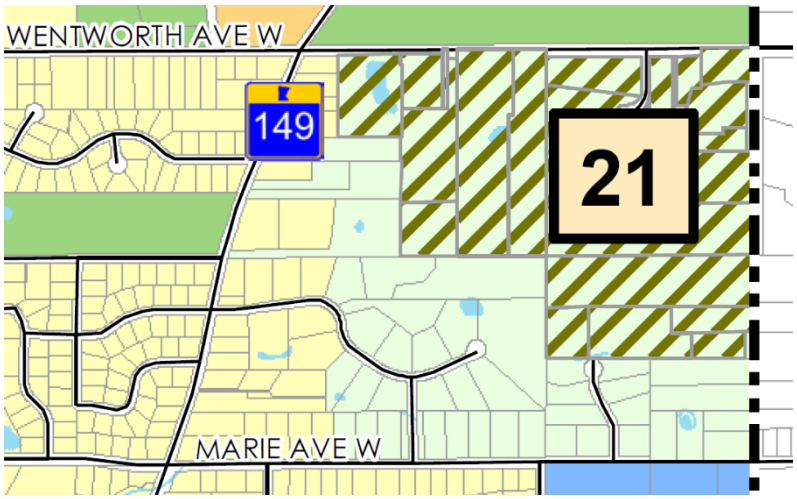
Comprehensive Plan

The subject parcel is guided RR-Rural Residential in the *2040 Comprehensive Plan.* The 2040 Plan includes the following general description for said uses in this land use category:

> ***RR – Rural Residential (0.1 - 1.45 DU/Acre)***
> *This land use is generally located in the east central part of the city. This designation is intended for large lot single-family residences and includes properties with and without city sewer. The Rural Residential areas are planned with a density not to exceed* ***1.45 units per acre****. The corresponding zoning district classification is R-1A (One Family Residential).*

The overall site consists of 16.63 acres, and of that approximately 5.6 acres are encumbered by wetlands, leaving a net acreage value of 11.03 acres. The overall density created by the potential five new residences plus the existing residential unit calculates to a density of 0.54 units/acre, which is within the range outlined within the RR – Rural Residential land use category.

In the 2040 Plan, the city also identified (based upon previous 2030 Plan and others) a number of specific properties in the city that were or are vacant, under-developed, under-utilized or identified as either potential infill or redevelopment areas. These sites or areas are referred to as "Focus Areas". Infill means that the property has the opportunity to develop or redevelop beyond its current level. One of these focus areas is the Somerset Area, or #21 on Map 2-5: Focus Areas with Future Land Use Overlay Map (*see map – Pg. 4*).



21. **Somerset Area:** This area has been referred to as the "Superblock" due to its collection of large residential lots. It consists of over 20 separate parcels on approximately 90 acres located directly south of Somerset Country Club and Golf Course. The area is developed with single-family homes on large lots with private septic systems. The neighborhood is bounded on the east by Delaware Avenue, the north by Wentworth Avenue, and the south and west by smaller single-family lots. The neighborhood contains significant wetlands and woodlands. The area is guided RR - Rural Residential use. Due to the existing large lot configuration, the area has the potential to be further subdivided, provided public sewer, water and road systems would be extended to the area.

Plat Standards

Under Title 11, Subdivision Regulations, the intent and purpose of this section is to "*safeguard the best interests of the city, and to assist the subdivider in harmonizing [their] interests with those of the city at large, this title is adopted in order that adherence to same will bring results beneficial to both parties. It is the purpose of this title to make certain regulations and requirements for the platting of land within the city pursuant to the authority contained in Minnesota statutes, which regulations the city council deems necessary for the health, safety and general welfare of this community.*"

City Subdivision Code Section 11-3-2 allows the subdivision of parcels, provided that the resulting lots are compliant with the requirements of the applicable zoning district, and meets the following standards:

A. Lot Area, Width and Depth: The minimum lot area, width and depth shall not be less than that established by the zoning ordinance in effect at the time of adoption of the final plat.

B. Corner Lots: Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning ordinance.

C. Side Lot Lines: Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

D. Lot Frontage: Every lot must have the minimum frontage as required in the zoning ordinance on a city approved street other than an alley.

E. Building Setback: Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Mendota Heights zoning ordinance. On those lots which are intended for business use, the setback shall be at least that required by the zoning ordinance.

For the R-E District, all new lots must have a minimum of 30,000-sf. of lot area. All three lots

significantly exceed the size minimum requirement, as illustrated in the table below.

Proposed Lot 1	158,544 SF	3.64 Acres
Proposed Lot 2	61,652 SF	1.42 Acres
Proposed Lot 3	53,242 SF	1.22 Acres
Proposed Lot 4	153,532 SF	3.52 Acres
Proposed Lot 5	77,002 SF	1.77 Acres
Proposed Lot 6	162,659 SF	3.73 Acres

The proposed Preliminary Plat and preliminary plans provided by the applicant illustrate outlines of potential building areas on Lots 1, 2, 3, 5, and 6. In reviewing these outlined layouts, setbacks to front, side, and rear lot lines can be met due to the large acreage on all parcels.

For the R-E District, all new lots require a minimum of 125-ft of lot width along a city approved street. Lot 4 (existing residence) will maintain its 329+ feet of frontage along Delaware Avenue. The remaining lots are proposed to have frontage and a lot width along the Ridgewood Drive extension of approximately 570-ft, ending in a new constructed cul-de-sac bulb and making the total cul-de-sac length approximately 1,220-ft in length. This dimension of the extension is measured from the existing north curb of the Ridgewood Drive cul-de-sac, to the proposed north curb of the new cul-de-sac. The proposed new single-family lots show compliance with the minimum 125-ft of frontage and lot width on this street and cul-de-sac extension. Lot width is defined as the maximum horizontal distance between the side lot lines of a lot measured within the first 30' of the lot depth. Based on this definition, the proposed Lots 2 and 3 are able to meet the minimum 125-ft lot width standard based on the length of the arc at a 30-ft setback from the proposed cul-de-sac bulb, with the lot width of the proposed Lot 2 measured at 138-ft, and the width of the proposed Lot 3 measured at 126-ft.

Dakota County Review

Because this property fronts on a Dakota County road system (CSAH 63 – Delaware Avenue), this plat requires county review and approval. As mentioned in the “Introduction” section of this report, a previous plat of the subject site was reviewed in 2021, and right-of-way dedication along Delaware Avenue was required by Dakota County at that time. The former application did not move forward and cited the right-of-way dedication as the reason for their withdrawal. The previous iteration of this application was reviewed by the Dakota County Plat Commission in February 2024, and the County is currently reviewing this plat application internally related to the requested and provided right-of-way of 60-ft of half right-of-way, in accordance with their review procedures. The February 2024 memo from the Dakota County Surveyor’s Office is included as an attachment to this report. Dakota County has confirmed that no additional review is required.

Street, Utility and Grading Plan

The applicant has provided a full construction plan set for the grading of the site, as well as street and storm sewer plans, drainage details, and utility plans, attached to this report as Plan Sheets C6-C15.

According to Title 11-3-8-A of the City Code:

Slope Limitations: Subdivision design shall be consistent with limitations presented by steep slopes. Subdivisions shall be designed so that no construction or grading will be conducted on slopes steeper than twenty five percent (25%) in grade.

The staff review of the provided grading and contour elevation markings illustrated on the preliminary plans did not identify any steep slopes or bluffs on the property, or slopes over 25% in the areas where the potential dwellings, or driveways are being proposed. The house locations as

shown on the provided plans are preliminary, and final house locations, grading, and impacts will depend on a final design for the respective houses. These future developments will be evaluated at the time that those applications come forward and will be subject to the City's Zoning Ordinance requirements and any other applicable federal, state, and local regulations and codes, as well as in compliance with the City's Land Disturbance Guidance Document. A condition has been included in the staff recommendation section of this report which reflects these requirements.

There is an existing 6-inch watermain underneath Ridgewood Drive that was stubbed at the north end of the cul-de-sec roadway. The plans illustrate that the applicant will extend this watermain line into the proposed Ridgewood Drive right-of-way extension, terminating just north of the new proposed cul-de-sac bulb. The santitary sewer line will also be extended from the existing manhole north of the existing Ridgewood Drive cul-de-sac, to a new manhole within the proposed cul-de-sac. The proposed santitary sewer line is 8" within the extended street and will flow by gravity south to connect with the existing manhole and 9" service line installed in the existing Ridgewood Drive cul-de-sac. A new fire hydrant will also be installed in the right-of-way just north of the cul-de-sac extension. The plans show the ability for future service connections to be made into the main line for any future construction of homes on the five new vacant lots.

All new lots will have perimeter drainage and utility easements provided, noted at 5' in width at side and rear lot lines, and 10' in width at front lot lines. The applicant has also provided a wider easement along the southern property line of Lot 6, measuring at 15-ft in width, based on the prior application's recommendations from staff, the Planning Commission, and during the City Council's review, to accommodate appropriate easement width for neighboring properties to petition for sanitary sewer extension to the east, if they so choose. The applicant has also provided a 60-ft utility easement directly north of the new cul-de-sac which could accommodate future utility extension to the north if petitioned by a northern neighboring property owner, or if additional future development north of this development site occurs. This easement area measures approximately 104-ft in length from the northern point of the cul-de-sac right-of-way to the northern edge of this subdivision. Lastly, additional easement width is provided at the shared property line between the proposed Lots 3 and 5, measuring 10-ft on each side, which could accommodate future utility services to 1707 Delaware Ave.

All wetlands will be covered by similar drainage and utility easements, with varying widths. The City's new Zoning Ordinance that went into effect January 1, 2025 references the new Title 15-Environmental Standards and the State of Minnesota Wetland Conservation Act (WCA) rules, but also requires an average buffer depth of 25-ft, with a minimum dimension of 10-ft and a maximum dimension of 50-ft. The applicant has provided a buffer area which meets these requirements, with the shortest dimension of the buffer area located on the proposed Lot 6, where the applicant is proposing 467 SF of wetland impact. The Ordinance does require that any drive aisles must be setback a minimum of 5-ft from any required buffer area, unless otherwise permitted by the Title 15-Environmental Standards. Title 15, Chapter 4: Wetland Conservation permits a Buffer Setback area to be disturbed upon approval of the City. This Wetland Conservation Act (WCA) application is discussed later in this report.

The wetland and wetland buffers' easements, as well as the perimeter drainage and utility easements will be provided and officially dedicated under the final plat approval and recording, if approved.

The building pad sites and associated driveway access points shown on the plans are potential, and final house locations, individual grading plans and impacts, and construction-level architectural plans for the homes, will be provided at the time of building permit for home construction following approval of this subdivision and construction of the public roadway and utility improvements. The proposed driveway of Lot 6 is shown to encroach on the 15-ft drainage and utility easement that the City requested on the south property line during the prior

application's review period. This encroachment will be outlined in the Developer's Agreement between the Applicant/Developer and the City.

The proposed street construction will increase impervious surface by .43 acres overall. An additional acre of impervious surface is estimated for the future home construction improvements. Each of these individual lots will be evaluated for impervious surface requirements at the time of their building permit applications for the new homes. The required maximum impervious surface for the R-E Zoning District is 35%.

The applicant's plans propose that stormwater treatment for individual lot improvements will be provided at the time of construction. The City is not supportive of this request, and staff have provided a condition of approval that the stormwater management not be deferred to the individual single-family lots, and that the City will require stormwater management to be managed for the entire development and dedicated in a utility easement as part of the Final Plat. The single-family lots may be adequate for infiltration at the 1.1 inch BMP requirement, but water quality management would not be feasible for a single homeowner long-term. The stormwater improvements which are currently proposed include an infiltration basin on the proposed Lot 6, just east of the Ridgewood Drive extension. The basin includes a riprap stilling infiltration basin with two inlets, one to the west and one to the south. The applicant plans to seed the filtration basin with MnDot 33-261 seed mixture and to stabilize with appropriate erosion control. The elevations of the basin indicate 12" of planting media with volume for filtration above. The City will require a third-party inspection for compliance with stormwater requirements during construction, which would be outlined in the Developer's Agreement with the City.

Wetland Impacts

The proposed plat identifies a number of large and smaller wetlands throughout the site, which are proposed to be dedicated as drainage and utility easements on the plat. The applicant's plans also indicate a wetland buffer area (illustrated on the plans as hatching around wetlands) which is designed to meet the minimum 25-ft buffer averaging requirement of City Code. The total amount of buffer area which is required for the delineated wetlands on site is 75,504 SF, and the total amount of buffer area which is provided is noted at 75,609 SF. Signs denoting buffer areas will be addressed in the Developer's Agreement with the City.

The Subdivision Title notes that the City shall review the subdivision proposal and design with respect to the limitations presented by wet soils, and that the approval of the subdivision will require an engineering analysis of the delineated areas, and that a permit is required to alter ditches, streams, and associated drainage path. It should be noted that the City Council approved a Joint Water Resources Application for Exemption, submitted by this property's previous Developer/Applicant, on November 3, 2021, whereby approval was granted to remove up to 1,000 SF of wetlands for the driveway and the structure improvements which were proposed at that time.

The extent of the previous structure improvements from the previous property owner's application are not outlined in this planning case. Instead, the applicant is proposing to impact up to 2,170 SF of wetlands for the future driveways and planned Ridgewood Drive extension. The applicant has a new active Joint Water Resources application for exemption under the deminimus rules. Impacts include 1,315 SF of impacts directly north of the existing cul-de-sac, to accommodate the street extension and a culvert which would traverse east-west underneath the street extension connecting the two major wetland areas. Additional wetland impacts of 467 SF are shown on the proposed Lot 6, adjacent to the property's potential driveway. This second impact area, if approved, would add fill to the wetland impact area, which would be altered and presented as the provided wetland buffer area. South of these impacts and designated buffer, the proposed driveway would then be setback approximately 7-ft from the Wetland and Wetland Buffer

alteration, meeting the zoning setback requirements for impervious surface installments such as drive aisles. The remaining wetland impacts are illustrated for driveway impacts on the proposed Lot 5, to accommodate any grading that may be required based on the preliminary building and driveway locations. If any additional wetland impacts are proposed by future property owners, they would be subject to their own future wetland impacts applications under state law. The applicant's Joint Water Resources application under the WCA rules for proposed wetland impacts was submitted to the City in April, and the Notice of Application was sent on April 21, 2025 to the state, regional, and federal regulatory bodies that sit on the required Technical Evaluation Panel (TEP) for WCA rules applications. The comment period for the application ended on May 13, 2025. The City is the Local Government Unit (LGU) for enforcing the WCA rules, and has met with the TEP to evaluate the application and establish recommendations and findings. The members of the TEP are recommending approval of the application. The 60-day decision deadline was June 20th for this WCA application, however based on revised application materials the City extended the review period to August 19, 2025. The administration and enforcement of any WCA Permit, including the Notice of Decision, is designated as the responsibility of the Natural Resources Coordinator and is not subject to City Council review.

On the preliminary plans, the five new home sites will be placed in areas in dry, non-wetland areas of each parcel, according to the wetland mapping provided by Jacobson Environmental on the 2021 Wetland Delineation. The applicant does not have a finalized construction and development plan for homes on any of the proposed new single-family development properties, and those plans are not under the review of the City at this time. If the current Joint Water Resources Application is approved, and no work is conducted prior to the expiration of the Wetland Delineation and Notice of Decision, an updated Joint Water Resources Application for Exemption would need to be filed in accordance with state statute.

Tree Inventory

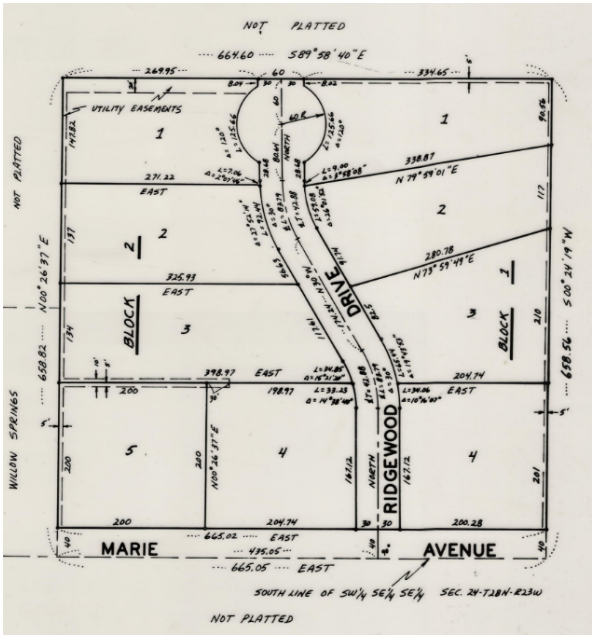
The Developer/Applicant has included a Tree Inventory of the site, which is included as an attachment to this report on Sheets C3-C5. The inventory outlines the species and diameter of the trees within the anticipated development area only, out of approximately 1,900 or more trees which exist on the property today. The anticipated removal of trees is illustrated on the inventory plans which would be removed as part of any construction activities for the street extension and future building and driveway improvements. Final tree impacts on the individual residential lots are to be determined with the full construction and building permit plan sets at the time an application and final site plan design comes forward for review.

The City enacted new requirements in 2025 for a Forest Alteration Permit and Forest Management Plan. The applicant has provided the application materials for a Forest Alteration Permit as part of this subdivision request. The provided Sheet L-101 indicates the tree mitigation plans for the development site. Based on the tables provided by the applicant, 82 trees meeting the definition of a significant or heritage tree are proposed to be removed, amounting to 741 DSH (Diameter at Standard Height). One of the proposed removals is identified as a 'Heritage Tree', meaning it is a native tree, or cultivar of a native tree, which exceeds 24" in diameter. This specific tree to be removed is a 35" Cottonwood tree. Other trees which were in poor condition, were previously removed as part of work prior to the effect of the Urban Forest Preservation Ordinance, and identified Ash trees were removed from forest mitigation plan calculations. 3,774.5 DSH of the remaining surveyed trees are noted to be saved or preserved on the property, including 11 Heritage Trees.

Based on the proposed removals, 555.8 total DSH is required to be replaced. The applicant will also be required to submit a Tree Replacement escrow to the City related to the Forest Management Plan. The applicant is currently proposing to not prepare a replacement landscape plan and has noted their intent to complete an off-site tree replacement agreement with the City.

The applicant cites the difficulty and feasibility of replacing the trees on-site, as the site is fully forested and the cleared areas will be replaced with street improvements. The City is not supportive of the request to not mitigate the removals with any replacement trees. The Urban Forest Preservation ordinance does allow for the City to approve alternative tree replacement measures, including the planning of trees at an alternate site if compliance with the tree replacement requirement is not feasible. City Staff is prepared to work with the applicant to create an alternative tree replacement measure, however the applicant must first attempt to mitigate a portion of the tree replacement on site consecutively with the development. A condition has been added that a Tree Replacement Plan be provided which would illustrate an attempt to comply with tree replacement measures prior to enacting an alternative mitigation plan with the City.

In addition to the requirements of the Urban Forest Preservation Ordinance, all single-family residential uses developed in the City are required to submit a landscaping plan as part of the application for Building Permit indicating the location of existing trees and shrubs, and proposed planting details for new landscape features. A minimum of 25% of the land of each single-family home will be required to be landscaped with grass, ground cover, shrubbery, and trees, and new construction homes are required to plant a minimum of one overstory or deciduous tree per 50-feet of lineal frontage of public street in the front yard of the lot. These required trees may count toward a replacement plan. The landscape plans for each new home will be evaluated at the time of Building Permit for new home construction.

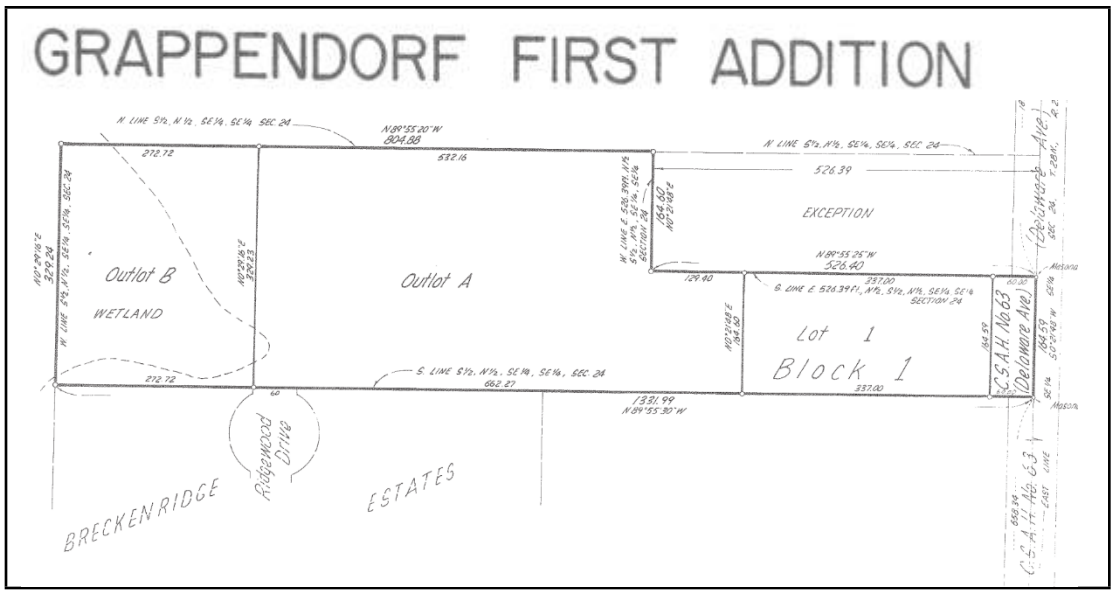


Street Design

City Code Title 11 – General Subdivision Provision provides for all the required standards related to new subdivisions, including streets, utilities, easements, etc. When Breckenridge Estates, the plat to the south of the subject site, was approved in 1969, it contained a variance request to allow lots less than 40,000-sq. ft. in area (required for R-1A district at that time), but did not include any variance or allowance for an over-length cul-de-sac. The plat was presented with the Ridgewood Drive roadway that exists today, and also included a small “nub” extension of 60-ft in width at the top of the road right-of-way circle (*see plat image –left*).

This nub was likely created or called for based on the assumption that the properties to the north could be or would be similarly platted, and any future roadway extension would have likely come off the end of Ridgewood Drive and run northward into these properties. The Subdivision ordinance does require in Section 11-3-3: Streets and Alleys, that a tentative plan of a proposed future street system should be provided when reviewing a new Plat. Specifically, the general requirements provide guidelines for a proposed future street system, and alignment and availability of utilities.

The approved Grappendorf Addition (*see plat image – below*) did not show or provide any plans for extending Ridgewood Drive into the plat or outlots, nor provided any plans for any other roadway inside this plat as well. However, it was noted within the City Council minutes of the review of that Plat application that access and utility extensions were only available to Outlot A from Ridgewood Drive.



Per current City Subdivision Code Section 11-3-3 Streets and Alleys:

1. *3. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision*.

The expectation within the City's review of a subdivision on larger than 'normal' lots or parcels, is that the applicant/developer is responsible for arranging lots and parcels in such a way that would permit future and smaller subdivision of lots, as well as leaving space "open" for a future potential street, and potential future utility connections. This applies to making those connections only on the subject site, and does not specifically address neighboring land owners. The City must evaluate the ability for the new parcels to be subdivided again in the future, and evaluate if the infrastructure planned will be able to accommodate that potential future split. The applicant has provided a subdivision which places potential new single-family homes on the portions of this property that are not encumbered by wetlands, and each lot within the proposed subdivision is able to meet or exceed the required lot size and lot width for the R-E Zoning District. Based on the availability of dry buildable area, staff believes that the proposed lots are likely not able to be subdivided further based on the current requirements of City Code and that the applicant's subdivision request and the layout of building pad sites, street extension, and utility connection complies with this standard.

Under this plat request, the Applicant is seeking to provide an extension of this right-of-way at least 60-ft in width, and approximately 570-ft in length, ending in a new dedicated cul-de-sac bulb. The Developer/Applicant's previous application in 2024 included a request to defer construction of any public improvements which was not supported by the City Council. The prior application was ultimately withdrawn as the applicant intended to come back with an application which complied with the public improvement standards of the Subdivision Ordinance. The current proposal under this Planning Case shows an intent to develop and construct the full street extension to the new cul-de-sac bulb, to re-construct the street segment at the existing cul-de-sac bulb, and to install public utility improvements in the dedicated right-of-way beneath the new street extension.

Ridgewood Drive measures from the point coming off Marie Avenue to the end of the cul-de-sac as 649.58-feet in total length. From earlier [known] records of the City Code, the Subdivision

Code of 1956 indicated "*dead-end streets shall not be longer than 400-feet*…" while the Code of 1975 included: "…*cul-de-sacs shall normally not be longer than 500-feet….*" as seen today in the current Subdivision Code (noted below).

Per current City Subdivision Code Section 11-3-3 Streets and Alleys:

D. Dead End and Cul-De-Sac Streets: Dead end streets are prohibited, but cul-de-sacs will be permitted only where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred feet (500'), including a terminal turnaround which shall be provided at the closed end, with an outside curb radius of at least forty nine feet (49') and a right of way radius of not less than 60-ft.

Some of the commissioners may recall giving consideration to a variance related to a cul-de-sac roadway, which was presented under the Orchard Heights plat in 2017. Under that case, the developers requested a variance to exceed the "normally not longer than 500-ft" standard to allow a new cul-de-sac of 950-feet in length. As part of the report on that case, it was noted that the city allowed a number of other subdivision developments throughout the city with over-length dead end and cul-de-sac streets (approximately 19 at that time); and it was unclear from research if the 500-foot standard was in place at the time of these various plat approvals or developments; or if variances were approved for these separate developments. Nevertheless, the city required the developer to submit and request a variance to exceed this 500-ft. standard, and although the planning commission and city council rejected this variance request, the development (and new roadway) was ultimately allowed by a Dakota County District Court ruling.

In that ruling, it is noted that there was dispute on whether or not a Variance was required for the length of the cul-de-sac, as the City's subdivision ordinance only states that cul-de-sacs "shall normally not" be longer than 500 feet. Existing Minnesota case law states that "Regulatory standards must be sufficiently precise to ensure the application of objective standards to similarly situated property, to adequately inform landowners of the requirements that they must satisfy to gain subdivision approval, and to allow a reviewing court to evaluate noncompliance." When interpreting language in a zoning ordinance, the plain and ordinary meaning of the terms has generally been more favorable in court procedures. Because of the imprecise language within the subdivision ordinance regarding cul-de-sac length that "shall not normally" be longer than 500-ft, and because the existing length of Ridgewood Drive has already been approved through a prior subdivision, staff did not request the applicant to revise their application and incorporate a Variance request to the cul-de-sac length standard.

The Final Plat will be subject to a Development Agreement between the Owner/Developer and the City, which would outline the timing and details of the installation of required improvements associated with the development. The subdivision ordinance requires that no application for building permits be filed for the private construction associated with this plat until all improvements required have been made or arranged for within the Development Agreement. A condition has been included in the recommendation section of this report that a Development Agreement for the public improvements and utilities be executed to the satisfaction of the City Council before the Final Plat is released for recording with Dakota County, and before the issuance of any permits. This includes the improvements to the street and cul-de-sac, as well as the required utility connections and extensions as outlined in the Utility and Grading Plan section of this report. While the City currently performs street and utility distribution improvements, they do reserve the right to request that developers make all necessary improvements at any time.

Conclusion

The applicant has provided the dedicated right-of-way to the City, and planned a constructed street and utility extension within this Plat to meet the minimum lot width, frontage, and access

requirements of the City Code. The proposed lots each meet or exceed the minimum of 125' of lot width on a City-approved street and they exceed the minimum lot size requirements of 30,000 SF. The applicant's revised plans under this current Planning Case application have illustrated an intent to comply with the City's Subdivision Code by providing adequate extension of utilities into the dedicated right-of-way, and by arranging the lots and street alignment in such a manner that future resubdivision of the overlarge lots is not applicable at this time. The applicant has submitted the required Wetland Conservation Act permits to the City concurrently with this Planning Case application, which is not a factor in the review of this Preliminary Plat request. The Planning Commission should review the technical aspects of the proposed Plat, as it relates to the Zoning Ordinance, Subdivision Ordinance, and Comprehensive Plan.

Alternatives:
Following the public hearing and discussion, the Planning Commission may consider the following actions:

1. Recommend approval of the Preliminary Plat of McMillan Estates, based on certain findings-of-fact, along with specific conditions of approval as included herein; or

2. Recommend denial of the Preliminary Plat of McMillan Estates, based on revised findings-of-fact and conditions as determined by the Planning Commission and/or City Council; or

3. Table the plat application and request additional information from the applicant or staff. Staff will extend the application review period.

Staff Recommendation:
Staff recommends that the Planning Commission recommend to the City Council approval of the application of Spencer McMillan for the Preliminary Plat of a six-lot residential subdivision to be known as McMillan Estates, based on the Findings of Fact as included herein, along with the following conditions:

1. The preliminary plans presented under this plat request do not represent or provide approval of building pad sites, setbacks, accessory structures, or driveway alignments. Final layouts must meet R-E Zone standards and shall be approved under separate building permits for each lot.
2. A building permit, including all new grading and drainage work, must be approved by the City prior to any new construction work.
3. The Developer/Applicant shall submit final grading and utility plans and a dimensioned site plan with associated easements, subject to review and approval by the Planning Department and Engineering Department as part of any building permit application.
4. All new construction and grading activities throughout this development site and on each new buildable lot shall be in compliance with all applicable federal, state, and local regulations and codes, as well as in compliance with the City's Land Disturbance Guidance Document.
5. Stormwater Management shall be managed for the entire development and dedicated in a utility easement as part of the Final Plat. Stormwater management for water quality management shall not be deferred to the individual single-family home lots.
6. Public utility easement locations, including easements for stormwater management facilities and Best Management Practices (BMP) area(S) must be established, approved by the City, and included in the Final Plat prior to release of the Final Plat for recording with Dakota County.
7. All wetland impacts shall be in compliance with the applicable federal, state, and local

regulations and codes, including Title 12-Zoning, Section 12-4A-4: Wetland Requirements and Title 15-Environmental Standards, Chapter 4: Wetland Conservation.

8. The Forest Management Plan shall be updated to include the replacement of tree removal impacts, in accordance with Title 15-Environmental Standards, Chapter 3: Urban Forest reservation. An attempt must be made to mitigate tree removal impacts on site prior to providing an alternative tree replacement measure to the City.
9. In lieu of land dedication, the Developer/Applicant shall pay a park dedication fee in the amount of $4,000 per unit (6 lots = 6 x $4,000/unit, or $24,000) is to be collected after City Council approval and before the Final Plat is released for recording with Dakota County, and before the issuance of any permits.
10. Any new or existing sanitary or water service lines must be reviewed by the Public Works Director and/or St. Paul Regional Water Services prior to issuance of any building permit.
11. The Applicant/Developer must provide a Best Management Practices (Stormwater Management) Agreement to the City as part of the building permit submittal and review process for each new home and new impervious surface.
12. A Development Agreement for the public improvements and utilities shall be executed to the satisfaction of the City Council before the Final Plat is released for recording with Dakota County, and before the issuance of any permits.
13. The Applicant/Developer shall install all public improvements, including the extension of the public street identified on the Plat as Ridgewood Drive and the necessary utility installations, in compliance with all City requirements, prior to the application of any building permit for private construction or improvements within the Plat.
14. The existing cul-de-sac "bulb" of the existing Ridgewood Drive must be removed and reconstructed to City street standards prior to applying for any building permit for private construction or improvements within the Plat.

Attachments:

1. Findings of Fact for Approval
2. 1707 Delaware - McMillan Estates - Aerial Site Map
3. Letter of Intent
4. McMillan Estates Preliminary Plat
5. McMillan Estates Construction Plans
6. McMillan Estates Final Plat
7. Public Comments (Received as of the submittal of this report)
8. Joint Water Resources Application 5-22-25
9. BWSR Response - McMillan Estates de minimis application, 5-30-25
10. Army Corps of Engineer Letter, 6-18-25
11. TEP Findings, 5-28-2025

FINDINGS OF FACT FOR APPROVAL

Preliminary Plat of McMillan Estates
1707 Delaware Avenue

The following Findings of Fact are made in support of approval of the proposed request:

1. The proposed Preliminary Plat meets the purpose and intent of the Subdivision Ordinance.

2. The proposed Preliminary Plat request meets the purpose and intent of the City Code and is consistent with and supported by a number of goals and policy statements in the 2040 Comprehensive Plan.

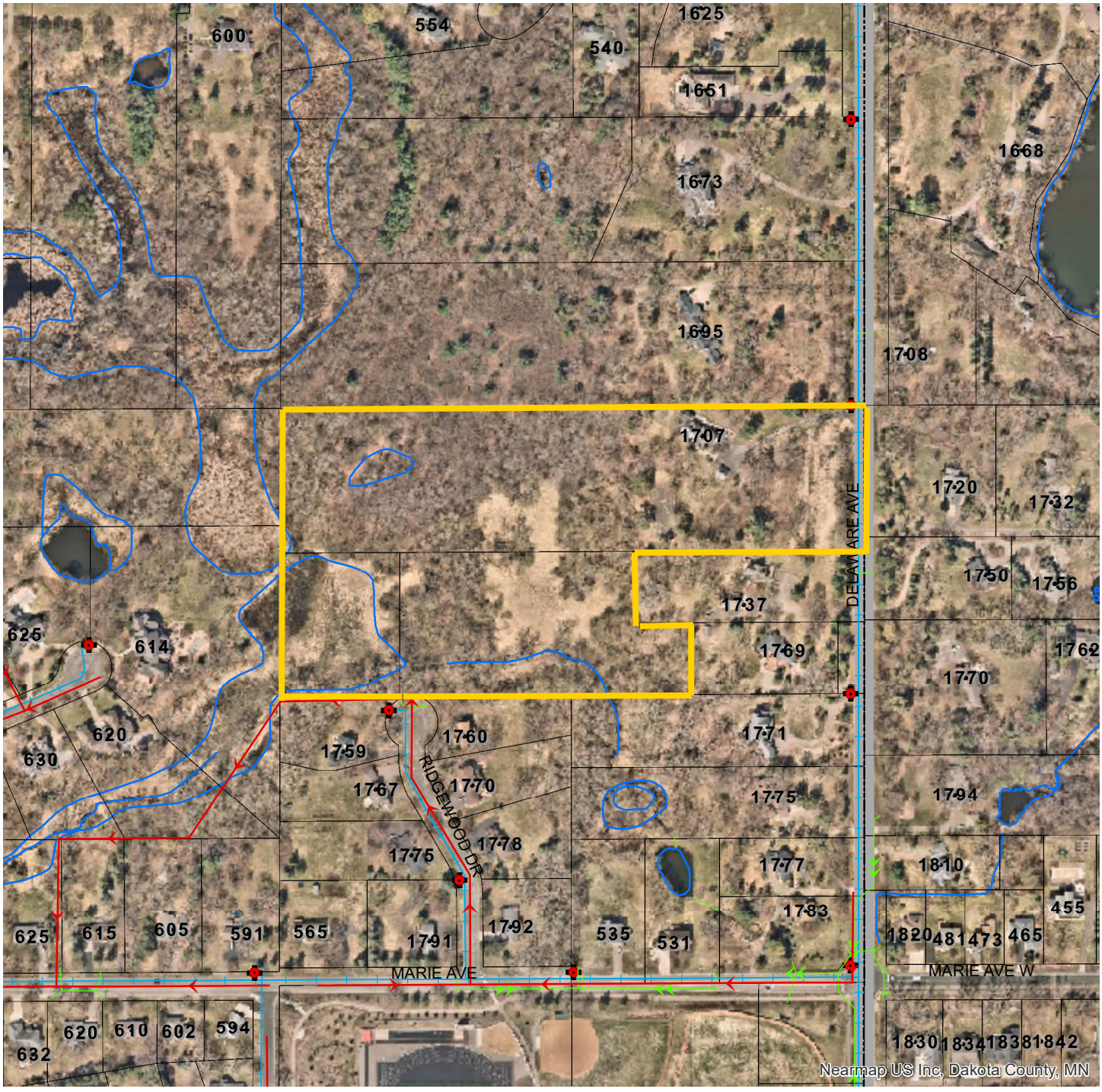
3. The proposed lots will meet the minimum standards required under the R-E Residential Estate Zoning District.

Location Aerial Map
1707 Delaware Ave/McMillan Estates

Date: 3/21/2024

0 340
SCALE IN FEET

City of Mendota Heights



GIS Map Disclaimer:
This data is for informational purposes only and should not be substituted for a true title search, property appraisal, plat, survey, or for zoning verification. The City of Mendota Heights assumes no legal responsibility for the information contained in this data. The City of Mendota Heights, or any other entity from which data was obtained, assumes no liability for any errors or omissions herein. If discrepancies are found, please contact the City of Mendota Heights.

Contact "Gopher State One Call" at 651-454-0002 for utility locations, 48 hours prior to any excavation.

March 11th, 2025

Dear City of Mendota Heights,

I am writing to inform you of our intent with this preliminary and final plat submission. My wife and I would like to re-plat the 3 parcels shown below.

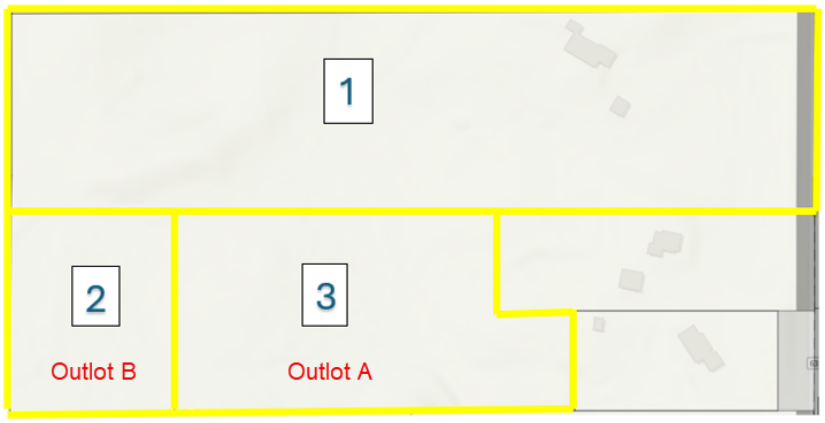
Current Parcels:

Parcel Numbers

Lot 1: 27-02400-78-010

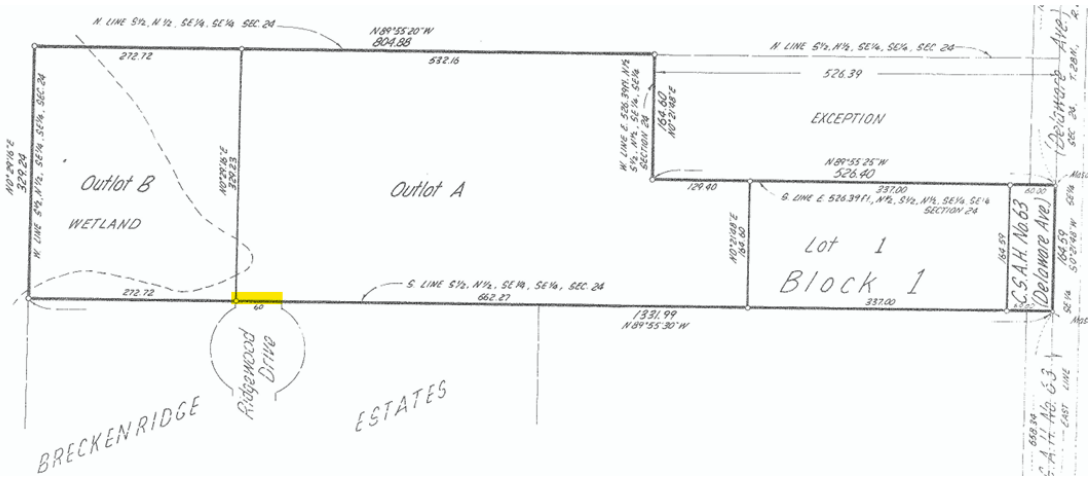
Lot 2: 27-31100-00-020

Lot 3: 27-31100-00-010



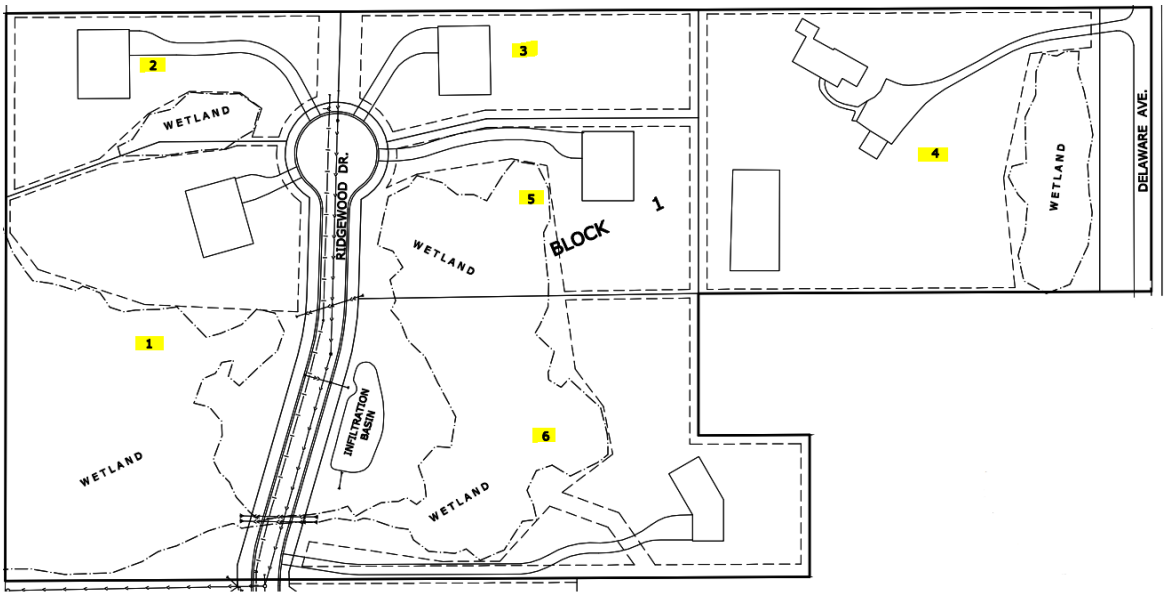
Background:

The Ridgewood Drive cul-de-sac butts up to current Lots 2 and 3 (Outlots B and A respectively). The cul-de-sac was dedicated in a plat in 1969 and included a 60 ft wide "nub" extension with frontage to both Outlots. Outlots A and B were approved by the City as part of the Grappendorf First Addition in 1985. Having approved the two Outlots, the city should approve a new subdivision which provides access and utilities for these Outlots. The code disallows a dead-end road extension and the existing 60 ft "nub" does not satisfy the 125 ft lot frontage requirement so the only means of access for these two Outlets is by an extension of Ridgewood Drive in the form of a new cul-de-sac dedication.



Proposed Plat:

We would like to replat the 3 parcels into 6 new lots. The new configuration is shown below.



Dakota County Right of Way Dedication

With this replatting, we are subject to Dakota County's Contiguous Plat Ordinance. This ordinance requires us to dedicate a 60 ft of half right of way along Delaware Avenue. This proposal makes this dedication.

Extended Cul-de-sac

The current length of the Ridgewood cul-de-sac is roughly 650 ft. We are proposing to extend the cul-de-sac another roughly 570 ft, so the total length becomes roughly 1,220 ft.

Section 11-3-3 of the zoning code states "Cul-de-sacs shall normally not be longer than five hundred feet (500')". However, the current cul-de-sac already exceeds 500 ft today, and was approved without any requirement for a variance. In addition, the specific language in the code is "shall normally not". This language is not explicit in prohibiting cul-de-sacs over 500 ft. In litigation resulting from a request for a 950 ft cul-de-sac in the Orchard Heights plat in 2017, the court determined that this language does not mandate a 500 ft limit for cul-de-sacs. There are already 19 cul-de-sacs in Mendota Heights that exceed 500 feet. For these reasons, we are not requesting a variance for the longer cul-de-sac.

Expected Outcome and Benefits

1. This proposal increases the number of available lots in Mendota Heights. Mendota Heights is a desirable place to live and this proposal increases the number of buildable lots from 2 to 6.

2. This proposal extends existing utility stubs on the existing cul-de-sac northward to the end of the new cul-de-sac. Future utility extensions are provided to serve lots to the north. Also, a 15 ft easement is provided for potential future utility services to homes along Delaware Ave to the east.
3. This proposal dedicates right of way along Delaware to Dakota County.
4. The proposal meets all Mendota Heights zoning requirements and does not require variances. It is consistent with the desired zoning of Mendota Heights.

Thank you for your consideration,

Spencer McMillan

MCMILLAN ESTATES

PRELIMINARY PLAT

SEE THE CONSTRUCTION PLANS FOR GRADING, DRAINAGE, STREET, SANITARY SEWER, AND WATERMAIN FOR FOR DETAILED IMPROVEMENTS

LEGAL DESCRIPTION

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota.

OWNER/DEVELOPER

SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114

ENGINEER/SURVEYOR

SISU LAND SURVEYING AND ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
5821 HUMBOLDT AVE. N.
BROOKLYN CENTER, MN 55430
CONTACT: WAYNE JACOBSON
612-802-6619

NOTE: DELINEATOR HAS RETIRED.

ZONING INFORMATION

EXISTING ZONING = R-1A
MINIMUM LOT SIZE = 30,000 SQ. FT.
MINIMUM LOT WIDTH = 125 FEET
MINIMUM FRONT YARD SETBACK = 40 FEET
MINIMUM SIDE YARD SETBACK = 15 FEET OR 1/2 THE HEIGHT OF STRUCTURE CONTIGUOUS TO STRUCTURE, WHICHEVER IS GREATER
MINIMUM REAR YARD SETBACK = 30 FEET OR 20% OF AVG. LOT DEPTH, WHICHEVER IS GREATER

PLAT AREAS

TOTAL PLAT AREA = 16.63 ACRES
PROPOSED LOT 1, BLOCK 1 = 158,544 SF = 3.64 ACRES
PROPOSED LOT 2, BLOCK 1 = 61,652 SF = 1.42 ACRES
PROPOSED LOT 3, BLOCK 1 = 53,242 SF = 1.22 ACRES
PROPOSED LOT 4, BLOCK 1 = 153,532 SF = 3.52 ACRES
PROPOSED LOT 5, BLOCK 1 = 77,002 SF = 1.77 ACRES
PROPOSED LOT 6, BLOCK 1 = 162,659 SF = 3.73 ACRES

PROPOSED RIGHT OF WAY
RIDGEWOOD DRIVE = 38,158 SF = 0.88 ACRES
DELAWARE AVE. = 19,751 SF = 0.45 ACRES

WETLANDS

WETLANDS HAVE BEEN DELINEATED AS SHOWN. 2170 SQ. FT. OF WETLANDS WILL BE IMPACTED FOR THE RIDGEWOOD DR. EXTENSION AND FUTURE DRIVES. PER DEMINIMUS RULES, NO WETLAND MITIGATION IS REQUIRED. A 25 FEET AVERAGE WETLAND BUFFER IS SHOWN WITH A MINIMUM BUFFER WIDTH OF 10 FEET. TOTAL 25 FEET BUFFER REQUIRED = 75,504 SF, TOTAL BUFFER PROVIDED = 75,609 SF.

