Project Purpose: The proposed project will renovate a 6,812 SF existing building including new pavements and sidewalk. The project is located on a 1.0 acre site and will reconstruct about 22% of the site and mill and overlay the areas of pavement not reconstructed.

Project Location: 107 12th Street SW. The site drains to Comfort Lake via the Sunrise River.

Applicable District Rules: 2.0, 3.0 & 11.0

Recommendation: Approval pending receipt of:
1. Approval of Variance Request by the CLFLWD Board of Managers:
   a. Accept shortfall in peak flow management as indicated in table below.
   b. Accept shortfall of 0.40 lb/year of phosphorus removal.
   c. Grant reduction from $51,800 due to Stormwater Impact Fund for shortfall in stormwater volume control.
2. Updated plan including proposed sump manholes.

Prior to permit issuance, the following are required:
3. Execution of a maintenance instrument satisfactory to the CLFLWD addressing the ongoing operation and maintenance of the proposed sump manholes and schedule for regular parking lot sweeping. Submit draft to District for review and provide proof of recording with Washington County.
4. Financial Assurance in the amount of $5,000.

Rule 2.0: Stormwater Management

The proposed project will reconstruct approximately 22% of the site impervious. This triggers District Rule 2.0 because the site is less than 1000 feet from DNR protected wetland 82-186W located south of
the property. The applicant has requested a variance to the stormwater management requirements of the rules claiming that because the site does not flow to the public water that is triggering the rule, the rule should not apply. If not for the presence of the public water wetland 82-186W, approximately 900-feet south of the site, the site would be below the threshold of creating or disturbing existing impervious surface that, in aggregate, exceeds: one acre or 25% of the site (whichever is less). The site drains west through existing stormwater pipes to ditched areas that ultimately flow north through to the Sunrise river. Because the site has very little open space, the underlying soils are poorly draining, and only 22% of the site will be reconstructed, there is limited opportunity for traditional stormwater BMPs. The applicant has indicated willingness to incorporate sump manholes at the two onsite catch basins and incorporate a regular parking lot sweeping program to reduce discharge of sediments and nutrients downstream.

The proposed project will slightly decrease impervious area from 86% impervious to 81% impervious, therefore rates, volumes, and phosphorous will all be marginally reduced compared to existing conditions. However, District Rules require that the site be brought back to pre-development rates for the 2, 10 and 100 year event, volumes returned to pre-development for the 2-year event, and phosphorous loading be reduced by 50%.

The table below outlines the District requirements versus the proposed conditions for rate control.

<table>
<thead>
<tr>
<th>Peak Discharge Rates [cfs]</th>
<th>Pre-Development Requirement</th>
<th>Proposed Conditions (81% Impervious)</th>
<th>Difference from Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-year</td>
<td>1.5</td>
<td>3.4</td>
<td>1.8</td>
</tr>
<tr>
<td>10-year</td>
<td>3.6</td>
<td>5.6</td>
<td>2.0</td>
</tr>
<tr>
<td>100-year</td>
<td>7.0</td>
<td>9.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>

For volume control the proposed site will discharge 0.19 acre-feet under the 2-year event. In order to meet the District volume control requirements the entire site would need to reduce the volume to 0.082 acre-feet for the 2-year event. The proposed BMPs do not incorporate any volume control measures although a slight reduction in volume is proposed due to the reduction in impervious area.

Based on District sequencing if volume reductions cannot occur onsite, off-site locations should be explored. The District Engineer has asked the applicant to assess the viability of an adjacent parcel that may be owned by the same land owner; however they have indicated that they do not feel this is a viable option as the want to keep the parcels separate for management and future sale of each lot. If there is no viable option offsite then payment into the Stormwater impact fund is a last alternative. Accounting for the entire volume shortfall the volume reduction needed would be approximately 4,700 cubic feet. Based on the District’s Stormwater Impact Fund Contribution Worksheet the fee for 4,700 cubic feet is $51,800. Because the applicant is only reconstructing a small percentage of the site a potential alternative that the Board may wish to consider would be to only apply the stormwater impact fee to the reconstructed impervious of 0.22 acres, in this scenario the volume reduction needed would be approximately 870 cubic feet. Based on the District’s Stormwater Impact Fund Contribution Worksheet the fee for 870 cubic feet is $9,590.
The estimated existing phosphorus load from the site is 1.15 lbs/year. With the incorporated sump manholes and regular parking lot sweeping it is estimated that the phosphorous loading be reduced to 0.98 lbs/year. In order to meet the District rules the phosphorous loading would need to be reduced to 0.58 lbs/year.

The proposed site does not satisfy District Stormwater Rules. The applicant has asked for a variance to full compliance of the stormwater rules and therefore will be presented to the Board for consideration. Due to the constrained urban site, compacted soils and limits on what can be done in order to retain a viable economic use of the property it would appear reasonable for the Board to consider a variance in this case. The variance would “not impair or be contrary to” the intent of the rules, because the site does not drain to the public water that is triggering the rule and the applicant has incorporated reasonable BMPs based on the site constraints and the relatively small level of site reconstruction proposed. The Board may wish to require the stormwater impact fee, however, because the site is not increasing volumes downstream nor is the site discharging to DNR protected wetland 82-186W, it would also be reasonable for the board to waive or reduce the fee if desired.

**Rule 3.0: Erosion Control**
An erosion control plan as has been submitted including inlet protection, bio rolls, revegetation specifications and an implementation schedule. The proposed erosion control plan meets District Standards.

**Rule 4.0: Lake, Stream, and Wetland Buffer Requirements**
The proposed project does not trigger this rule; a subdivision was not proposed and no municipal rezoning or variance was required for this project.

**Rule 5.0: Shoreline and Streambank Alterations**
The proposed project does not trigger this rule; a DNR general permit excusing property owners who hold a District permit is not in effect.

**Rule 6.0: Watercourse and Basin Crossings**
The proposed project does not trigger this rule; no roadways, utilities, or water control structures are proposed in the bed of District waterbodies.

**Rule 7.0: Floodplain and Drainage Alterations**
The proposed project does not trigger this rule; the City of Forest Lake has a state-approved floodplain ordinance.

**Rule 8.0: Wetland Management**
The proposed project does not trigger this rule; the District is not the LGU for wetland impacts.

**Rule 9.0: Fees**
The fees required for the proposed project are the $10 application fee and $4,000 for the permit review and inspection deposit. The required fees have been submitted.
Rule 10.0: Financial Assurances
The required financial assurance for the project is $5,000.

Rule 11.0: Variances
The project requests a variance from the stormwater rule (see discussion under #2)

Submittals Received
The following submittals were received and reviewed as the basis for this permit application review:

1. Application, received October 17, 2016, undated.
2. Application fee of $10, received October 17, 2016.
3. Permit review and inspection deposit of $4,000, received October 17, 2016.
4. Plan Set (6 pages), received October 17, 2016, prepared September 12, 2016, prepared by Westwood.
5. Request for Variance and Statement for Hardship, received October 17, 2016, prepared October 14, 2016, prepared by Applicant.
7. Site Plan with Erosion Control, received November 4, 2016, dated September 12, 2016, prepared by Westwood.