PROPOSED IMPROVEMENTS

RIDGEWOOD DRIVE WILL BE EXTENDED TO PROVIDE ACCESS AND UTILITY CONNECTIONS FOR LOTS 1, 2, 3, 5, AND 6. NO IMPROVEMENTS ARE PROPOSED FOR LOT 4. THE EXISTING CUL DE SAC WILL BE REMOVED. SEE THE PROPOSED CONSTRUCTION PLANS FOR DETAILS.

TREE PRESERVATION

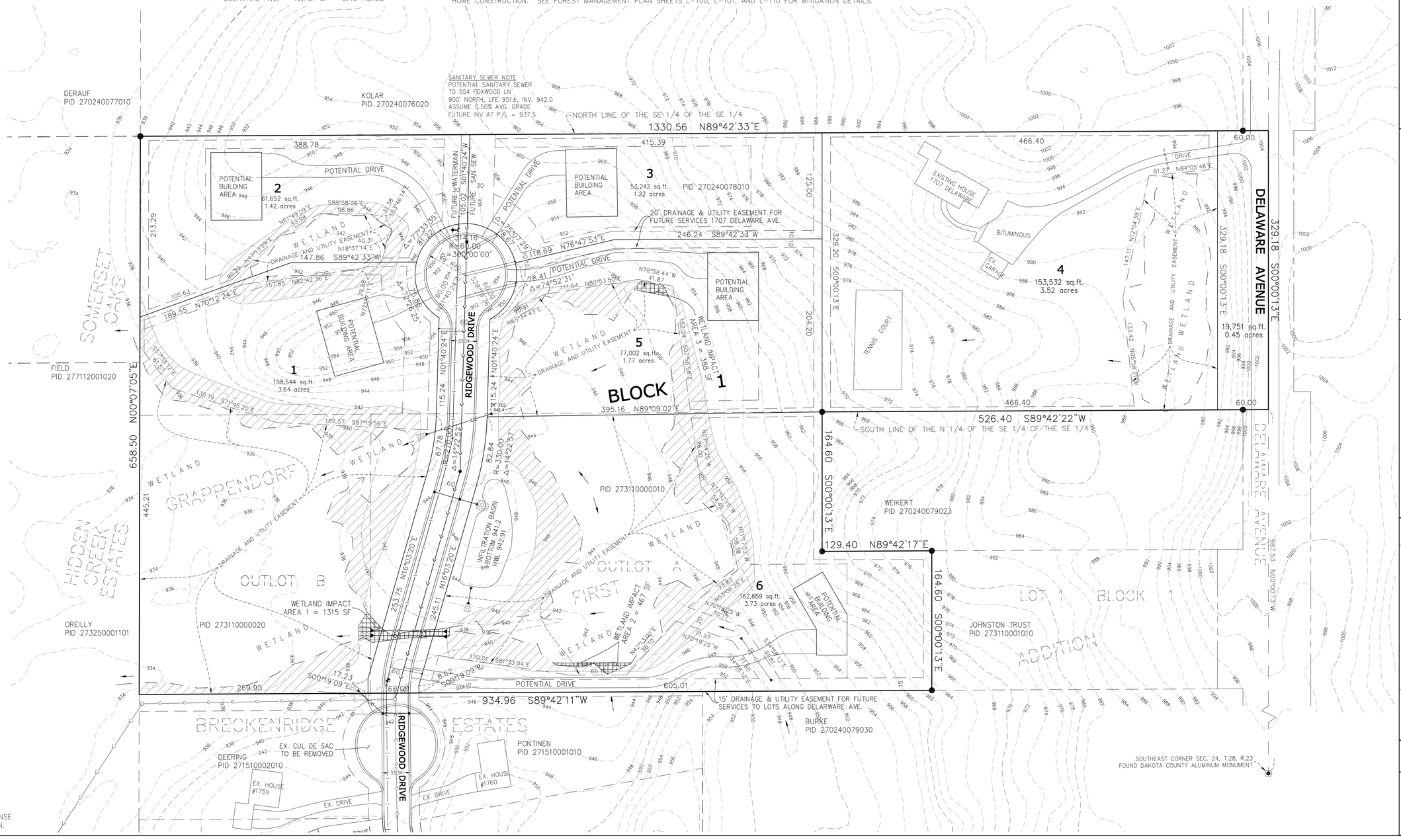
TREES HAVE BEEN INVENTORIED WITHIN THE POTENTIAL IMPROVEMENT AREAS. TREE INVENTORY AND REMOVALS FOR THE PROPOSED IMPROVEMENTS ARE SHOWN IN THE CONSTRUCTION PLANS. TREES HAVE NOT BEEN INVENTORIED FOR ALL OF THE INDIVIDUAL LOT IMPROVEMENTS. IF REQUIRED BY THE CITY, THOSE INVENTORIES WILL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION. SEE FOREST MANAGEMENT PLAN SHEETS L-100, L-101, AND L-110 FOR MITIGATION DETAILS.

UTILITIES

UTILITIES WILL BE EXTENDED FROM EXISTING STUBS TO NORTH OF THE PROPOSED CUL DE SAC.EXISTING TO THE END OF THE NEW CUL DE SAC. POTENTIAL FUTURE UTILITY EXTENSIONS ARE SHOWN TO SERVE LOTS TO THE NORTH. SERVICE TAPS WILL BE PROVIDED FOR 1707 DELAWARE AVE. AND AN EASEMENT WILL BE PROVIDED TO EXTEND SERVICES TO THE EXISTING HOUSE. A 15 FEET EASEMENT WILL BE PROVIDED FOR POTENTIAL FUTURE UTILITY SERVICES TO HOMES ALONG DELWARE AVE. TO THE EAST.

STORMWATER

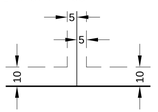
STORMWATER TREATMENT FOR THE INCREASE IN IMPERVIOUS FOR RIDGEWOOD DRIVE WILL BE PROVIDED BY AN INFILTRATION BASIS AS SHOWN. DUE TO THE TOPOGRAPHY OF THE SITE AND LOCATION OF FUTURE HOMES, THE IMPERVIOUS RUNOFF FROM THE INDIVIDUAL LOT IMPROVEMENTS COULD NOT BE CONVEYED TO THE PROPOSED INFILTRATION BASIN. THE INDIVIDUAL LOTS WILL PROVIDE VOLUME REDUCTION AND RATE CONTROL AT THE TIME OF HOME CONSTRUCTION. THE INCREASE IN IMPERVIOUS SURFACE FOR RIDGEWOOD DRIVE IS 0.43 ACRES. THE ESTIMATED INCREASE IN IMPERVOUS SURFACE FOR LOTS 1, 2, 3, 5, AND 6 IS 0.9 ACRES.



LEGEND

- PLAT BOUNDARY
- LOT LINE
- SETBACK
- EASEMENT
- WETLAND
- EX. CONTOUR
- EX. STORM SEWER
- EX. SAN. SEWER
- EX. WATERMAIN
- EX. HYDRANT
- 25' AVG. WIDTH WETLAND BUFFER, 10' MINIMUM WIDTH

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24 IS ASSUMED TO BEAR N00°00'13"W.

0 60 120
SCALE IN FEET

- ● DENOTES IRON MONUMENT FOUND
- ○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification 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.
CURTISS J. KALLIO
DATE: 5/2/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Preliminary Plat
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY	CK
5/2/2025	INCREASED EASE. TO N. TO 60'		

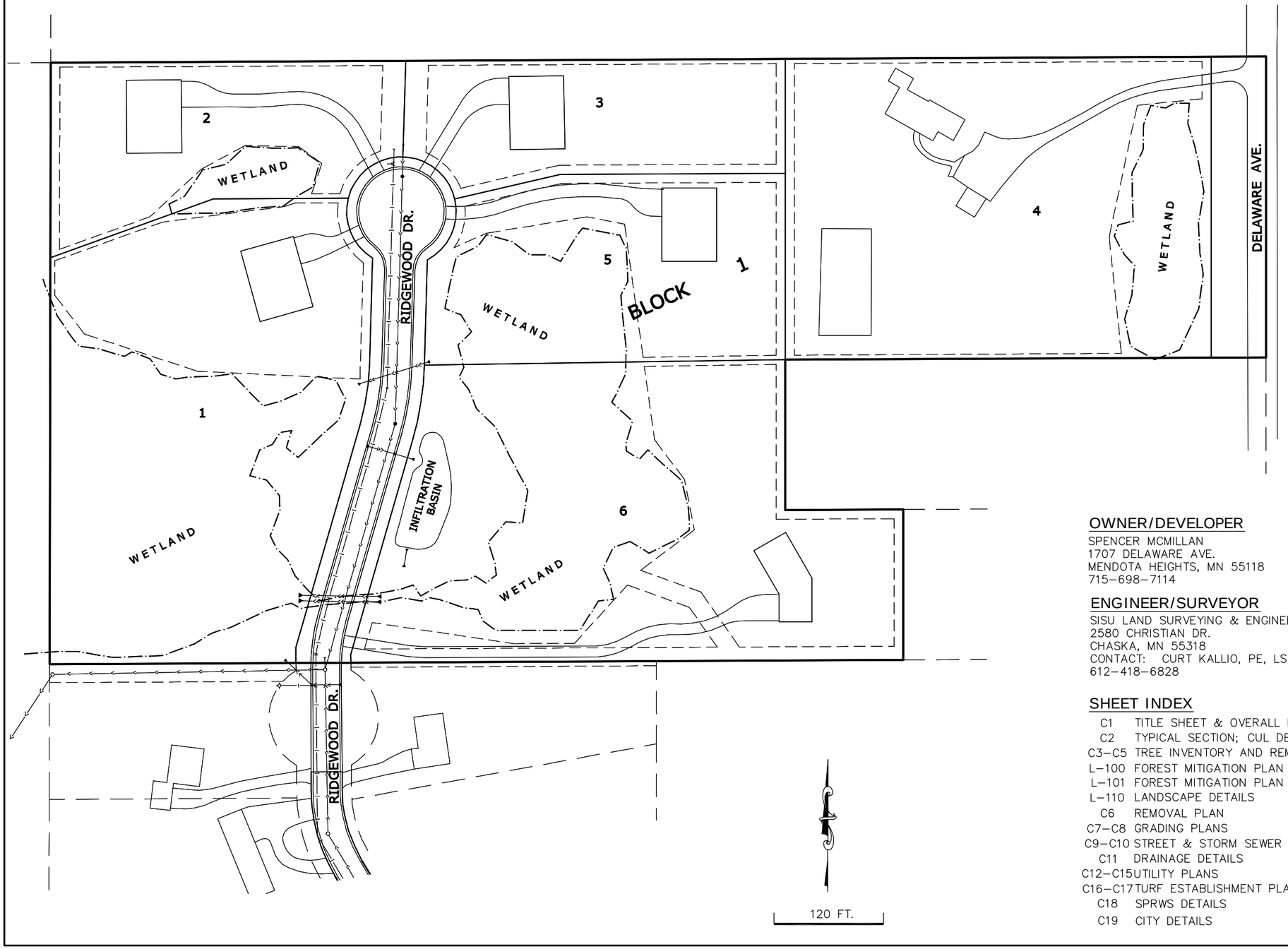
PROJECT NO: 202142

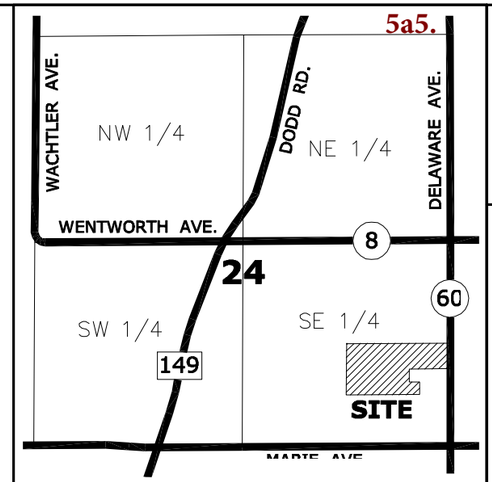
SHEET 1 OF 1 SHEETS

MCMILLAN ESTATES

MENDOTA HEIGHTS, MN

CONSTRUCTION PLANS FOR GRADING, STREET, STORM SEWER, SANITARY SEWER, AND WATERMAIN





VICINITY MAP

OWNER/DEVELOPER

SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114

ENGINEER/SURVEYOR

SISU LAND SURVEYING & ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828

SHEET INDEX

C1	TITLE SHEET & OVERALL LAYOUT
C2	TYPICAL SECTION; CUL DE SAC DETAIL
C3-C5	TREE INVENTORY AND REMOVALS
L-100	FOREST MITIGATION PLAN - TREES SAVED
L-101	FOREST MITIGATION PLAN - TREES REMOVED
L-110	LANDSCAPE DETAILS
C6	REMOVAL PLAN
C7-C8	GRADING PLANS
C9-C10	STREET & STORM SEWER PLANS
C11	DRAINAGE DETAILS
C12-C15	UTILITY PLANS
C16-C17	TURF ESTABLISHMENT PLAN
C18	SPRWS DETAILS
C19	CITY DETAILS

LEGEND

SETBACK
EASEMENT
EX. CONTOUR — 990 —
PROP. CONTOUR 990
DRAINAGE ARROW
EX. CATCH BASIN
PROP. CATCH BASIN
EX. STORM SEWER
PROP. STORM SEWER
EX. FES
PROP. FES
EX. STORM MH
PROP. STORM MH
EX. SAN. SEWER
PROP. SAN. SEWER
EX. WATERMAIN
PROP. WATERMAIN
EX. HYDRANT
PROP. HYDRANT
PROP. GATE VALVE
POWER POLE
GAS — GAS —
TELEPHONE — TELE —
ELECTRIC — ELEC —
OVERHEAD POWER — OHP —

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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

PRELIMINARY - NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

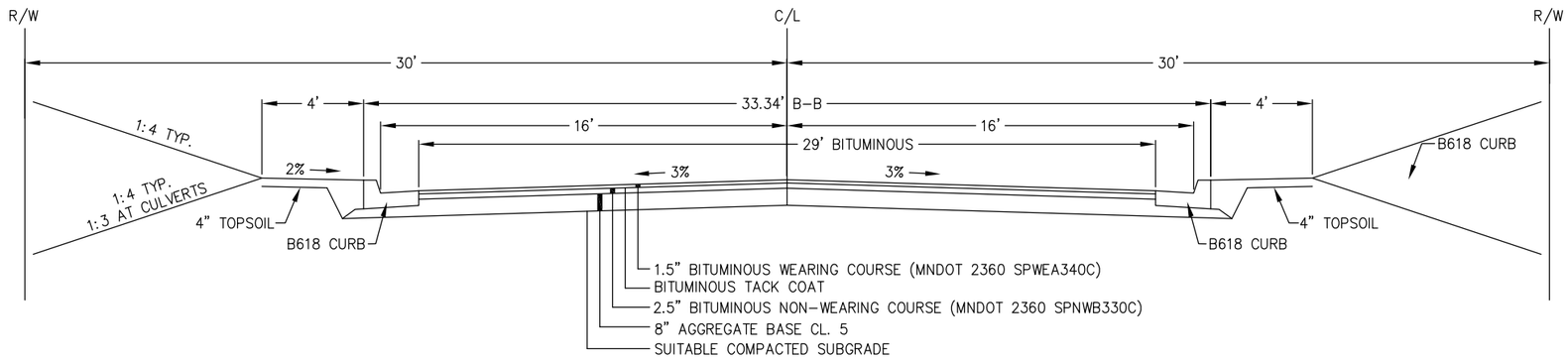
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Title & Layout
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

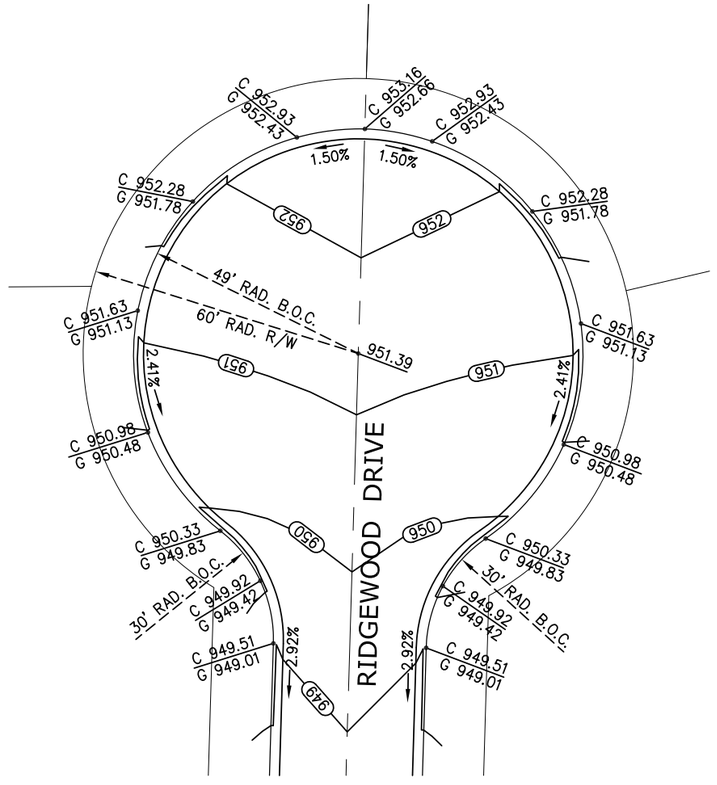
PROJECT NO:
202142

SHEET
C1



TYPICAL SECTION - RIDGEWOOD DRIVE

MEETS CITY REQUIREMENTS PER CITY PLATE NO. 1 AND
MINIMUM PAVEMENT SECTION REQUIREMENTS PER
CVT GEOTECHNICAL REPORT DATED NOVEMBER 13, 2024



CUL DE SAC DETAIL

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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

PRELIMINARY – NOT FOR CONSTRUCTION

CURTISS J. KALLIO

DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

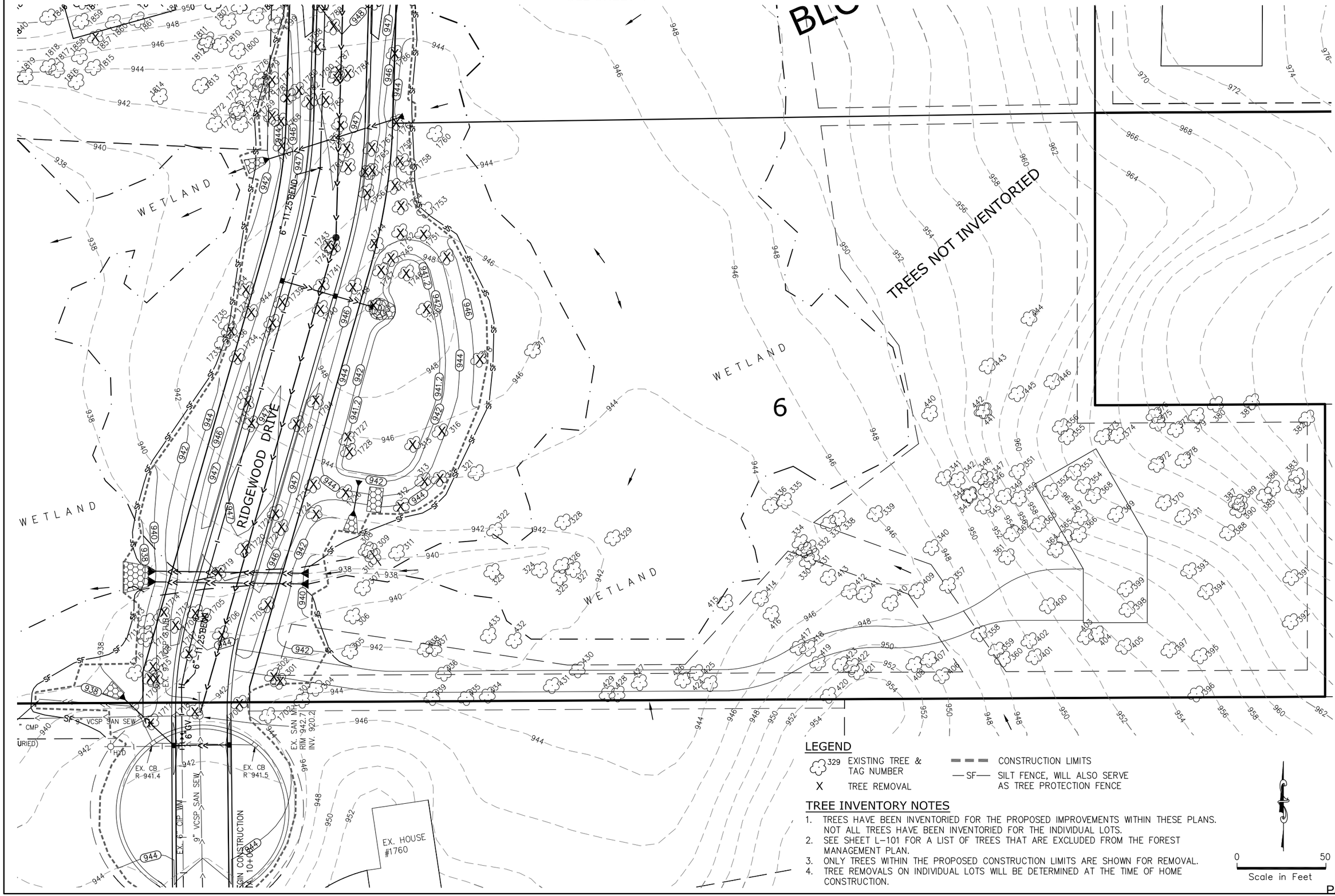
SHEET TITLE & PROJECT:
Typical Section and Cul de sac Detail
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C2

SEE SHEET 4



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CURTISS J. KALLIO

DATE: 4/17/2025 REG. NO. 26909

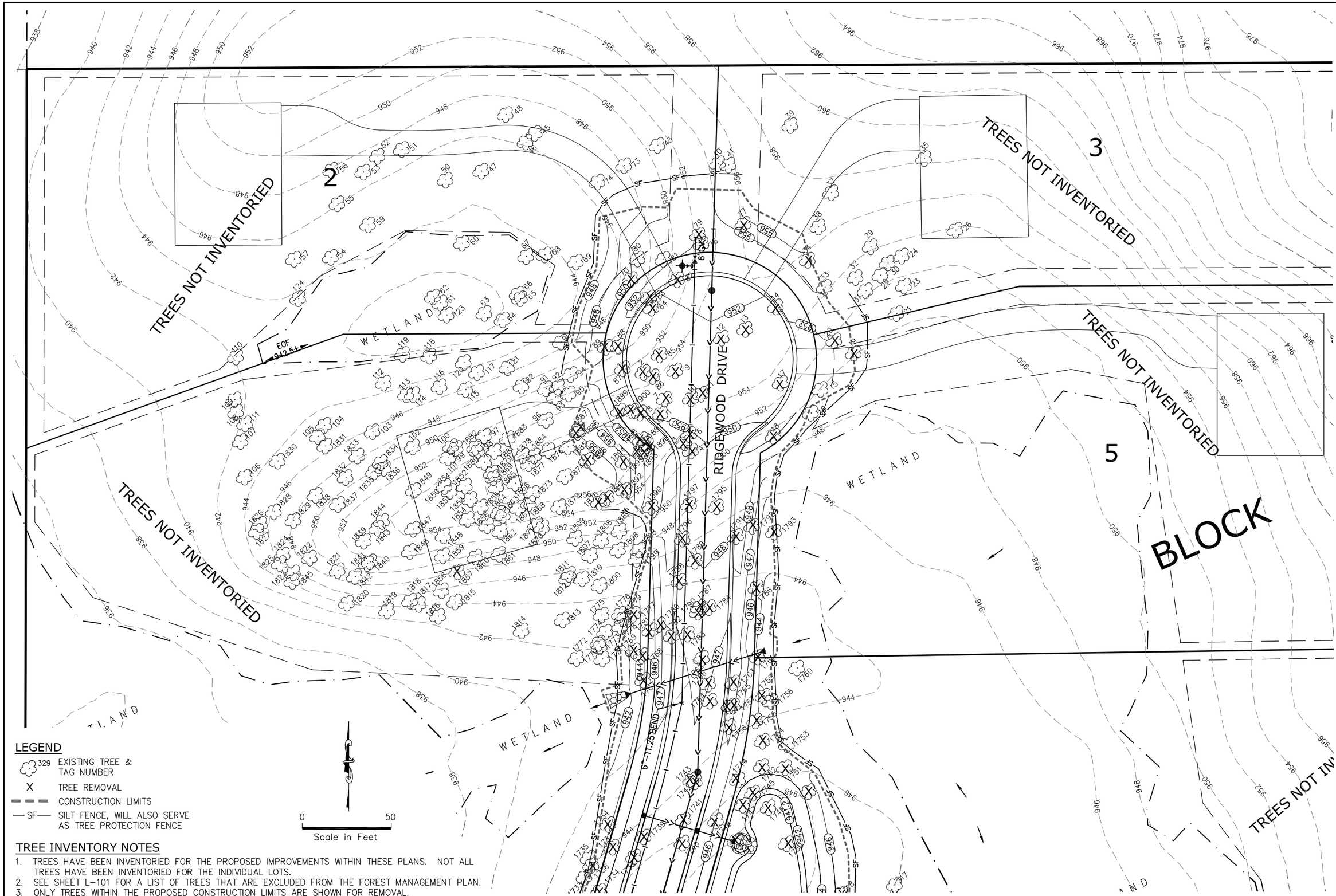
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Tree Inventory
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C3



TREE INVENTORY NOTES

1. TREES HAVE BEEN INVENTORIED FOR THE PROPOSED IMPROVEMENTS WITHIN THESE PLANS. NOT ALL TREES HAVE BEEN INVENTORIED FOR THE INDIVIDUAL LOTS.
2. SEE SHEET L-101 FOR A LIST OF TREES THAT ARE EXCLUDED FROM THE FOREST MANAGEMENT PLAN.
3. ONLY TREES WITHIN THE PROPOSED CONSTRUCTION LIMITS ARE SHOWN FOR REMOVAL.
4. TREE REMOVALS ON INDIVIDUAL LOTS WILL BE DETERMINED AT THE TIME OF HOME CONSTRUCTION.

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CURTISS J. KALLIO
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PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Tree Inventory
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO:
202142

SHEET
C4

Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status	Tag	DBH	Species	Notes	Status
1	6	Quaking Aspen		Remove	81	6	Black Cherry		Remove	336	17	Black Cherry	Mostly Dead	Save	416	13.5	Buckthorn		Save	1750	10	Black Cherry		Remove	1837	12	Red Oak		Save
2	6	Quaking Aspen		Remove	82	7	Black Cherry		Remove	337	13	Box Elder		Save	417	9	Buckthorn		Save	1751	8	Quaking Aspen		Remove	1838	7	Black Cherry		Save
3	7	Black Cherry		Remove	83	8	Box Elder	poor	Remove	338	11	Buckthorn	2 stem	Save	418	11	White Ash		Save	1752	6	Quaking Aspen	poor	Remove	1839	6	Red Oak		Save
4	6	Quaking Aspen		Remove	84	8	Black Cherry	poor	Remove	339	10	Buckthorn		Save	419	23.5	White Ash		Save	1753	8	Quaking Aspen		Save	1840	7	Black Cherry		Save
5	6	Green Ash		Remove	85	10	Black Cherry		Remove	340	10.5	Buckthorn	2 stem	Save	420	13	White Ash		Save	1754	7	Quaking Aspen		Remove	1841	7	Red Oak		Save
6	6	Quaking Aspen		Remove	86	7	Box Elder		Remove	341	17	Cottonwood		Save	421	18	Green Ash		Save	1755	6	Green Ash		Remove	1842	6	Red Oak		Save
7	7	Quaking Aspen		Remove	87	7	Black Cherry		Remove	342	16	White Ash		Save	422	12	Green Ash		Save	1756	7	Green Ash		Remove	1843	6	Red Oak	poor	Save
8	8	Quaking Aspen		Remove	88	6	Bur Oak		Remove	343	6.5	White Ash		Save	423	8.5	Green Ash		Save	1757	10	Quaking Aspen		Remove	1844	7	Red Oak	poor	Save
9	6	Quaking Aspen		Remove	89	8	Black Cherry		Remove	344	12	White Ash		Save	424	13	White Ash		Save	1758	9	Quaking Aspen		Save	1845	7	Red Oak		Save
10	7	Quaking Aspen		Remove	90	15	Red Oak		Save	345	16.5	Hophornbeam	2 stem/dead	Save	425	7	Buckthorn		Save	1759	9	Quaking Aspen		Remove	1846	10	Basswood		Save
11	6	Quaking Aspen	poor	Remove	91	12	Red Oak		Save	346	13	American Elm		Save	426	6	Swamp White Oa		Save	1760	6	Quaking Aspen		Save	1847	10	Red Oak		Save
12	8	Black Cherry	poor	Remove	92	8	Black Cherry		Save	347	8	White Ash		Save	427	16	White Ash		Save	1761	7	Quaking Aspen		Remove	1848	11	Red Oak		Save
13	7	Green Ash	poor	Remove	93	6	American Elm		Save	348	6	White Ash		Save	428	9	White Ash		Save	1762	7	Quaking Aspen		Remove	1849	6	Quaking Aspen		Save
14	7	Black Cherry		Remove	94	9	Black Cherry		Save	349	10	Box Elder		Save	429	17	White Ash		Save	1763	9	Quaking Aspen	poor	Remove	1850	8	Quaking Aspen		Save
15	12	Apple		Save	95	9	Black Cherry		Save	350	9	Box Elder		Save	430	6	Buckthorn		Save	1764	8	Green Ash		Remove	1851	7	Quaking Aspen		Save
16	12	Black Cherry		Save	96	9	Quaking Aspen		Save	351	21	Buckthorn	5 stem	Save	431	16	White Ash		Save	1765	10	Quaking Aspen		Remove	1852	8	Quaking Aspen		Save
17	6	Green Ash		Remove	97	8	Quaking Aspen		Save	352	9.5	Box Elder		Save	432	13.5	Box Elder	2 stem	Save	1766	10	Quaking Aspen	poor	Remove	1853	6	Quaking Aspen		Save
18	10	Black Cherry		Remove	98	9	Quaking Aspen		Save	353	12	Box Elder		Save	433	23	Green Ash		Save	1767	9	Quaking Aspen	poor	Remove	1854	6	Quaking Aspen		Save
19	6	Apple		Remove	99	7	Quaking Aspen		Save	354	10	Box Elder		Save	434	31.5	White Ash	2 stem	Save	1768	10	Quaking Aspen		Remove	1855	6	Quaking Aspen	poor	Save
20	6	Apple		Remove	100	7	Black Cherry		Save	355	10	White Ash		Save	435	14	Cottonwood		Save	1769	8	Quaking Aspen		Remove	1856	7	Quaking Aspen		Save
21	8	Box Elder	poor	Save	101	6	Apple		Save	356	8	Green Ash		Save	436	18.5	Box Elder		Save	1770	11	Quaking Aspen		Save	1857	7	Red Oak		Save
22	7	Apple		Save	102	12	Black Cherry		Save	357	14	Black Oak		Save	437	13	Box Elder		Save	1771	10	Quaking Aspen		Save	1858	7	Red Oak		Save
23	9	Box Elder		Save	103	8	Amur Maple		Save	358	20.5	White Ash		Save	438	10	White Ash		Save	1772	8	Quaking Aspen		Save	1859	8	Red Oak	poor	Save
24	7	Black Cherry		Save	104	8	Black Cherry		Save	359	22	White Ash	2 stem	Save	439	11	Black Cherry		Save	1773	9	Quaking Aspen		Save	1860	7	Green Ash	poor	Save
25	7	Black Cherry	poor	Save	105	12	Red Oak		Save	360	8	White Ash		Save	440	38	Buckthorn	10 stem	Save	1774	8	Quaking Aspen		Save	1861	7	Black Cherry	poor	Save
26	8	Black Cherry		Save	106	10	American Elm		Save	361	8	White Ash		Save	441	16	Box Elder		Save	1775	8	Quaking Aspen		Save	1862	8	Quaking Aspen		Save
27	6	Green Ash		Save	107	6	Bur Oak	poor	Save	362	13.5	White Ash		Save	442	14	White Ash		Save	1776	8	Quaking Aspen	poor	Save	1863	6	Quaking Aspen		Save
28	6	Green Ash	poor	Save	108	19	Cottonwood		Save	363	9	White Ash		Save	443	8	Buckthorn		Save	1777	10	Quaking Aspen		Remove	1864	6	Quaking Aspen		Save
29	7	Black Cherry		Save	109	7	Red Oak	poor	Save	364	14.5	American Elm		Save	444	18	White Ash		Save	1778	7	Quaking Aspen	poor	Remove	1865	8	Quaking Aspen		Save
30	8	Box Elder		Save	110	8	Quaking Aspen		Save	365	12	White Ash		Save	445	16.5	Hophornbeam		Save	1779	10	Quaking Aspen	poor	Save	1866	7	Quaking Aspen		Save
31	7	Black Cherry		Save	111	9	Red Oak		Save	366	8	White Ash		Save	446	9	Green Ash		Save	1780	15	Quaking Aspen		Remove	1867	6	Quaking Aspen		Save
32	8	Black Cherry		Save	112	13	Red Oak		Save	367	11	White Ash		Save	1701	21	Cottonwood		Remove	1781	6	Green Ash		Remove	1868	6	Quaking Aspen		Save
33	12	Black Cherry		Save	113	12	Red Oak		Save	368	10	White Ash		Save	1702	7	Black Cherry		Save	1782	6	Quaking Aspen		Remove	1869	8	Quaking Aspen		Save
34	6	Apple		Remove	114	6	Bur Oak		Save	369	6	White Ash		Save	1703	13	Green Ash		Remove	1783	7	Quaking Aspen		Remove	1870	10	Red Oak		Save
35	8	Black Cherry		Save	115	8	American Elm		Save	370	10	White Ash		Save	1704	7	Green Ash		Remove	1784	10	Black Walnut		Remove	1871	6	Red Oak		Save
36	6	Amur Maple	poor	Save	116	6	Apple		Save	371	6	Green Ash		Save	1705	7	Green Ash		Remove	1786	8	Box Elder		Remove	1872	7	Red Oak		Save
37	6	Black Cherry		Save	117	19	Red Oak		Save	372	9.5	White Ash		Save	1706	12	Box Elder		Remove	1787	12	Quaking Aspen	poor	Remove	1873	7	Quaking Aspen		Save
38	6	American Elm	poor	Save	118	31	Cottonwood		Save	373	15	White Ash		Save	1707	19	Cottonwood		Remove	1788	10	Quaking Aspen		Remove	1874	6	Black Cherry	poor	Remove
39	7	Black Cherry	poor	Save	119	6	Green Ash		Save	374	15	Green Ash		Save	1708	7	Cottonwood		Remove	1789	10	Box Elder		Remove	1875	25	Cottonwood		Save
40	8	Black Cherry		Save	120	7	Green Ash		Save	375	10.5	White Ash		Save	1709	6	Cottonwood		Remove	1790	10	Quaking Aspen		Remove	1876	6	Quaking Aspen	poor	Remove
41	11	Black Cherry		Save	121	6	Green Ash		Save	376	12	White Ash		Save	1710	7	American Elm		Save	1791	10	Quaking Aspen		Remove	1877	6	Quaking Aspen	poor	Remove
42	10	American Elm	poor	Save	122	6	American Elm		Save	377	8.5	White Ash		Save	1711	30	Cottonwood		Save	1792	8	Quaking Aspen	poor	Remove	1878	6	Quaking Aspen		Remove
43	10 (25')	Scotch Pine	poor	Save	123	7	Green Ash		Save	378	8.5	White Ash		Save	1712	35	Cottonwood		Remove	1793	11	Green Ash		Remove	1879	7	Quaking Aspen		Remove
44	8	Black Cherry		Save	124	12	Red Oak		Save	379	15.5	Green Ash		Save	1713	6	Box Elder		Save	1794	11	Black Walnut		Remove	1880	7	Quaking Aspen		Remove
45	6	Bur Oak		Save	125	11	Red Oak		Save	380	19	White Ash	2 stem	Save	1714	6	Box Elder		Remove	1795	9	Quaking Aspen		Remove	1881	7	Quaking Aspen		Remove
46	4	Green Ash	poor	Save	301	8	Bur Oak		Remove	381	11.5	Green Ash		Save	1715	18	Cottonwood		Remove	1796	7	Quaking Aspen	poor	Remove	1882	6	Quaking Aspen		Remove
47	6	Green Ash		Save	302	16	Cottonwood		Remove	382	14.5	Green Ash		Save	1716	12	Box Elder		Save	1797	9	Quaking Aspen		Remove	1883	9	Quaking Aspen		Remove
48	6	Green Ash		Save	303	20.5	White Ash		Save	383	16	White Ash		Save	1717	10	Siberian Elm		Remove	1798	12	Red Oak		Save	1884	6	Quaking Aspen		Remove
49	6	Green Ash	poor	Save	304	9	Black Cherry	2 stem	Save	384	23.5	White Ash	3 stem	Save	1718	6	Siberian Elm	poor	Remove	1799	12	Quaking Aspen		Save	1885	6	Quaking Aspen		Remove
50	7	Green Ash		Save	305	9	Black Cherry	2 stem	Save	385	32.5	White Ash	3 stem	Save	1719	7	Box Elder		Remove	1800	10	Quaking Aspen		Save	1886	7	Quaking Aspen		Save
51	8	Apple		Save	306	13	Green Ash		Save	386	17.5	White Ash		Save	1720	6	Black Cherry		Remove	1807	10	American Elm	poor	Save	1887	7	Quaking Aspen		Save
52	6	Bur Oak		Save	307	17.5	Green Ash		Save	387	10	White Ash		Save	1721	7	Black Cherry		Remove	1808	11	Black Cherry	poor	Save	1888	12	Red Oak		Save
53	6	Black Cherry		Save	308	6	Black Cherry		Save	388	25.5	White Ash	2 stem	Save	1722	7	Black Cherry		Remove	1809	8	Black Cherry	poor	Save	1889	13	Black Cherry		Remove
54	6	Bur Oak		Save	309	10	American Elm		Save	389	7	White Ash		Save	1723	13	Box Elder		Remove	1810	6	Quaking Aspen	poor	Save	1890	6	Red Oak		Save
55	6	Green Ash		Save	310	42	Cottonwood		Save	390	13.5	White Ash		Save	1724	7	Black Cherry		Remove	1811	12	Quaking Aspen		Save	1891	12	Red Oak		Remove
56	6	Black Cherry		Save	311	77.5	Cottonwood	2 stem	Save	391	22	White Ash		Save	1725	9	Black Cherry		Save	1812	7	Quaking Aspen	poor	Save	1892	7	Red Oak		Save
57	14	Red Oak		Save	312	28	Slippery Elm	splitting	Remove	392	18	White Ash		Save	1726	8	Box Elder		Remove	1813	6	Quaking Aspen	poor	Save	1893	8	Quaking Aspen		Save
58	15	Red Oak		Save	313	6	White Ash		Remove	393	22.5	White Ash		Save	1727	7	Black Cherry		Remove	1814	28	Red Oak		Save	1894	7	Quaking Aspen		Save
59	14	Red Oak	poor	Save	314	9.5	White Ash		Remove	394	30.5	White Ash	2 stem	Save	1728	6	Black Cherry		Remove	1815	24	Red Oak		Save	1895	7	Quaking Aspen		Save
60	7	Black Willow		Save	315	22	Cottonwood		Remove	395	10	White Ash		Save	1729	9	Box Elder	poor	Remove	1816	10	Red Oak	poor	Save	1896	8	Quaking Aspen		Save
61	8	Green Ash		Save	316	7	Black Cherry		Remove	396	25	White Ash		Save	1730	8	Box Elder		Save	1817	6	Red Oak		Save	1897	7	Quaking Aspen	poor	Save
62	10	Green Ash		Save	317	14.5	Siberian Elm		Save	397	12	Green Ash		Save	1731	10	Box Elder		Remove	1818	7	Red Oak	poor	Save	1898	8	Quaking Aspen		Save
63	6	Green Ash		Save	318	36	Box Elder	4 stem	Save	398	26	White Ash		Save	1732	8	Box Elder	poor	Remove	1819	7	Red Oak	poor	Save	1899	6	American Elm		Save
64	10	Green Ash		Save	319	7	Box Elder		Save	399	16.5	White Ash		Save	1733	10	Black Cherry		Save	1820	14	Red Oak	poor	Save	1900	10	Quaking Aspen		Save
65	8	Green Ash		Save	320	9	Quaking Aspen		Save	400	21	White Ash		Save	1734	8	Box Elder	poor	Remove	1821	12	Red Oak		Save					
66	7	Green Ash	poor	Save	321	10	Black Cherry		Save	401	6.5	Buckthorn		Save	1735	12	Black Cherry		Save	1822	11	Red Oak		Save					
67	10	Green Ash		Save	322	14.5	Box Elder		Save	402	7.5	Buckthorn		Save	1736	6	Box Elder		Remove	1823	6	Red Oak	poor	Save					
68	10	Green Ash		Save	323	10	Box Elder		Save	403	7	White Ash		Save	1737	14	Black Cherry		Remove	1824	7	Red Oak	poor	Save					
69	11	Green Ash		Save	324	8	Buckthorn	2 stem	Save	404	12.5	White Ash		Save	1738	8	Box Elder		Remove	1825	9	Red Oak	poor	Save					
70	21	Red Oak		Remove	325	9	Box Elder		Save	405	8.5	White Ash		Save	1739	8	Quaking Aspen		Remove	1826	7	Black Cherry		Save					
71	7	Bur Oak		Save	326	8	Box Elder		Save	406	10	Box Elder		Save	1740	9	Quaking Aspen		Remove	1827	6	Black Cherry		Save					
72	9	Bur Oak		Save	327	37.5	Black Willow	Half Dead	Save	407	13.5	Box Elder		Save	1741	8	Quaking Aspen		Remove	1828	9	Black Cherry		Save					
73	7	Apple		Save	328	8	Buckthorn		Save	408	14	Green Ash		Save	1742	8	Quaking Aspen		Remove	1829	8	American Elm	poor	Save					
74	8	Apple		Save	329	54	Cottonwood		Save	409	15	White Ash		Save	1743	9	Quaking Aspen		Remove	1830	8	Apple		Save					
75	6	Green Ash		Save	330	15	Box Elder		Save	410	8.5	Box Elder		Save	1744	6	Box Elder		Remove	1831	8	Black Cherry		Save					
76	7	Green Ash		Save	331	8	Box Elder		Save	411	7	Amur Cork Tree		Save	1745	12	American Elm		Remove	1832	7	Black Cherry		Save					
77	6	Black Cherry		Remove	332	9	Box Elder		Save	412	12	Box Elder		Save	1746	8	Quaking Aspen		Remove	1833	8	Black Cherry		Save					
78	8	American Elm		Remove	333	13	Box Elder		Save	413	9	American Elm		Save	1747	9	Black Cherry		Remove	1834	7	Black Cherry		Save					
79	9	Black Cherry		Remove	334	9	Box Elder		Save	414	8.5	Black Cherry		Save	1748	9	Quaking Aspen		Remove	1835	10	Black Cherry		Save					
80	12	Black Cherry		Remove	335	63.5	Cottonwood		Save	415	9	Black Cherry		Save	1749	10	Quaking Aspen		Remove	1836	12	Red Oak	poor	Save					

SEE SHEET L-101 FOR TREE MITIGATION CALCULATIONS

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715-698-7114

SHEET TITLE & PROJECT:
Tree Inventory
MCMILLAN ESTATES
Mendota Heights, Dakota County, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C5

Tag	DBH	Species	Notes	Status
15	12	Apple		Save
16	12	Black Cherry		Save
21	8	Box Elder	poor	Save
22	7	Apple		Save
23	9	Box Elder		Save
24	7	Black Cherry		Save
25	7	Black Cherry	poor	Save
26	8	Black Cherry		Save
27	6	Green Ash		Save
28	6	Green Ash	poor	Save
29	7	Black Cherry		Save
30	8	Box Elder		Save
31	7	Black Cherry		Save
32	8	Black Cherry		Save
33	12	Black Cherry		Save
35	8	Black Cherry		Save
36	6	Amur Maple	poor	Save
37	6	Black Cherry		Save
38	6	American Elm	poor	Save
39	7	Black Cherry	poor	Save
40	8	Black Cherry		Save
41	11	Black Cherry		Save
42	10	American Elm	poor	Save
43	10 (25')	Scotch Pine	poor	Save
44	8	Black Cherry		Save
45	6	Bur Oak		Save
46	4	Green Ash	poor	Save
47	6	Green Ash		Save
48	6	Green Ash		Save
49	6	Green Ash	poor	Save
50	7	Green Ash		Save
51	8	Apple		Save
52	6	Bur Oak		Save
53	6	Black Cherry		Save
54	6	Bur Oak		Save
55	6	Green Ash		Save
56	6	Black Cherry		Save
57	14	Red Oak		Save
58	15	Red Oak		Save
59	14	Red Oak	poor	Save
60	7	Black Willow		Save
61	8	Green Ash		Save
62	10	Green Ash		Save
63	6	Green Ash		Save
64	10	Green Ash		Save
65	8	Green Ash		Save
66	7	Green Ash	poor	Save
67	10	Green Ash		Save
68	10	Green Ash		Save
69	11	Green Ash		Save
71	7	Bur Oak		Save
72	9	Bur Oak		Save
73	7	Apple		Save
74	8	Apple		Save
75	6	Green Ash		Save
76	7	Green Ash		Save
90	15	Red Oak		Save
91	12	Red Oak		Save
92	8	Black Cherry		Save
93	6	American Elm		Save
94	9	Black Cherry		Save
95	9	Black Cherry		Save
96	9	Quaking Aspen		Save
97	8	Quaking Aspen		Save
98	9	Quaking Aspen		Save
99	7	Quaking Aspen		Save
100	7	Black Cherry		Save
101	6	Apple		Save
102	12	Black Cherry		Save
103	8	Amur Maple		Save
104	8	Black Cherry		Save
105	12	Red Oak		Save
106	10	American Elm		Save
107	6	Bur Oak	poor	Save
108	19	Cottonwood		Save
109	7	Red Oak	poor	Save
110	8	Quaking Aspen		Save
111	9	Red Oak		Save
112	13	Red Oak		Save
113	12	Red Oak		Save

Tag	DBH	Species	Notes	Status
114	6	Bur Oak		Save
115	8	American Elm		Save
116	6	Apple		Save
117	19	Red Oak		Save
118	31	Cottonwood		Save
119	6	Green Ash		Save
120	7	Green Ash		Save
121	6	Green Ash		Save
122	6	American Elm		Save
123	7	Green Ash		Save
124	12	Red Oak		Save
125	11	Red Oak		Save
303	20.5	White Ash		Save
304	9	Black Cherry	2 stem	Save
305	9	Black Cherry	2 stem	Save
306	13	Green Ash		Save
307	17.5	Green Ash		Save
308	6	Black Cherry		Save
309	10	American Elm		Save
310	42	Cottonwood		Save
311	77.5	Cottonwood	2 stem	Save
317	14.5	Siberian Elm		Save
318	36	Box Elder	4 stem	Save
319	7	Box Elder		Save
320	9	Quaking Aspen		Save
321	10	Black Cherry		Save
322	14.5	Box Elder		Save
323	10	Box Elder		Save
324	8	Buckthorn	2 stem	Save
325	9	Box Elder		Save
326	8	Box Elder		Save
327	37.5	Black Willow	Half Dead	Save
328	8	Buckthorn		Save
329	54	Cottonwood		Save
330	15	Box Elder		Save
331	8	Box Elder		Save
332	9	Box Elder		Save
333	13	Box Elder		Save
334	9	Box Elder		Save
335	63.5	Cottonwood		Save
336	17	Black Cherry	Mostly Dead	Save
337	13	Box Elder		Save
338	11	Buckthorn	2 stem	Save
339	10	Buckthorn		Save
340	10.5	Buckthorn	2 stem	Save
341	17	Cottonwood		Save
342	16	White Ash		Save
343	6.5	White Ash		Save
344	12	White Ash		Save
345	16.5	Hophornbeam	2 stem - mostly dead	Save
346	13	American Elm		Save
347	8	White Ash		Save
348	6	White Ash		Save
349	10	Box Elder		Save
350	9	Box Elder		Save
351	21	Buckthorn	5 stem	Save
352	9.5	Box Elder		Save
353	12	Box Elder		Save
354	10	Box Elder		Save
355	10	White Ash		Save
356	8	Green Ash		Save
357	14	Black Oak		Save
358	20.5	White Ash		Save
359	22	White Ash	2 stem	Save
360	8	White Ash		Save
361	8	White Ash		Save
362	13.5	White Ash		Save
363	9	White Ash		Save
364	14.5	American Elm		Save
365	12	White Ash		Save
366	8	White Ash		Save
367	11	White Ash		Save
368	10	White Ash		Save
369	6	White Ash		Save
370	10	White Ash		Save
371	6	Green Ash		Save
372	9.5	White Ash		Save
373	15	White Ash		Save
374	15	Green Ash		Save
375	10.5	White Ash		Save

Tag	DBH	Species	Notes	Status
376	12	White Ash		Save
377	8.5	White Ash		Save
378	8.5	White Ash		Save
379	15.5	Green Ash		Save
380	19	White Ash	2 stem	Save
381	11.5	Green Ash		Save
382	14.5	Green Ash		Save
383	16	White Ash		Save
384	23.5	White Ash	3 stem	Save
385	32.5	White Ash	3 stem	Save
386	17.5	White Ash		Save
387	10	White Ash		Save
390	13.5	White Ash		Save
389	7	White Ash		Save
388	25.5	White Ash	2 stem	Save
391	22	White Ash		Save
392	18	White Ash		Save
393	22.5	White Ash		Save
394	30.5	White Ash	2 stem	Save
395	10	White Ash		Save
396	25	White Ash		Save
397	12	Green Ash		Save
398	26	White Ash		Save
399	16.5	White Ash		Save
400	21	White Ash		Save
401	6.5	Buckthorn		Save
402	7.5	Buckthorn		Save
403	7	White Ash		Save
404	12.5	White Ash		Save
405	8.5	White Ash		Save
406	10	Box Elder		Save
407	13.5	Box Elder		Save
408	14	Green Ash		Save
409	15	White Ash		Save
410	8.5	Box Elder		Save
411	7	Amur Cork Tree		Save
412	12	Box Elder		Save
413	9	American Elm		Save
414	8.5	Black Cherry		Save
415	9	Black Cherry		Save
416	13.5	Buckthorn		Save
417	9	Buckthorn		Save
418	11	White Ash		Save
419	23.5	White Ash		Save
420	13	White Ash		Save
421	18	Green Ash		Save
422	12	Green Ash		Save
423	8.5	Green Ash		Save
424	13	White Ash		Save
425	7	Buckthorn		Save
426	6	Swamp White Oak		Save
427	16	White Ash		Save
428	9	White Ash		Save
429	17	White Ash		Save
430	6	Buckthorn		Save
431	16	White Ash		Save
432	13.5	Box Elder	2 stem	Save
433	23	Green Ash		Save
434	31.5	White Ash	2 stem	Save
435	14	Cottonwood		Save
436	18.5	Box Elder		Save
437	13	Box Elder		Save
438	10	White Ash		Save
439	11	Black Cherry		Save
440	38	Buckthorn	10 stem	Save
441	16	Box Elder		Save
442	14	White Ash		Save
443	8	Buckthorn		Save
444	18	White Ash		Save
445	16.5	Hophornbeam		Save
446	9	Green Ash		Save
1702	7	Black Cherry		Save
1710	7	American Elm		Save
1711	30	Cottonwood		Save
1713	6	Box Elder		Save
1725	9	Black Cherry		Save
1730	8	Box Elder		Save
1733	10	Black Cherry		Save
1735	12	Black Cherry		Save
1753	8	Quaking Aspen		Save

Tag	DBH	Species	Notes	Status
1758	9	Quaking Aspen		Save
1760	6	Quaking Aspen		Save
1770	11	Quaking Aspen		Save
1771	10	Quaking Aspen		Save
1772	8	Quaking Aspen		Save
1773	9	Quaking Aspen	dead	Save
1774	8	Quaking Aspen		Save
1775	8	Quaking Aspen	dead	Save
1776	8	Quaking Aspen	dead	Save
1779	10	Quaking Aspen	poor	Save
1792	8	Quaking Aspen	poor	Save
1793	11	Green Ash		Save
1798	12	Red Oak		Save
1799	12	Quaking Aspen		Save
1800	10	Quaking Aspen		Save
1807	10	American Elm	poor	Save
1808	11	Black Cherry	poor	Save
1809	8	Black Cherry	poor	Save
1810	6	Quaking Aspen	poor	Save
1811	12	Quaking Aspen		Save
1812	7	Quaking Aspen	poor	Save
1813	6	Quaking Aspen	dead	Save
1814	28	Red Oak		Save
1815	24	Red Oak		Save
1816	10	Red Oak	poor	Save
1817	6	Red Oak		Save
1818	7	Red Oak	poor	Save
1819	7	Red Oak	poor	Save
1820	14	Red Oak	poor	Save
1821	12	Red Oak		Save
1822	11	Red Oak		Save
1823	6	Red Oak	poor	Save
1824	7	Red Oak	poor	Save
1825	9	Red Oak	poor	Save
1826	7	Black Cherry		Save
1827	6	Black Cherry		Save
1828	9	Black Cherry		Save
1829	8	American Elm	poor	Save
1830	8	Apple		Save
1831	8	Black Cherry		Save
1832	7	Black Cherry		Save
1833	8	Black Cherry		Save
1834	7	Black Cherry		Save
1835	10	Black Cherry		Save
1836	12	Red Oak	poor	Save
1837	12	Red Oak		Save
1838	7	Black Cherry		Save
1839	6	Red Oak		Save
1840	7	Black Cherry		Save
1841	7	Red Oak		Save
1842	6	Red Oak		Save
1843	6	Red Oak	poor	Save
1844	7	Red Oak	poor	Save
1845	7	Red Oak		Save
1846	10	Basswood		Save
1847	10	Red Oak		Save
1848	11	Red Oak		Save
1849	6	Quaking Aspen		Save
1850	8	Quaking Aspen		Save
1851	7	Quaking Aspen		Save
1852	8	Quaking Aspen		Save
1853	6	Quaking Aspen		Save
1854	6	Quaking Aspen		Save
1855	6	Quaking Aspen	poor	Save
1856	7	Quaking Aspen		Save
1857	7	Red Oak		Save
1858	7	Red Oak		Save
1859	8	Red Oak	poor	Save
1860	7	Green Ash	poor	Save
1861	7	Black Cherry	poor	Save
1862	8	Quaking Aspen		Save
1863	6	Quaking Aspen		Save
1864	6	Quaking Aspen		Save
1865	8	Quaking Aspen		Save
1866	7	Quaking Aspen		Save
1867	6	Quaking Aspen		Save
1868	6	Quaking Aspen		Save
1869	8	Quaking Aspen		Save
1870	10	Red Oak		Save
1871	6	Red Oak		Save

Tag	DBH	Species	Notes	Status
1872	7	Red Oak		Save
1873	7	Quaking Aspen		Save
1875	25	Cottonwood		Save
1886	7	Quaking Aspen		Save
1887	7	Quaking Aspen		Save
1888	12	Red Oak		Save
1890	6	Red Oak		Save
1892	7	Red Oak		Save
1893	8	Quaking Aspen		Save
1894	7	Quaking Aspen		Save
1895	7	Quaking Aspen		Save
1896	8	Quaking Aspen		Save
1897	7	Quaking Aspen	poor	Save
1898	8	Quaking Aspen		Save
1899	6	American Elm		Save
1900	10	Quaking Aspen		Save

TOTAL DBH SURVEYED	4922.0
TOTAL DBH TO BE SAVED	3774.5
HERITAGE TREES SAVED	11

MIDWEST WETLAND improvements

P.O. BOX 448
VICTORIA, MN 55386
PHONE: (952) 261-9990
WWW.MIDWESTWETLANDS.COM

CERTIFICATION:

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Lucius Jonett

LICENSE NO.: 52856

DATE: 04-18-2025

ISSUE NO.:	DESCRIPTION:	DATE:
01	PRELIMINARY PLAT SUBMITTAL	04/18/2025

PROJECT TITLE:

McMILLAN ESTATES

MENDOTA HEIGHTS, MN

CLIENT:

SPENCER McMILLAN

1707 DELAWARE AVENUE
MENDOTA HEIGHTS, MN 55118
PHONE: (715) 698-7114

PROJECT NO.: B0029-0001

DWN BY:	CHK'D BY:	APP'D BY:
HRM	LNJ	LNJ

ISSUE DATE: 04-18-2025

ISSUE NO.: 01

SHEET TITLE:

FOREST MITIGATION PLAN - TREES SAVED

SHEET NO.:

L-100

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Tree Removals Excluded From Forest Management Plan

Tag	DBH	Species	Notes	Status
5	6	Green Ash		Remove
11	6	Quaking Aspen	poor	Remove
12	8	Black Cherry	poor	Remove
13	7	Green Ash	poor	Remove
17	6	Green Ash		Remove
83	8	Box Elder	poor	Remove
84	8	Black Cherry	poor	Remove
312	28	Slippery Elm	splitting	Remove
313	6	White Ash		Remove
314	9.5	White Ash		Remove
1703	13	Green Ash		Remove
1704	7	Green Ash		Remove
1705	7	Green Ash		Previously Removed
1706	12	Box Elder		Previously Removed
1707	19	Cottonwood	poor	Remove
1716	12	Box Elder	poor	Remove
1717	10	Siberian Elm		Remove
1718	6	Siberian Elm	poor	Previously Removed
1719	7	Box Elder		Previously Removed
1729	9	Box Elder	poor	Remove
1731	10	Box Elder	poor	Remove
1732	8	Box Elder	poor	Remove
1734	8	Box Elder	poor	Remove
1742	8	Quaking Aspen		Previously Removed
1743	9	Quaking Aspen		Previously Removed
1752	6	Quaking Aspen	poor	Remove
1754	7	Quaking Aspen	poor	Remove
1755	6	Green Ash		Remove
1756	7	Green Ash		Remove
1757	10	Quaking Aspen	poor	Remove
1759	9	Quaking Aspen	poor	Remove
1763	9	Quaking Aspen	poor	Remove
1764	8	Green Ash	dead	Remove
1766	10	Quaking Aspen	dead	Remove
1767	9	Quaking Aspen	poor	Remove
1778	7	Quaking Aspen	poor	Remove
1780	15	Quaking Aspen	poor	Remove
1781	6	Green Ash		Remove
1782	6	Quaking Aspen		Previously Removed
1783	7	Quaking Aspen		Previously Removed
1787	12	Quaking Aspen	poor	Remove
1789	10	Box Elder		Previously Removed
1796	7	Quaking Aspen	poor	Remove
1874	6	Black Cherry	poor	Remove
1876	6	Quaking Aspen	poor	Remove
1877	6	Quaking Aspen	poor	Remove

TOTAL DBH REMOVED - EXCLUDED	406.5

Tree Removals Included in Forest Management Plan

Tag	DBH	Species	Notes	Status
1	6	Quaking Aspen		Remove
2	6	Quaking Aspen		Remove
3	7	Black Cherry		Remove
4	6	Quaking Aspen		Remove
6	6	Quaking Aspen		Remove
7	7	Quaking Aspen		Remove
8	8	Quaking Aspen		Remove
9	6	Quaking Aspen		Remove
10	7	Quaking Aspen		Remove
14	7	Black Cherry		Remove
18	10	Black Cherry		Remove
19	6	Apple		Remove
20	6	Apple		Remove
34	6	Apple		Remove
70	21	Red Oak		Remove
77	6	Black Cherry		Remove
78	8	American Elm		Remove
79	9	Black Cherry		Remove
80	12	Black Cherry		Remove
81	6	Black Cherry		Remove
82	7	Black Cherry		Remove
85	10	Black Cherry		Remove
86	7	Box Elder		Remove
87	7	Black Cherry		Remove
88	6	Bur Oak		Remove
89	8	Black Cherry		Remove
301	8	Bur Oak		Remove
302	16	Cottonwood		Remove
315	22	Cottonwood		Remove
316	7	Black Cherry		Remove
1701	21	Cottonwood		Remove
1708	7	Cottonwood		Remove
1709	6	Cottonwood		Remove
1712	35	Cottonwood		Remove
1714	6	Box Elder		Remove
1715	18	Cottonwood		Remove
1720	6	Black Cherry		Remove
1721	7	Black Cherry		Remove
1722	7	Black Cherry		Remove
1723	13	Box Elder		Remove
1724	7	Black Cherry		Remove
1726	8	Box Elder		Remove
1727	7	Black Cherry		Remove
1728	6	Black Cherry		Remove
1736	6	Box Elder		Remove
1737	14	Black Cherry		Remove
1738	8	Box Elder		Remove
1739	8	Quaking Aspen		Remove
1740	9	Quaking Aspen		Remove
1741	8	Quaking Aspen		Remove
1744	6	Box Elder		Remove
1745	12	American Elm		Remove
1746	8	Quaking Aspen		Remove
1747	9	Black Cherry		Remove
1748	9	Quaking Aspen		Remove
1749	10	Quaking Aspen		Remove
1750	10	Black Cherry		Remove
1751	8	Quaking Aspen		Remove
1761	7	Quaking Aspen		Remove
1762	7	Quaking Aspen		Remove
1765	10	Quaking Aspen		Remove
1768	10	Quaking Aspen		Remove
1769	8	Quaking Aspen		Remove
1777	10	Quaking Aspen		Remove
1784	10	Black Walnut		Remove
1786	8	Box Elder		Remove
1788	10	Quaking Aspen		Remove
1790	10	Quaking Aspen		Remove
1791	10	Quaking Aspen		Remove
1794	11	Black Walnut		Remove
1795	9	Quaking Aspen		Remove
1797	9	Quaking Aspen		Remove
1878	6	Quaking Aspen		Remove
1879	7	Quaking Aspen		Remove
1880	7	Quaking Aspen		Remove
1881	7	Quaking Aspen		Remove
1882	6	Quaking Aspen		Remove

Tag	DBH	Species	Notes	Status
1883	9	Quaking Aspen		Remove
1884	6	Quaking Aspen		Remove
1885	6	Quaking Aspen		Remove
1889	13	Black Cherry		Remove
1891	12	Red Oak		Remove

TOTAL DBH REMOVED - INCLUDED	741.0
TOTAL DBH TO BE REPLACED	555.8
HERITAGE TREES REMOVED	1

# of replacement 2.5" trees	222

CITY OF MENDOTA HEIGHTS FOREST MITIGATION NOTES

1. Significant tree means a healthy tree measuring a minimum of six inches in diameter for deciduous trees, 10 feet in height for conifer trees, and is not considered hazardous.
2. Heritage tree means a tree of any native species or cultivar of a native species that is 24 inches in diameter or greater, excluding invasive species.
3. The applicant shall post a tree replacement escrow with the City. For every heritage tree preserved on site, the escrow may be reduced by $250.00.
4. If seven (7) or more total significant or heritage trees on the property are removed, the applicant shall mitigate all significant and heritage tree inches measured at DBH at a rate of 75%. Example: 84 DBH inches removed x .75 = 63 DBH inches required to be replaced.
5. Trees shall not be planted within 10 feet of property lines without written permission of the affected adjacent property, nor shall trees be planted at lot corners in a way that obstructs a driver's line of sight. If compliance with the tree replacement requirement is not feasible, the City may approve alternative tree replacement measures, including the planting of trees at an alternate site. The alternate site must be public land, and at the choice of the city. The city may require post-construction tree care.
6. In order to preserve diversity and provide protection from tree disease and pests; where ten or more replacement trees are required, not more than 20 percent shall be of the same family, not more than 10 percent of the same genus, and not more than 5 percent of the same species, unless approved by the City. Tree species of the genus Acer shall be limited to 10 percent of total replacement trees planted, due to its over-abundance in the City's forest canopy. A minimum of 50 percent of replacement trees must be species native to Minnesota or recommended by the Department of Natural Resources or University of Minnesota Extension.
7. When replacement trees are required, replacement trees shall be no less than a one-caliper inch deciduous or six-foot height conifer tree unless approved by the City. No more than three consecutive trees of the same species may be planted in a continuous row, including around corners and in groupings.

FOREST MANAGEMENT PLAN

1. Contact responsible for tree preservation during the course of the project:

   Spencer McMillan

   1707 Delware Avenue

   Mendota Heights, MN 55118

   (715) 698-7114
2. Tree replacement escrow reduction = 11 heritage trees preserved x $250 = $2,750
3. Onsite replacement of the total DBH to be replaced is not feasible as the remainder of the property is fully forested. We have intentionally not prepared a replacement landscape plan and will complete an off-site tree replacement agreement with the City.

TREE SURVEY NOTES

1. Tree removals excluded from forest mitigation plan calculations due to ash and Siberian elm tree species, poor tree condition, or being previously removed since tree survey was complete and forest mitigation plan submittal.
2. Poor tree condition denotes that the tree has less than 50% of a healthy crown remaining from diseased or dying tree due to age.

MIDWEST WETLAND improvements
P.O. BOX 448
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Lucius Jonett

LICENSE NO.: 52856

DATE: 04-18-2025

ISSUE NO.:	DESCRIPTION:	DATE:
01	PRELIMINARY PLAT SUBMITTAL	04/18/2025

PROJECT TITLE:
McMILLAN ESTATES
MENDOTA HEIGHTS, MN

CLIENT:
SPENCER McMILLAN
1707 DELAWARE AVENUE
MENDOTA HEIGHTS, MN 55118
PHONE: (715) 698-7114

PROJECT NO.: B0029-0001

DWN BY:	CHK'D BY:	APP'D BY:
HRM	LNJ	LNJ

ISSUE DATE: 04-18-2025

ISSUE NO.: 01

SHEET TITLE:
FOREST MITIGATION PLAN - TREES REMOVED

SHEET NO.:
L-101

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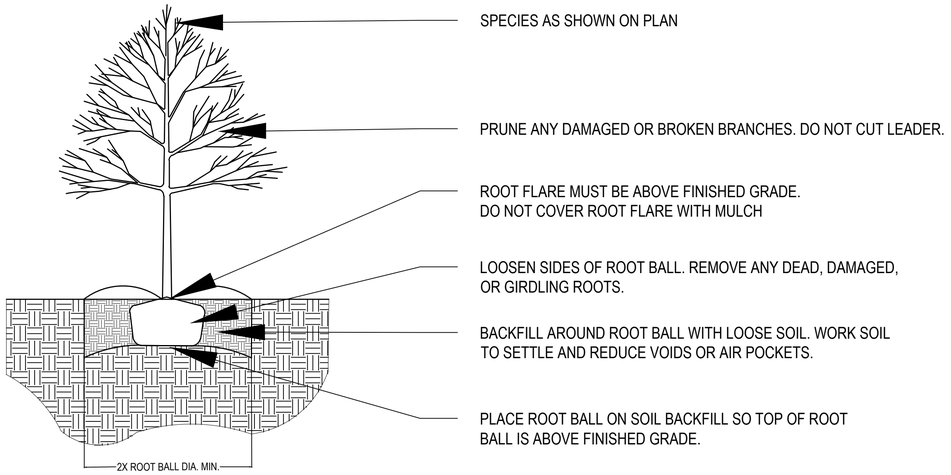
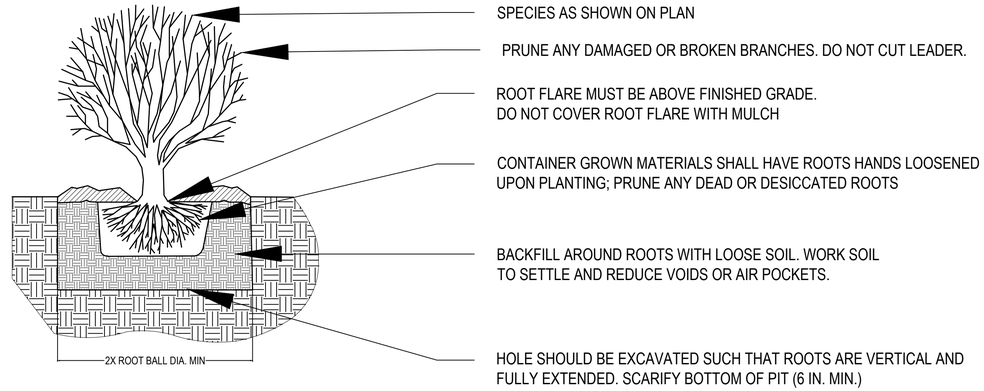
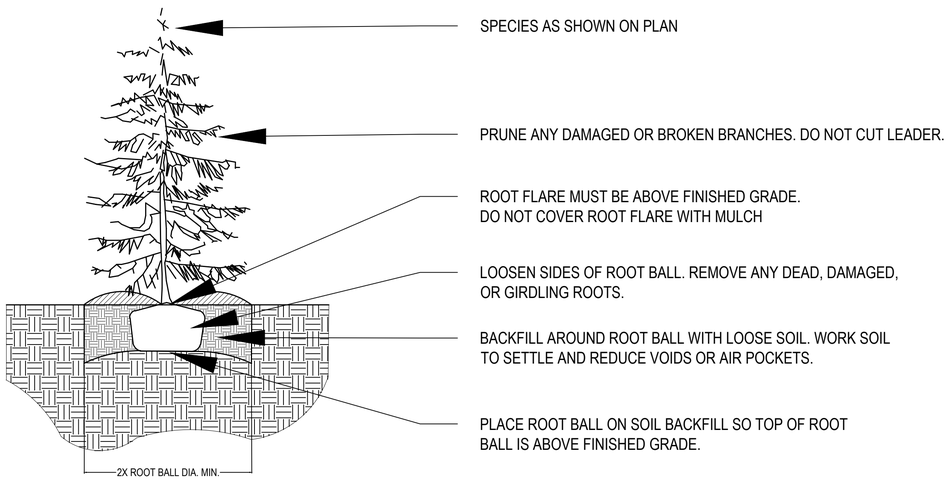


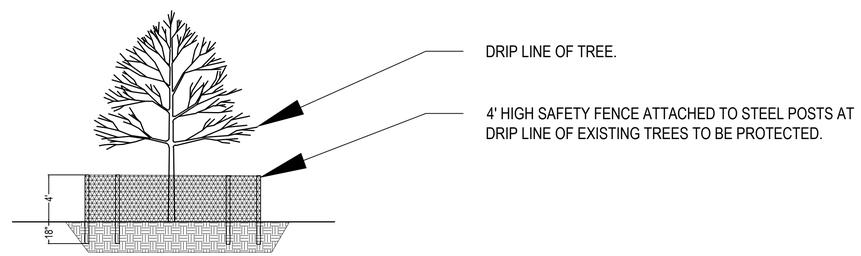
1 L-110 DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



2 L-110 SHRUB & CONTAINER PLANTING DETAIL
NOT TO SCALE



3 L-110 CONIFEROUS TREE PLANTING DETAIL
NOT TO SCALE



4 L-110 TREE PROTECTION FENCE DETAIL
NOT TO SCALE

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P.O. BOX 448
VICTORIA, MN 55386
PHONE: (952) 261-9990
WWW.MIDWESTWETLANDS.COM

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Lucius Jonett

LICENSE NO.: 52856

DATE: 04-18-2025

ISSUE NO.:	DESCRIPTION:	DATE:
01	PRELIMINARY PLAT SUBMITTAL	04/18/2025

PROJECT TITLE:

McMILLAN ESTATES
MENDOTA HEIGHTS, MN

CLIENT:

SPENCER McMILLAN
1707 DELAWARE AVENUE
MENDOTA HEIGHTS, MN 55118
PHONE: (715) 698-7114

PROJECT NO.:	B0029-0001
DWN BY: HRM / CHK'D BY: LNJ / APP'D BY: LNJ	
ISSUE DATE:	04-18-2025
ISSUE NO.:	01
SHEET TITLE:	LANDSCAPE DETAILS
SHEET NO.:	L-110

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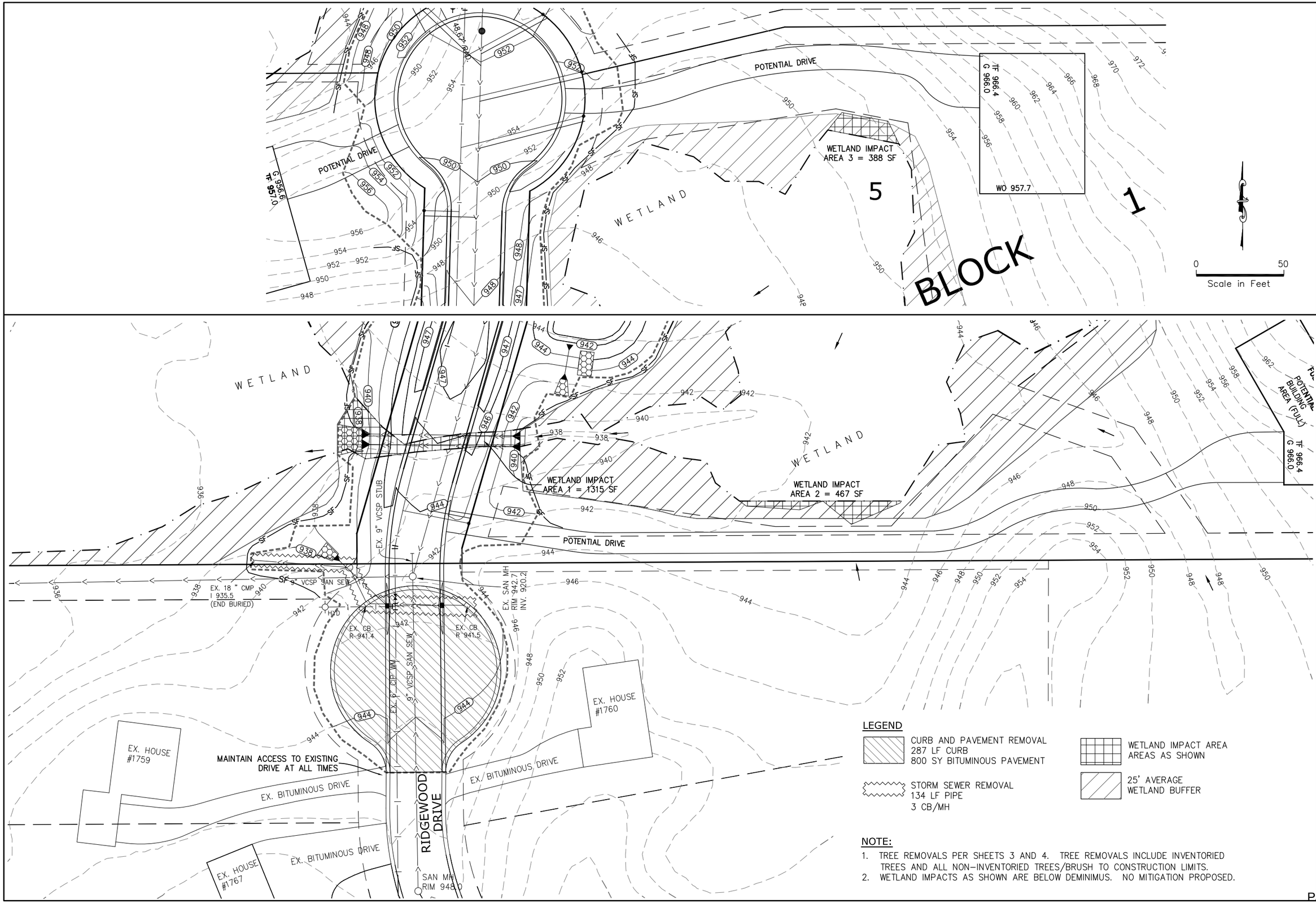

SISU
Land Surveying
& Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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

PRELIMINARY – NOT FOR CONSTRUCTION

CURTISS J. KALLIO

DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Removal Plan and
Wetland Impacts
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO:
202142

SHEET
C6

SEE SHEET 8

24" FES I 941.2

24" RCP

0.70%

WETLAND

AND UTILITY EASEMENT

CB-4

12" RCP

LP 946.71

CBMH-3

12" FES I 942.0

INFILTRATION BASIN BOTTOM 941.2 HWL 942.91

RIPRAP STILLING BASIN SEE DETAIL SHEET 11

B3

12" FES I 942.0

12" RCP

HP 947.40

12" FES I 941.8

EOF, SEE DETAIL SHEET 11

DRAINAGE AND UTILITY EASEMENT

2-30" FES I 937.2

2 LINES 30" RCP

2-30" FES I 937.7

B4

WETLAND

6

FULL 957.7

POTENTIAL BUILDING AREA (FULL)

TF 966.4

G 966.0

FUTURE 36" MIN. CULVERT BY OWNER OF LOT 6

EX. 9" VCSP STUB

B1

15" FS I 937.56

B2

5.02%

POTENTIAL DRIVE

15' DRAINAGE & UTILITY EASEMENT FOR FUTURE SERVICES TO LOTS ALONG DELARWARE AVE.

5" VCSP SAN SEW

CBMH-1

15" RCP

CB-2

EX. SAN MH RIM 942.7 INV. 920.2

EX. 6" CIP WM

9" VCSP SAN SEW

RIDGEWOOD DR.

EX. HOUSE #1760

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

HOUSE

GRADING AND DRAINAGE NOTES

1. THE HOUSE LOCATIONS AS SHOWN ARE POTENTIAL. THE FINAL HOUSE LOCATIONS, GRADING, AND IMPACTS WILL BE SUBMITTED AT THE TIME OF HOME CONSTRUCTION.
2. THE TOTAL ESTIMATED DISTURBED AREA IS 1.8 ACRES. A SWPPP WILL BE PROVIDED AS A STAND ALONE DOCUMENT THAT REFERENCES THESE PLANS.
3. THE ESTIMATED INCREASE IN IMPERVIOUS AREA FOR THE STREET CONSTRUCTION IS 0.43 ACRES. AN ADDITIONAL 1.0 ACRE OF IMPERVIOUS IS ESTIMATED FOR IMPROVEMENTS TO LOTS 1, 2, 3, 5, AND 6. STORMWATER TREATMENT FOR INDIVIDUAL LOT IMPROVEMENTS WILL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION.

LEGEND

- 938 — Existing Contour
- 940 — Proposed Contour
- Construction Limits
- Building Setback
- Easement
- XXX.X — Proposed Elevation
- XXX.X — Existing Elevation
- Surface Drainage
- Soil Boring
- Inlet Protection
- 25' Average Wetland Buffer

0 50 Scale in Feet

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Chaska, MN 55318
612-418-6828

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PRELIMINARY — NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

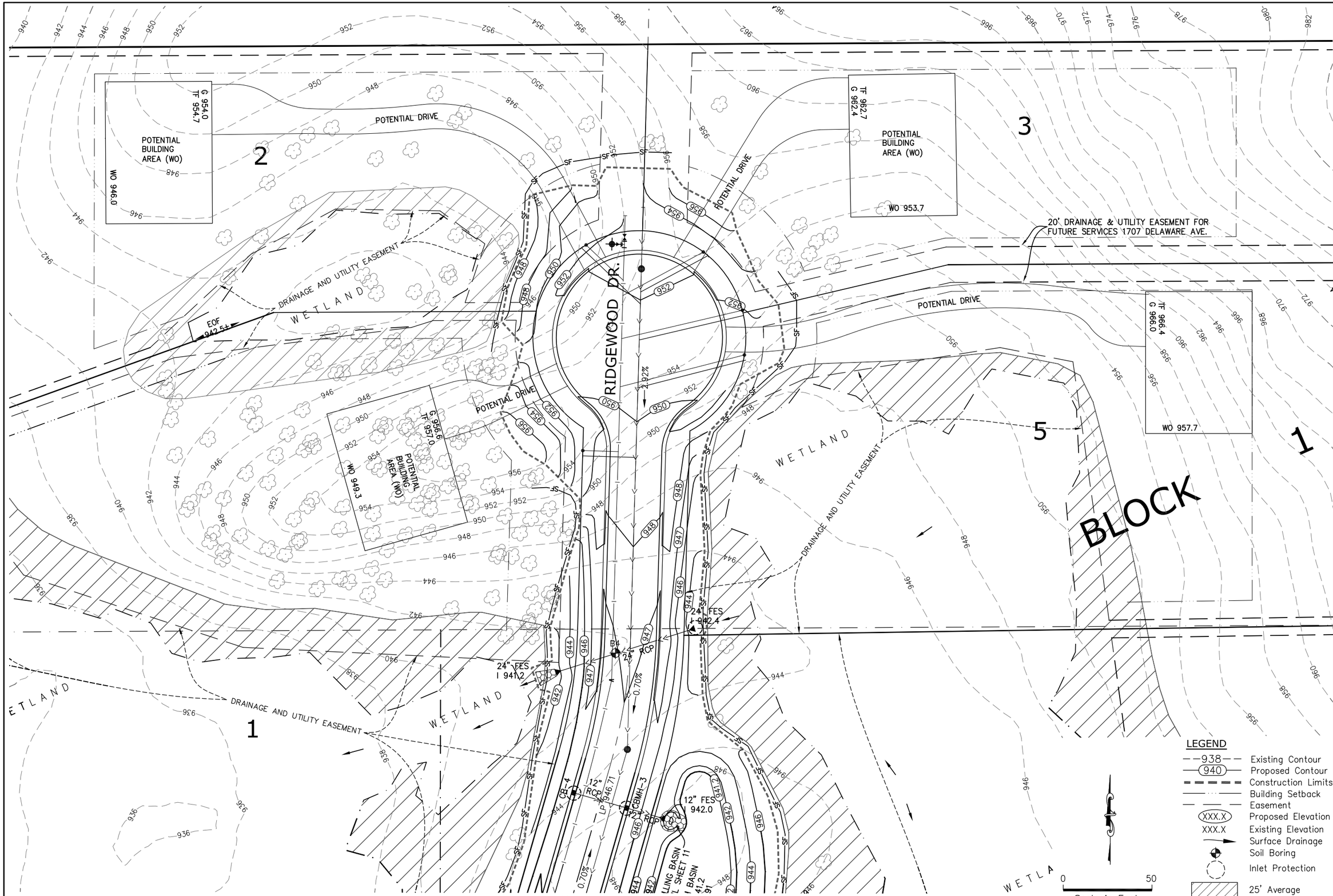
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Grading, Drainage, and Erosion Control Plan
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO: 202142

SHEET C7



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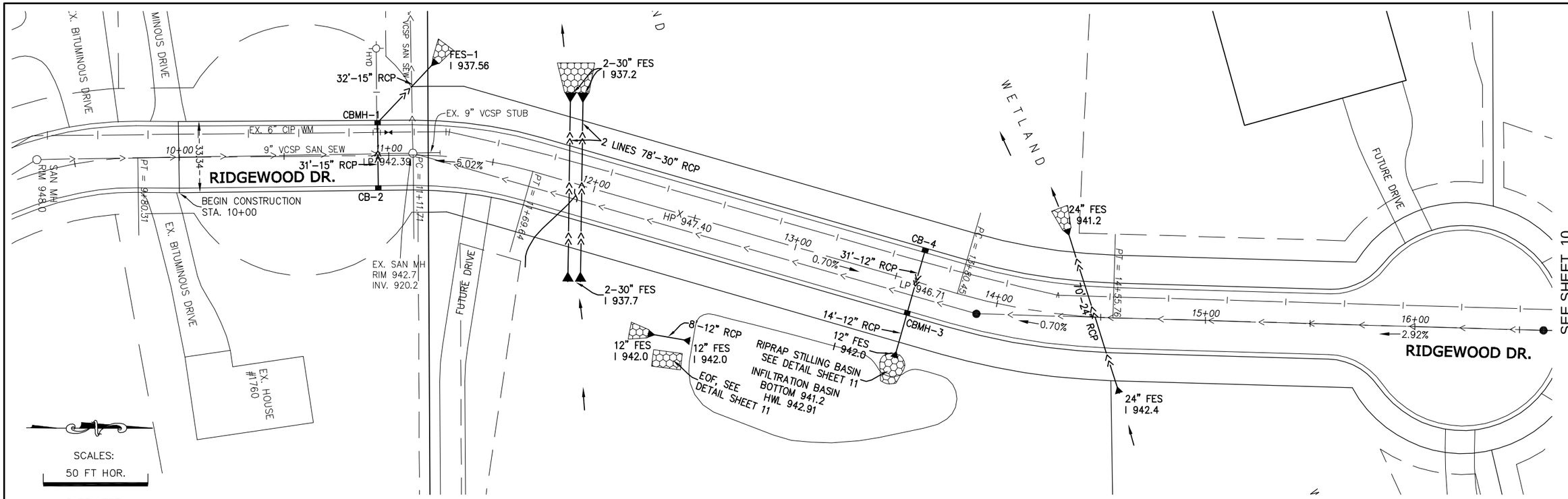
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO: 202142

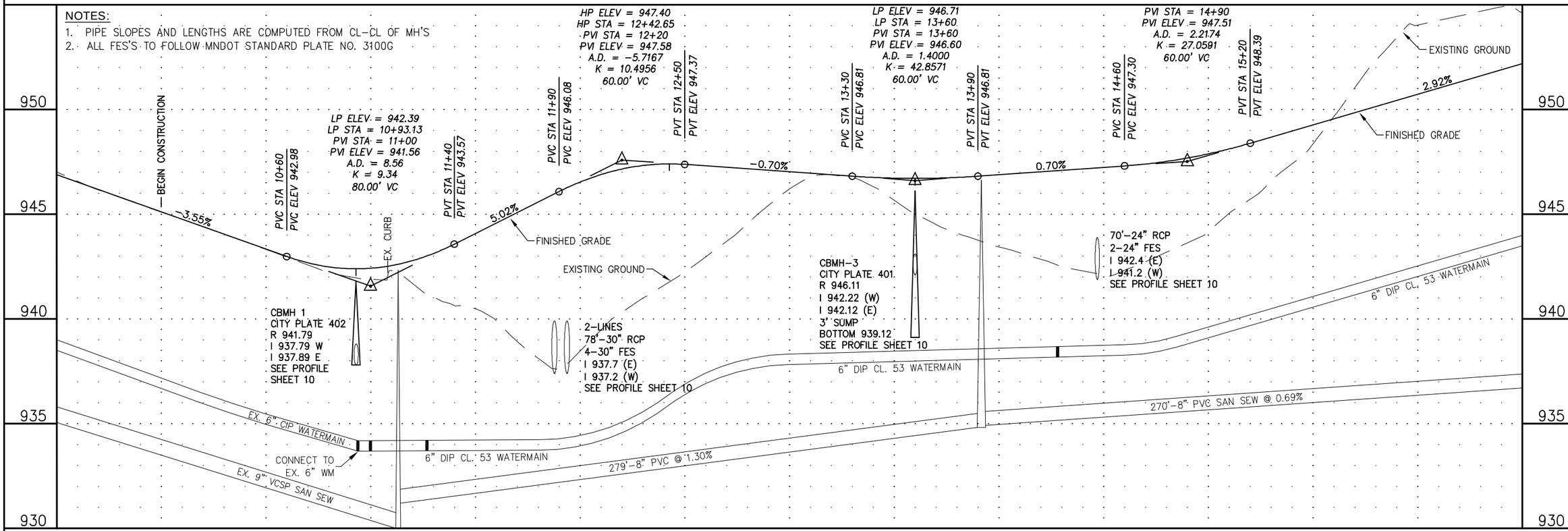
SHEET C8



SEE SHEET 10

RIDGEWOOD DRIVE

NOTES:
1. PIPE SLOPES AND LENGTHS ARE COMPUTED FROM CL-CL OF MH'S
2. ALL FES'S TO FOLLOW MNDOT STANDARD PLATE NO. 3100G



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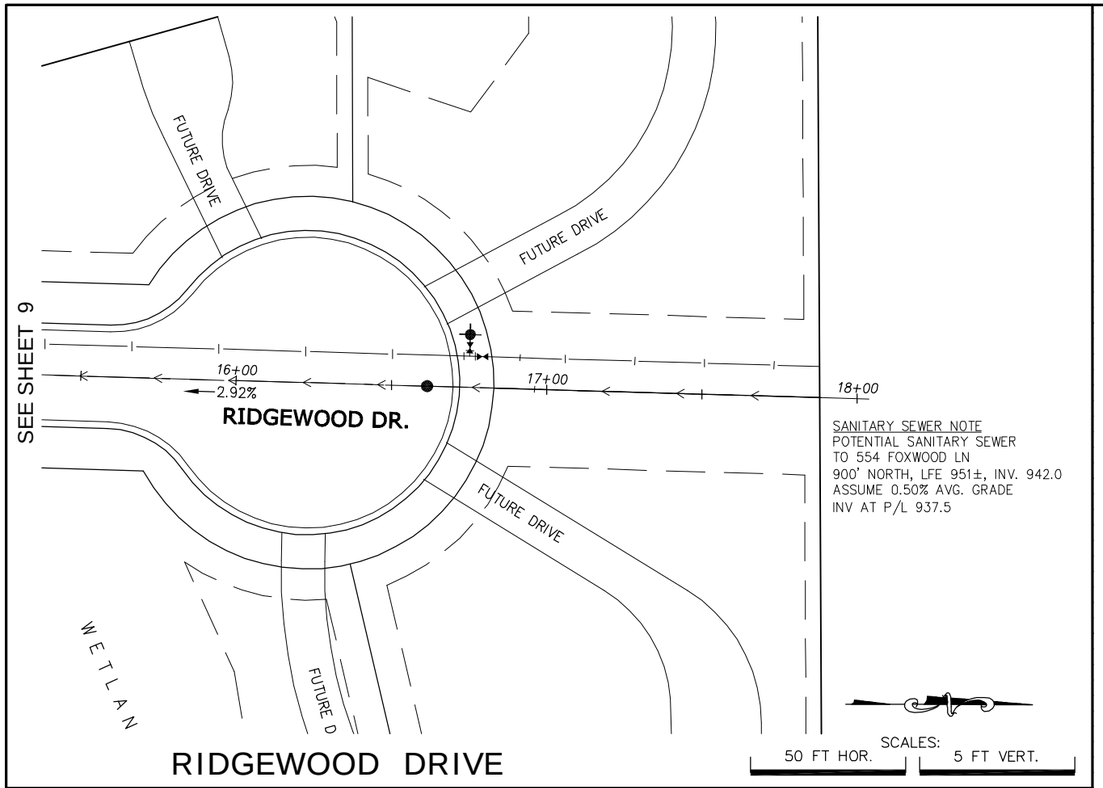
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Street and Storm Sewer Plan
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C9



RIDGEWOOD DRIVE

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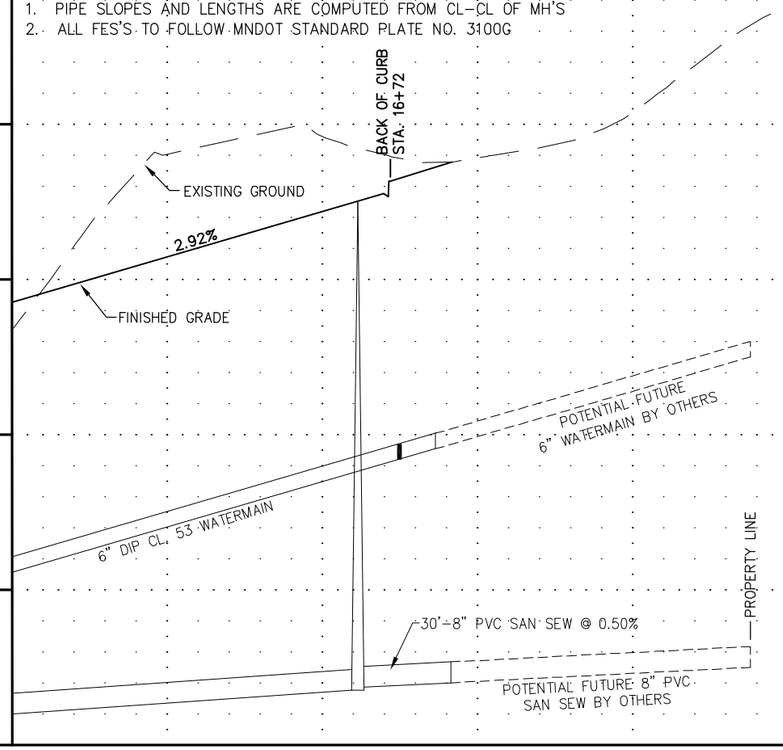

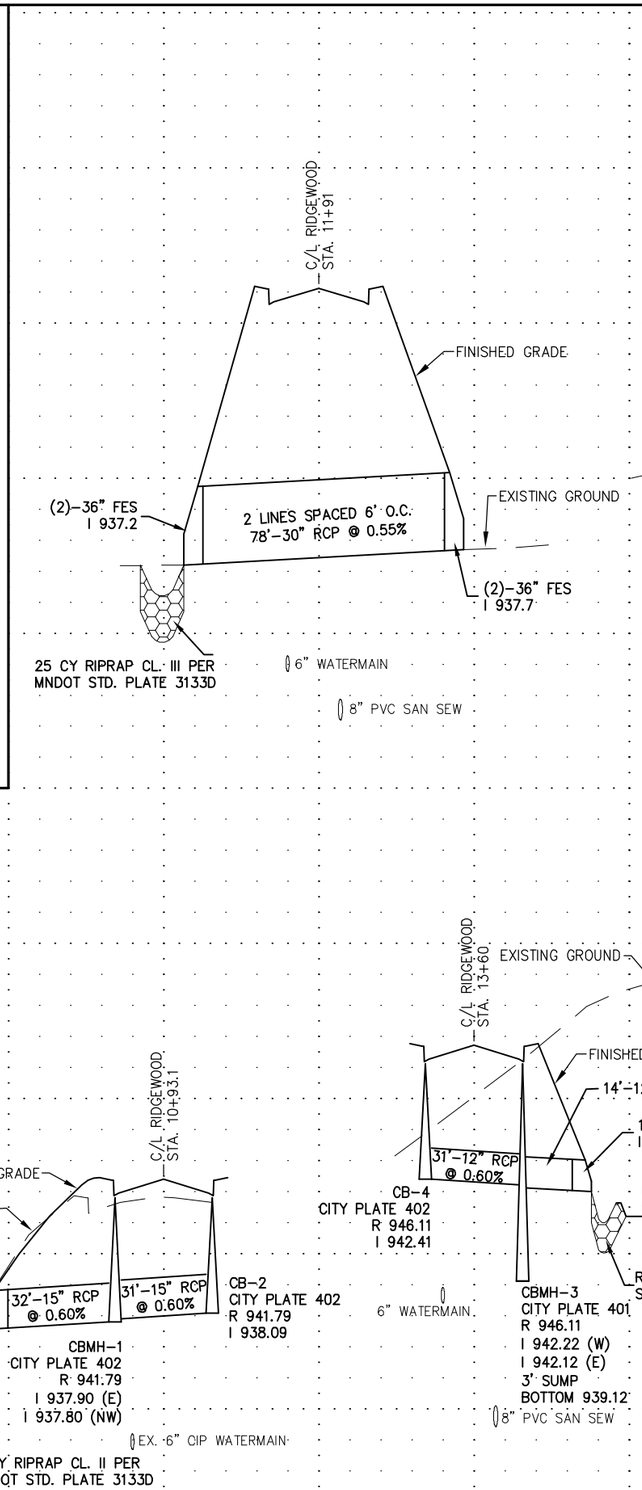

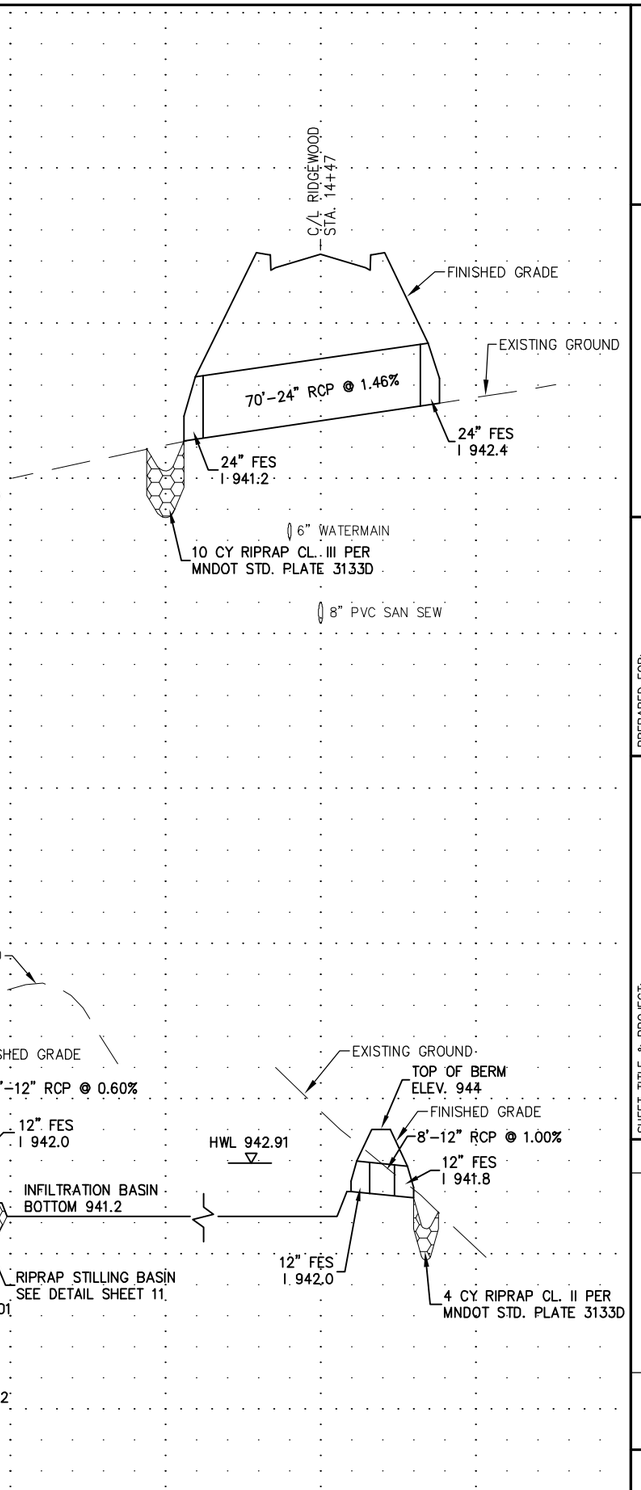

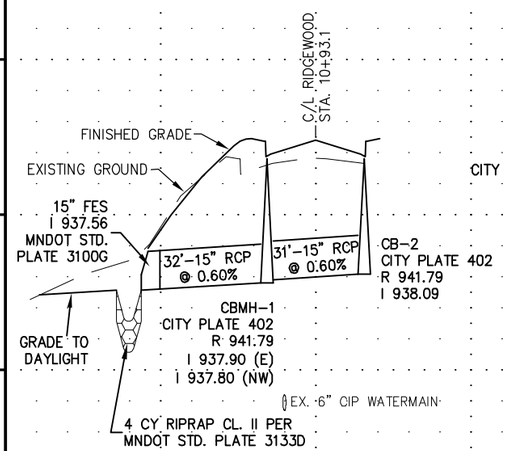

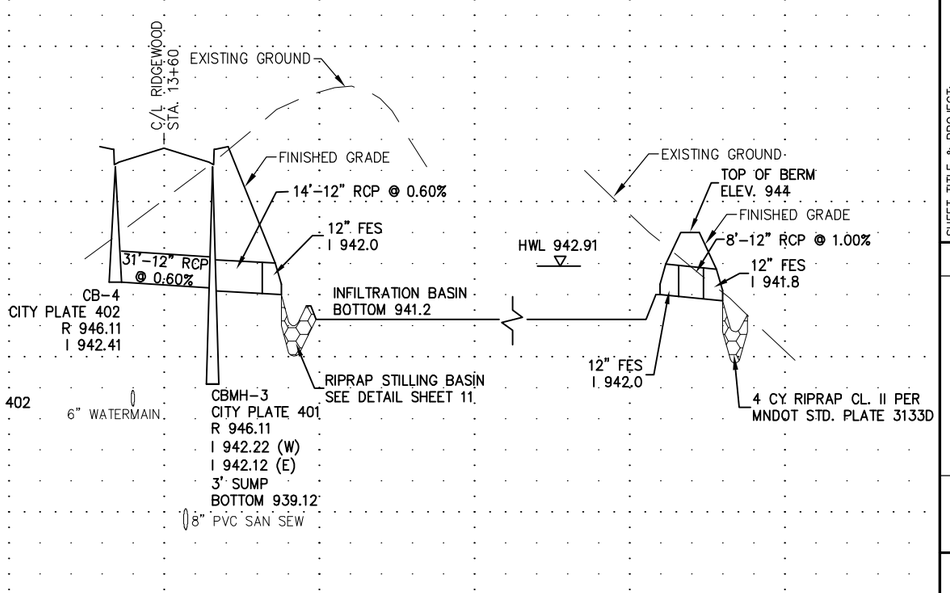

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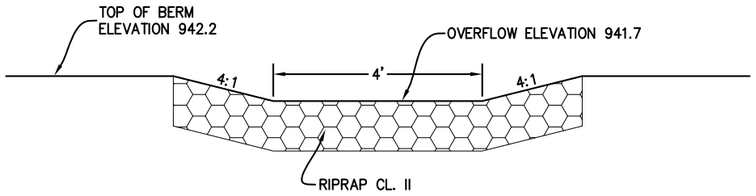
MCMILLAN ESTATES
Mendota Heights, MN

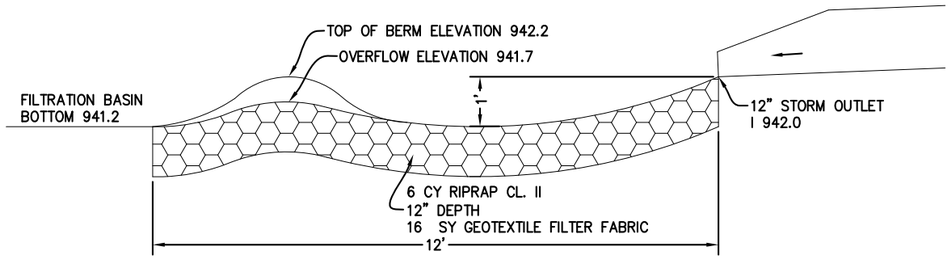
DATE	REVISION	BY

PROJECT NO:
202142

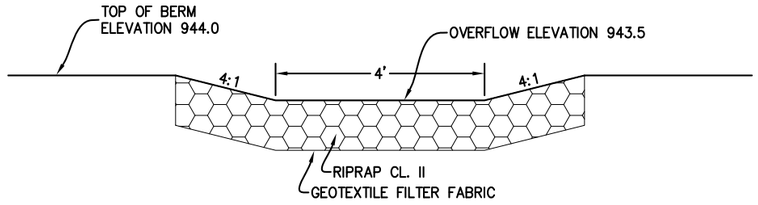
SHEET
C10



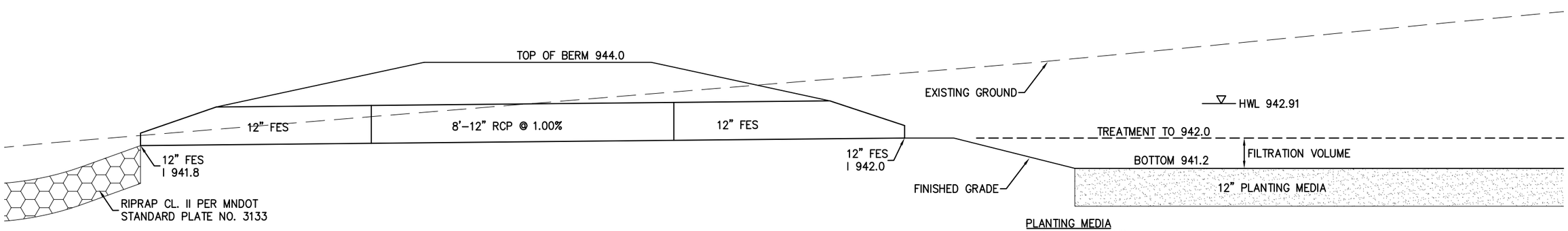
STILLING BASIN OVERFLOW SECTION



STILLING BASIN OVERFLOW PROFILE



INFILTRATION BASIN EMERGENCY OVERFLOW



PLANTING MEDIA
70% WASHED SAND
30% MNDOT GRADE 2 COMPOST

CONSTRUCTION NOTES:
1. AVOID COMPACTION DURING EXCAVATION.
2. ENGINEER TO VERIFY INFILTRATION BASIN BOTTOM PRIOR TO PLACED PLANTING MEDIA.
3. SEED FILTRATION BASIN TO ELEV. 942.0 WITH MNDOT 33-261 SEED MIXTURE AT 35 LB/ACRE. STABILIZE WITH EROSION CONTROL BLANKET CAT. 25 W/NATURAL NETTING

INFILTRATION BASIN PROFILE AND OUTLET

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Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Infiltration Basin Details
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C11

GENERAL NOTE:

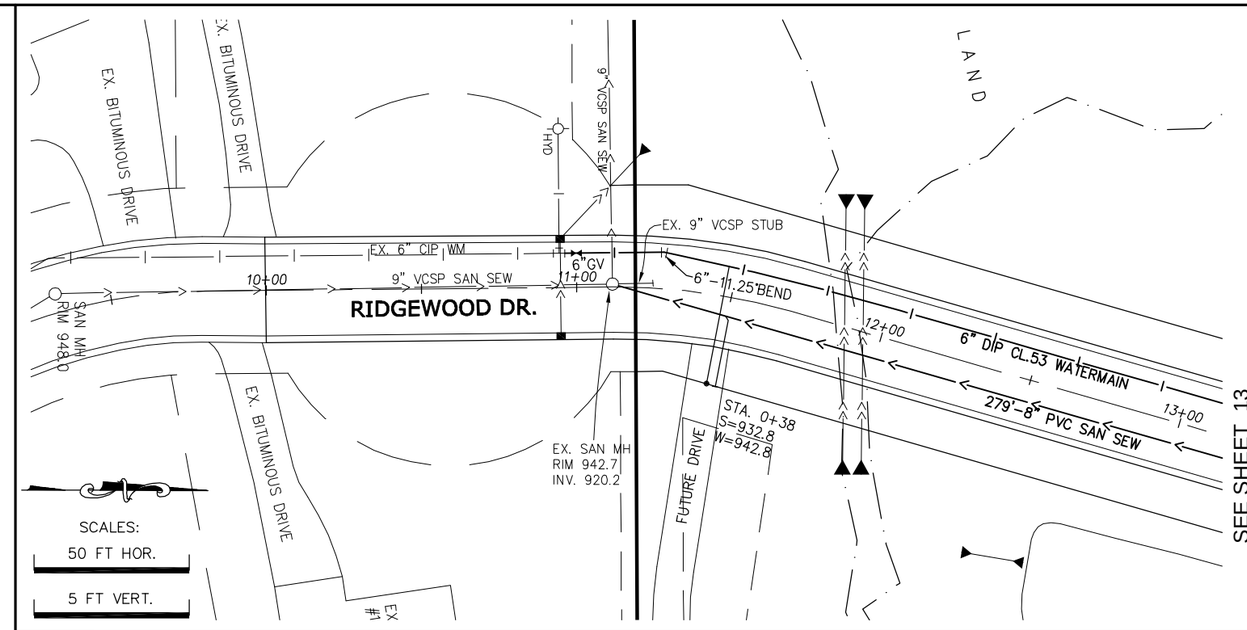
WATER AND SEWER SERVICES WILL BE EXTENDED TO THE PROPOSED HOMES BY OTHERS. POTENTIAL FUTURE CONNECTIONS ARE SHOWN ON SHEETS 14 AND 15.

SANITARY SEWER NOTES:

1. ALL MATERIALS AND INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE CITY'S GENERAL SPECIFICATIONS AND STANDARD DETAIL PLATES.
2. SEWER SERVICES WILL BE EXTENDED TO THE RIGHT OF WAY AS SHOWN.
3. SANITARY SERVCES SHALL BE 6" PVC SCHEDULE 40 AT 2% MIMINUM GRADE. SERVICES ARE STATIONED FROM THE DOWNSTREAM MH.
4. DUE TO THE DISTANCE OF THE PROPOSED HOMES FROM THE RIGHT OF WAY, THE SANITARY SEWER DEPTHS AT THE STUBS ELEVATIONS SHALL BE AS SHOWN.
5. SANITARY SERVICE CLEANOUTS WITH RISER ARE REQUIRED AT 100' INTERVALS AS SHOW IN CITY DETAIL NO. 206.

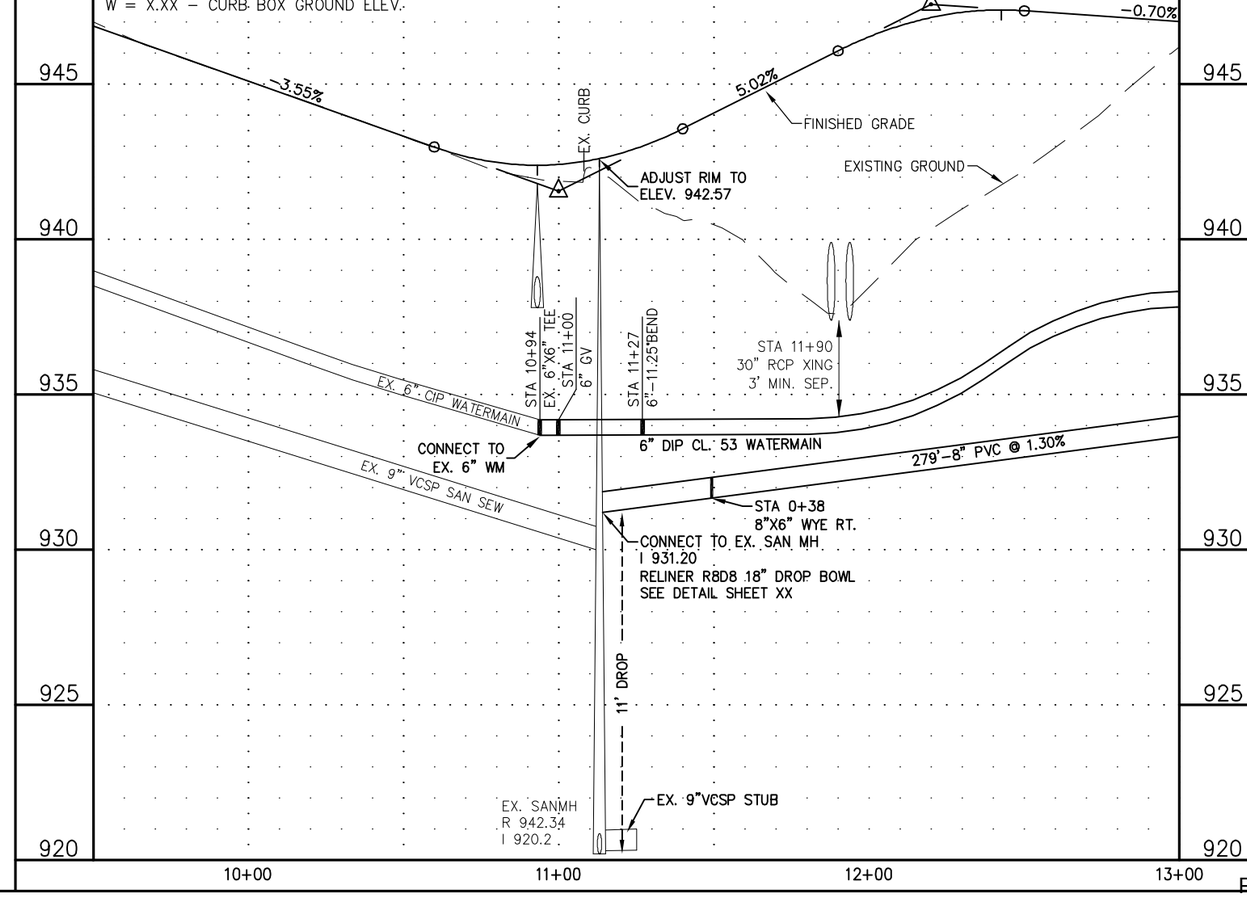
ST. PAUL REGIONAL WATER SERVICES (SPRWS) NOTES:

1. WATER SERVICES TO BE INSTALLED ACCORDING TO SPRWS "STANDARDS FOR THE INSTALLATION OF WATER MAINS.
2. A FOUR-SIDED TRENCH BOX IS REQUIRED ON ALL EXCAVATIONS DEEPER THAN 5 FEET WHERE UNDERGROUND WORK OR INSPECTION IS TO BE PERFORMED BY SPRWS. LADDERS ARE REQUIRED AND MUST EXTEND 3 FEET ABOVE THE SURFACE OF THE TRENCH. SIDEWALKS, PAVEMENTS, DUCTS AND APPURTENANT STRUCTURES SHALL NOT BE UNDERMINED UNLESS A SUPPORT SYSTEM OR ANOTHER METHOD OF PROTECTION IS PROVIDED. TRENCHES IN EXCESS OF 20 FEET IN DEPTH MUST BE SIGNED OFF BY A REGISTERED PROFESSIONAL ENGINEER. EXCAVATED MATERIAL MUST BE KEPT A MINIMUM OF 2 FEET FROM THE EDGE OF THE TRENCH.
3. MAINTAIN 8 FEET OF COVER OVER ALL WATER MAINS AND SERVICES.
4. PIPE MATERIAL FOR 6" AND 4" DUCTILE IRON PIPE MUST BE CLASS 53. THE EXTERIOR OF DUCTILE IRON PIPE SHALL BE COATED WITH A LAYER OF ARC-SPRAYED ZINC PER ISO 8179. THE INTERIOR CEMENT MORTAR LINING SHALL BE APPLIED WITHOUT ASPHALT SEAL COAT.
5. PIPE MUST BE WRAPPED IN V-BIO POLYWRAP ENCASEMENT.
6. MAINTAIN 3 FEET VERTICAL SEPARATION BETWEEN WATER AND SEWER PIPES OR A 12 INCH SEPARATION WITH 4 INCH HIGH DENSITY INSULATION PER SPRWS STANDARD PLATE D-10 FOR TYPICAL WATER MAIN OFFSETS.
7. REFER TO SPRWS "STANDARDS FOR THE INSTALLATION OF WATER MAINS" STANDARD PLATE D-11 FOR RESTRAINED PIPE REQUIREMENT.
8. ALL WATER SERVICE VALVE BOXES WITHIN CONSTRUCTION AREA MUST BE EXPOSED AND BROUGHT TO GRADE UPON COMPLETION OF CONSTRUCTION. ALL PIPE WORK INSIDE OF PROPERTY TO BE PERFORMED BY A PLUMBER LICENSED BY THE STATE OF MINNESOTA AND CERTIFIED BY THE CITY OF SAINT PAUL. SPRWS REQUIRES SEPARATE OUTSIDE AND INSIDE PLUMBING PERMITS FOR EACH NEW WATER SERVICE.
9. ALL UNUSED EXISTING WATER SERVICES TO BE CUT OFF BY SPRWS. EXCAVATION AND RESTORATION BY OWNER'S CONTRACTOR. NEW WATER SERVICES WILL NOT BE TURNED ON UNTIL REQUIRED CUTOFFS HAVE BEEN PERFORMED.
10. WATER FACILITY PIPEWORK WITHIN RIGHT OF WAY TO BE INSTALLED BY SPRWS. EXCAVATION AND RESTORATION BY OWNER'S CONTRACTOR.
11. THE CONTRACTOR PROVIDING EXCAVATION IS RESPONSIBLE FOR OBTAINING ALL EXCAVATION AND OBSTRUCTION PERMITS REQUIRED BY ANY GOVERNING AUTHORITY.



NOTES:

STA. XX+XX – WYE STATION FROM DOWNSTREAM MH
S = X.XX – SAN. STUB INVERT ELEVATION.
W = X.XX – CURB BOX GROUND ELEV.



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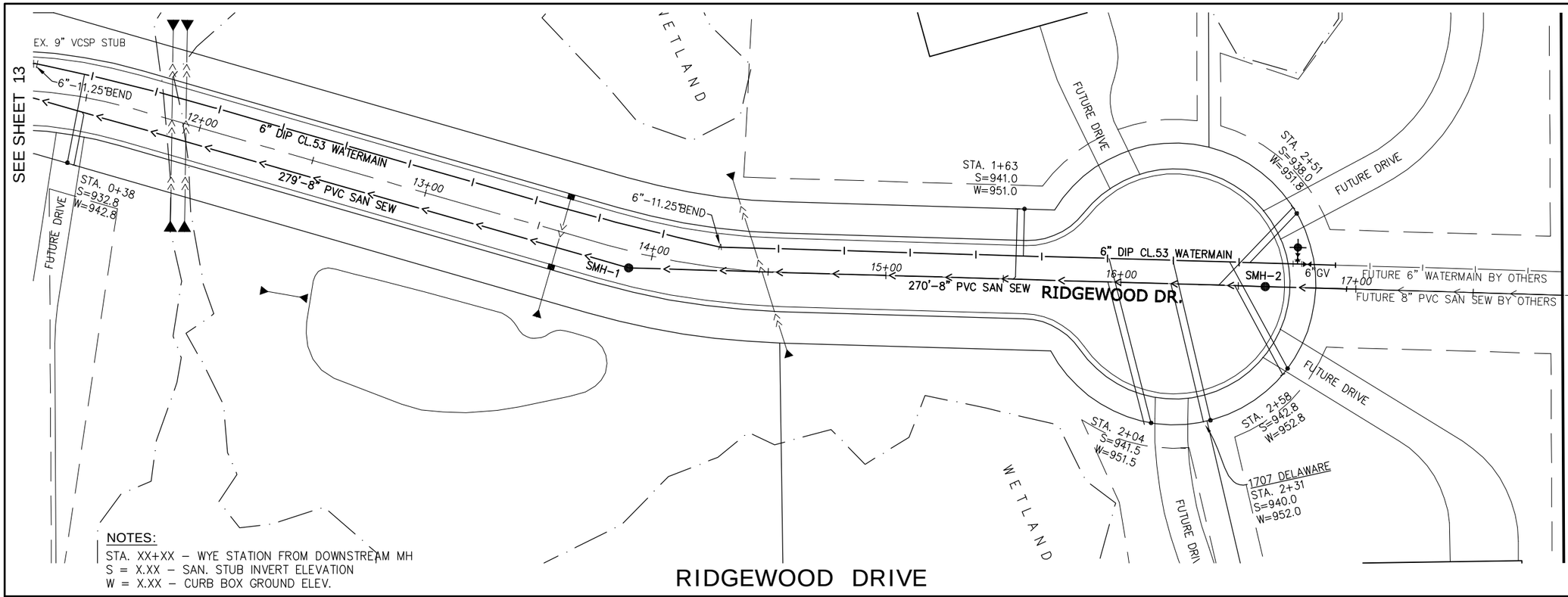
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Utility Plan
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

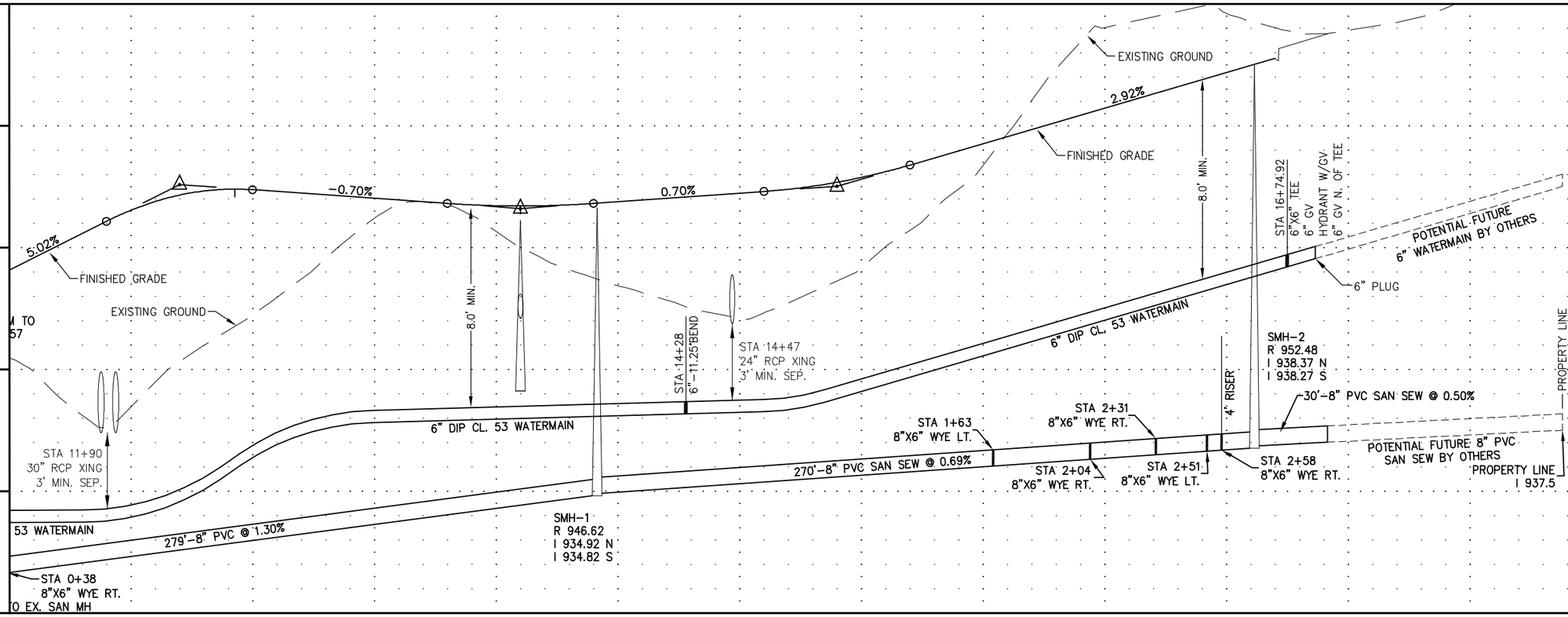
SHEET
C12



NOTES:
STA. XX+XX – WYE STATION FROM DOWNSTREAM MH
S = X.XX – SAN. STUB INVERT ELEVATION
W = X.XX – CURB BOX GROUND ELEV.

SANITARY SEWER NOTE
POTENTIAL SANITARY SEWER
TO 554 FOXWOOD LN
900' NORTH, LFE 951±, INV. 942.0
ASSUME 0.50% AVG. GRADE
INV AT P/L 937.5

SCALES:
50 FT HOR.
5 FT VERT.



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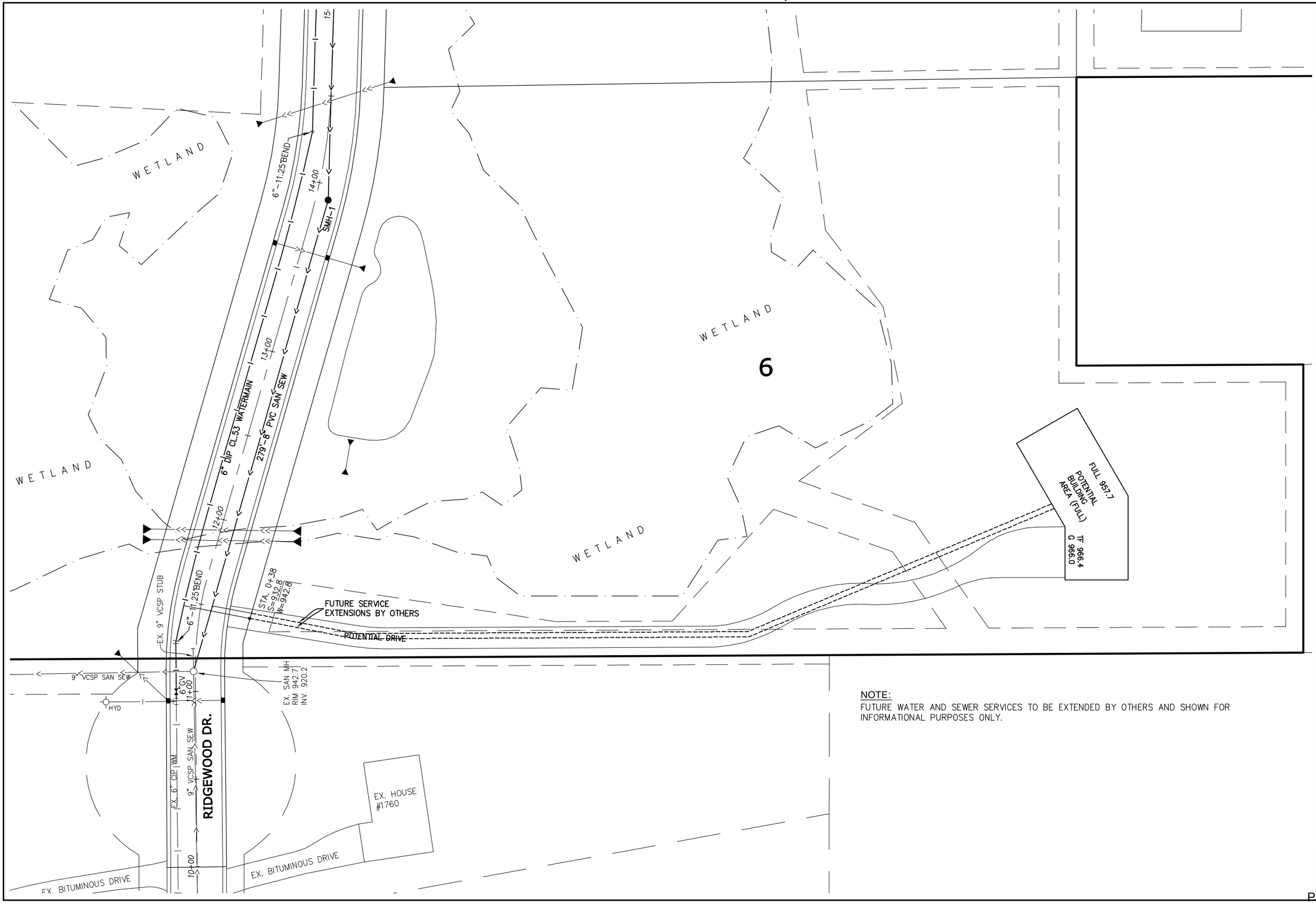
Utility Plan
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO:
202142

SHEET
C13



NOTE:
FUTURE WATER AND SEWER SERVICES TO BE EXTENDED BY OTHERS AND SHOWN FOR INFORMATIONAL PURPOSES ONLY.

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715-698-7114

SHEET TITLE & PROJECT:
Future Utility Services
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C14

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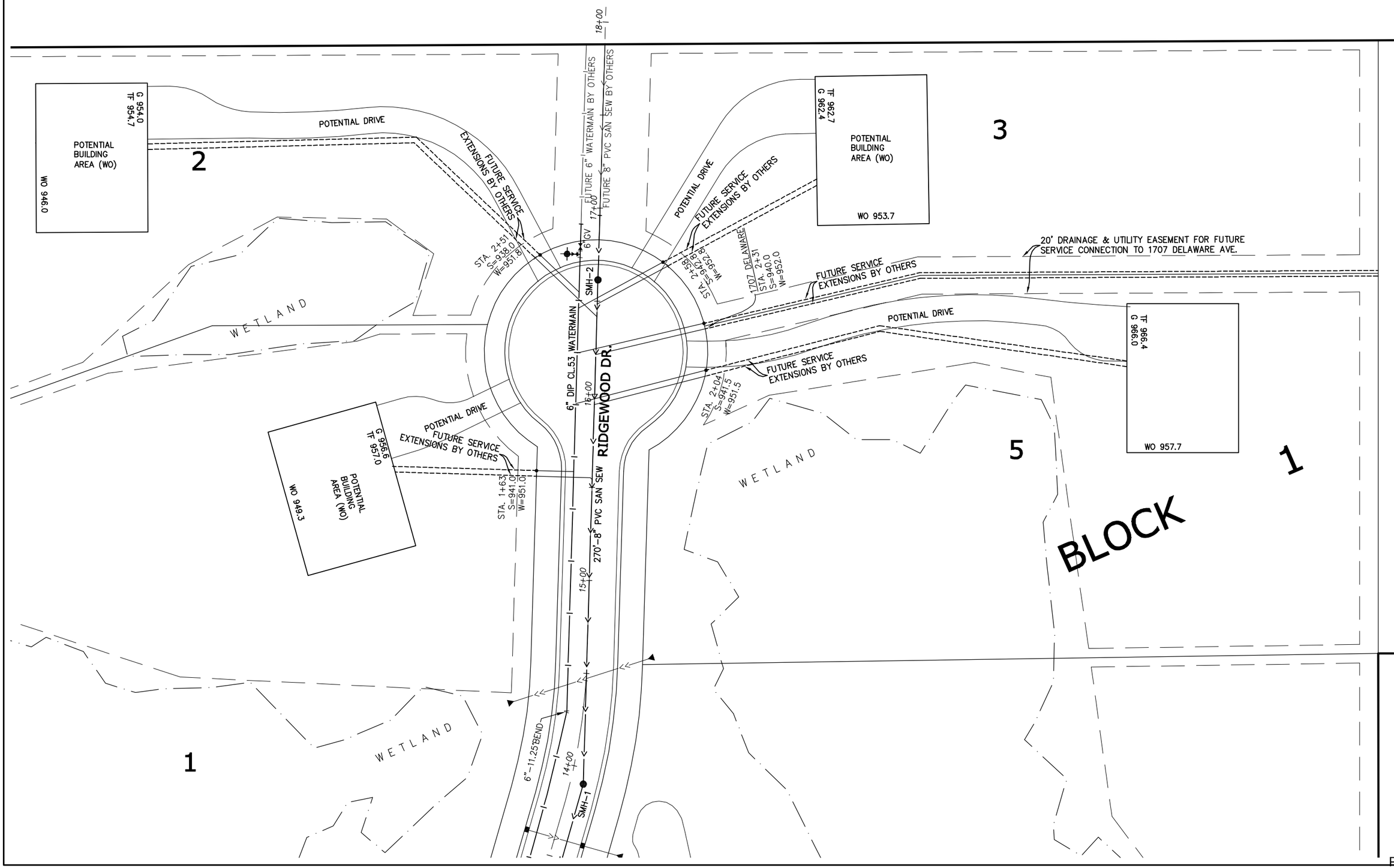

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Future Utility Services
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202142

SHEET
C15

SEE SHEET 17

PLACE BIOROLL, TYPE COMPOST ALONG 942.5 CONTOUR IMMEDIATELY AFTER SEEDING AND STABILIATION

WETLAND

WETLAND

WETLAND

WETLAND

6

POTENTIAL BUILDING AREA (FULL)
FULL 957.7
TF 966.4
G 966.0

POTENTIAL DRIVE

RIDGEWOOD DR.

EX. 9" VCSP STUB

EX. 9" VCSP SAN SEW

EX. 6" CIP WM

EX. SAN MH
RIM 942.7
INV. 920.2

EX. HOUSE
#1760

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

EX. BITUMINOUS DRIVE

0 50
Scale in Feet

TURF ESTABLISHMENT NOTES

1. 6" minimum topsoil to placed on all areas to have turf established.
2. Seed infiltration basin to 932.5 contour with MnDOT Seed Mixture 33–261. Seed upland areas with MnDOT Seed Mixture 25–141.

EROSION CONTROL BLANKET – 5833 SY
CATEGORY 25, WOOD FIBER, NATURAL NETTING ONLY, NO STRAW BLANKET ALLOWED

PERMANENT REINFORCED MAT, ROLLED
EROSION PREVENTION CAT. 70 – 26 SY

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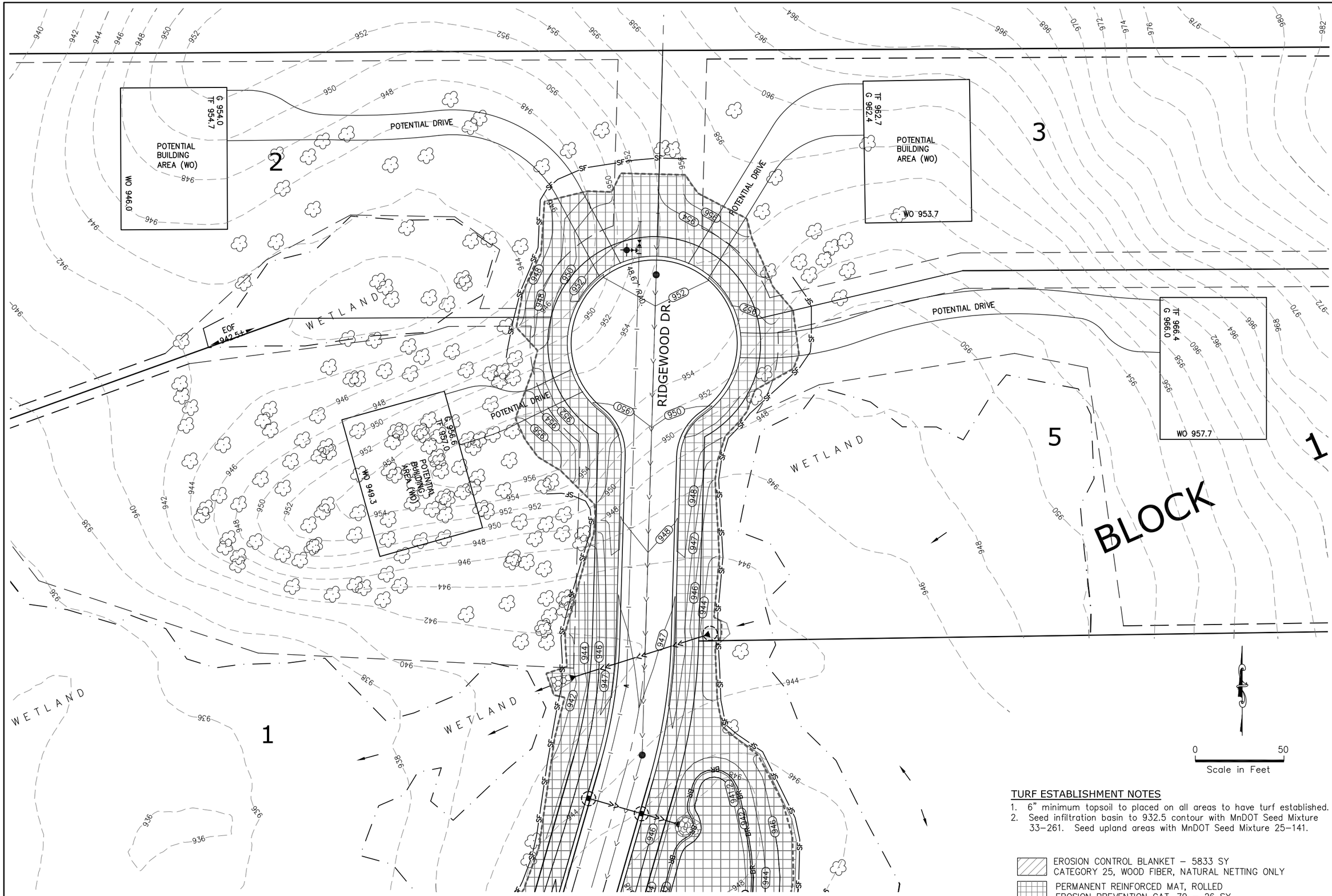
715-698-7114

SHEET TITLE & PROJECT:
Turf Establishment Plan
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C16



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CATEGORY 25, WOOD FIBER, NATURAL NETTING ONLY

PERMANENT REINFORCED MAT, ROLLED
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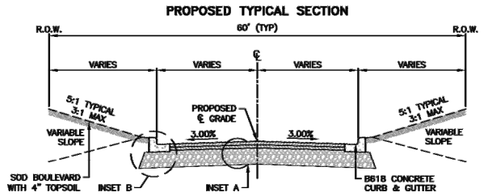
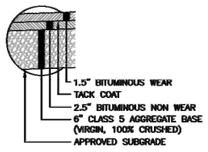
SHEET
C17

PROPOSED TYPICAL SECTION

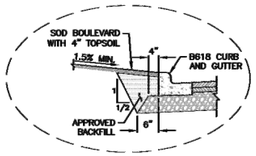


NOTE: SEE TYPICAL SECTION ON SHEET 2 FOR ADDITIONAL DETAILS

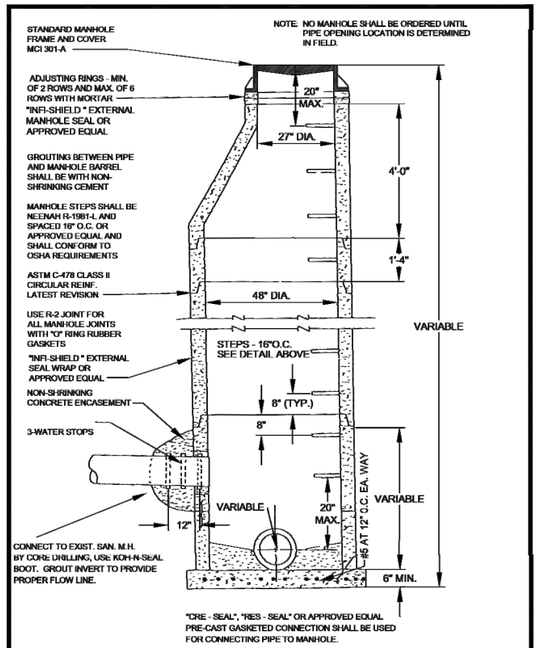
INSET A



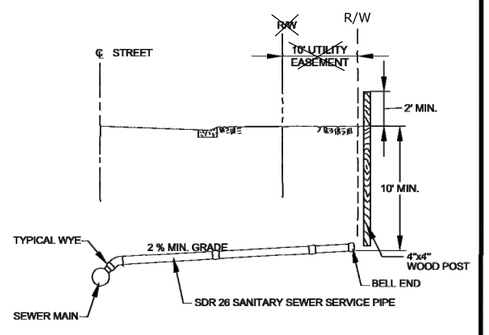
INSET B



City of Mendota Heights	TYPICAL SECTION 7 TON ROAD DESIGN	DETAIL # 1

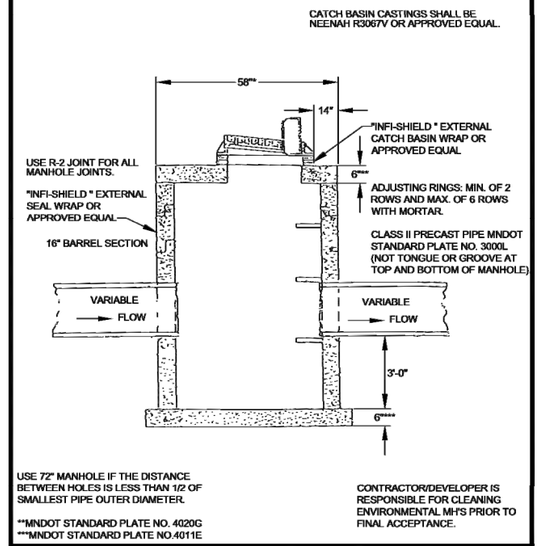


City of Mendota Heights	STANDARD MANHOLE FOR SANITARY SEWER	PLATE # 200

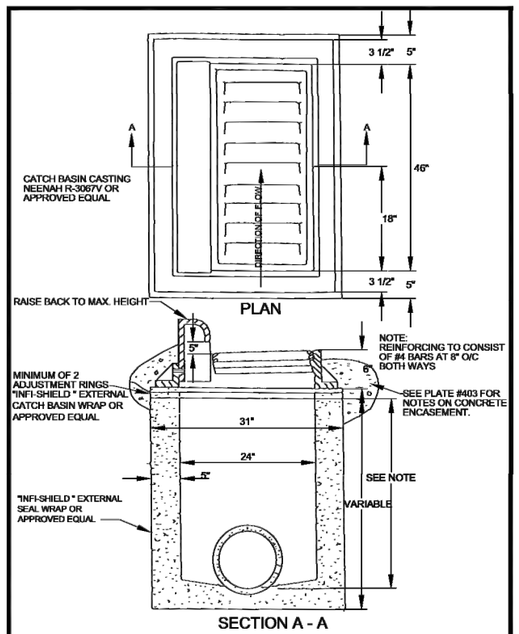


NOTE:
SEWER SERVICE CONNECTIONS FROM SDR 26 TO SCHEDULE 40 PVC PIPE WILL REQUIRE A TRANSITION FITTING.

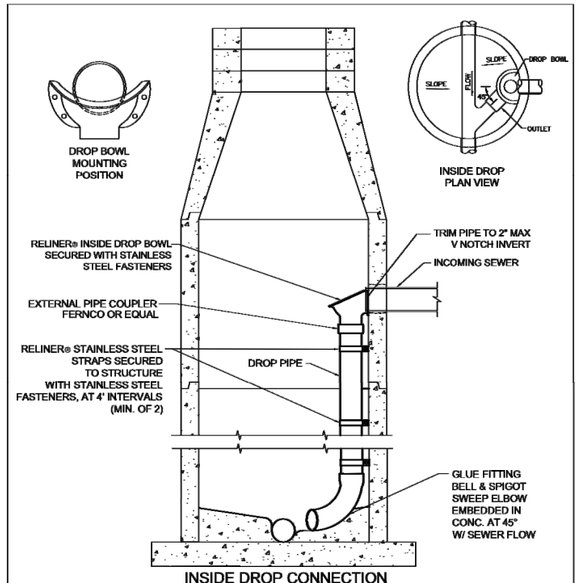
City of Mendota Heights	SANITARY SERVICE CONNECTION	PLATE # 201



City of Mendota Heights	ENVIRONMENTAL CONTROL MANHOLE FOR STORM SEWER	PLATE # 401



City of Mendota Heights	STANDARD CATCH BASIN FOR STORM SEWER	PLATE # 402

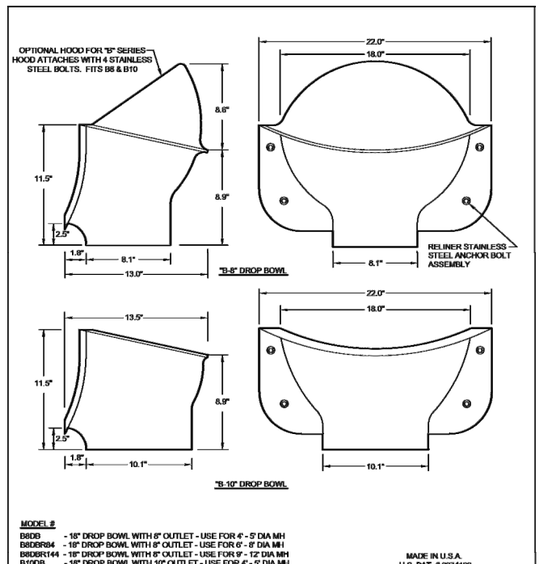


INSIDE DROP CONNECTION

NOTES:
1. ALL INSIDE DROP CONNECTIONS FOR SERVICES AND COLLECTOR SEWERS SHALL USE THE DROP BOWL AS PRODUCED BY: RELINER-DURAN, INC. 9 MATTHEWS DRIVE, UNIT A1/A2 EAST HADDAM, CT 06423 (860)434-0277 FAX: (877)434-3197
2. SECURE DROP PIPE TO MANHOLE WALL WITH RELINER-DURAN, INC STAINLESS STEEL ADJUSTABLE CLAMPING BRACKETS.

RELINER / DURAN, INC.
9 MATTHEWS DRIVE, UNIT A1/A2
EAST HADDAM, CT 06423
(800) 508-6001 FAX: (877)434-3197
WWW.RELINER.COM

DESCRIPTION	DATE	SCALE
DROP CONNECTIONS	2/25/21	NONE
	DRAWING NUMBER	DC-1



MODEL #
B8DB - 18" DROP BOWL WITH 8" OUTLET - USE FOR 4' - 5' DIA MH
B8DBR84 - 18" DROP BOWL WITH 8" OUTLET - USE FOR 6' - 8' DIA MH
B8DBR144 - 18" DROP BOWL WITH 8" OUTLET - USE FOR 9' - 12' DIA MH
B10DB - 18" DROP BOWL WITH 10" OUTLET - USE FOR 4' - 5' DIA MH
B10R96 - 18" DROP BOWL WITH 10" OUTLET - USE FOR 6' - 8' DIA MH
B10R144 - 18" DROP BOWL WITH 10" OUTLET - USE FOR 9' -12' DIA MH

THE "B-8" BOWL WILL SERVICE UP THROUGH FULL 10" INLETS. THE "B-10" BOWL WILL SERVICE UP THROUGH FULL 12" INLETS. CAN BE USED FOR 15" AND 18" INLET MODERATE FLOWS. ALL SIZES ARE FOR RETROFIT OR NEW CONSTRUCTION. FABRICATED IN MARINE GRADE FIBERGLASS AND FINISHED IN BRIGHT WHITE GEL COAT.

USE 4 RELINER ANCHOR ASSEMBLIES TO ATTACH DROP BOWL TO MANHOLE WALL. USE RELINER STAINLESS STEEL PIPE BRACKETS TO SUPPORT DOWN PIPE. EXTERNAL PIPE COUPLER REQUIRED. PROVIDE SWEEP AT DOWN PIPE OUTLET.

MADE IN U.S.A.
U.S. PAT. # 8074130
CANADIAN PAT. # 2269565

RELINER / DURAN, INC.
9 MATTHEWS DRIVE, UNIT A1/A2
EAST HADDAM, CT 06423
(800) 508-6001 FAX: (877)434-3197
WWW.RELINER.COM

DESCRIPTION	DATE	SCALE
B8 & B10 DROP BOWLS FOR ROUND WALLS	2/23/21	NONE
	DRAWING NUMBER	B8DB B10DB

Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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

PRELIMINARY – NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

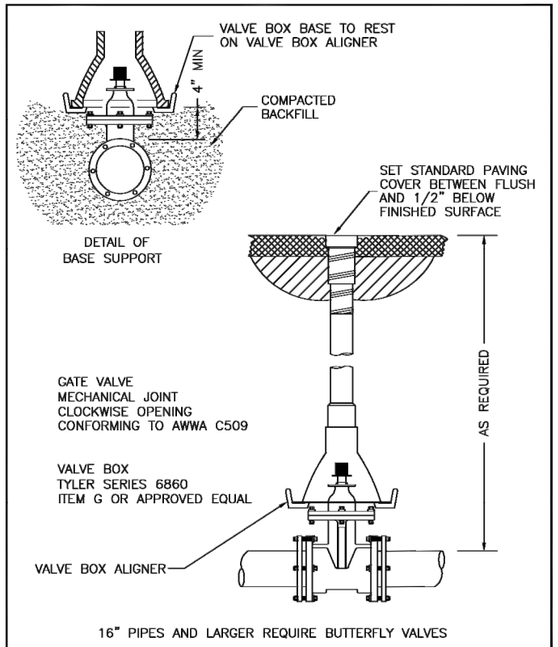
PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
City Details
MCMILLAN ESTATES
Mendota Heights, MN

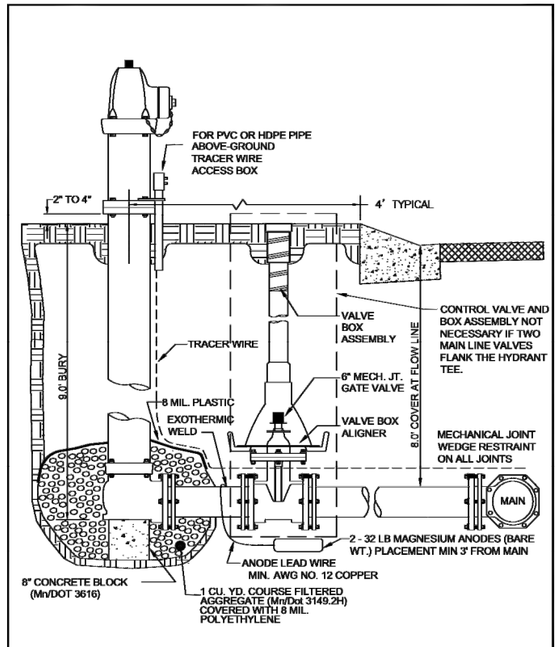
DATE	REVISION	BY

PROJECT NO:
202142

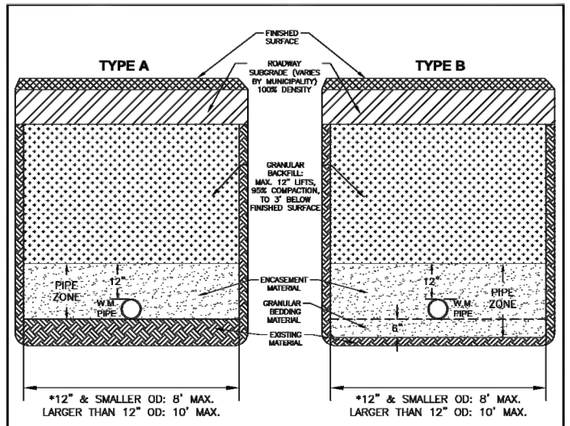
SHEET
C18



DR. LJP DATE. 01/13/2020 CH. VLH APPROVED DJS	SAINT PAUL REGIONAL WATER SERVICES ST. PAUL, MINNESOTA VALVE BOX & INSTALLATION	STANDARD PLATE D-2



DR. AMB DATE. 01/13/2020 CH. TMJ APPROVED RWH	SAINT PAUL REGIONAL WATER SERVICES ST. PAUL, MINNESOTA HYDRANT INSTALLATION	STANDARD PLATE D-3



TYPE A TRENCH TO BE CONSIDERED STANDARD TRENCH

TYPE B TRENCH TO BE IMPLEMENTED IN THE FOLLOWING CASES:

- BASE MATERIAL IS OR CONTAINS ROCK(S)
- WET CONDITIONS
- FLEXIBLE PIPE (HDPE, PEX, PVC, ETC.)
- UNSUITABLE/UNSTABLE SOILS

SPRWS TO MAKE FINAL DETERMINATION OF TRENCH TYPE AND USE OF IMPORTED BEDDING AND BACKFILL MATERIAL

* TRENCH WIDTH INCLUDING TENCH BOX

DR. AMB DATE. 02/05/2020 CH. TMJ APPROVED RWH	SAINT PAUL REGIONAL WATER SERVICES CITY OF ST. PAUL, MN WATER MAIN TRENCH DETAIL	STANDARD PLATE D-5

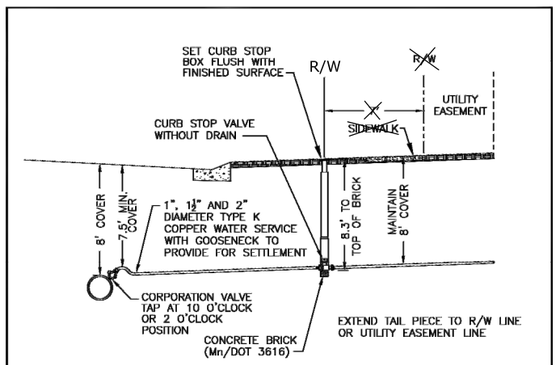
DUCTILE IRON PIPE (DIP)
WRAPPED IN POLYETHYLENE

MINIMUM FEET OF RESTRAINED PIPE REQUIRED

	7.0' COVER				8.0' COVER			
PIPE SIZE	22.5°	45°	90°	DEAD END	22.5°	45°	90°	DEAD END
4"	2	5	10	29	2	4	9	25
6"	3	6	14	41	3	6	13	36
8"	4	8	19	53	4	7	17	47
12"	6	11	26	76	5	10	23	67
16"	7	14	34	99	6	13	30	87
20"	9	17	41	121	8	16	37	107
24"	10	20	48	142	9	18	43	126
30"	12	24	58	173	11	22	52	154
36"	14	28	68	204	12	25	61	181
42"	16	32	77	232	14	29	69	207
48"	17	36	85	261	16	32	77	233

THE TABLE WAS DEVELOPED FROM CRITERIA IDENTIFIED IN THE *EBBA IRON INC.* RESTRAINED LENGTH CALCULATOR.
THE TABLE ASSUMES 150 PSI, MH. GRANULAR SOILS AND TYPE 4

DR. AMB DATE. 01/13/2020 CH. TMJ APPROVED RWH	SAINT PAUL REGIONAL WATER SERVICES CITY OF ST. PAUL, MN RESTRAINED PIPE REQUIREMENT DIP 7.0' - 8.0' EARTH COVER	STANDARD PLATE D-11 2 of 4



REFER TO SECTION 3300 FOR ADDITIONAL REQUIREMENTS

LIQUID TEFLON OR TEFLON TAPE REQUIRED AT ALL THREADED FITTINGS.

LAWN SPRINKLER

SAME AS SERVICE EXCEPT:

- CURB STOP VALVE **WITH** DRAIN
- CURB STOP BURIED WITH 2'x2'x2' CLEAN 1½" ROCK WRAPPED IN GEOTEXILE NONWOVEN FABRIC

DR. LJP DATE. 02/03/2023 CH. MGA APPROVED DJS	SAINT PAUL REGIONAL WATER SERVICES CITY OF ST. PAUL, MN TYPICAL 1", 1-1/2" AND 2" SERVICE & LAWN SPRINKLER INSTALLATION	STANDARD PLATE D-13

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

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

PRELIMINARY – NOT FOR CONSTRUCTION
CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
City Details
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET
C19

OFFICIAL PLAT

MCMILLAN ESTATES

KNOW ALL PERSONS BY THESE PRESENTS: That Spencer McMillan and Breanna McMillan, husband and wife, owners of the following described property:

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota.

Has caused the same to be surveyed and platted as MCMILLAN ESTATES, and do hereby dedicate to the public for public use forever the public ways and drainage and utility easements as created herewith.

In witness whereof said Spencer McMillan and Breanna McMillan, husband and wife, have hereunto set their hands this _____ day of _____, 20___.

_____ _____
Spencer McMillan Breanna McMillan

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Spencer McMillan and Breanna McMillan.

Signature _____
Printed Name _____
Notary Public, _____ County, Minnesota
My Commission Expires _____

I Curtiss Kallio do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20___.

_____
Curtiss Kallio, Licensed Land Surveyor, Minnesota License No. 26909

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Curtiss Kallio.

Signature _____
Printed Name _____
Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF MENDOTA HEIGHTS, STATE OF MINNESOTA

This plat of MCMILLAN ESTATES was approved and accepted by the City Council of Mendota Heights, Minnesota, at a regular meeting thereof held this _____ day of _____, 20 ___, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

By _____ _____
Mayor Clerk

COUNTY SURVEYOR, COUNTY OF DAKOTA, STATE OF MINNESOTA

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20___.

By_____
Todd B. Tollefson, Dakota County Surveyor

BOARD OF COMMISSIONERS, COUNTY OF DAKOTA, STATE OF MINNESOTA

We do hereby certify that on the ___ day of _____, the Board of Commissioners of Dakota County, Minnesota approved this plat of MCMILLAN ESTATES and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2 and pursuant to the Dakota County Contiguous Plat Ordinance.

_____ Attest _____
Chair, County Board County Treasurer - Auditor

DEPARTMENT OF PROPERTY TAXATION AND RECORDS, COUNTY OF DAKOTA, STATE OF MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20 ____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this____ day of _____, 20___.

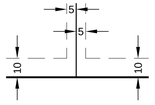
_____, Amy A. Koethe, Director
Department of Property Taxation and Records

REGISTRAR OF TITLES, COUNTY OF DAKOTA, STATE OF MINNESOTA

I hereby certify that this plat of MCMILLAN ESTATES, was filed in the office of the Registrar of Titles for public record on this_____ day of _____, 20___ at ____ o'clock ___M., and was duly filed in Book _____ of Plats, Page _____, as Document Number _____.

_____, Amy A. Koethe, Registrar of Titles

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



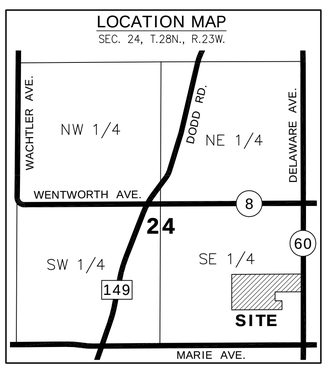
BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.

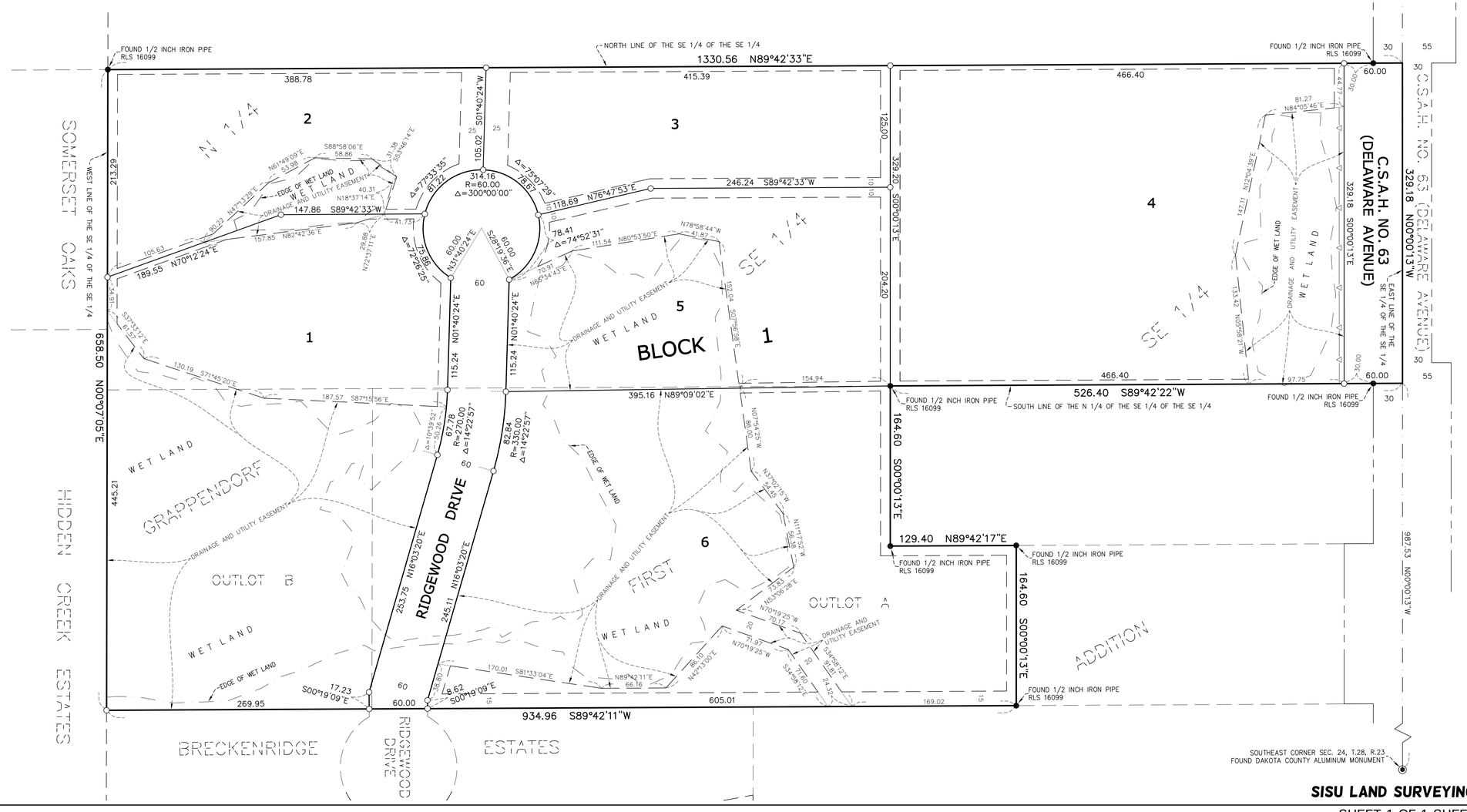
THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 24, RANGE 23, DAKOTA COUNTY, MINNESOTA IS ASSUMED TO BEAR N00°00'13"W.

0 60 120
SCALE IN FEET

- ◉ DENOTES COUNTY MONUMENT FOUND
- ● DENOTES MONUMENT FOUND AS SHOWN
- ○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.
- —△———△— DENOTES RESTRICTED ACCESS TO DAKOTA COUNTY PER THE DAKOTA COUNTY CONTIGUOUS PLAT ORDINANCE

LOCATION MAP
SEC. 24, T.28N., R.23W.





SISU LAND SURVEYING

From: Sean Fahnhorst
To: Krista Spreiter; Sarah Madden
Cc: ken.powell@state.mn.us; lewis.brockette@state.mn.us; les.lemm@state.mn.us; stephanie.levine@mendotaheightsmn.gov; sally.lorberbaum@mendotaheightsmn.gov; john.maczko@mendotaheightsmn.gov; john.mazzitello@mendotaheightsmn.gov; joel.paper@mendotaheightsmn.gov; brian.watson@co.dakota.mn.us; environ@co.dakota.mn.us; pat.lynch@state.mn.us
Subject: Re: Notice of Application - Wetland Permit for McMillan Estates
Date: Monday, May 12, 2025 9:30:17 AM
Attachments: Fahnhorst-Objection_DeMinimis_Exemption_Mendota_Heights.pdf
2025-04-14 Wetland_WCA_MN_joint_appl_form Signed.pdf
McMillan Estates_NOA_2025_4_21.pdf

RE: Objection to De Minimis Exemption Request for McMillan Estates – Wetland Impact under the Minnesota Wetland Conservation Act

Dear City Staff,

I am writing to formally object to the applicant's request for a de minimis exemption under the Minnesota Wetland Conservation Act (WCA), Minn. Stat. § 103G.222, in connection with the proposed wetland impact at Parcel ID: 27-31100-00-010, McMillan Estates, in the City of Mendota Heights.. Upon review of the project materials and applicable law, I respectfully urge the City, acting as the Local Government Unit, to deny the exemption request for the following reasons:

1. The Impact of the Wetland Destruction Will Affect Neighboring Property

A large share of the wetland proposed to be filled is located on neighboring lots, including mine. This request will directly impair others' property without any drainage or environmental analysis provided by the applicant. Unmitigated wetland fill will raise the nearby water table and irreparably change the landscape, harming neighbors. Further, decisions to fill multi-lot wetlands to build a public roadway should be made by the community, not a single landowner.

2. The Proposed Impact Exceeds De Minimis Thresholds When Viewed Cumulatively

Under Minn. R. 8420.0420, the de minimis exemption does not apply when the proposed impact is part of a larger project or a pattern of incremental wetland loss. Available site plans and permit history indicate that the applicant's proposed activity is one phase of a larger development (Breckenridge, Grapenndorf, and Hidden Creek projects), and prior wetland impacts on the same parcel and adjacent lots have already contributed to exceeding the allowable exemption threshold.

3. The Wetland Is Located Within a Regionally Significant Natural Area and Serves High Functional Value

The wetland in question is part of an interconnected system upstream from the Mississippi River Corridor Critical Area (MRCCA). According to the Lower Mississippi River Watershed Management Organization (LMRWMO) Watershed Management Plan (2021–2030), this area is designated as ecologically significant, supporting stormwater retention, groundwater recharge, and habitat for migratory species. Minn. R. 8420.0420 prohibits de minimis exemptions in wetlands of high functional value, such as those identified in local plans or state inventories.

4. The Exemption Conflicts with Local Water Management Policies

The applicant's proposal is inconsistent with the City of Mendota Heights Surface Water Management Plan, which promotes a "no net loss" policy and discourages fill activities in wetlands and buffers. That plan requires applicants to demonstrate full compliance with wetland sequencing and to avoid impacts to

high-value wetlands. Inconsistency with local water management policies precludes granting of the exemption.

5. No Reasonable Alternatives Analysis Has Been Provided

The applicant has not presented sufficient documentation that the proposed wetland impact is unavoidable. Minn. R. 8420.0515 mandates that wetland impacts be allowed only if there are no feasible and prudent alternatives. Based on review of the submitted site plan, reasonable alternatives appear to exist, such as shifting impervious surfaces or adjusting building footprints. Failure to evaluate and disclose these options is grounds for denial.

Conclusion

The de minimis exemption is intended for truly minor, unavoidable wetland impacts. In this case, the size, ecological function, cumulative context, and conflict with adopted local and regional plans clearly disqualify the proposed activity. I respectfully urge the City to enforce the Minnesota Wetland Conservation Act in accordance with its conservation purpose and deny the applicant's request for a de minimis exemption.

Sincerely,

Sean Fahnhorst

From: Linda Pontinen
To: Sarah Madden
Subject: Fwd: McMillan Estates
Date: Monday, May 12, 2025 5:03:51 PM

Dear Sarah,

We have resided at 1760 Ridgewood Drive in Mendota Heights for 49 years. We have lived and grown with the land and love and truly enjoy its great trees, wetlands, and varied wildlife. The feeling of being one with nature is an unforgettable experience enhanced by miles of hiking and cross country ski trails we had created throughout the McMillan and Ritter (now Hidden Creek) properties. We were a community of neighbors who shared these trails as though they belonged to everyone.

Please note the included wetlands map from
national wetlands inventory
revealing that we share a 320+ foot property line with the McMillan property north of us. Along this line are deer, turkeys, rabbits, foxes plus about 18 large or heritage trees, over 30 medium sized trees, and numerous small trees and bushes. These animals depend upon the veterans to survive. The trees grow on and in close proximity (both sides) to the property line, along its entire length. We invite every city council and planning committee member to hike on our land and observe these beautiful trees, wetland fields, and wildlife!

Although this proposal will not fill our land, it will fill a wetland that extends on to our land.

We are deeply concerned with the impact changes to the soil, trees, wetlands and wildlife just north of us will have on our property. The wetlands obviously dip into our property as can be observed from the map below. We, as many other neighbors, are affected by any changes to the environment.

If the wetlands are filled just north of us, how will that affect the drainage onto our property? Will the tree roots be damaged? If so, trees on our property will die. That will adversely affect the wildlife that in some cases may even cease to exist

Even worse, a potential driveway exists on the plat map a mere five feet from our property line. Building that driveway will cut down many trees and damage the roots of countless others, resulting in their eventual deaths. We've opposed that plan from the beginning and asked the driveway be moved 40-50 feet farther north. That would preserve the roots extending that far and save nearly all of the trees on or near the line, as well as preserving the future, known for years as the Super Block, the largest natural forested and wildlife area in Mendota Heights. A true legacy.

There are other concerns we have such as the creek that runs parallel to our property line that is missing on the map. It is not accurate.

Also, it appears our cul-de-sac will be filled in, reducing neighborhood use for gatherings and games while increasing traffic and the speed of passing cars. It will reduce our property

values and be more dangerous to our young children. We also question how Ridgewood drive can be extended so far north as it already exceeds the maximum allowable length?

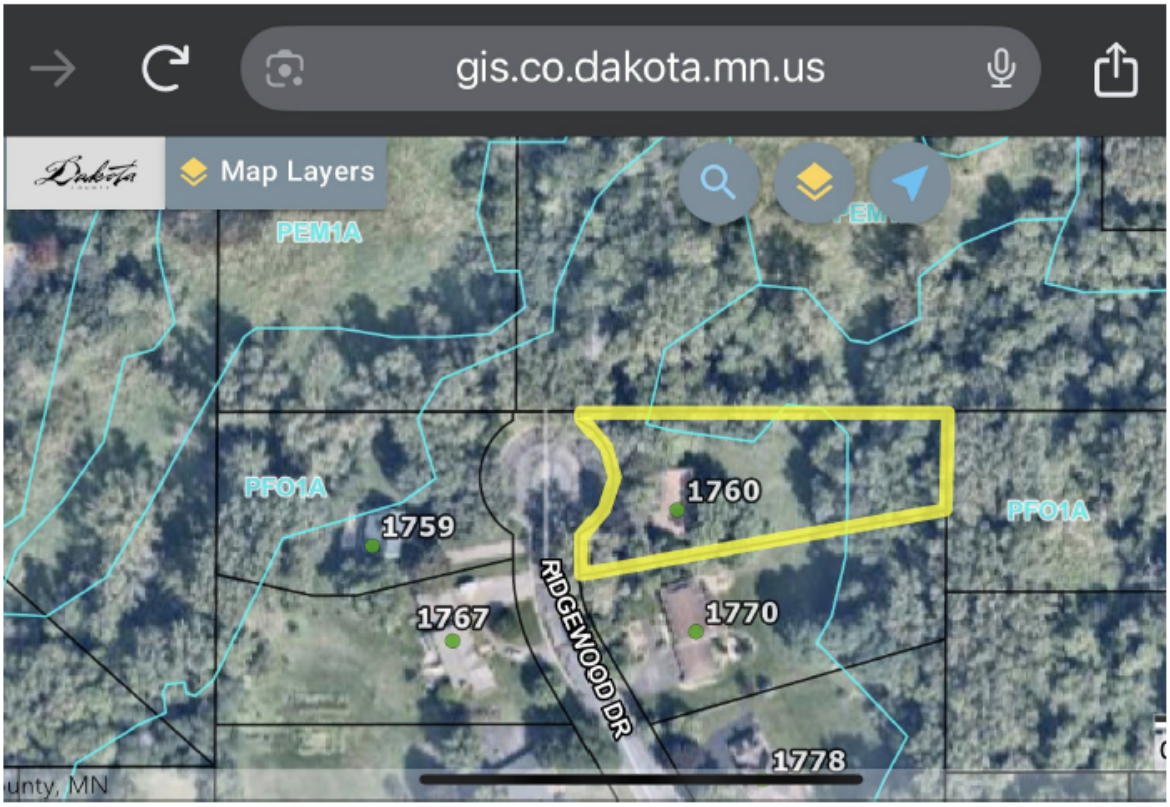
We strongly oppose any variances or exemptions to the ordinances set in place to protect our community of nature and wildlife, especially with regards to the preservation of wetlands, wildlife and heritage trees. Allowing these exemptions are inconsistent with the messages that the city has been giving about the importance of environmental protection and community.

We are grateful for how seriously and diligently our city has fought to preserve the natural environment of Mendota Heights. We sincerely applaud our mayor, council members, city planners and committees as we have observed first hand the energy, wisdom and support they have displayed to promote and preserve the natural resources of our community, which preserves the character of our land!

Please continue to support and protect our natural neighborhoods as you have done in the past.

Sincerely,

Linda and Paul Pontinen



From: Jonathan Deering <deerinjr@gmail.com>
Sent: Monday, May 12, 2025 9:15 PM
To: Krista Spreiter <KSpreiter@mendotaheightsmn.gov>
Subject: Re: Notice of Application - Wetland Permit for McMillan Estates

Good Evening Krista,

I am writing to formally share my concerns regarding the proposed McMillan Estates subdivision, particularly as it relates to potential impacts on the wetland complex located near Ridgewood Drive and Hidden Creek Trail.

1. De Minimis Exemption and Hidden Creek Cumulative Impact

It is my understanding that the neighboring Hidden Creek development, built in 2004, contributed to significant prior impacts on the shared wetland basin of this current proposal. I have not received communications in response to my prior inquiry on this topic, but assuming this is the case, any **cumulative impact analysis** under Minnesota Rule 8420.0420 must account for those effects and would show that the basin has already exceeded allowable thresholds for a de minimis exemption.

If Hidden Creek's impact does not, in your judgment, disqualify the McMillan Estates proposal from seeking a de minimis exemption, then I respectfully request that your office **clearly communicate** to the applicant — and the public — the **required steps** and **contingency plan** if, during construction, even a modest overage occurs (e.g., exceeding the permitted impact buffer, which as proposed sits at <10 square feet). Given the extremely narrow margin proposed, the likelihood of unintended impact seems high, and it is my request that **a full mitigation and sequencing plan should be prepared** rather than handled retroactively.

2. Wetland Quality and Functional Integrity

The wetlands in this area serve as a vital natural resource, providing not only ecological value but also critical regional **water management functions**, including groundwater recharge, stormwater filtration, and flood mitigation. The proposed development risks degrading these functions by introducing additional impervious surface area, altering hydrology, and fragmenting natural systems. As the lowest lying house in the proposed development area, this is of **serious concern** to me. Current proposed plans show stormwater management plans that would release the additional water from the extended cul-de-sac back to the current cul-de-sac, along my property line. The approval of a de minimus exception that negates to fully investigate and appreciate the impact the developer's proposal would have on water management from the proposed impacts on the wetland unnecessarily exposes the city and developer to legal risks if the exception and proposed plan leads to damages to neighboring properties.

3. Critical Wildlife Habitat and Corridor Disruption

The wetland and adjacent wooded areas form an essential **wildlife corridor** supporting a

wide range of species including deer, coyotes, foxes, hawks, eagles, ducks, amphibians, and turkeys. This habitat provides breeding grounds, migration stopover points, and foraging opportunities. Disruption or fragmentation of this space could irreversibly reduce local biodiversity and undermine decades of ecological stewardship in the Mendota Heights area.

Request for Consideration

I ask that your office give full consideration to these concerns in any decision-making process and that a formal evaluation of:

- Cumulative impacts from prior adjacent development,
- Risk of buffer overages leading to WCA non-compliance, and
- Wildlife habitat value and wetland functionality

…be conducted and communicated clearly with the applicant and broader community.

Please confirm receipt of this message and let me know how I can stay informed of any upcoming meetings, hearings, or decision timelines related to this proposal.

Sincerely,
Jonathan Deering
1759 Ridgewood Drive

McMillan Estates development

JL

Jill Lipset <jill.lipset@tphmn.com>
To Sarah Madden
Cc Max Lipset

Reply | Reply All | Forward

Tue 5/13/2025 4:12 PM

Follow up. Start by Wednesday, May 14, 2025. Due by Wednesday, May 14, 2025.
If there are problems with how this message is displayed, click here to view it in a web browser.

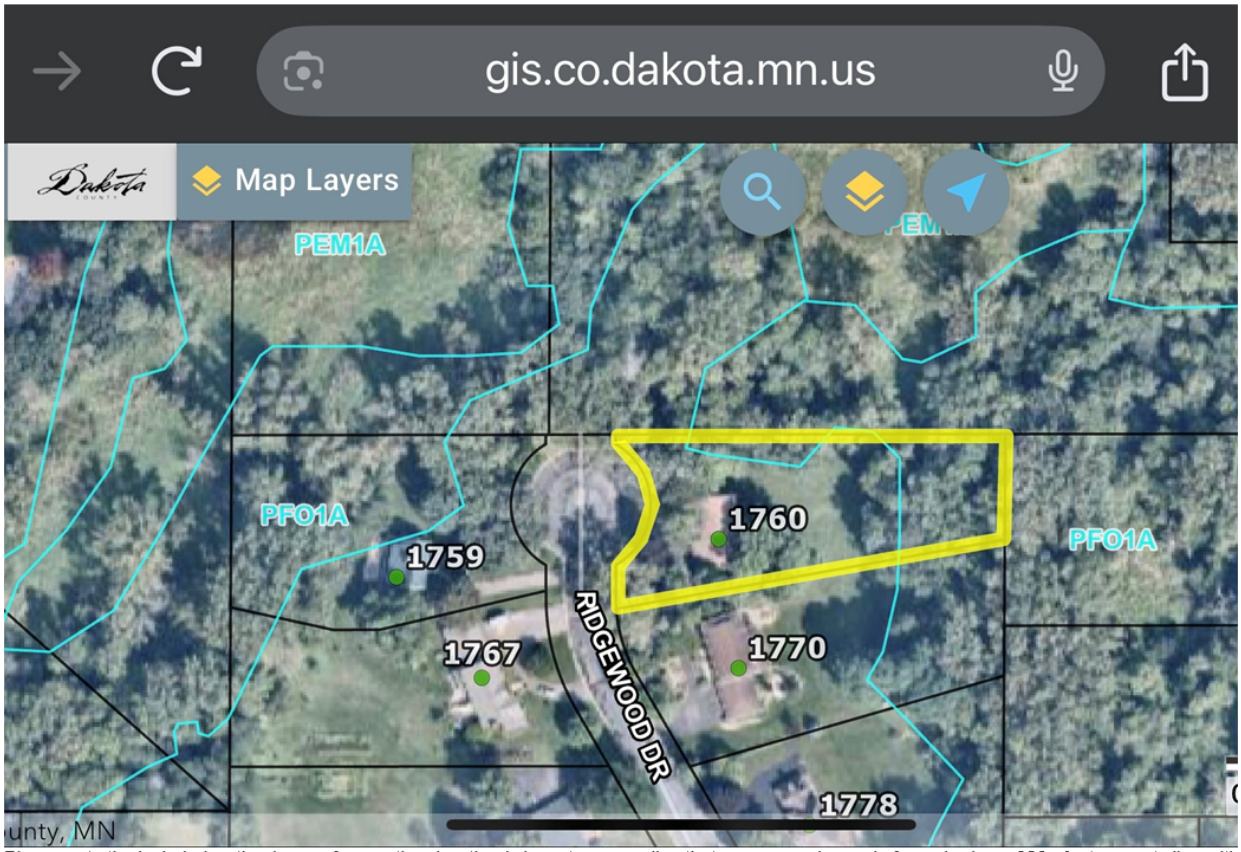
Hi Sarah,

My name is Jill Lipset and my family and I are the new residents at 1770 Ridgewood Drive (closed on March 8, 2025). Prior to that we lived at 1521 Dodd Road for ten years, and I grew up in the Copperfield neighborhood of Mendota Heights, where my mom still resides. We are active and involved community members and have cherished raising our kids and building our lives here.

Upon moving into our new house, we were informed by the neighbors about the ongoing battle regarding the development rights of the wetlands by McMillan properties. Given that the natural lands were an absolute major reason why we bought the property, it was extremely troubling to learn that this was in jeopardy. As a longtime resident of Mendota Heights, I have been proud of commitment to preserving natural land and keeping the city a place where families of different incomes can reside, and trees, fresh air, and animals are valued and respected. This is what has made this place a generational neighborhood that is unique to the Twin Cities. Even prior to learning about the McMillan Estates development plans, I have noticed the trend of new builds in the city that are changing the character of Mendota Heights. Living on/near Dodd & Wentworth for ten years with seeing a handful or so of knock-downs and rebuilds of massive houses happen, there was a recent explosion of these 1-2 million dollar houses in the past year. It sounds like the McMillan Estates plan is on track with this new trend, and it is super disappointing and concerning that this is being allowed to take place. These protected wetlands deserve to be kept for generations to come, rather than turned into another multi-million dollar single family home. Below is some language written by a neighbor that goes into more details about the proposed development and the destruction it would cause.

As one small example....we moved in March and my younger daughter could not yet ride a bike. We lived on busy Dodd road and she wasn't confident yet to try. Within two weeks of us moving to 1770 Ridgewood Drive, she taught herself to bike in the cul de sac with the younger neighbor kids cheering her on. This would never have happened if the cul de sac was filled in and turned into a through road. We were so excited for this to be our forever home with such amazing privacy, and this is such a disappointment. Please do what you can to prevent this development from happening and please be sure to update residents with all news pertaining to this project.

Thank you,
Jill & Max Lipset
651-216-1746
1770 Ridgewood Drive



Please note the included wetlands map from national wetlands inventory revealing that we are one house in from sharing a 320+ foot property line with the McMillan property north of us. Along this line are deer, turkeys, rabbits, foxes plus about 18 large or heritage trees, over 30 medium sized trees, and numerous small trees and bushes. These animals depend upon the veterans to survive. The trees grow on and in close proximity (both sides) to the property line, along its entire length. We invite every city council and planning committee member to hike on our land and observe these beautiful trees, wetland fields, and wildlife!

Although this proposal will not fill our land, it will fill a wetland that extends on to our land.

We are deeply concerned with the impact changes to the soil, trees, wetlands and wildlife just north of us will have on our property. The wetlands obviously dip into our property as can be observed from the map below. We, as many other neighbors, are affected by any changes to the environment.

If the wetlands are filled just north of us, how will that affect the drainage onto our property? Will the tree roots be damaged? If so, trees on our property will die. That will adversely affect the wildlife that in some cases may even cease to exist

Even worse, a potential driveway exists on the plat map a mere five feet from our property line. Building that driveway will cut down many trees and damage the roots of countless others, resulting in their eventual deaths. We've opposed that plan from the beginning and asked the driveway be moved 40-50 feet farther north. That would preserve the roots extending that far and save nearly all of the trees on or near the line, as well as preserving the future, known for years as the Super Block, the largest natural forested and wildlife area in Mendota Heights. A true legacy.

There are other concerns we have such as the creek that runs parallel to our property line that is missing on the map. It is not accurate.

Also, it appears our cul-de-sac will be filled in, reducing neighborhood use for gatherings and games while increasing traffic and the speed of passing cars. It will reduce our property values and be more dangerous to our young children. We also question how Ridgewood drive can be extended so far north as it already exceeds the maximum allowable length?

We strongly oppose any variances or exemptions to the ordinances set in place to protect our community of nature and wildlife, especially with regards to the preservation of wetlands, wildlife and heritage trees. Allowing these exemptions are inconsistent with the messages that the city has been giving about the importance of environmental protection and community.

We are grateful for how seriously and diligently our city has fought to preserve the natural environment of Mendota Heights. We sincerely applaud our mayor, council members, city planners and committees as we have observed first hand the energy, wisdom and support they have displayed to promote and preserve the natural resources of our community, which preserves the character of our land!

Please continue to support and protect our natural neighborhoods as you have done in the past.

From: Dana Johnston
To: Sarah Madden
Subject: McMillan Estates planning case No. 2025-03
Date: Thursday, May 22, 2025 1:14:53 PM

From our home on Delaware Ave, looking to the west, I am saddened to think of how much the character of our neighborhood will change by the impending McMillan Estates development. The integrity of the Super Block could be forever destroyed. Gone will be much of the natural setting with its trees, views, wildlife and privacy that have made our neighborhood unique (and the reason most of us chose to live here).
As I think back on the past several years of Planning Commission and City Council meetings, I am struck by the disparity in time, effort, and resources that the city "staff" has devoted to getting Mr McMillan's development approved. I guess that's what they do, they develop. And what was originally 1-2 lots is now 6! But what of all the concerned neighbors who feel they have no voice? Who on "staff" helps us, the many affected homeowners, who desperately wish for this development to be denied?
I sincerely hope that it's not too late to change course. Just because an area "can" be developed does not mean that it should be. Hopefully, the Planning Commission and City Council will see the wisdom in denying this proposal (regardless of how much time "staff" has devoted), standing up for homeowners and helping to preserve this natural land and the character of our neighborhood.
Sincerely,
Will and Dana Johnston
1769 Delaware Ave.

From: PATRICK WICKER
To: Sarah Madden
Subject: Notice of Public Hearing - Planning Case No. 2025-03
Date: Sunday, May 25, 2025 6:14:48 PM

Sarah,
We are writing in reference to Planning Case No. 2025-03. While this new attempt to subdivide the subject properties (Parcel IDs: 27-02400-78-010, 27-31100-00-020, and 27-31100-00-010 [represented as a combined group of 16.63 acres]) located at 1707 Delaware Ave no longer creates a public road which would serve as a private drive to two homes or one home like previous attempts to subdivide this lot (Planning Cases No. 2024-01 and 2021-19 respectively), we again **oppose** the subdivision.
We are also frustrated with this process as clearly the applicants are planning to submit plans until they are approved. While we understand their desire to make money from subdivision and development of their land, many others intentionally purchased land here **BECAUSE** of the nature and wildlife that surround us and which is a hallmark of Mendota Heights. Where is the wildlife supposed to live when we keep developing their homes? Maybe we can start a coyote adoption program?
If the city decides to approve, we have a suggestion - why not simply pave the entire city - that way we can fit as much housing as possible into the city and increase our tax base.
Regards,
Patrick and Jennie Wicker

From:	Sean Fahnhorst
To:	Litton Field; Jason Stone; Patrick Corbett; Cindy Johnson; Jeff Nath; Brian Udell; Steve Goldade
Subject:	Fahnhorst Public Comment on CASE No. 2025-03 Preliminary Plat Application of Spencer McMillan
Date:	Monday, May 26, 2025 10:57:56 PM
Attachments:	Living Streets Worksheet.pdf

Public Comment on CASE No. 2025-03 Preliminary Plat Application of Spencer McMillan for a Preliminary Plat of three (3) existing parcels into six (6) single-family residential parcels located at 1707 Delaware Avenue and its adjacent vacant parcels

My name is Sean Fahnhorst and I live at 1767 Ridgewood Drive. I'd like to speak in favor of several commonsense conditions that will improve this proposal and make it consistent with city code and policy.

First, this proposal requires city staff to provide an exemption to the state's Wetland Conservation Act. This optional exemption would allow the applicant to fill a wetland shared by many neighboring properties, including my own, without any mitigation or environmental analysis. Filling wetland to build this public road will raise the nearby water table, pushing water into neighboring yards and basements without any recourse. **The planning commission should insist this proposal fully comply with the Wetland Conservation Act without any exemptions.**

Second, this proposal removes 82 significant trees—meaning they are healthy and larger than a foot in diameter—without a plan to replace them. The text of the city's urban forestry ordinance is clear: trees benefit neighborhoods by providing erosion control, wildlife habitat, cooler surface temperatures, increased property values, and aesthetic beauty. **The planning commission should insist that all required tree replacement occur onsite.** Offsite tree replacement does nothing to mitigate the damage the tree removal will cause to this neighborhood.

Third, the city should live up to the commitments it made in its own Living Streets Policy. Two years ago, city staff stood in front of the planning commission, natural resources commission, and city council, and committed to:

- Engage with the community and stakeholders throughout the planning, design, and construction of all streets.
- Identify opportunities to feasibly improve quality of life aspects by reducing environmental impacts or improving sustainability.
- Include safe, convenient, and comfortable travel and access for users of all ages and

abilities, regardless of their mode of transportation.

Despite the City Council passing this policy, none of these factors are present in this proposal. **The planning commission should insist that city staff complete the engagement worksheet (attached) they created to analyze new road construction projects.** Ignoring this process now will damage the community's trust in its public servants and government.

Thank you for your time.

From:	Sean Fahnhorst
To:	Litton Field; Jason Stone; Patrick Corbett; Cindy Johnson; Jeff Nath; Brian Udell; Steve Goldade
Cc:	Stephanie Levine; Sally Lorberbaum; John Maczko; John Mazzitello; Joel Paper; Sarah Madden; Krista Spreiter; Ryan Ruzek; Cheryl Jacobson
Subject:	Follow-Up to Planning Commission Request
Date:	Thursday, May 29, 2025 2:30:51 PM
Attachments:	Full Living Streets Policy and Worksheet - Adopted by City Council.pdf City-of-Mendota-Heights-Rain-Garden-Brochure-PDF.pdf

Mendota Heights Planning Commission,

Thank you for the opportunity to share at Tuesday's meeting. I wanted to follow up on your request for more information about the city's policies regarding wetlands. I found several references in the city's Surface Water Management Plan, linked below, to wetland replacement requirements (sometimes known as no-net-loss). I see these requirements as intentionally redundant, appearing in both state law and city policy to ensure they are consistently followed.

Surface Water Management Plan (PDF)

(Page 34)
5.3. City of Mendota Heights SWMP Goals and Policies
5.3.3.2. Policies 1. The neighborhood and regional benefits of wildlife habitat and aesthetics should be considered in any proposal to alter or eliminate wetlands, understanding that wetland elimination without mitigation is precluded by state law and understanding that even mitigated wetland impacts must meet strict sequencing guidelines.

(Page 36)
5.3.6.2. Policies
2. Discourage wetland disturbance. Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of equal public value, as permitted by the WCA.

(Page 36)
5. Require that a wetland assessment be prepared for any project that includes a wetland. Minnesota Routine Assessment Methodology for evaluating wetland function is the required method of assessment.

Additionally, there was some discussion regarding the city's Living Streets Policy adopted by the City Council in March 2024 (full text attached). While I appreciate staff's consideration of street width, I think there are several more important elements of the policy relevant for the McMillan street proposal. Specifically:

- Guideline 6: Engage with the community and stakeholders throughout the planning, design, and construction of all streets to ensure the needs and concerns of all users are considered and addressed. Concerns about children's safety and environmental damage were consistently voiced last night.
- Guideline 2 and 4: Encourage the use of sustainable modes of transportation, such as walking and biking, by providing safe and convenient infrastructure for those modes. This could include sidewalks or trails safe for children that ideally interconnect with other city paths.

- Guideline 7: Identify any opportunities to feasibly improve quality of life aspects by reducing environmental impacts or improving sustainability. This could include street trees, rain gardens, and wetland restoration.
- Guideline 3: Prioritize the safety of all users. This could include traffic calming improvements like bumpouts or safe places to play like a parklet.

All these elements are well within the scope of this road development. For example, sidewalks and bumpouts are feasible for Ridgewood Drive and recommended in the city's official Bike and Pedestrian plan. Similarly, rain gardens are regularly incorporated in stormwater projects through the city's BLVD Rain Garden Program (details attached). Street trees are a logical way to meet replacement requirements, and wetland restoration on Outlot A could help comply with mitigation/replacement laws. Lastly, because Ridgewood Drive is noted as a "park system gap" on page 62 of the latest Park System Master Plan, it could be more appropriate to re-designate the $24,000 park improvement fee to neighborhood upgrades, like a multimodal trail or pocket park in the new development.

Thank you for your time,
Sean Fahnhorst
952-393-3707

Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

Regulatory Review Structure

Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

Submission Instructions

Send the completed joint application form and all required attachments to:

U.S Army Corps of Engineers. Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at: http://www.mvp.usace.army.mil/Missions/Regulatory.aspx and select "Minnesota" from the contact Information box. Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

Section 401 Water Quality Certification: Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

Wetland Conservation Act Local Government Unit: Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site (www.bwsr.state.mn.us) to determine the appropriate LGU.

DNR Public Waters Permitting: In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (https://webapps11.dnr.state.mn.us/mpars/public/authentication/login). Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Spencer McMillan
Mailing Address: 1707 Delaware Avenue, Mendota Heights, MN 55118
Phone: 715-698-7114
E-mail Address: SMcMillan@McMillanElectric.com

Authorized Contact (do not complete if same as above):
Mailing Address:
Phone:
E-mail Address:

Agent Name: Lucius Jonett, Midwest Wetland Improvements
Mailing Address: P.O. Box 448, Victoria, MN 55386
Phone: 952-261-9990
E-mail Address: lucius@midwestwetlands.com

PART TWO: Site Location Information

County: Dakota **City/Township:** Mendota Heights
Parcel ID and/or Address: 27-02400-78-010, 1707 Delaware Avenue, Mendota Heights, MN 55118
Legal Description (Section, Township, Range): SECTION 24 TWN 28 RANGE 23
Lat/Long (decimal degrees): 44.894271/-93.107408
Attach a map showing the location of the site in relation to local streets, roads, highways.
Approximate size of site (acres) or if a linear project, length (feet): 12 acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted ***prior to*** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

Homeowner is subdividing land for residential lot development. A Wetland Delineation Report was completed on 6/22/2021. A stream feature worksheet was completed on 5/19/2025 for the drainage feature identified in the wetland delineation report. Design plans for preliminary plat, dated 4/07/2025, show project location and proposed wetland and channel impacts. All documents are attached in appendix B.

PART FOUR: Aquatic Resource Impact[1] Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	**Aquatic Resource Type** (wetland, lake, tributary etc.)	**Type of Impact** (fill, excavate, drain, or remove vegetation)	**Duration of Impact** Permanent (P) or Temporary (T)[1]	**Size of Impact**[2]	**Overall Size of Aquatic Resource** [3]	**Existing Plant Community Type(s)** in Impact Area[4]	**County, Major Watershed #, and Bank Service Area #** of Impact Area[5]
Basin 1 – Area 1	Wetland	Fill	P	1,315 sq ft	3.55 acres	Wet Meadow	Dakota, Watershed 20, BSA 7
Basin 1 – Area 2	Wetland	Fill	P	467 sq ft	3.55 acres	Wet Meadow	Dakota, Watershed 20, BSA 7
Basin 1 – Area 3	Wetland	Fill	P	388 sq ft	3.55 acres	Wet Meadow	Dakota, Watershed 20, BSA 7
Unnamed Stream	Stream tributary	Tier 4 – short length of culvert pipe (fill)	P	60 linear feet, 6’ x 60’ = 360 sq ft	185 linear feet, 6’ x 185’ = 1,110 sq ft	Forested stream riparian vegetation.	Dakota, Watershed 20, BSA 7

[1]If impacts are temporary; enter the duration of the impacts in days next to the “T”. For example, a project with a temporary access fill that would be removed after 220 days would be entered “T (220)”.
[2]Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).
[3]This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter “N/A”.
[4]Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3rd Ed. as modified in MN Rules 8420.0405 Subp. 2.
[5]Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

No impacts have occurred.

[1] **The term “impact” as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.**

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: _____ Date: May 22, 2025

Spencer McMillan

I hereby authorize Lucius Jonett to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

Attachment B
Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part ***if*** you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR ***if*** you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

WCA de minimis exemption – MN Rule 8420.0420, Subp. 8

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

The proposed activity involves the permanent fill impact to wetland of approximately 2,170 square feet (0.05 acres) to establish roads, driveways and residential home building sites as part of a subdivision project. The property is situated within Dakota County in Minnesota that is classified as having less than 50% of its pre-settlement wetlands remaining. The project site is not located within a shoreland area as defined by Minnesota Rules.

Pursuant to Minnesota Rule 8420.0420, Subpart 8, (2024 WCA Statute Changes) the activity qualifies for the Wetland Conservation Act (WCA) de minimis exemption. This rule allows up to 2,178 square feet of wetland impact per project in non-shoreland areas within less than 50% wetland counties, provided other eligibility requirements are met.

The following conditions are met for this exemption:

1. Area of Impact: The proposed wetland conversion does not exceed the de minimis exemption in non-shoreland, <50% wetland counties.
2. Cumulative Impact: These proposed wetland impacts account for the cumulative road and utility impacts of the current, proposed subdivision phase of the project. Plus the potential home/driveway construction impacts of future individual homeowner construction phases of the project.

Based on these factors, the activity meets the requirements for the de minimis exemption under the WCA and does not require replacement, sequencing, or additional mitigation measures.

The proposed activity also includes a Severity Tier 4 channel impact for the installation of a short length of culvert pipe for a driveway crossing the unnamed stream channel to a home building site. The linear foot threshold for Tier 4 impacts is 200 LF before mitigation is required.

Attachment C
Avoidance and Minimization

Project Purpose, Need, and Requirements. Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

Home owner is subdividing land for residential lot development. A Wetland Delineation Report was completed on 6/22/2021. A stream feature worksheet was completed on 5/19/2025 for the drainage feature identified in the wetland delineation report. Design plans for preliminary plat, dated 4/07/2025, show project location and proposed wetland and channel impacts. All documents are attached in appendix B.

Avoidance. Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

The proposed subdivision site contains wetland basin with a tributary stream channel that flows into it, creating a natural barrier along the south portion of the property between the developable upland areas. In planning access to the remainder of the site, multiple on-site avoidance measures were considered to minimize and avoid impacts to aquatic resources. These included reviewing layout options that concentrate development on the north and east side of the basin and channel while leaving the southern portion undeveloped. However, full avoidance would require forgoing access to the site, making it infeasible given the project's objectives. Two project alternatives that avoid all impacts to aquatic resources were considered: (1) an alternative site layout that clusters all development on the eastern uplands and leaves the southern portion as permanent open space; and (2) the no-build alternative, which would result in no impacts but would also eliminate the proposed housing and associated public infrastructure objectives. While both alternatives avoid direct impacts, they are not prudent for achieving the purpose and need of the project. The selected alternative minimizes impacts by reducing the crossing width and locating it at the narrowest portion of the channel and wetland, combined with construction methods designed to protect hydrology and habitat connectivity.

Minimization. Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

To minimize unavoidable impacts to the wetland basins and tributary stream channel located in the southern portion of the subdivision site, the proposed project has incorporated several design modifications. The location of the new cul-de-sac and driveway access crossings were strategically selected at the narrowest points of wetland and channel impact to reduce the width of fill and overall disturbance. The crossings will utilize culvert designs that preserve base flow connectivity and minimize alteration of stream hydrology and aquatic organism passage. Roadway grades and alignments were adjusted to reduce the footprint of the crossing embankment and avoid unnecessary encroachment into adjacent wetland areas. Stormwater from the new road surface will be treated through an infiltration basin before discharge to adjacent aquatic resources, further reducing pollutant loading. Construction will follow best management practices to minimize sedimentation and erosion, and all disturbed areas will be promptly stabilized and restored with native vegetation.

Off-Site Alternatives. An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

MCMILLAN ESTATES

PRELIMINARY PLAT

SEE THE CONSTRUCTION PLANS FOR GRADING, DRAINAGE, STREET, SANITARY SEWER, AND WATERMAIN FOR FOR DETAILED IMPROVEMENTS

LEGAL DESCRIPTION

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota.

OWNER/DEVELOPER

SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114

ENGINEER/SURVEYOR

SISU LAND SURVEYING AND ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
5821 HUMBOLDT AVE. N.
BROOKLYN CENTER, MN 55430
CONTACT: WAYNE JACOBSON
612-802-6619

NOTE: DELINEATOR HAS RETIRED.

ZONING INFORMATION

EXISTING ZONING = R-1A
MINIMUM LOT SIZE = 30,000 SQ. FT.
MINIMUM LOT WIDTH = 125 FEET
MINIMUM FRONT YARD SETBACK = 40 FEET
MINIMUM SIDE YARD SETBACK = 15 FEET OR 1/2 THE HEIGHT OF STRUCTURE CONTIGUOUS TO STRUCTURE, WHICHEVER IS GREATER
MINIMUM REAR YARD SETBACK = 30 FEET OR 20% OF AVG. LOT DEPTH, WHICHEVER IS GREATER

PLAT AREAS

TOTAL PLAT AREA = 16.63 ACRES
PROPOSED LOT 1, BLOCK 1 = 158,544 SF = 3.64 ACRES
PROPOSED LOT 2, BLOCK 1 = 61,652 SF = 1.42 ACRES
PROPOSED LOT 3, BLOCK 1 = 53,242 SF = 1.22 ACRES
PROPOSED LOT 4, BLOCK 1 = 153,532 SF = 3.52 ACRES
PROPOSED LOT 5, BLOCK 1 = 77,002 SF = 1.77 ACRES
PROPOSED LOT 6, BLOCK 1 = 162,659 SF = 3.73 ACRES

PROPOSED RIGHT OF WAY
RIDGEWOOD DRIVE = 38,158 SF = 0.88 ACRES
DELAWARE AVE. = 19,751 SF = 0.45 ACRES

WETLANDS

WETLANDS HAVE BEEN DELINEATED AS SHOWN. 2170 SQ. FT. OF WETLANDS WILL BE IMPACTED FOR THE RIDGEWOOD DR. EXTENSION AND FUTURE DRIVES. PER DEMINIMUS RULES, NO WETLAND MITIGATION IS REQUIRED. A 25 FEET AVERAGE WETLAND BUFFER IS SHOWN WITH A MINIMUM BUFFER WIDTH OF 10 FEET. TOTAL 25 FEET BUFFER REQUIRED = 75,504 SF, TOTAL BUFFER PROVIDED = 75,609 SF.

PROPOSED IMPROVEMENTS

RIDGEWOOD DRIVE WILL BE EXTENDED TO PROVIDE ACCESS AND UTILITY CONNECTIONS FOR LOTS 1, 2, 3, 5, AND 6. NO IMPROVEMENTS ARE PROPOSED FOR LOT 4. THE EXISTING CUL DE SAC WILL BE REMOVED. SEE THE PROPOSED CONSTRUCTION PLANS FOR DETAILS.

TREE PRESERVATION

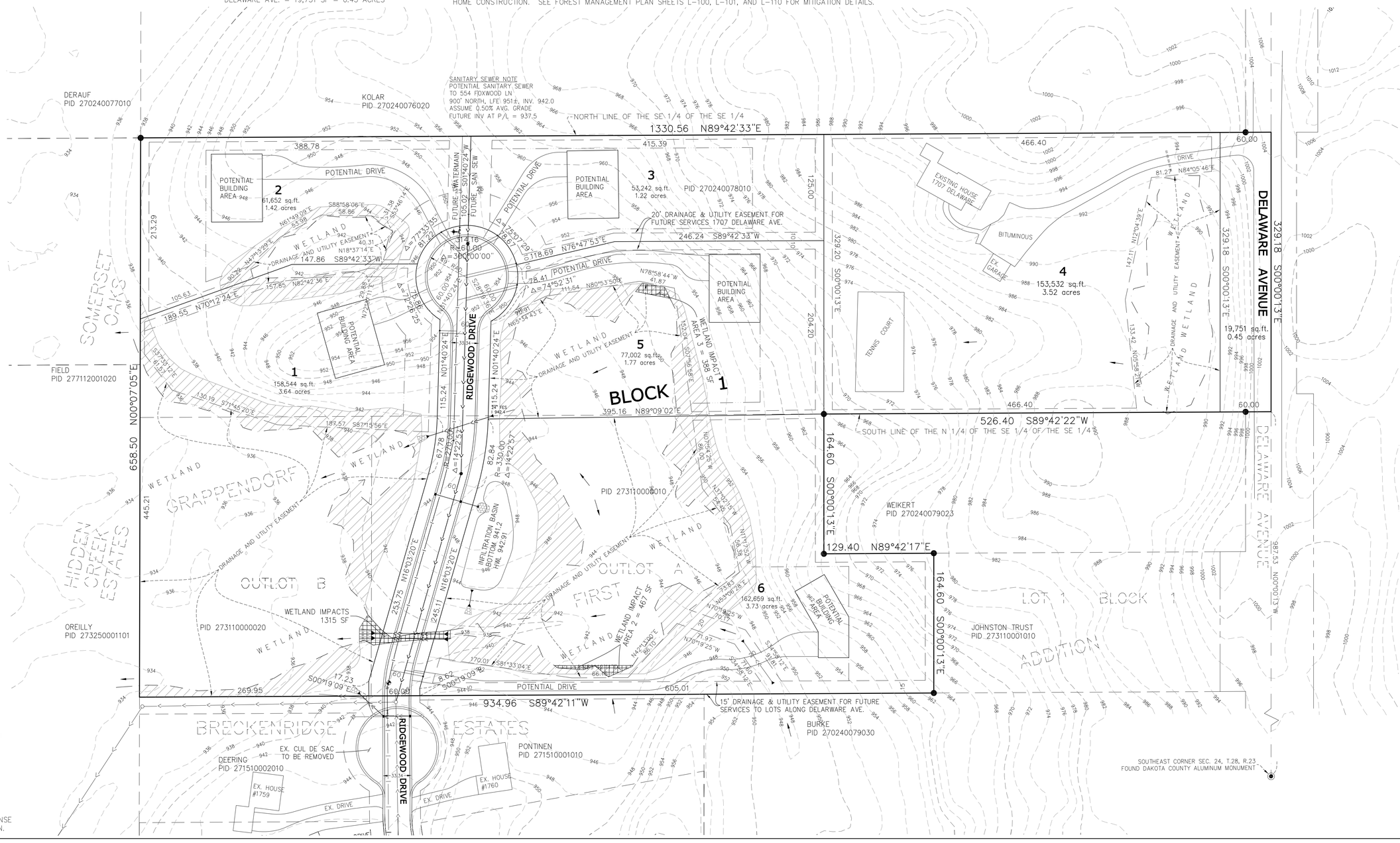
TREES HAVE BEEN INVENTORIED WITHIN THE POTENTIAL IMPROVEMENT AREAS. TREE INVENTORY AND REMOVALS FOR THE PROPOSED IMPROVEMENTS ARE SHOWN IN THE CONSTRUCTION PLANS. TREES HAVE NOT BEEN INVENTORIED FOR ALL OF THE INDIVIDUAL LOT IMPROVEMENTS. IF REQUIRED BY THE CITY, THOSE INVENTORIES WILL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION. SEE FOREST MANAGEMENT PLAN SHEETS L-100, L-101, AND L-110 FOR MITIGATION DETAILS.

UTILITIES

UTILITIES WILL BE EXTENDED FROM EXISTING STUBS TO NORTH OF THE PROPOSED CUL DE SAC.EXISTING TO THE END OF THE NEW CUL DE SAC. POTENTIAL FUTURE UTILITY EXTENSIONS ARE SHOWN TO SERVE LOTS TO THE NORTH. SERVICE TAPS WILL BE PROVIDED FOR 1707 DELAWARE AVE. AND AN EASEMENT WILL BE PROVIDED TO EXTEND SERVICES TO THE EXISTING HOUSE. A 15 FEET EASEMENT WILL BE PROVIDED FOR POTENTIAL FUTURE UTILITY SERVICES TO HOMES ALONG DELWARE AVE. TO THE EAST.

STORMWATER

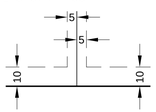
STORMWATER TREATMENT FOR THE INCREASE IN IMPERVIOUS FOR RIDGEWOOD DRIVE WILL BE PROVIDED BY AN INFILTRATION BASIS AS SHOWN. DUE TO THE TOPOGRAPHY OF THE SITE AND LOCATION OF FUTURE HOMES, THE IMPERVIOUS RUNOFF FROM THE INDIVIDUAL LOT IMPROVEMENTS COULD NOT BE CONVEYED TO THE PROPOSED INFILTRATION BASIN. THE INDIVIDUAL LOTS WILL PROVIDE VOLUME REDUCTION AND RATE CONTROL AT THE TIME OF HOME CONSTRUCTION. THE INCREASE IN IMPERVIOUS SURFACE FOR RIDGEWOOD DRIVE IS 0.43 ACRES. THE ESTIMATED INCREASE IN IMPERVOUS SURFACE FOR LOTS 1, 2, 3, 5, AND 6 IS 0.9 ACRES.



LEGEND

- PLAT BOUNDARY
- LOT LINE
- SETBACK
- EASEMENT
- WETLAND
- EX. CONTOUR
- EX. STORM SEWER
- EX. SAN. SEWER
- EX. WATERMAIN
- EX. HYDRANT
- 25' AVG. WIDTH WETLAND BUFFER, 10' MINIMUM WIDTH

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24 IS ASSUMED TO BEAR N00°00'13"W.

0 60 120
SCALE IN FEET

- ● DENOTES IRON MONUMENT FOUND
- ○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification 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.

CURTISS J. KALLIO

DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Preliminary Plat
MCMILLAN ESTATES
Mendota Heights, MN

DATE	REVISION	BY

PROJECT NO:
202142

SHEET 1 OF 1 SHEETS

WETLAND DELINEATION REPORT

6/22/2021

2021-206

1707 Delaware Ave Delineation

Mendota Heights, MN

Jacobson Environmental, PLLC

jacobsonenv@msn.com

Jacobson Environmental, PLLC **www.jacobsonenvironmental.com**
Environmental Consultants **Wayne Jacobson, P.S.S., W.D.C., P.W.S., A.F.S.**

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1.0 SUMMARY

Jacobson Environmental, PLLC (JE) visited the project site at 1707 Delaware Ave and PID #'s 273110000020 and 273110000010 on 6/17/2021. The site totaled approximately 16.63 acres in size, and was located at Section 24, T28N, R23W, Mendota Heights, Minnesota. See Figure 1 for a Site Location Map.

The purpose of the investigation was to identify areas within the project boundary meeting the technical criteria for wetlands, delineate the jurisdictional extent of the wetland basins, and classify the wetland habitat according to the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation: Midwest Region.

Wetlands are areas that are saturated or inundated with surface and or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in hydric soil conditions. Examples of wetlands include seasonally flooded basins, floodplain forests, wet meadows, shallow and deep marshes, shrub swamps, wooded swamps, fens, and bogs.

Wetland boundaries were determined through a routine analysis of the vegetation, soils and hydrology which must all show wetland characteristics for an area to be delineated as a wetland.

Three wetland basins were delineated within the project area, which are summarized below and shown on Figure 5.

Basin ID	Circular 39	Cowardin	Eggers & Reed	Dominant Vegetation	Size (acres)
1	Type 2	PEMB	Wet meadow	Green Ash, Reed Canary Grass and Jewelweed	3.55
2	Type 1	PEM1A	Seasonally flooded basin	Green Ash, Water Smartweed and Clearweed	0.175
3	Type 2	PEMB	Wet meadow	Green Ash, Reed Canary Grass and Dark Green Bulrush	0.44

All figures and appendices referenced by this report are presented at the end of the text.

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This wetland delineation was performed by Jacobson Environmental, PLLC under the direction of Wayne Jacobson, Minnesota Professional Soil Scientist #30611, Society of Wetland Scientists – Professional Wetland Scientist #1000, University of Minnesota / BWSR Wetland Delineator, Certified #1019, American Fisheries Society – Associate Fisheries Scientist #A-171.

2.0 METHODS

2.1 EXISTING INFORMATION REVIEW

Prior to field delineation, Jacobson Environmental reviewed the following information:

2.1.1 Antecedent Precipitation

The previous three month's precipitation data obtained from the Minnesota State Climatology Office suggest that the sampling period occurred under normal conditions. Antecedent precipitation data can be found in Appendix A. The growing season in this area is approximately from mid-April to mid-October, when the air temperature averages above 28 degrees F. This delineation was completed during the growing season.

2.1.2 National Wetlands Inventory

The National Wetlands Inventory (NWI) identified PEM1A and PFO1A wetland complex within the property boundary (Figure 2).

2.1.3 Web Soil Survey

The National Resource Conservation Service Web Soil Survey (Figure 7) identified the following soils:

Soil	Hydric Rating
Antigo silt loam, 1-8% slopes	0
Chetek sandy loam, 8-15% slopes	0
Quam silt loam	95
Klossner muck, 0-1% slopes	100
Kinglsey-Mahtomedi-Spencer complex, 3-8% slopes	0
Kennebec variant silt loam	10

2.1.4 Public Waters Inventory

The Minnesota Department of Natural Resources Public Waters Inventory shows that no public waters exist on the property (Figure 4).

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2.1.5 Topographic Map

A topographic map with aerial photo overlay was obtained from MNTOPO (Figure 6). This map was reviewed for suspected wetland areas based on topography and vegetative cover.

2.2 FIELD DELINEATION

The wetlands on the subject property were delineated using the routine determination methodology set forth in the 1987 U.S. Army Corps of Engineers *Wetlands Delineation Manual* and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation: Midwest Region as follows:

1) The vegetative community was sampled in all present strata to determine whether 50% of the dominant plant species were hydrophytic using the 50/20 method.

2) Soil pits were dug using a Dutch auger to depths of 18”-40”, noting soil profiles and any hydric soil characteristics.

3) Signs of wetland hydrology were noted and were compared to field criteria such as depth to shallow water table and depth of soil saturation found in the soil pits.

Transects were established in representative areas of each wetland. Each transect consisted of one sample point within the wetland and one sample point in upland. Other areas which have one or more of the wetland vegetation, soils, or hydrologic characteristics present, or where questionable conditions exist may also have been sampled. Data sheets for each sample point are available in Appendix B.

Wetland classifications discussed in the text are set forth in *Wetlands and Deepwater Habitats of the United States* (FWS/OBS Publication 79/31, Cowardin et al. 1979) and *Wetlands of the United States* (USFWS Circular 39, Shaw and Fredine, 1971.) Additionally, plant community types as named by Eggers and Reed (1998) are given.

Wetland edges were marked with orange numbered pin flags. 4-foot wood lath marked with orange “wetland boundary” flagging tape or flagging tied on vegetation may be used if site conditions warrant. Sample points are marked with orange numbered pin flags.

Any wetlands or sample points were mapped using GPS.

2.2.1 Vegetation

The plant species within the parcel were cataloged and assigned a wetland indicator status according to: Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin, 2016. *The National Wetland Plant List:* 2016 Wetland Ratings, Phytoneuron 2016-30: 1-17.

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In the text of this report and on the enclosed data forms, the plant indicator status follows the plant's scientific name unless a status has not been assigned. The hydrophytic plant criterion is met when more than 50 percent of the dominant species by the 50/20 rule for each stratum (herb, shrub/sapling, tree, and woody vine) were assigned an obligate (OBL)[1], facultative wet (FACW), and/or facultative (FAC) wetland status.

With the 50/20 rule, dominants are generally measured by absolute % cover in each stratum which individually or collectively account for more than 50% of total vegetative cover in the stratum, plus any other species which itself accounts for at least 20% of the total vegetative cover.

2.2.2 Hydric Soils

A hydric soil is a soil formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. If a soil exhibits the indicators of a hydric soil or is identified as a hydric soil the hydric soil criterion is met.

The break between hydric and non-hydric soils was determined by excavating soil pits along transects crossing the wetland/upland eco-tone and evaluating the soil colors, textures, and presence or absence of redoximorphic indicators (i.e., mottles, gley or oxidized rhizospheres). Hydric Soil Indicators for the Midwest Region were noted as presented in the National Technical Committee for Hydric Soils *Field Indicators of Hydric Soils in the United States version 8.1* (USDA NRCS 2017) if present at each sample point. Upper soil profiles were also compared to the mapped or inclusionary soil series found in the sample area for soil identification purposes.

2.2.3 Cautions Used in Applying the Field Indicators of Hydric Soils

There are hydric soils with morphologies that are difficult to interpret. These include soils with black, gray, or red parent material; soils with high pH; soils high or low in content of organic matter; recently developed hydric soils, and soils high in iron inputs. In some cases, we do not currently have indicators to assist in the identification of hydric soils in these situations. If the soil meets the definition of a hydric soil, the lack of an indicator does not preclude the soil from being hydric. The indicators were developed mostly to identify the boundary of hydric soil areas and generally work best on the margins. Not all the obviously wetter hydric soils will be identified by the indicators. Redoximorphic features are most likely to occur in soils that cycle between anaerobic (reduced) and aerobic (oxidized) conditions.

Morphological features of hydric soils indicate that saturation and anaerobic conditions have existed under either contemporary or former hydrologic regimes. Where soil morphology seems inconsistent with the landscape, vegetation, or observable hydrology, it may be necessary to obtain the assistance of an experienced soil or wetland scientist to determine whether the soil is hydric.

---

[1] OBL=Obligate Wetland, occurs an estimated 99% in wetlands. FACW=Facultative Wetland, has an estimated 67%-99% probability of occurrence in wetlands. FAC=Facultative, is equally likely to occur in wetlands and non-wetlands, 34%-66% probability. FACU=Facultative Upland, occurs in wetlands only occasionally, 1%-23% probability. UPL=Upland, almost never occurs in wetlands, <1% probability. NI= No Indicator, insufficient information available to determine an indicator status. Positive or negative sign previously indicated a frequency toward higher (+) or lower (-) frequency of occurrence within a category.

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To clarify, when investigating hydric soils in this area, one must consider the following:

- Many of these soils have black or gray parent materials.
- Many of the soils have a high organic matter content.
- The hydric soil margin is typically higher than the wetland boundary margin on the site.
- Not all the obviously wetter soils will be identified by the indicators.
- Many of the hydric soils are Mollisols which are classic problem hydric soils in many cases.

3.0 RESULTS

3.1 WETLAND BASIN DESCRIPTIONS

Basin 1

Basin 1 was an approximately 3.55-acre, Type 2, PEMB, Wet meadow wetland. The basin was dominated by Green Ash, Reed Canary Grass and Jewelweed.

Hydrology indicators included D2 (geomorphic position) and D5 (fac neutral test).

Wetland soils met indicators A12 (thick dark surface) and F3 (depleted matrix).

Adjacent upland was typically dominated by Box Elder, Common Buckthorn and Common Burdock. Primary hydrology indicators were not observed at the upland sample point, and no hydric soil indicators were found in the upland sample point soil.

The wetland boundary followed a change in vegetation from wetland to upland plant communities, as well as a slight change in topography. The basin was shown as a PEM1A wetland on the NWI map (Figure 2) and was located within an area mapped as Quam silt loam (RATING=95) by the Web Soil Survey (Figure 7).

Sample data sheets 1-1UP, 1-1WET, 1-2UP and 1-2WET in Appendix B correspond to this basin.

Basin 2

Basin 2 was an approximately 0.175-acre, Type 1, PEM1A, Seasonally flooded basin wetland. The basin was dominated by Green Ash, Water Smartweed and Clearweed.

Hydrology indicators included B8 (sparsely vegetated concave surface), D2 (geomorphic position) and D5 (fac neutral test).

Wetland soils met indicator F3 (depleted matrix).

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Adjacent upland was typically dominated by Red Oak, Common Buckthorn, Virginia Creeper and Red Raspberry. Primary hydrology indicators were not observed at the upland sample point, and no hydric soil indicators were found in the upland sample point soil.

The wetland boundary followed a change in vegetation from wetland to upland plant communities, as well as a gradual change in topography. The basin was shown as a PEM1A wetland on the NWI map (Figure 2) and was located within an area mapped as Antigo silt loam (RATING=0) by the Web Soil Survey (Figure 7).

Sample data sheets 2-UP and 2-WET in Appendix B correspond to this basin.

Basin 3

Basin 3 was an approximately 0.44-acre, Type 2, PEMB, Wet meadow wetland. The basin was dominated by Green Ash, Reed Canary Grass and Dark Green Bulrush.

Hydrology indicators included D2 (geomorphic position) and D5 (fac neutral test).

Wetland soils met indicator A12 (thick dark surface).

Adjacent upland was typically dominated by Green Ash, Tall Goldenrod and Kentucky Bluegrass. Primary hydrology indicators were not observed at the upland sample point, and no hydric soil indicators were found in the upland sample point soil.

The wetland boundary followed a change in vegetation from wetland to upland plant communities, as well as a slight in topography. The basin was not shown as a PEMB wetland on the NWI map (Figure 2) and was located within an area mapped as Kennebec variant silt loam (RATING=10) by the Web Soil Survey (Figure 7).

Sample data sheets 3-UP and 3-WET in Appendix B correspond to this basin.

4.0 CONFIRMATION OF JURISDICTIONAL STATUS

Jacobson Environmental is submitting this report to the client and regulatory agencies to request a wetland boundary and type determination. We have enclosed an official WCA Approval of Wetland Type and Boundary form in Appendix D along with a USCOE wetland delineation concurrence request.

Jacobson Environmental, PLLC **www.jacobsonenvironmental.com**
Environmental Consultants **Wayne Jacobson, P.S.S., W.D.C., P.W.S., A.F.S.**

5821 Humboldt Avenue North, Brooklyn Center, MN 55430 **(612) 802-6619 Cell**
Email: jacobsonenv@msn.com

5.0 CERTIFICATION

I certify that this wetland delineation meets the standards and criteria described in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation: Midwest Region. This was a Routine On-Site Determination and the results reflect the conditions present at the time of the delineation.

I certify that this report has been prepared in accordance with regulatory standards. Thank you for the opportunity to provide wetland services on this important project.

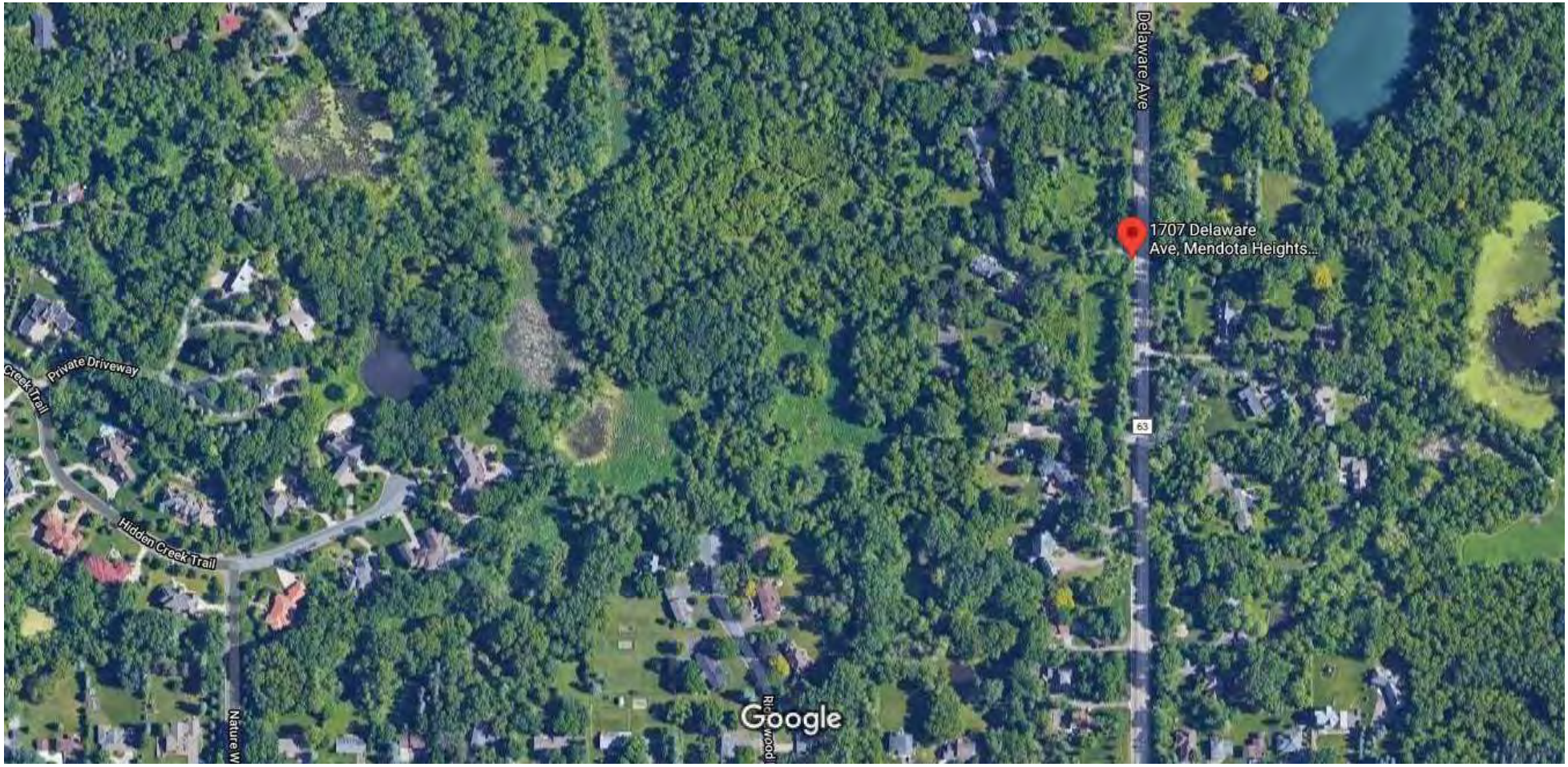
If any wetland impacts are planned for this project, permits would be necessary from the LGU and other agencies.

6/22/2021

Staff Scientist
Wetland Delineator In-Training #5305
Jacobson Environmental, PLLC.

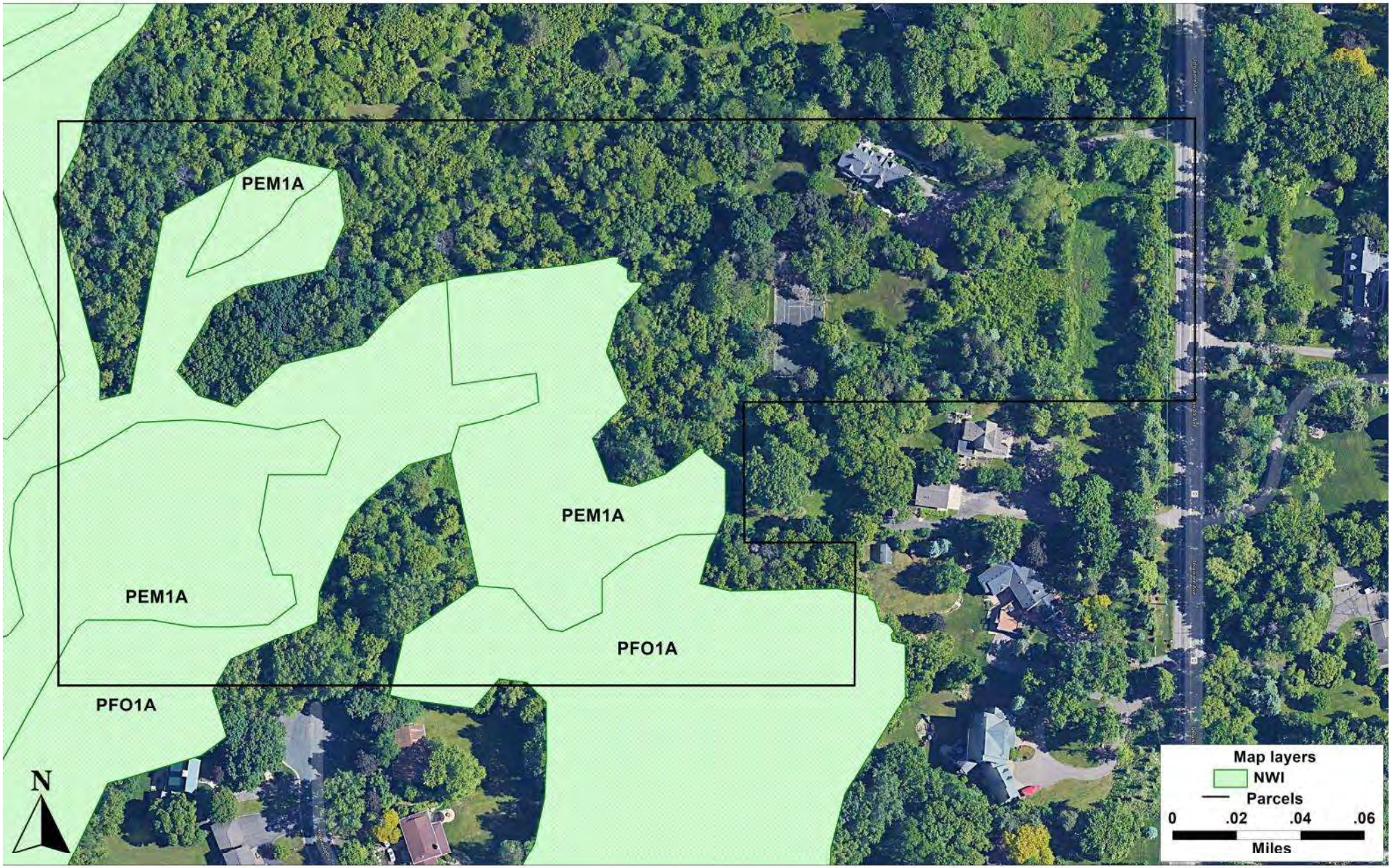
Figures

Google Maps 1707 Delaware Ave



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2021 200 ft

Figure 2 NWI Map



Soil Map—Dakota County, Minnesota
(Figure 3 Soils Map)

Map Scale: 1:2,170 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 30 60 120 180

Feet
0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
49B	Antigo silt loam, 1 to 8 percent slopes	4.4	26.5%
155C	Chetek sandy loam, 8 to 15 percent slopes	5.9	36.0%
344	Quam silt loam	2.9	17.9%
539	Klossner muck, 0 to 1 percent slopes	1.9	11.4%
895B	Kingsley-Mahtomedi-Spencer complex, 3 to 8 percent slopes	0.0	0.0%
1816	Kennebec variant silt loam	1.4	8.3%
Totals for Area of Interest		**16.5**	**100.0%**

Figure 4 PWI Map

Figure 5 Delineation Map

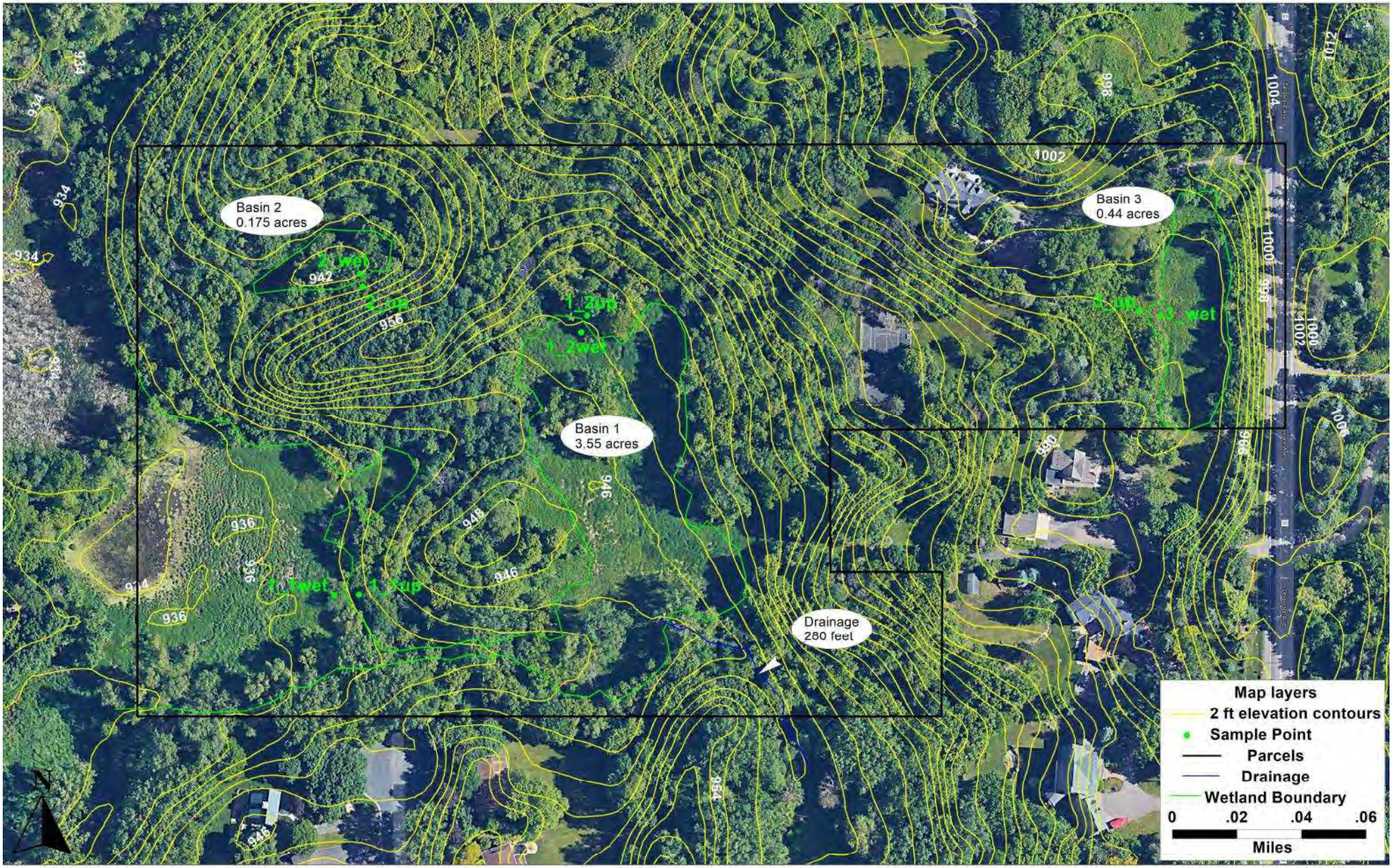
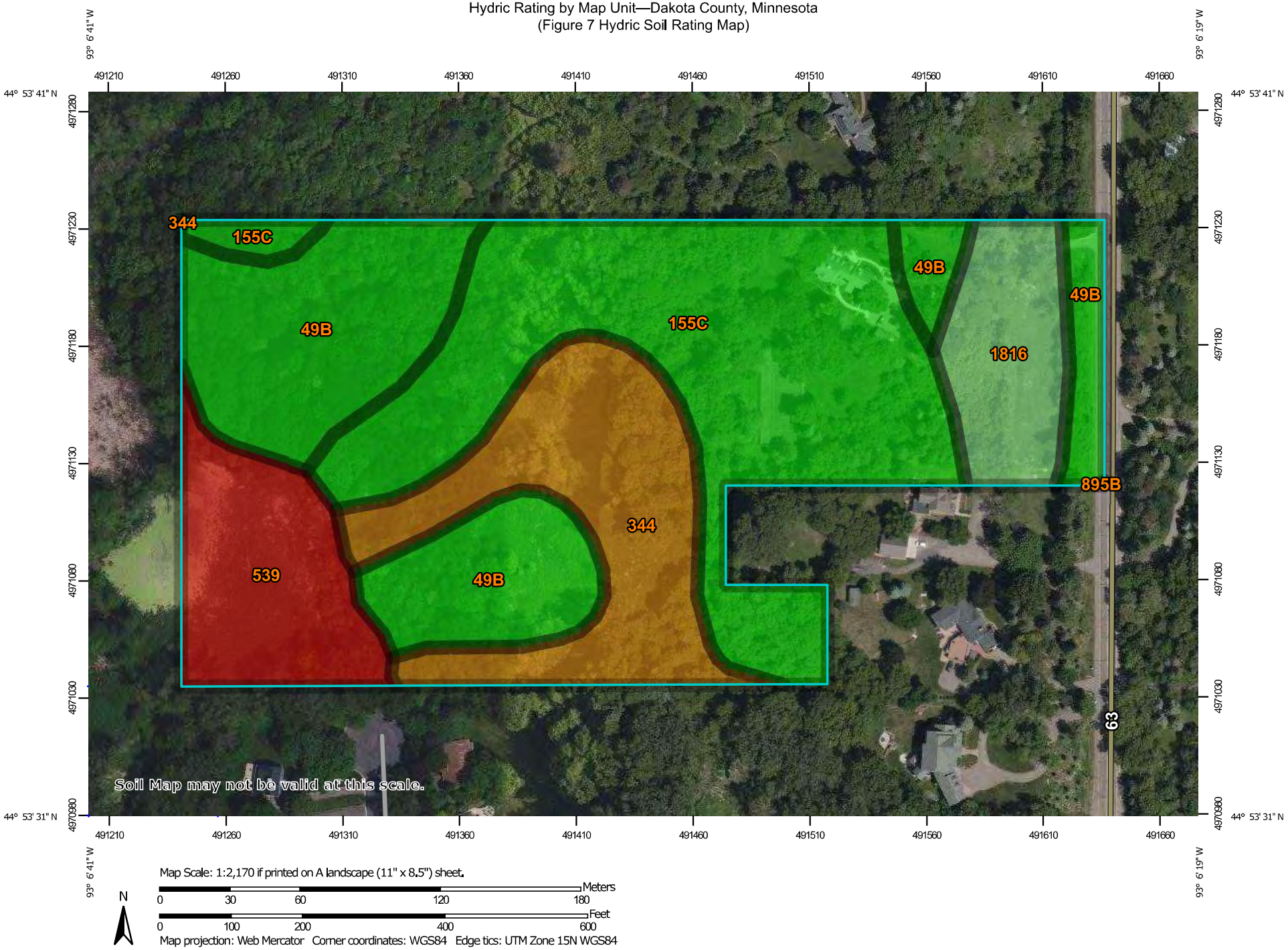


Figure 6 Site Map

Hydric Rating by Map Unit—Dakota County, Minnesota
(Figure 7 Hydric Soil Rating Map)



Map Scale: 1:2,170 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 30 60 120 180

Feet
0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
49B	Antigo silt loam, 1 to 8 percent slopes	0	4.4	26.5%
155C	Chetek sandy loam, 8 to 15 percent slopes	0	5.9	36.0%
344	Quam silt loam	95	2.9	17.9%
539	Klossner muck, 0 to 1 percent slopes	100	1.9	11.4%
895B	Kingsley-Mahtomedi-Spencer complex, 3 to 8 percent slopes	0	0.0	0.0%
1816	Kennebec variant silt loam	10	1.4	8.3%
Totals for Area of Interest			**16.5**	**100.0%**

Rating Options

Aggregation Method: Percent Present

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Appendix A

Antecedent Precipitation Data

Minnesota State Climatology Office

State Climatology Office - DNR Division of Ecological and Water Resources

Precipitation Worksheet Using Gridded Database

Precipitation data for target wetland location:

county: **Ramsey** township number: **28N**
township name: **unnamed** range number: **23W**
nearest community: **Lilydale** section number: **24**

Aerial photograph or site visit date:
Thursday, June 17, 2021

Score using 1981-2010 normal period

values are in inches A 'R' following a monthly total indicates a provisional value derived from radar-based estimates.	first prior month: **May 2021**	second prior month: **April 2021**	third prior month: **March 2021**
estimated precipitation total for this location:	2.02	**2.51R**	**3.56R**
there is a 30% chance this location will have less than:	2.91	2.20	1.40
there is a 30% chance this location will have more than:	4.43	3.48	2.22
type of month: dry normal wet	dry	**normal**	**wet**
monthly score	3x1=3	**2 * 2 = 4**	**1 * 3 = 3**
multi-month score: 6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet)	10=normal		

Other Resources:

- retrieve daily precipitation data
- view radar-based precipitation estimates
- view weekly precipitation maps
- *Evaluating Antecedent Precipitation Conditions* (BWSR)

Minnesota State Climatology Office

State Climatology Office - DNR Division of Ecological and Water Resources

Nearest Station Precipitation Data Retrieval

Minnesota's precipitation data archive is searched for data closest to a selected target location for each month. Values from the site closest to the target location are returned below after clicking the ***retrieve monthly data*** or ***retrieve daily data*** buttons. The precipitation data are made up of measured rainfall and the measured liquid content of snowfall.

Temperature, **snowfall**, and **snow depth** data from National Weather Service reporting stations are no longer retrieved from this application. To obtain those data, see our newest data retrieval tool (May 2014). National Weather Service precipitation data continue to be available from this application.

Obtaining data for legal purposes
Guide for column headers in the data table

target location: Ramsey--Lilydale 28N 23W S24 (latitude: 44.89803 longitude: 93.11627)

click to select target location

years: 2021 to 2021

number of **missing days** allowed per month: 3

retrieve monthly data | retrieve daily data

results:

```
    Target: T28 R23 S24
mon year  cc tttN rrW ss nnnn oooooooo   pre (inches)                                  dis
Jan 2021  19  28N 22W 31 SWCD           1.11                                         2 mi.
Feb 2021  19  28N 22W 31 SWCD            .42                                         2 mi.
Mar 2021  62  28N 23W 16 SWCD           3.55                                         3 mi.
Apr 2021  19  28N 22W 31 SWCD           1.84                                         2 mi.
May 2021  62  28N 22W  6  NWS STPAULWB  2.02                                         3 mi.
Jun 2021                  m                                      999 mi.
Jul 2021                  m                                      999 mi.
Aug 2021                  m                                      999 mi.
Sep 2021                  m                                      999 mi.
Oct 2021                  m                                      999 mi.
Nov 2021                  m                                      999 mi.
Dec 2021                  m                                      999 mi.
```

Where indicated: Missing values are shown as 'm'. Days on which precip accumulated in the gage are shown as '-'. 'TTTT RR SS' is the 'public land survey(PLS)' or 'legal' location of the observed data. Section values greater 36 are SECTIC 'TIC' locations plus 100. 'NWS ID' the National Weather Service Cooperative station number. Note that the 'PLS' will always be correct for precipitation data while the 'NWS ID' will always be correct for the temperature data. If no PLS info is supplied the the 'NWS ID' number applies to all shown data.

State Climatology Office - MnDNR - Ecological and Water Resources

Appendix B

Sample Data Sheets

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 1-1UP
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): backslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Chetek sandy loam | NWI Classification: none
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	N		
Hydric soil present?	N	**Is the sampled area within a wetland?**	N
Indicators of wetland hydrology present?	N	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1			
2			
3			
4			
5			
	0	= Total Cover	

Sapling/Shrub stratum (Plot size: 15)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Rhamnus cathartica*	80	Y	FAC
2			
3			
4			
5			
	80	= Total Cover	

Herb stratum (Plot size: 5)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Arctium minus*	50	Y	FACU
2 *Rhamnus cathartica*	10	N	FAC
3 *Vicia americana*	5	N	FACU
4			
5			
6			
7			
8			
9			
10			
	65	= Total Cover	

Woody vine stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across all Strata: 2 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 50.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	0	x 2 =	0	
FAC species	90	x 3 =	270	
FACU species	55	x 4 =	220	
UPL species	0	x 5 =	0	
Column totals	145	(A)	490	(B)

Prevalence Index = B/A = 3.38

Hydrophytic Vegetation Indicators:

___ Rapid test for hydrophytic vegetation
___ Dominance test is >50%
___ Prevalence index is ≤3.0*
___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
35% bare ground

SOIL

Sampling Point: 1-1UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-16	10YR2/1	100					loam	
16-24	10YR3/1	100					loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 1-1WET
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): toeslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Quam silt loam | NWI Classification: PEMB
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	Y	**Is the sampled area within a wetland?**	Y
Indicators of wetland hydrology present?	Y	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1			
2			
3			
4			
5			
	0	= Total Cover	
Sapling/Shrub stratum (Plot size: 15)			
1 *Rhamnus cathartica*	50	Y	FAC
2 *Ribes cynosbati*	10	N	FAC
3 *Lonicera tatarica*	10	N	FACU
4			
5			
	70	= Total Cover	
Herb stratum (Plot size: 5)			
1 *Phalaris arundinacea*	50	Y	FACW
2 *Impatiens capensis*	50	Y	FACW
3			
4			
5			
6			
7			
8			
9			
10			
	100	= Total Cover	
Woody vine stratum (Plot size: 30)			
1 *Vitis riparia*	10	Y	FACW
2			
	10	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 4 (A)
Total Number of Dominant Species Across all Strata: 4 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	110	x 2 =	220
FAC species	60	x 3 =	180
FACU species	10	x 4 =	40
UPL species	0	x 5 =	0
Column totals	180 (A)		440 (B)

Prevalence Index = B/A = 2.44

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

SOIL

Sampling Point: 1-1WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-17	10YR2/1	100					loam	
17-24	10YR4/1	100					clay loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- X Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? Y

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? Y

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 1-2UP
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): backslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Chetek sandy loam | NWI Classification: none
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	N	**Is the sampled area within a wetland?**	N
Indicators of wetland hydrology present?	N	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Acer negundo*	40	Y	FAC
2			
3			
4			
5			
	40	= Total Cover	

Sapling/Shrub stratum (Plot size: 15)			
1 *Rhamnus cathartica*	90	Y	FAC
2			
3			
4			
5			
	90	= Total Cover	

Herb stratum (Plot size: 5)			
1 *Rhamnus cathartica*	40	Y	FAC
2 *Arctium minus*	10	N	FACU
3 *Amphicarpaea bracteata*	5	N	FAC
4 *Alliaria petiolata*	1	N	FAC
5			
6			
7			
8			
9			
10			
	56	= Total Cover	

Woody vine stratum (Plot size: 30)			
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 3 (A)
Total Number of Dominant Species Across all Strata: 3 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	176	x 3 =	528
FACU species	10	x 4 =	40
UPL species	0	x 5 =	0
Column totals	186 (A)		568 (B)

Prevalence Index = B/A = 3.05

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- ___ Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
44% bare ground

SOIL

Sampling Point: 1-2UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-11	10YR4/3	100					loam	
11-24	10YR4/4	100					loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 1-2WET
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): toeslope | Local relief (concave, convex, none): concave
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Quam silt loam | NWI Classification: PEMB
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	Y	**Is the sampled area within a wetland?**	Y
Indicators of wetland hydrology present?	Y	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Fraxinus pennsylvanica*	10	Y	FACW
2			
3			
4			
5			
	10 = Total Cover		
Sapling/Shrub stratum (Plot size: 15)			
1			
2			
3			
4			
5			
	0 = Total Cover		
Herb stratum (Plot size: 5)			
1 *Phalaris arundinacea*	100	Y	FACW
2			
3			
4			
5			
6			
7			
8			
9			
10			
	100 = Total Cover		
Woody vine stratum (Plot size: 30)			
1			
2			
	0 = Total Cover		

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across all Strata: 2 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0	
FACW species	110	x 2 =	220	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	110	(A)	220	(B)

Prevalence Index = B/A = 2.00

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

SOIL

Sampling Point: 1-2WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-10	10YR4/2	98	7.5YR4/4	2	C	PL	sandy loam	
10-24	10YR4/2	95	7.5YR4/4	5	C	PL	fine sandy loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? Y

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes ___	No X	Depth (inches):	-	
Water table present?	Yes ___	No X	Depth (inches):	>24	**Indicators of wetland hydrology present?** Y
Saturation present? (includes capillary fringe)	Yes ___	No X	Depth (inches):	>24	

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 2-UP
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): backslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Antigo silt loam | NWI Classification: none
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	N		
Hydric soil present?	N	**Is the sampled area within a wetland?**	N
Indicators of wetland hydrology present?	N	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Quercus rubra*	30	Y	FACU
2			
3			
4			
5			
	30	= Total Cover	

Sapling/Shrub stratum (Plot size: 15)			
1 *Rhamnus cathartica*	40	Y	FAC
2			
3			
4			
5			
	40	= Total Cover	

Herb stratum (Plot size: 5)			
1 *Rhamnus cathartica*	30	Y	FAC
2 *Parthenocissus quinquefolia*	10	Y	FACU
3 *Rubus idaeus*	10	Y	FACU
4			
5			
6			
7			
8			
9			
10			
	50	= Total Cover	

Woody vine stratum (Plot size: 30)			
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across all Strata: 5 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 40.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	70	x 3 =	210
FACU species	50	x 4 =	200
UPL species	0	x 5 =	0
Column totals	120 (A)		410 (B)

Prevalence Index = B/A = 3.42

Hydrophytic Vegetation Indicators:

___ Rapid test for hydrophytic vegetation
___ Dominance test is >50%
___ Prevalence index is ≤3.0*
___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? N

Remarks: (Include photo numbers here or on a separate sheet)
50% leaf litter/ bare ground

SOIL

Sampling Point: 2-UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-24	10YR5/3	100					silt loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 2-WET
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): depression | Local relief (concave, convex, none): concave
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Antigo silt loam | NWI Classification: PEM1A
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	Y	**Is the sampled area within a wetland?**	Y
Indicators of wetland hydrology present?	Y	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Fraxinus pennsylvanica*	40	Y	FACW
2			
3			
4			
5			
	40	= Total Cover	

Sapling/Shrub stratum (Plot size: 15)			
1 *Fraxinus pennsylvanica*	5	Y	FACW
2			
3			
4			
5			
	5	= Total Cover	

Herb stratum (Plot size: 5)			
1 *Polygonum amphibium*	5	Y	OBL
2 *Pilea pumila*	5	Y	FACW
3			
4			
5			
6			
7			
8			
9			
10			
	10	= Total Cover	

Woody vine stratum (Plot size: 30)			
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 4 (A)
Total Number of Dominant Species Across all Strata: 4 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	5	x 1 =	5	
FACW species	50	x 2 =	100	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	55	(A)	105	(B)

Prevalence Index = B/A = 1.91

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)
90% leaf litter/bare ground

SOIL

Sampling Point: 2-WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-10	10YR4/2	80	7.5YR4/4	20	C	PL	sandy loam	
10-24	10YR5/1	90	7.5YR4.4	10	C	PL	loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- X Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? Y

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- X Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes ___	No X	Depth (inches):	-	
Water table present?	Yes ___	No X	Depth (inches):	>24	**Indicators of wetland hydrology present?** Y
Saturation present? (includes capillary fringe)	Yes ___	No X	Depth (inches):	>24	

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 3-UP
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): backslope | Local relief (concave, convex, none): convex
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Kennebec variant silt loam | NWI Classification: none
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	N	**Is the sampled area within a wetland?**	N
Indicators of wetland hydrology present?	N	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1			
2			
3			
4			
5			
	0	= Total Cover	
Sapling/Shrub stratum (Plot size: 15)			
1 *Fraxinus pennsylvanica*	80	Y	FACW
2			
3			
4			
5			
	80	= Total Cover	
Herb stratum (Plot size: 5)			
1 *Solidago altissima*	60	Y	FACU
2 *Poa pratensis*	30	Y	FAC
3 *Silybum marianum*	4	N	FACU
4 *Cirsium arvense*	3	N	FACU
5 *Erigeron strigosus*	3	N	FACU
6			
7			
8			
9			
10			
	100	= Total Cover	
Woody vine stratum (Plot size: 30)			
1			
2			
	0	= Total Cover	

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across all Strata: 3 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 66.67% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	0	x 1 =	0
FACW species	80	x 2 =	160
FAC species	30	x 3 =	90
FACU species	70	x 4 =	280
UPL species	0	x 5 =	0
Column totals	180 (A)		530 (B)

Prevalence Index = B/A = 2.94

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

SOIL

Sampling Point: 3-UP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-7	10YR3/2	100					sandy loam	
7-24	10YR5/4	100					coarse sand	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? N

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- ___ Geomorphic Position (D2)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes	___	No	X	Depth (inches): -
Water table present?	Yes	___	No	X	Depth (inches): >24
Saturation present? (includes capillary fringe)	Yes	___	No	X	Depth (inches): >24

Indicators of wetland hydrology present? N

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Midwest Region

Project/Site: 1707 Delaware Ave Delineation | City/County: Mendota Heights | Sampling Date: 6/17/2021
Applicant/Owner: Timothy & Gayle Ober | State: MN | Sampling Point: 3-WET
Investigator(s): CAM | Section, Township, Range: Section 24, T28N, R23W
Landform (hillslope, terrace, etc.): toeslope | Local relief (concave, convex, none): concave
Slope (%): 1 | Lat: | Long: | Datum:
Soil Map Unit Name: Kennebec variant silt loam | NWI Classification: PEMB
Are climatic/hydrologic conditions of the site typical for this time of the year? Y (If no, explain in remarks)
Are vegetation ____, soil ____, or hydrology ____ significantly disturbed? Are "normal circumstances"
Are vegetation ____, soil ____, or hydrology ____ naturally problematic? present? Yes

SUMMARY OF FINDINGS

(If needed, explain any answers in remarks.)

Hydrophytic vegetation present?	Y		
Hydric soil present?	Y	**Is the sampled area within a wetland?**	Y
Indicators of wetland hydrology present?	Y	f yes, optional wetland site ID:	

Remarks: (Explain alternative procedures here or in a separate report.)

VEGETATION -- Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species	Indicator Staus
1 *Fraxinus pennsylvanica*	10	Y	FACW
2			
3			
4			
5			
	10 = Total Cover		

Sapling/Shrub stratum (Plot size: 15)			
1 *Fraxinus pennsylvanica*	10	Y	FACW
2			
3			
4			
5			
	10 = Total Cover		

Herb stratum (Plot size: 5)			
1 *Phalaris arundinacea*	80	Y	FACW
2 *Sciprus atrovirens*	15	N	OBL
3 *Fraxinus pennsylvanica*	5	N	FACW
4			
5			
6			
7			
8			
9			
10			
	100 = Total Cover		

Woody vine stratum (Plot size: 30)			
1			
2			
	0 = Total Cover		

Dominance Test Worksheet

Number of Dominant Species that are OBL, FACW, or FAC: 3 (A)
Total Number of Dominant Species Across all Strata: 3 (B)
Percent of Dominant Species that are OBL, FACW, or FAC: 100.00% (A/B)

Prevalence Index Worksheet

Total % Cover of:

OBL species	15	x 1 =	15	
FACW species	105	x 2 =	210	
FAC species	0	x 3 =	0	
FACU species	0	x 4 =	0	
UPL species	0	x 5 =	0	
Column totals	120	(A)	225	(B)

Prevalence Index = B/A = 1.88

Hydrophytic Vegetation Indicators:

- ___ Rapid test for hydrophytic vegetation
- X Dominance test is >50%
- X Prevalence index is ≤3.0*
- ___ Morphogical adaptations* (provide supporting data in Remarks or on a separate sheet)
- ___ Problematic hydrophytic vegetation* (explain)

*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic

Hydrophytic vegetation present? Y

Remarks: (Include photo numbers here or on a separate sheet)

SOIL

Sampling Point: 3-WET

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix Color (moist)	%	Redox Features Color (moist)	%	Type*	Loc**	Texture	Remarks
0-6	10YR2/1	100					loam	
6-24	10YR2/1	100					clay loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

- ___ Histisol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5)
- ___ 2 cm Muck (A10)
- ___ Depleted Below Dark Surface (A11)
- X Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ 5 cm Mucky Peat or Peat (S3)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils:

- ___ Coast Prairie Redox (A16) (**LRR K, L, R**)
- ___ Dark Surface (S7) (**LRR K, L**)
- ___ Iron-Manganese Masses (F12) (**LRR K, L, R**)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (explain in remarks)

*Indicators of hydrophytic vegetation and weltand hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric soil present? Y

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9)
- ___ Aquatic Fauna (B13)
- ___ True Aquatic Plants (B14)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres on Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Gauge or Well Data (D9)
- ___ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ___ Surface Soil Cracks (B6)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Stunted or Stressed Plants (D1)
- X Geomorphic Position (D2)
- X FAC-Neutral Test (D5)

Field Observations:

Surface water present?	Yes ___	No X	Depth (inches):	-	
Water table present?	Yes ___	No X	Depth (inches):	>24	**Indicators of wetland hydrology present?** Y
Saturation present? (includes capillary fringe)	Yes ___	No X	Depth (inches):	>24	

Describe recorded data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Appendix C

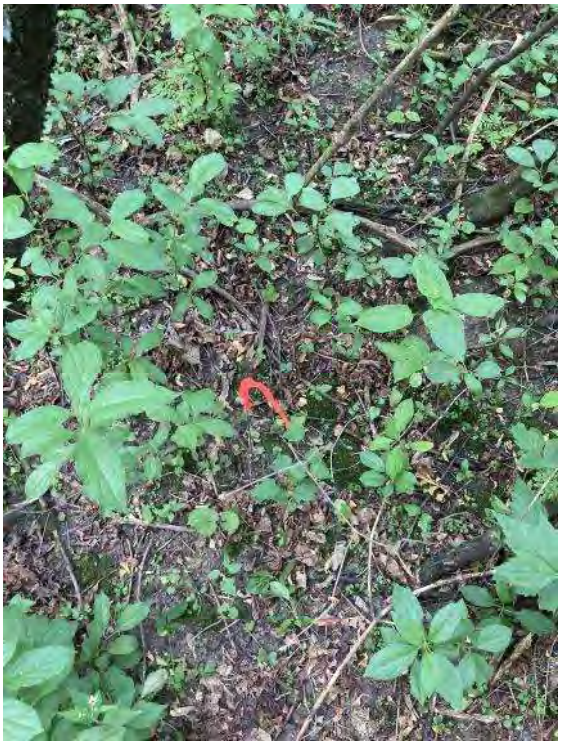
Site Photographs

1-1 Representative photo

1-1UP

1-1WET

1-2 Representative photo



1-2UP

1-2WET

2-Representative photo

2-UP

2-WET

3-Representative photo

3-UP

3-WET

Appendix D

Wetland Type and Boundary Approval Forms

BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Conservation Act
Notice of Decision

Local Government Unit: City of Mendota Heights	**County:** Dakota
Applicant Name: Mark Sullivan	**Applicant Representative:** Jacobson Environmental
Project Name: Sullivan Acres - 1707 Delaware Ave	**LGU Project No. (if any):** 2021-01
Date Complete Application Received by LGU: 8/12/2021	
Date of LGU Decision: 9/09/2021	
Date this Notice was Sent: 9/10/2021	

WCA Decision Type - check all that apply

☒ Wetland Boundary/Type ☐ Sequencing ☐ Replacement Plan ☐ Bank Plan (not credit purchase)
☐ No-Loss (8420.0415) ☐ Exemption (8420.0420)
Part: ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H Subpart: ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:
Wetland Replacement Type: ☐ Project Specific Credits: ☐ Bank Credits:
Bank Account Number(s):

Technical Evaluation Panel Findings and Recommendations (attach if any)

☐ Approve ☐ Approve w/Conditions ☐ Deny ☒ No TEP Recommendation

LGU Decision

☐ Approved with Conditions (specify below)[1] ☒ Approved[1] ☐ Denied
List Conditions:

Decision-Maker for this Application: ☐ Staff ☒ Governing Board/Council ☐ Other:

Decision is valid for: ☒ 5 years (default) ☐ Other (specify):

[1] *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision[1].

☒ Attachment(s) (specify): **Location Map, Wetland Delineation Report**

☒ Summary: Three separate wetland basins were identified and delineated, as called out in the attached delineation report, dated 6/22/2021. Wetland 1 is a Type 2 wetland with a total area of 3.55 acres, Wetland 2 is a Type 1 wetland with a total area of .175 acres, and Wetland 3 is a Type 2 wetland with a total area of .44 acres. Staff reviewed the delineation on-site on August 18, 2021, and concurred with the delineation as submitted in the report. During its regular meeting on September 9, 2021, the Mendota Heights City Council voted to approve and accept the findings of the Wetland Delineation Report, dated 6/22/201. As the Local Government Unit authorized to administer MN Rule 8420 under the Wetland Conservation Act, the City of Mendota Heights approves the Joint Water Resources application for wetland boundary and type, and concurs with the findings within the Delineation Report dated June 22, 2021. This concludes our review.

[1] *Findings must consider any TEP recommendations.*

Attached Project Documents

☒ Site Location Map ☒ Project Plan(s)/Descriptions/Reports (specify): **Application and Delineation Report**

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for $500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

☒ Yes[1] ☐ No

[1]*If yes, all appeals must first be considered via the local appeals process.*

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

The aggrieved party may appeal the decision of the city council or designee by filing a notice of appeal, in writing, within ten (10) days of receiving written notice of the city's action. Appeals may be delivered in person, or by mail to: 1101 Victoria Curve, Mendota Heights, MN 55118.

Notice Distribution (include name)

Required on all notices:

☒ SWCD TEP Member: Dave Holmen	☒ BWSR TEP Member: Ben Carlson
☐ LGU TEP Member (if different than LGU contact):	
☒ DNR Representative: Melissa Collins	
☒ Watershed District or Watershed Mgmt. Org.: Joe Barten	
☒ Applicant: Mark Sullivan	☒ Agent/Consultant: Jacobson Environmental

Optional or As Applicable:

☒ Corps of Engineers: USACE_Requests_MN@usace.army.mil	
☐ BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
☐ Members of the Public (notice only):	☐ Other:

Signature:	**Date:** 9/10/21

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Description of Stream Features Worksheet

The Corps encourages applicants to complete this worksheet to aid in the identification of streams within a project area. Provide representative photographs of the stream features outlined in this form in a separate attached document.

Project ID Number:	McMillan Estates	**Latitude (DD):**	44.8927273 N
Feature ID:	Reach 01	**Longitude (DD):**	93.10846875 W
Waterbody Name*:	Unnamed Stream	**Length of Reach (ft):**	185 LF
Investigator (s):	Lucius Jonett	**Top of Bank Width (ft):**	12'
Inspection Date:	May 19, 2025	**OHWM Elevation:**	945.4'
County/State:	Dakota/MN	**Special Designations:**	None

Site Description and Site History*:

Site is a forested suburban lot managed by the landowner to clear brush and buckthorn.

Associated Wetland(s)? *If yes, provide a brief description below and attach figures of locations*

Unnamed stream, called out as Drainage in attached wetlad delinetaion, flows into delineated wetland Basin 1, a type 2 wet meadow.

*Include Historic Aerial photographs and Topographic Maps (historic and current) of stream when appropriate (see instructions).

Water Regime (check all that apply):

☐ **Perennial** ☒ **Intermittent** ☐ **Ephemeral**

Explain Reasoning *(attach all supporting data):*

MN DNR Rivers and Streams GIS dataset
Kittle Number: MAJ-070129482-B
Kittle Name: None

Other Evidence: *List/describe an additional field evidence and/or lines of reasoning used to support your delineation*

1st order stream is a tributary to additional unnamed channels that ultimately drain to the Mississippi River.

Ordinary High Water Mark (OHWM) Criteria:

*Check all that apply and provide representative photographs** of each checked criteria in an attachment.*

☐ Clear, natural line impressed on bank
☒ Vegetation matted down, bent or absent
☒ Leaf litter disturbed or washed away
☐ Abrupt change in plant community
☐ Destruction of terrestrial vegetation
☐ Changes in soil characteristics
☐ Sediment deposition
☐ Sediment sorting
☐ Presence of litter or debris
☐ Shelving
☐ Evidence of scouring
☒ Water staining on leaf debris/tree trunks rocks

List of Photo ID Numbers:

IMG_6649, IMG_6651, IMG_6652, IMG_6653, IMG_6657

Unique Features:

Check all that apply and provide representative photographs of each checked criteria in an attachment.

☐ Unstable Banks
☐ Rock Outcrop
☐ Riffles/Runs
☐ Bridge/culvert
☐ Steep Sideslopes
☐ Headcutting
☐ Gravel Bars/Islands
☐ Riprap
☐ Diversion/Intake
☐ Buildings
☒ Erosion
☐ Channelization
☐ Seeps
☐ Dams
☐ Pools
☒ Large Woody Debris
☐ Concentrated Flow Points (e.g. Tile)
☐ Aquatic fauna (macroinvertebrates, fish etc.)
☐ Submergent Aquatic Vegetation
☒ Undercut Banks Left Bank

List of Photo ID Numbers:

IMG_6658
IMG_6659

Bed Material Characterization:

Estimate percentages to describe the general sediment texture of the channel, provide representative photographs when conditions allow.

	Clay/Silt <0.05mm	Sand 0.05- 2mm	Gravel 2mm- 1cm	Cobbles 1-10cm	Boulders >10cm
Bed Material	40%			40%	20%

Notes/Description and Photo ID Numbers:

IMG_6654

Vegetation:

Check boxes of the strata that are present in the reach and provide a brief description of the general vegetation characteristics. List the dominant species of each strata and describe which strata is dominant. Provide representative photographs of vegetation, including riparian buffer.

☒ **Tree** ☐**Shrub** ☒ **Herbaceous** ☐**Bare**

Notes/Description and Photo ID Numbers:

Dominant forest canopy with mature buckthorn tree understory. Not a lot of shrub growth due to landowner management. Dominant spring ephemeral, fern and tree seedling growth on the herbaceous strata. IMG_6661 and IMG_6662

Riparian Area Width:

Provide a general estimate in feet of the width of the riparian corridor that currently contains riparian vegetation and is free from any soil-disturbing land uses (MNSQT, 2019).

Notes/Description and Photo ID Numbers:

Fully vegetated riparian area width of 70' to 90', to the valley edges (natural hillslope).
IMG_6661
IMG_6662

Notes:

Provide any additional information below, all photographs and maps should be provided in an attached appendix.

Channel cross-section data

Station	Elevation	
0.0'	947.2'	TOB - Left Bank
1.0'	945.5'	OHWL
2.5'	945.2'	WSE
4.75'	945.2'	WSE
7.0'	945.4'	OHWL
8.0'	945.7'	
9.0'	946.0'	
10.0'	946.4'	
12.0'	947.2'	TOB - Right Bank

IMG_6648
Channel looking downstream.

IMG_6649
OHWL Delineation

IMG_6651
OHWL Delineation

IMG_6652
Channel looking downstream.
OHWL Delineation

IMG_6653
Channel looking downstream.
OHWL Delineation

IMG_6654
Bed Material substrate

IMG_6655
Channel looking upstream

IMG_6657
OHWL Water Staining

IMG_6658
Left Bank Erosion

IMG_6659
Channel looking downstream.

IMG_6661
Left bank riparian area vegetation

IMG_6662
Right bank riparian area
vegetation

From: Chesnut, Jed (BWSR)
To: Krista Spreiter
Cc: Holmen, David; Sarah Madden
Subject: McMillan Estates de minimis application
Date: Friday, May 30, 2025 9:39:08 AM
Attachments: image001.png

Krista,

I have reviewed the McMillan Estates application for a de minimis exemption. I have the following comments:

- Per the 2024 Statute amendment of Section 103G.2241, subdivision 9; wetland impacts of 1/20 acre (2,178 square feet) or less outside of the shoreland wetland protection zone in a less than 50% area of the State do not require replacement. Therefore, the McMillian Estates de minimis application with the proposed wetland impact of 2,170 square feet qualifies for the de minimis exemption per Mn Statute 103G.2241, subdivision 9.
- Wetland impacts that are authorized under a Wetland Conservation Act exemption are not subject to the replacement requirements of Mn Rule 8420.0500 and therefore are not required to meet the sequencing standards of Mn Rule 8420.0520 or the replacement standards per Mn Rule 8420.0522.
- The 2024 Statute amendment of Section 103G.2241, subdivision 9 removed the requirement to consider the cumulative area drained or filled of a landowner's portion of a wetland.
- The Joint Application Form (dated April 14, 2025) that accompanied the Notice of Application (dated 4/21/2025) contained supplemental information including a delineation report from 2021 that was completed by Jacobson Environmental. In that Jacobson Environmental delineation report (dated 6/22/2021), there is an additional application (Appendix D) that includes information related to a replacement plan application for proposed wetland impacts from what appears to be a previous site design and plan. That replacement plan application (dated 8/4/2021) should be removed from the current de minimis application since it is not relevant to the current proposed project. I recommend you request that the applicant revise their document and remove that embedded application and other non-relevant information.

Based on my review of the McMillian Estates de minimis exemption application, I recommend the application be approved subject to the standard exemption approval conditions per Mn Rule 8420.0410.

Thank you,

Jed Chesnut | Wetland Specialist
Minnesota Board of Water and Soil Resources
520 Lafayette Road North | St. Paul, MN | 55155
Phone: 651-286-9334

jed.chesnut@state.mn.us | www.bwsr.state.mn.us

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
ST. PAUL DISTRICT OFFICE
332 MINNESOTA STREET SUITE E1500
ST. PAUL MINNESOTA 55101

June 18, 2025

Regulatory File No. MVP-2021-01218-SSC

Spencer McMillan
1707 Delaware Avenue
Mendota Heights, MN 55118
SMcMillan@McMillanElectric.com

Dear Spencer McMillan,

We are responding to your request for authorization to discharge fill material in waters of the U.S. associated with the McMillan Estates residential development. The proposed work is located in Section 24, Township 028N, Range 023W, Dakota County, Minnesota.

Project Authorization:
The regulated activities associated with this project are detailed on the attached drawings and include:

- Permanent discharge of fill material into 0.05 acre of wetland associated with a roadway to access upland for the residential development.
- Permanent discharge of fill material into 0.01 acre of an unnamed tributary along 60 linear feet associated with the placement of culverted road crossing.

We have determined that these activities are authorized by a Nationwide Permit (NWP) or a Regional General Permit (RGP), specifically, NWP 29, Residential Developments. Your project requires verification prior to starting work. This work is shown on the enclosed figures, labeled MVP-2021-01218-SSC Pages 1-2 of 2.

Conditions of Your Permit:
You must ensure the authorized work is performed in accordance with the enclosed applicable terms and conditions.

You are also required to complete and return the enclosed Compliance Certification form within 30 days of completing your project. Please email the completed form to the contact identified in the last paragraph.

A change in location or project plans may require re-evaluation of your project. Proposed changes should be coordinated with this office prior to construction. Failure to comply with all terms and conditions of this permit invalidates this authorization and could result in a violation of Section 301 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. You must also obtain all local, State, Tribal, and other Federal permits that apply to this project.

Water Quality Certification:

You must also comply with the enclosed Water Quality Certification conditions associated with this General Permit.

Permit Expiration:

The 2021 NWP is valid until March 14, 2026 unless modified, suspended, or revoked. If the work has not been completed by that time, you should contact this office to verify that the permit is still valid. Furthermore, if you commence or are under contract to commence this activity before the date of General Permit expiration, modification, or revocation, you have 12 months to complete the activity under the present terms and conditions of the General Permit.

Jurisdictional Determination:

No jurisdictional determination was requested or prepared for this permit decision. While not required for this project, you may contact the Corps representative listed below with any questions concerning jurisdictional determinations.

Contact Information:

If you have any questions, please contact Samantha Coungeris of the St. Paul at 651-290-5268 or by email at Samantha.S.Coungeris@usace.army.mil.

Sincerely,

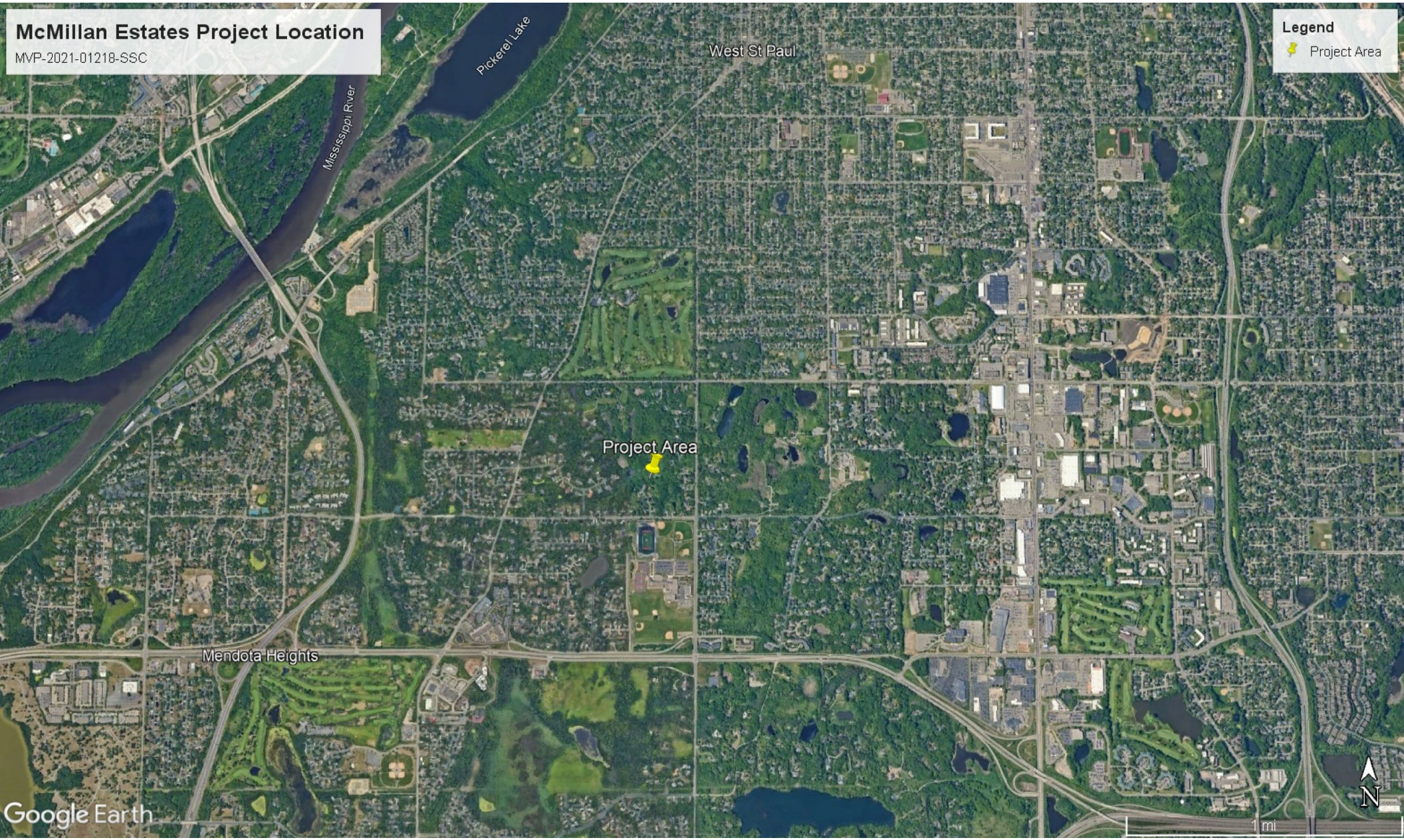
Samantha Coungeris

Samantha Coungeris
Project Manager

Enclosures
Project Drawings, GP Conditions, WQC, Compliance Certification Form

CC:
Lucius Jonett, Midwest Wetland Improvements, LLC; lucius@midwestwetlands.com

5a11.


McMillan Estates Project Location
MVP-2021-01218-SSC
Pickerel Lake
Mississippi River
West St Paul
Project Area
Mendota Heights
Legend
Project Area
Google Earth
N
1 mi

MCMILLAN ESTATES

PRELIMINARY PLAT

SEE THE CONSTRUCTION PLANS FOR GRADING, DRAINAGE, STREET, SANITARY SEWER, AND WATERMAIN FOR FOR DETAILED IMPROVEMENTS

LEGAL DESCRIPTION

Outlot A in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And Outlot B in Grappendorf First Addition, according to the recorded plat thereof, Dakota County, Minnesota.

And the North Quarter of the Southeast Quarter of the Southeast Quarter of Section 24, Township 28, Range 23, Dakota County, Minnesota.

OWNER/DEVELOPER

SPENCER MCMILLAN
1707 DELAWARE AVE.
MENDOTA HEIGHTS, MN 55118
715-698-7114

ENGINEER/SURVEYOR

SISU LAND SURVEYING AND ENGINEERING
2580 CHRISTIAN DR.
CHASKA, MN 55318
CONTACT: CURT KALLIO, PE, LS
612-418-6828

WETLAND DELINEATOR

JACOBSON ENVIRONMENTAL
5821 HUMBOLDT AVE. N.
BROOKLYN CENTER, MN 55430
CONTACT: WAYNE JACOBSON
612-802-6619

NOTE: DELINEATOR HAS RETIRED.

ZONING INFORMATION

EXISTING ZONING = R-1A
MINIMUM LOT SIZE = 30,000 SQ. FT.
MINIMUM LOT WIDTH = 125 FEET
MINIMUM FRONT YARD SETBACK = 40 FEET
MINIMUM SIDE YARD SETBACK = 15 FEET OR 1/2 THE HEIGHT OF STRUCTURE CONTIGUOUS TO STRUCTURE, WHICHEVER IS GREATER
MINIMUM REAR YARD SETBACK = 30 FEET OR 20% OF AVG. LOT DEPTH, WHICHEVER IS GREATER

PLAT AREAS

TOTAL PLAT AREA = 16.63 ACRES
PROPOSED LOT 1, BLOCK 1 = 158,544 SF = 3.64 ACRES
PROPOSED LOT 2, BLOCK 1 = 61,652 SF = 1.42 ACRES
PROPOSED LOT 3, BLOCK 1 = 53,242 SF = 1.22 ACRES
PROPOSED LOT 4, BLOCK 1 = 153,532 SF = 3.52 ACRES
PROPOSED LOT 5, BLOCK 1 = 77,002 SF = 1.77 ACRES
PROPOSED LOT 6, BLOCK 1 = 162,659 SF = 3.73 ACRES

PROPOSED RIGHT OF WAY
RIDGEWOOD DRIVE = 38,158 SF = 0.88 ACRES
DELAWARE AVE. = 19,751 SF = 0.45 ACRES

WETLANDS

WETLANDS HAVE BEEN DELINEATED AS SHOWN. 2170 SQ. FT. OF WETLANDS WILL BE IMPACTED FOR THE RIDGEWOOD DR. EXTENSION AND FUTURE DRIVES. PER DEMINIMUS RULES, NO WETLAND MITIGATION IS REQUIRED. A 25 FEET AVERAGE WETLAND BUFFER IS SHOWN WITH A MINIMUM BUFFER WIDTH OF 10 FEET. TOTAL 25 FEET BUFFER REQUIRED = 75,504 SF, TOTAL BUFFER PROVIDED = 75,609 SF.

PROPOSED IMPROVEMENTS

RIDGEWOOD DRIVE WILL BE EXTENDED TO PROVIDE ACCESS AND UTILITY CONNECTIONS FOR LOTS 1, 2, 3, 5, AND 6. NO IMPROVEMENTS ARE PROPOSED FOR LOT 4. THE EXISTING CUL DE SAC WILL BE REMOVED. SEE THE PROPOSED CONSTRUCTION PLANS FOR DETAILS.

TREE PRESERVATION

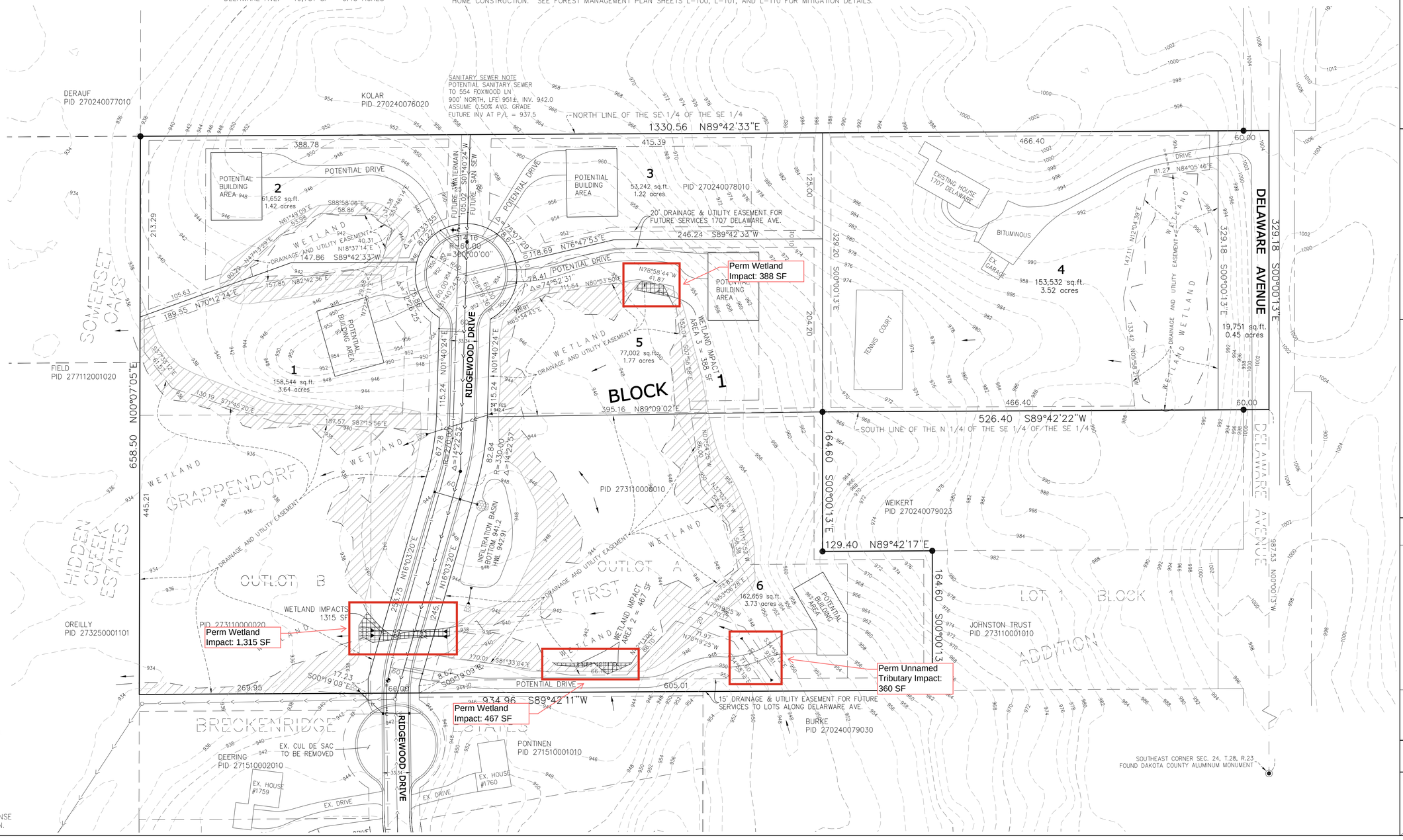
TREES HAVE BEEN INVENTORIED WITHIN THE POTENTIAL IMPROVEMENT AREAS. TREE INVENTORY AND REMOVALS FOR THE PROPOSED IMPROVEMENTS ARE SHOWN IN THE CONSTRUCTION PLANS. TREES HAVE NOT BEEN INVENTORIED FOR ALL OF THE INDIVIDUAL LOT IMPROVEMENTS. IF REQUIRED BY THE CITY, THOSE INVENTORIES WILL BE PROVIDED AT THE TIME OF HOME CONSTRUCTION. SEE FOREST MANAGEMENT PLAN SHEETS L-100, L-101, AND L-110 FOR MITIGATION DETAILS.

UTILITIES

UTILITIES WILL BE EXTENDED FROM EXISTING STUBS TO NORTH OF THE PROPOSED CUL DE SAC.EXISTING TO THE END OF THE NEW CUL DE SAC. POTENTIAL FUTURE UTILITY EXTENSIONS ARE SHOWN TO SERVE LOTS TO THE NORTH. SERVICE TAPS WILL BE PROVIDED FOR 1707 DELAWARE AVE. AND AN EASEMENT WILL BE PROVIDED TO EXTEND SERVICES TO THE EXISTING HOUSE. A 15 FEET EASEMENT WILL BE PROVIDED FOR POTENTIAL FUTURE UTILITY SERVICES TO HOMES ALONG DELWARE AVE. TO THE EAST.

STORMWATER

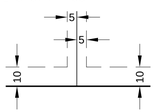
STORMWATER TREATMENT FOR THE INCREASE IN IMPERVIOUS FOR RIDGEWOOD DRIVE WILL BE PROVIDED BY AN INFILTRATION BASIS AS SHOWN. DUE TO THE TOPOGRAPHY OF THE SITE AND LOCATION OF FUTURE HOMES, THE IMPERVIOUS RUNOFF FROM THE INDIVIDUAL LOT IMPROVEMENTS COULD NOT BE CONVEYED TO THE PROPOSED INFILTRATION BASIN. THE INDIVIDUAL LOTS WILL PROVIDE VOLUME REDUCTION AND RATE CONTROL AT THE TIME OF HOME CONSTRUCTION. THE INCREASE IN IMPERVIOUS SURFACE FOR RIDGEWOOD DRIVE IS 0.43 ACRES. THE ESTIMATED INCREASE IN IMPERVOUS SURFACE FOR LOTS 1, 2, 3, 5, AND 6 IS 0.9 ACRES.



LEGEND

- PLAT BOUNDARY
- LOT LINE
- SETBACK
- EASEMENT
- WETLAND
- EX. CONTOUR
- EX. STORM SEWER
- EX. SAN. SEWER
- EX. WATERMAIN
- EX. HYDRANT
- 25' AVG. WIDTH WETLAND BUFFER, 10' MINIMUM WIDTH

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED, AS SHOWN ON THIS PLAT.

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 24 IS ASSUMED TO BEAR N00°00'13"W.

0 60 120
SCALE IN FEET

- ● DENOTES IRON MONUMENT FOUND
- ○ DENOTES 1/2 INCH BY 14 INCH MONUMENT SET AND MARKED BY LICENSE NO. 26909, UNLESS OTHERWISE SHOWN.

SISU
Land Surveying & Engineering
2580 Christian Dr.
Chaska, MN 55318
612-418-6828

I hereby certify that this plan, report, or specification 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.

CURTISS J. KALLIO
DATE: 4/17/2025 REG. NO. 26909

PREPARED FOR:
Spencer McMillan
1707 Delaware Ave.
Mendota Heights, MN 55118
715-698-7114

SHEET TITLE & PROJECT:
Preliminary Plat
MCMILLAN ESTATES
Mendota Heights, MN

BY	REVISION	DATE

PROJECT NO:
202142

SHEET 1 OF 1 SHEETS

29. Residential Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges of dredged or fill material into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

2021 Nationwide Permits (NWP)

St. Paul District Regional Conditions for Minnesota and Wisconsin

To qualify for NWP authorization, the prospective permittee must comply with the following regional conditions, as applicable, in addition to any case specific conditions imposed by the division engineer. The St. Paul District Regulatory website will provide current information regarding NWPs and the necessary 401 Water Quality Certifications at https://www.mvp.usace.army.mil/missions/regulatory/nwp/. Every person who wishes to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

The following NWPs have been revoked and are not available for use in St. Paul District: NWPs 8, 12, 14, 15, 21, 23, 24, 34, 48, 49, 50, 55, 56, 57, and 58.

Information on other permits available for use in St. Paul District can be found at: https://www.mvp.usace.army.mil/Missions/Regulatory/Permitting-Process-Procedures/.

Any regulated activity eligible for authorization under a St. Paul District Special Area Management Plan (SAMP) general permit is not eligible for authorization by NWPs.

The following regional conditions are applicable to all NWPs:

A. **Linear Projects:** No linear utility or linear transportation projects are eligible for authorization by NWPs. These projects will be reviewed for authorization under the St. Paul District's regional general permits or an individual permit.

B. **Temporary Impacts:** All regulated temporary impacts to waters of the U.S. must comply with the following criteria:

(1) If the temporary impacts in waters of the U.S., including wetlands, that occur as a result of the regulated activity would remain in place for longer than 90 days between May 15 and November 15, a PCN is required.

(2) Any PCN with temporary impacts must specify how long the temporary impact will remain and include a restoration and re-vegetation plan showing how all temporary fills and structures will be removed and the area restored to preconstruction contours and elevations. Native, non-invasive vegetation must be used unless otherwise authorized by a Corps NWP verification.

C. **PCNs for Apostle Islands National Lakeshore and Madeline Island**: A project proponent must notify the District by submitting a PCN if the regulated activity would result in excavation, fill, or the placement of a new structure within the boundaries of Apostle Islands National Lakeshore and Madeline Island in Wisconsin. Regulated activities authorized under NWP 3 (Maintenance) are not subject to this condition unless they include bank shaping or excavation.

D. **Calcareous fens:**

WISCONSIN: No work in a calcareous fen is authorized by a NWP unless the Wisconsin Department of Natural Resources (WI DNR) has approved a permit for the proposed regulated activity. Project proponents must provide evidence of an approved permit to the District.

MINNESOTA: No work in a calcareous fen is authorized by a NWP unless the Minnesota Department of Natural Resources (MN DNR) has approved a calcareous fen management plan specific to a project that otherwise qualifies for authorization by a NWP. Project proponents must provide evidence of an approved fen management plan to the District. A list of known Minnesota calcareous fens can be found at: http://files.dnr.state.mn.us/eco/wetlands/calcareous_fen_list.pdf.

E. **Special Aquatic Resources:** A project proponent must notify the District by submitting a PCN if a regulated activity would occur in any of the following aquatic resources:

(1) State-designated wild rice waters[1,2];

(2) Bog wetland plant communities[1,3];

(3) Fens[1,3];

(4) Coastal plain marshes[1,4];

(5) Interdunal wetlands[1,4];

(6) Great Lakes ridge and swale complexes[1,4];

(7) Aquatic resources within Lake Superior National Estuarine Research Reserve;

(8) Ramsar wetland sites, including: the Horicon Marsh, Upper Mississippi River Floodplain Wetland, Kakagon and Bad River Slough, Door Peninsula Coastal Wetlands, Chiwaukee Illinois Beach Lake Plain, and Lower Wisconsin Riverway. The complete up to date Ramsar list is available at https://rsis.ramsar.org.

The following regional conditions are applicable to a specific NWP:

F. **NWP 52. Water-Based Renewable Energy Generation Pilot Projects:** NWP 52 does not authorize structures or work in Lake Michigan and Lake Superior within the geographic regulatory boundaries of the St. Paul District.

G. **NWP 3, 33, and 41. Aquatic Resource Impacts:** A project proponent must notify the District by submitting a PCN if a regulated activity, including but not limited to, filling, flooding, excavating, or drainage of waters of the U.S., involves:

(1) A permanent loss of greater than 1/10 acre of waters of the U.S. for NWP 3 and 41; or
(2) over 1/2 acre of temporary impacts to waters of the U.S. for NWP 3, 33, and 41.

H. **NWP 27. Aquatic Habitat Restoration, Establishment and Enhancement Activities:** NWP 27 does not authorize the permanent conversion of forested, bog, fen, sedge meadow, or shrub-carr wetlands to other plant communities. A project proponent may request, in writing, a waiver from this condition from the District. The waiver will only be issued if it can be demonstrated that the conversion would restore wetland plant communities to the pre-settlement condition or a watershed approach and that the current landscape and hydrologic conditions would sustain the targeted community.

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[1] Information about Wisconsin plant community types for 1-6 above may be obtained from: http://dnr.wi.gov/topic/EndangeredResources/Communities.asp?mode=group&Type=Wetland

[2] Information regarding wild rice waters and their extent may be obtained from: https://www.dnr.state.mn.us/wildlife/shallowlakes/wildrice.html and https://gisdata.mn.gov/dataset/biota-wild-rice-lakes-dnr-wld in Minnesota, https://dnr.wisconsin.gov/topic/wildlifehabitat/rice.html in Wisconsin, and an interactive map is provided at: http://maps.glifwc.org/ (under Treaty Resources – Gathering).

[3] Additional information on bog and fen communities can be found at: http://www.mvp.usace.army.mil/missions/regulatory.aspx and in Minnesota at http://www.dnr.state.mn.us/npc/classification.html.

[4] Coastal plain marshes, interdunal wetlands, and Great Lakes ridge and swale complexes are specific to Wisconsin

2021 Nationwide Permit General Conditions

1. Navigation.

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers.

(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species.

(a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties.

(a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she

makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either

some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary,

to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality.

(a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States

for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification.

(a) *Timing*. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to

cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification*: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4)

(i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the

proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification*: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination*:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

MINNESOTA POLLUTION CONTROL AGENCY

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December 21, 2020

Chad Konickson
U.S. Army Corps of Engineers
Regulatory Branch Chief, St. Paul District
180 Fifth Street East, Suite 700
St. Paul, MN 55101-1678

RE: Nationwide Permits – Clean Water Act Section 401 Water Quality Certification

Dear Chad Konickson:

This letter is submitted by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), Minn. Stat. chs. 115 and 116 and Minn. R. chs. 7001.1400-7001.1470, 7050, 7052, and 7053. The MPCA examined the information furnished by the U.S. Army Corps of Engineers (USACE), including the proposed Nationwide Permits (NWPs) issued by USACE Headquarters on September 15, 2020, and regional conditions proposed by USACE St. Paul District September 18, 2020, and proposes requiring conditions through the 401 Water Quality Certification (401 Certification or Certification).

Exclusion from 401 Certification of NWPs

1. **Physical Alterations of 300 or More Linear Feet of a Stream or River**
   The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that protect and maintain existing and beneficial uses. For this reason, the MPCA denies certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) for projects that will cause a physical alteration of 300 or more linear feet of a stream or river that are not covered under NWP 13, Bank Stabilization or projects that will result in a functional lift of waters impacted by the projects activities. Minn. R. ch. 7050.0255 subp. 30, defines "physical alteration" as "a physical change that degrades surface waters such as the dredging, filling, draining, or permanent inundation of a surface water." *The MPCA Authority: Minn. R. ch. 7050.0255. Physical alterations to smaller streams can potentially have significant impact on overall water quality. The MPCA must individually review these projects for compliance with Water Quality Standards (WQS).*

2. **Exceptional Aquatic Life Use Waters** (Attachment 1)
   The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that protect and maintain existing and beneficial uses. For this reason, the MPCA denies certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) for projects that will cause a physical alteration of Exceptional Aquatic Life Use Waters. Exceptional Aquatic Life Use Waters are very susceptible to disturbance. An increase in water temperature or sedimentation can effectively destroy this unique water habitat. Projects that will potentially impact Exceptional Aquatic Life Use Waters directly or indirectly by impacting stream hydrology, connectivity, chemistry and habitat are required to

obtain an individual Certification. *The MPCA Authority: Minn. R. ch. 7050.0222 subps. 2c, 3c and 4c.*

Because Exceptional Aquatic Life Use Waters are very susceptible to disturbance, the MPCA must individually review projects for compliance with WQS for the following water bodies:

More information on the water bodies is located at the 401 webpage: https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications.

	Water Body Name	Miles	Reach
1	Cross River	14.84	Fourmile Cr. To Lk Superior
2	Greenwood River	7.29	Greenwood Lk to Brule R
3	Irish Creek	7.07	Headwaters to Swamp River Reservoir
4	Kimball Creek	8.98	Headwaters to Lk Superior
5	Manitou River	11.07	S Br Manitou R to Lk Superior
6	Mistletoe Creek	4.56	Halls Pond to Poplar R
7	Two Island River	11.44	Unnamed Cr to Lk Superior
8	Little Devil Track River	2.71	Unnamed Cr to Devil Track R
9	Heartbreak Creek	3.79	Unnamed Cr to Temperance R
10	Houghtaling Creek	1.7	Unnamed Cr to Unnamed Cr
11	Caribou River	5.51	Amenda Cr to Unnamed Cr
12	Caribou River	1.18	Unnamed Cr to Unnamed Cr
13	Crown Creek	1.68	Fry Cr to Unnamed Cr
14	Cascade River	14.46	N Br Cascade R to Lk Superior
15	Spruce Creek (Deer Yard Creek)	3.21	Unnamed Cr (Ward Lk outlet) to Lk Superior
16	Bluff Creek	2.68	East Twin Lk (16-0145-00) to South Brule R
17	Elbow Creek	0.81	Unnamed Cr to Devil Track R
18	Wanless Creek	2.73	Headwaters (Dam Five Lk 38-0053-00) to Houghtaling Cr
19	Lullaby Creek	1.82	Headwaters (Lullaby Lk 16-0100-00) to Brule R
20	Manitou River, South Branch	5.42	Junction Cr to Manitou R
21	Sixmile Creek	3.32	Unnamed Cr to Temperance R
22	Swamp River	1.91	Stevens Lk to T63 R4E S20, east line
23	Brule River	12.58	BWCA boundary to South Brule R
24	Baptism River, West Branch	2.68	-91.3381 47.4702 to Crown Cr
25	Kadunce River (Kadunce Creek)	2.69	-90.1484 47.8261 to Lk Superior
26	Portage Brook	5.85	CSAH 16 to Pigeon R
27	Temperance River	15.05	T61 R4W S4, north line to Sixmile Cr
28	Baptism River, East Branch	3.28	Lk Twenty-three to Blesner Cr
29	Woods Creek	1.84	-90.2650 47.7964 to Devil Track R
30	Devil Track River	6.66	Devil Track Lk to Unnamed cr

31	Humphrey Creek	3.67	Headwaters to Boulder Cr
32	Coyote Creek	1	Unnamed Cr to Pequaywan Lk
33	Cloquet River	13.95	Headwaters (Katherine Lk 38-0538-00) to T57 R10 S32, south line
34	Cloquet River	26.44	T56 R10 S5, north line to W Br Cloquet River
35	Cloquet River	28.82	W Br Cloquet R to Island Lake Reservoir
36	Schoolcraft River	7.78	Frontenac Cr to Plantagenet Lk
37	Prairie River, West Fork	2.31	Hartley Lk to Prairie R
38	Willow River Ditch	3.3	Willow River Flowage to Moose R
39	Tamarack River	7.52	Little Tamarack R to Prairie R
40	Prairie River	11.31	Day Bk to Balsam Cr
41	Bee Creek (Waterloo Creek)	3.45	T101 R6W S29, north line to MN/IA border
42	Tulaby Creek	5.08	Tulaby Lk to McCraney Lk
43	Little Isabella River	11.02	Headwaters to Flat Horn Lk
44	Snake River	1.71	T61 R9W S7, south line to T61 R10W S12, north line
45	Jack Pine Creek	7.24	Headwaters to Mitawan Cr
46	Mitawan Creek	8.18	Kitigan Lk to T61 R9W S13, north line
47	Denley Creek	3.13	Nira Cr to Stony R
48	Cross River	3.79	Ham Lake Outlet to Gunflint Lk
49	Bezhik Creek	0.9	BWCA boundary to Moose R

3. **Prohibited Outstanding Resource Value Waters** (Attachment 2)
The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that "prohibit a net increase in loading or other causes of degradation to prohibited outstanding resource values waters …." For this reason, the MPCA denies certification without prejudice for projects resulting in permanent degradation (impacts longer than 12 months) to prohibited outstanding resource value waters (ORVWs). The MPCA does not find that NWP authorizations for broad categories of activities, where specific impacts may vary, is appropriate for activities in these waters. Therefore, the MPCA excludes from this general 401 Certification of the NWPs any project taking place in whole or in part in a listed prohibited ORVW in Minnesota, as identified in Minn. R. 7050.0335, subp. 3, and listed below. Such projects, though authorized by the NWPs, require individual 401 Certification from the MPCA. *The MPCA Authority: Minn. R. ch. 7050.0255 – 7050-0335. The MPCA needs to be able to individually review projects for compliance with WQS.*

Minn. R. 7050.0335 DESIGNATED OUTSTANDING RESOURCE VALUE WATERS.
Subp. 3. **Prohibited outstanding resource value waters.** For the purposes of parts 7050.0250 to 7050.0335, the following surface waters are prohibited outstanding resource value waters:

More information on the water bodies is located at the 401 webpage:
https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications.

A. Waters within the Boundary Waters Canoe Area Wilderness;

B. Those portions of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary;

C. Waters within Voyageurs National Park;

D. The following scientific and natural areas:
   1) Boot Lake, Anoka County;
   2) Kettle River in Sections 15, 22, 23, T.41, R.20, Pine County;
   3) Pennington Bog, Beltrami County;
   4) Purvis Lake-Ober Foundation, Saint Louis County;
   5) Waters within the borders of Itasca Wilderness Sanctuary, Clearwater County;
   6) Iron Springs Bog, Clearwater County;
   7) Wolsfeld Woods, Hennepin County;
   8) Green Water Lake, Becker County;
   9) Black Dog Preserve, Dakota County;
   10) Prairie Bush Clover, Jackson County;
   11) Black Lake Bog, Pine County;
   12) Pembina Trail Preserve, Polk County; and
   13) Falls Creek, Washington County; and

E. The following state and federal designated wild river segments:
   1) Kettle River from the site of the former dam at Sandstone to its confluence with the Saint Croix River; and
   2) Rum River from Ogechie Lake spillway to the northernmost confluence with Lake Onamia.

4. Restricted ORVWs (Attachment 2)

The MPCA's antidegradation standard (Minn. R. 7050.0270) requires that the MPCA issue control documents that "restrict net increases in loading or other causes of degradation as necessary to maintain the exceptional characteristics for which the restricted outstanding resource value waters…were designated." The MPCA does not find that NWP authorizations for broad categories of activities, where specific impacts may vary, is appropriate for activities in these waters. Therefore, the MPCA excludes from this general 401 Certification of the NWPs any project taking place in whole or in part in a listed restricted ORVW in Minnesota, as identified in Minn. R. 7050.0335, subp. 1, and listed below. Such projects, though authorized by the NWPs, require individual 401 Certification from the MPCA. *The MPCA Authority: Minn. R. ch. 7050.0255 – 7050-0335. The MPCA needs to be able to individually review projects for compliance with WQS.*

NOTE: Projects that will potentially impact calcareous fens identified as restricted ORVWs in Minn. R. 7050.0335, subp. 1, are also required to have an approved Fen Management Plan from the Minnesota Department of Natural Resources (DNR) which is sufficient to ensure maintenance of the exceptional characteristics for which the fens were designated as restricted ORVWs.

Minn. R. 7050.0335 DESIGNATED OUTSTANDING RESOURCE VALUE WATERS.
Subpart 1. **Restricted outstanding resource value waters.** For the purposes of parts 7050.0250 to 7050.0335, the following surface waters are restricted outstanding resource value waters:

More information on the water bodies is located at the 401 webpage: https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications.

A. Lake Superior, except those portions identified in subpart 3, item B, as a prohibited outstanding resource value waters.

B. Those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board comprehensive plan dated February 12, 1981.

C. Lake trout lakes, both existing and potential, as determined by the Commissioner in conjunction with the DNR, outside the boundaries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park and identified in parts 7050.0460 to 7050.0470.

D. The following state and federal designated scenic or recreational river segments:
   1) Saint Croix River, entire length;
   2) Cannon River from northern city limits of Faribault to its confluence with the Mississippi River;
   3) North Fork of the Crow River from Lake Koronis outlet to the Meeker-Wright county line;
   4) Kettle River from north Pine County line to the site of the former dam at Sandstone;
   5) Minnesota River from Lac qui Parle dam to Redwood County State-Aid Highway 11; Mississippi River from County State-Aid Highway 7 bridge in Saint Cloud to northwestern city limits of Anoka; and
   6) Rum River from State Highway 27 bridge in Onamia to Madison and Rice Streets in Anoka.

401 Certification of NWPs
The MPCA proposes to certify the referenced general NWPs because there is reasonable assurance that the activities identified within them will be conducted in a manner that will not violate applicable water quality standards provided the work is done in accordance with the following conditions, which shall become conditions of the NWPs:

Conditions for All NWP Activities

1. Mitigation required by an NWP must comply with Minn. R. ch. 7050.0186. *The MPCA Authority: Minn. R. ch. 7050.0186, Minn. R. 7050.0155. This condition is needed to ensure unavoidable physical alterations are properly mitigated.*

2. The applicant must ensure that all surface waters in or bordering the construction areas that are not authorized to be impacted by the project are clearly identified prior to construction. This may be done through demarcation of the construction area on plan sheets or through marking boundaries in the field, for example construction staking, flagging, or the use of silt fences along

boundaries. The applicant must not impact any non-construction areas while conducting activities under this permit. *The MPCA Authority: Minn. R. ch. 7001.0150). This condition is needed to protect surface waters not within the project boundaries.*

3. Applicants must install in-water best management practices (BMPs) necessary to minimize total suspended solids (TSS) and sedimentation for any work conducted below the ordinary high water level (OHWL) as defined in Minn. Stat. 103G.005, subd. 14 of any surface water.

4. The applicant must document the in-water BMPs to be used during the authorized work prior to disturbing any land at the site; this documentation may be stand-alone or part of an Erosion Control Plan, Construction Plan, or other relevant construction document. This documentation is not required to be submitted to the MPCA for the purpose of the 401 Certification, but must be kept on-site during active construction by the applicant or the applicant's contractor until the project is complete. Proper installation of BMPs is required before conducting the authorized in-water activities and properly maintained throughout the duration of the project's in-water work. While conducting the authorized work, the applicant must visually monitor the BMPs to ensure that the BMPs are working as intended to reduce TSS or sedimentation. Visual inspection should occur every seven days and within 24 hours after a rainfall event greater than ½ inch in 24 hours. If the project activities cause an observable increase in TSS or sedimentation as described in Minn. R. ch. 7050.0210, subp. 2 outside or downstream of the authorized defined working area, the project activities must immediately cease and any malfunctioning BMPs must be repaired, or alternative BMPs must be implemented. This Certification does not authorize the violation of applicable water quality standards outside or downstream of the defined work area. *The MPCA Authority: Minnesota water quality standards are defined in Minn. R. ch. 7050 and 7052. BMPs need to be installed function properly in order to ensure compliance with state water quality standards.*

   Information on BMPs that may be suitable for in-water work is located in the Minnesota DNR Manual titled *Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001*, located at:
   https://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_manual.html.

   The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforcement this condition independent of the general permit. The point of contact at the MPCA for questions regarding this condition is: 401Certification.pca@state.mn.us.

5. The applicant must ensure that any dewatering activities do not create nuisance conditions as defined in Minn. R. ch. 7050.0210, supb. 2. BMPs must be used that minimize TSS and sedimentation by removing solids in the water before discharging the water. If discharging to an upland area, the discharge must be directed to an onsite sediment basin prior to discharging and the discharge shall not cause erosion, and must not cause inundation, or sedimentation to the receiving water. The applicant must document the in-water BMPs prior to beginning any dewatering, this includes the point of withdrawal and the point of discharge; this documentation may be stand-alone or part of an Erosion Control Plan, Construction Plan, or other relevant construction document. This documentation is not required to be submitted to

the MPCA for the purpose of the 401 Certification. The applicant must ensure that properly installed BMPs are in place before conducting the authorized activities and maintained throughout the duration of the dewatering work. *The MPCA Authority: Minn. R. ch. 7050.0210, subp. 2 and 7050.0150. BMPs need to be installed function properly in order to ensure compliance with state water quality standards.*

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforcement this condition independent of the general permit. The point of contact at the MPCA for questions regarding this condition is: 401Certification.pca@state.mn.us.

6. The applicant must ensure any earthen material used to construct or improve temporary or permanent dikes or dams, including cofferdams, or any roads, is contained and stabilized in a manner that will prevent any of the earthen material from eroding. The applicant must completely remove temporary structures and restore original bathymetry, or contours at project completion. *The MPCA Authority: Minn. R. ch. 7050.0270 and 7050.0150. BMPs need to be installed function properly in order to ensure compliance with state water quality standards.*

7. It is the applicant's responsibility to ensure that the authorized activities do not exacerbate any existing impairments of a CWA 303-(d) listed impaired waters. The following MPCA webpages contain more information and search tools available to determine which waters in Minnesota are impaired: http://www.pca.state.mn.us/lupg1125 and http://www.pca.state.mn.us/mvri1126. *The MPCA Authority: Applicable water quality standards are located in Minn. R. ch. 7050. This condition is needed to ensure compliance with state water quality standards.*

The MPCA is responsible for interpretation of the requirements of this condition, determining compliance with the requirements of this condition, and may enforcement this condition independent of the general permit. The point of contact at the MPCA for questions regarding this condition is: 401Certification.pca@state.mn.us.

8. Projects permitted under any NWP must implement planning and prewashing of equipment, prior to entering the site, to minimize the spread of invasive or noxious species. Fill used in any surface water must be clean fill that is free of any solid waste, toxic or hazardous contaminants, and invasive species as defined in Minn. Stat. ch. 84D and Minn. R. ch. 6216, and noxious weeds as defined in Minn. Stats. 18.75-18.91. *The MPCA Authority: Minn. R. ch. 7050.0270 and 7050.0150. This condition is needed to ensure compliance with state water quality standards.*

9. The applicant must provide: a) a copy of this Certification; b) documentation of any required BMPs under condition 3 above; and c) any written demarcation of waters of the United States under condition 2; to any prime contractor responsible for completing the project's authorized activities. The applicant must also ensure that there is a mechanism in place requiring each prime contractor to provide the same information to all subcontractors, at any level, responsible for fabricating or providing any material for the project or performing work at the project site. In addition, copies of these documents and any other relevant regulatory authorizations related to impacts of surface waters, must be available at or near the project site for use by contractors or staff responsible for completing the project work and must be available within 72 hours when

requested by the MPCA staff. *The MPCA Authority: Minn. R. ch. 7050.0270 and 7050.0150. This condition is needed to ensure that all contractor activities meet State water quality standards.*

10. The applicant is responsible for compliance with all applicable conditions of this Certification. *The MPCA Authority: Minn. R. chs. 7050.0270 and 7050.0150. This condition is needed to ensure that all contractor activities meet State water quality standards.*

11. This Certification includes and incorporates by reference the general conditions of Minn. R. 7001.0150, subp.3. *The MPCA Authority: Minn. R. ch. 7001.0150. This condition is need to ensure the applicant follows state permitting requirements.*

Conditions Specific to Individual NWP Activities
In addition to all other applicable Certification conditions, the following activities must also comply with the activity-specific conditions below. *The MPCA Authority: Minn. R. ch. 7050.0270.*

- **NWP 7, Outfall Structures and Associated Intake Structures**
  The applicant must ensure that impacts associated with outfall and intake structures do not harm aquatic life outside of the permitted project area and do not result in an unauthorized loss of surface waters. *The MPCA Authority: Minn. R. ch. 7001.0150). This condition is needed to protect surface waters not within the project boundaries.*

- **NWP 16, Return Water from Upland Contained Disposal Areas**
  The applicant must ensure that return water from Upland Contained Disposal Areas, that is returned to the original source water, meet the same water quality standards that apply to the original source water. If the return water is discharged into a receiving water that is not the original source water, then the applicant must ensure that the discharge water will meet the more stringent water quality standard of the receiving water and the original source water. *The MPCA Authority: Discharges of return water must not violate the state water quality standard identified in Minn. R. 7050.0210, subp.2. This condition is needed to protect surface water from excess sediment in the form of TSS and any contaminants contained in the TSS.*

- **NWP 19 Minor Dredging**
  Projects exceeding 50 CY of impacts are not certified and require an individual review and 401 Certification. *The MPCA Authority: Minn. R. ch. 7050.0305, and 7050.0270. This condition is needed to protect the beneficial and existing uses of surface waters.*

- **NWP 27 Wetland and Riparian Restoration and Creation Activities**
  For restoration and creation activities, the applicant must meet the following conditions:
  - Manage sediment to minimize downstream effects.
  - Use low-flow and winter construction when appropriate.
  - Provide mitigation for any conversion of surface waters to uplands.

  The MPCA Authority: Minn. R. ch. 7050.0305, and 7050.0270. This condition is needed to protect the beneficial and existing uses of surface waters.

- **NWP 53 Removal of Low-Head Dams**
  Projects involving the removal of low-head dams must meet the following conditions:

- Manage sediment to minimize downstream effects.
- Use low-flow and winter construction when appropriate.

The MPCA Authority: Minn. R. ch. 7050.0305, and 7050.0270. This condition is needed to protect the beneficial and existing uses of surface waters.

NOTIFICATIONS: The following notifications are not conditions of the MPCA CWA 401 Certification of NWPs. They provide practices that can help reduce the potential environmental impacts or they provide notification to the public in Minnesota, that certain discharges in Waters of the State, as defined in Minn. Stat.§ 115.01, subd. 22, or activities associated with discharges into Waters of the State, are also regulated under rules administered by the MPCA:

1. It is the applicant's responsibility to fully comply with all MPCA rules governing waters of the state, including MPCA rules governing wetlands (Minn. R. 7050.0186) which require an applicant to provide compensatory mitigation for the project's unavoidable physical alterations to wetlands, including those not subject to federal jurisdiction under section 404 of the CWA.

2. Minnesota water quality standards found in Minn. R. ch. 7050, apply in all water of the state, defined in Minn. Stats. 115.01 subd. 22, "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

3. Applicants should review Total Maximum Daily Load (TMDL) / Watershed Restoration and Protection Strategy (WRAPS) projects to determine if they are applicable to their project. A list of WRAPS/TMDL projects is available at: https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects.

4. Any projects in Cold Water Habitat waters, not excluded in Exceptional Aquatic Life Use Waters above and identified as class 2A, 2Ae, or 2Ag in part Minn. R. ch. 7050.0470, are required by the Code of Federal Regulations, title 40, section 131.10, to reflect an existing beneficial use or a feasibly attainable beneficial use, that permits propagating and maintaining a healthy community of cold water aquatic biota and their habitats. Existing beneficial use for cold water habitats means a beneficial use that was attained in a water body on or after November 28, 1975. Any project that impacts a Cold Water Habitat water must ensure that the Beneficial and Existing Uses are maintained.

5. Minn. R. chs. 7001 and 7090 requires any activity that will disturb one acre or more of land must first acquire a National Pollutant Discharge Elimination System Permit (NPDES)/State Disposal System (SDS) General Stormwater Permit from the MPCA for discharging stormwater during construction activity. Both the owners and operators of construction activity disturbing one acre or more of land are responsible for obtaining and complying with the conditions of the NPDES/SDS General Stormwater Permit prior to commencing construction activities. Sites disturbing less than one acre within a larger common plan of development or sale that is more

   than one acre also need permit coverage. A detailed Stormwater Pollution Prevention Plan (SWPPP), containing both temporary and permanent erosion and sediment control plans, must

be prepared prior to submitting an application for the NPDES/SDS General Stormwater Permit. In addition, any project that will result in over 50 acres of disturbed area and has a discharge point within one mile of a special or impaired water is required to submit their SWPPP to the MPCA for a review at least 30 days prior to the commencement of land disturbing activities. If the SWPPP is out of compliance with the terms and conditions of the NPDES/SDS General Stormwater Permit, further delay may occur. For more information, please visit the following webpage: https://www.pca.state.mn.us/water/construction-stormwater.

6. Minn. R. ch. 7001.0030 requires that, prior to testing the structural integrity of any newly installed pipeline or any existing pipeline maintained or repaired that is authorized by NWPs, the applicant must obtain NPDES/SDS Permit coverage from the MPCA. The NPDES/SDS Permit regulates the discharge of water and trench waters associated with this activity.

7. Chloride from winter road salt affects water quality. The MPCA encourages public road authorities pursuing projects under the general permit to consider the use of BMPs to reduce the use of chloride. General information about chloride and water quality, including the Twin Cities Metropolitan Area Chloride Management Plan, is located at: https://www.pca.state.mn.us/water/salt-applicators.

8. When riprap is used, the applicant should consider placing riprap in the following manner:
   a. Use natural rock (average between 6 inches and 30 inches in diameter) that is free of debris that may cause pollution or siltation.
   b. A filter of crushed rock, gravel, or filter fabric material can be placed underneath the rock.
   c. The riprap should be no more than 6 feet waterward of the OHWL as defined in Minn. Stat.§ ch. 103G.005, subd.14.
   d. The riprap should conform to the natural alignment of shore and should not obstruct navigation or the flow of water.
   e. The minimum finished slope waterward of the OHWL should be no steeper than 3 to 1 (horizontal to vertical).

9. Section 401 Certification does not release the applicant from obtaining all necessary federal, state, and local permits. It does not limit any other permit where requirements may be more restrictive. It does not eliminate, waive, or vary the applicant's obligation to comply with all other laws and state water statutes and rules through the construction, installation, and operation of the project. This Certification does not release the applicant from any liability, penalty, or duty imposed by Minnesota or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.

10. This Certification does not replace or satisfy environmental review requirements, including those under the Minnesota Environmental Policy Act (MEPA). In accordance with MEPA, Minn. Stat.§ 116D.04, subd. 2b, and related rules, projects that are required to complete an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS), may not be started, and final governmental decisions to grant a permit, approve a project, or begin a project may not be made, until:
    - A petition for an EAW is dismissed.
    - A negative declaration on the need for an EIS has been made.
    - An EIS has been determined to be adequate.

- A variance has been granted by the state Environmental Quality Board.

11. The MPCA reserves the right to modify this Certification or revoke this Certification as provided in Minn. R. 7001.0170.

12. Pursuant to Minn. R. 7001.1450, failure to comply with any of the conditions in this Certification may result in the MPCA invalidating or revoking this 401 Water Quality Certification on a project-by-project basis.

If you have any questions on this Certification, please contact Jim Brist at jim.brist@state.mn.us or 401Certification.pca@state.mn.us.

Sincerely,

Anna Hotz
Supervisor
Agency Rules Unit
Resource Management and Assistance Division

AH/JB:ds

Attachments

cc: Melissa Blankenship, EPA
Dave Pfeifer, EPA
Dana Rzeznik, EPA
Dawn Marsh, USFWS
Sarah Quamme, USFWS
Tom Hovey, DNR
Steve Colvin, DNR
Kerryann Weaver, EPA
Todd Vesperman, USACE
Meghan Brown, USACE

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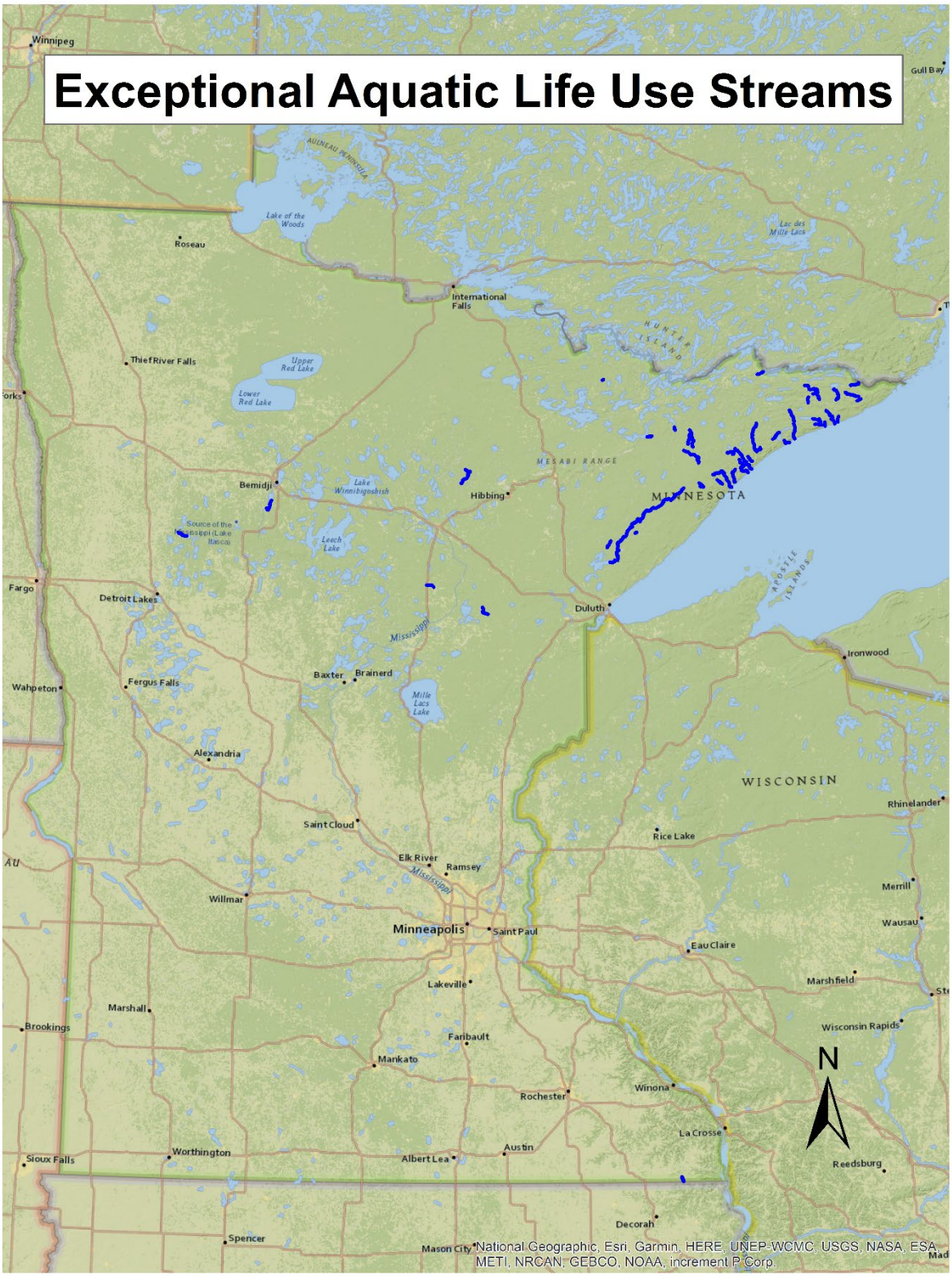
Exceptional Aquatic Life Use Streams
Winnipeg
Gull Bay
Roseau
International Falls
Thief River Falls
Bemidji
Hibbing
MINNESOTA
Fargo
Detroit Lakes
Duluth
Ironwood
Wahpeton
Fergus Falls
Baxter
Brainerd
Alexandria
WISCONSIN
Rhinelander
Saint Cloud
Rice Lake
Elk River
Ramsey
Willmar
Merrill
Minneapolis
Saint Paul
Wausau
Eau Claire
Lakeville
Marshfield
Marshall
Brookings
Wisconsin Rapids
Faribault
Mankato
N
Winona
Rochester
La Crosse
Sioux Falls
Worthington
Albert Lea
Austin
Reedsburg
Decorah
Spencer
Mason City
National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

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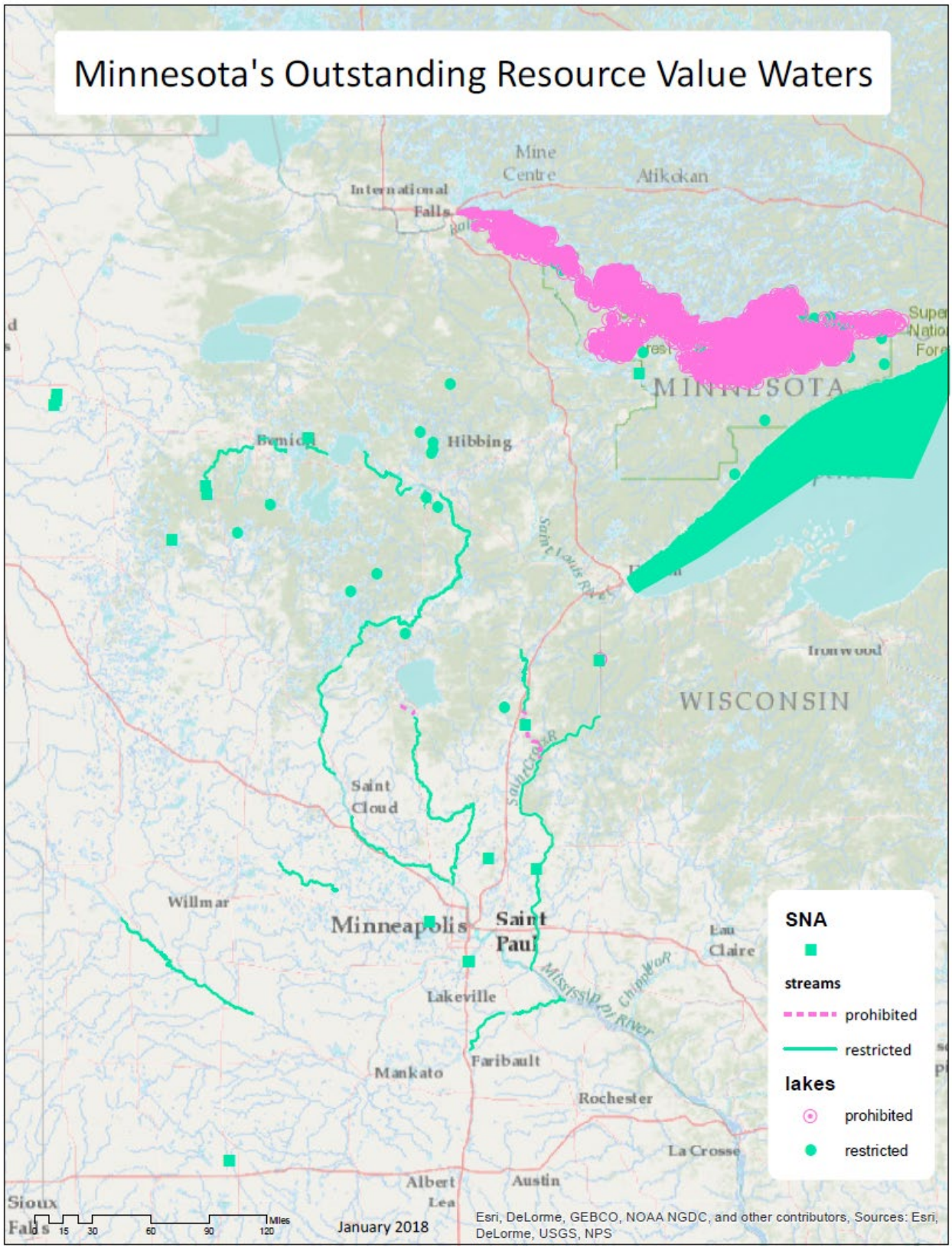
Minnesota's Outstanding Resource Value Waters
Mine Centre
Atikokan
International Falls
MINNESOTA
Bemidji
Hibbing
Saint Louis River
Ironwood
WISCONSIN
Saint Cloud
Willmar
Minneapolis
Saint Paul
Eau Claire
Lakeville
Mississippi River
Chippewa R
Faribault
Mankato
Rochester
La Crosse
Albert Lea
Austin
Sioux Falls
SNA
streams
prohibited
restricted
lakes
prohibited
restricted
15 30 60 90 120 Miles
January 2018
Esri, DeLorme, GEBCO, NOAA NGDC, and other contributors, Sources: Esri, DeLorme, USGS, NPS

US Army Corps of Engineers ®
St. Paul District

COMPLIANCE CERTIFICATION

Regulatory File Number: MVP-2021-01218-SSC

Name of Permittee: Spencer McMillan

County/State: Dakota County, Minnesota

Date of Issuance: 6/18/2025

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the Corps contact identified in your verification letter within 30 days.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

By signing below, the permittee is certifying that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee **Date**

BOARD OF WATER AND SOIL RESOURCES

Minnesota Wetland Conservation Act Technical Evaluation Panel Form

This form can be used to document TEP findings and recommendations related to WCA decisions, determinations, enforcement and pre-application reviews.

Local Government Unit: Mendota Heights	**County:** Dakota
Landowner/Applicant: Spencer McMillan	**Agent/Representative(s):** Lucius Jonett, Midwest Wetlands
Project Name: McMillan Estates	**Project No. (if any):** 2025-01
Project Location: PIDS: 270240078010, 273110000010, 273110000020	

Purpose of TEP Findings/Recommendation - check all that apply and describe

☐ Pre-application review ☒ Application Review (related to WCA Decision)
☐ Local Government Road Wetland Replacement Program Eligibility ☐ WCA Determination Request
☐ Other (specify):
Describe:

Meeting Type – check all that apply and specify dates as applicable

☐ In-Person Meeting(s), Date(s): ☒ Electronic Exchanges (email, skype, etc.)
☐ Onsite Review(s), Date(s): ☐ Other (specify):

Findings and Recommendations

The applicant submitted an exemption application received and noticed 4/21/25 proposing impacts to three basins proposed for road construction off of Ridgewood Drive to provide access to future residential development. Impacts are outside of the shoreland management zone in a <50% area. As a result, the applicant has applied for an exemption under current de minimus standards. The applicant also revised the application which was received by the LGU and forwarded to the TEP 5/28/25 to include impacts to the channel/stream within lot 6 referred to locally as Marie Creek, a tributary to Interstate Valley Creek. The proposed impacts result in 360 sq feet of fill to install a culvert. This impact does not impact wetlands within the project area, as it impacts a tributary stream under the jurisdiction of the Army Corp of Engineers.
The TEP met on 5/28/25. Discussed options for the application process moving forward, which include denial of the current application, withdrawal and re-submittal by the applicant, or continuing with the current application. BWSR staff commented that the current application includes the previous replacement application submitted by another applicant (work not completed), which may pose a conflict in the WCA process, and recommended removing it from the current application.
Comments submitted by the public were discussed, including:
- References to cumulative impacts: BWSR staff confirmed that cumulative de minimus impacts under current rules are project specific. The exemption conditions related to the landowner's portion of the wetland and the cumulative area impacted since 1992 were eliminated from the Wetland Conservation Act in 2024.
- Failure of applicant to provide documentation on avoidance and minimization: Exemption applications do not require applicants to meet sequencing requirements.
- Classification values of wetlands affected in the application: The city does not have a classification system for its wetlands.
- Increased flooding/water levels as a result of impacts: BWSR staff referenced MN Rule 8420.0410 subp. C., a condition of approval for exemption applications being that they comply with all local requirements, including stormwater management. An exemption does not allow for negative impacts to surrounding property.

☐ Attachment(s) (specify):

DNR Protected Waters and Shoreland Protection Zone

Will the project/activity affect DNR public waters, DNR public waters wetlands or wetlands within the shoreland protection zone? ☐ Yes ☒ No If yes, DNR representative is a member of the TEP.

Signatures

☒ LGU TEP Member: Krista Spreiter Agree with Findings & Recommendations: ☒ Yes ☐ No

Signature: Date: 6/10/25

☒ SWCD TEP Member: David Holmen Agree with Findings & Recommendations: ☒ Yes ☐ No

Signature: Date:

☒ BWSR TEP Member: Jed Chesnut Agree with Findings & Recommendations: ☒ Yes ☐ No

Signature: Date: 6/10/25

☐ USACOE TEP Representative: Samantha Coungeris Agree with Findings & Recommendations: ☐ Yes ☐ No

Signature: Date: