

Kyle Klatt

From: Andrew Nath [anath@premierbanks.com]
Sent: Thursday, March 19, 2009 10:57 AM
To: Kelli Matzek
Cc: Craig Dawson; Kyle Klatt
Subject: RE: AUAR update; 10 day comment period

On behalf of Premier Bank, I would request that the OVP accommodate 1,600 units. I would also request that the 100 acre Heritage Development site accommodate 160 s.f. units

Andrew Nath
Executive Vice President
Premier Bank
2866 White Bear Avenue
Maplewood, MN 55109
Ph: 651-855-1114
Fax: 651-777-3761
anath@premierbanks.com

-----Original Message-----

From: Kelli Matzek [mailto:kelli.matzek@lakeelmo.org]
Sent: Wednesday, March 18, 2009 12:21 PM
To: Kelli Matzek
Cc: Craig Dawson; Kyle Klatt
Subject: AUAR update; 10 day comment period

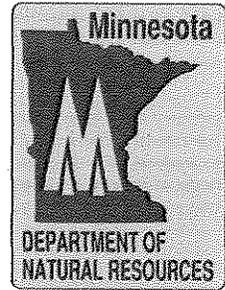
Good afternoon,

At last night's meeting, the City Council approved distributing the Final Village Area AUAR for the 10-day official comment period.

An update will be sent in the near future to notify you that the Final AUAR is posted on the city's website and available for review. This update will also provide the deadline for receiving comments. A CD copy of the Final AUAR will be sent to those who have provided comments on the document in the past.

~Kelli Matzek
City of Lake Elmo
Planner

Minnesota Department of Natural Resources
500 Lafayette Road St. Paul, Minnesota 55155-4025



April 2, 2009

Kyle Klatt, Planning Director
City of Lake Elmo
3800 LaVerne Avenue North
Lake Elmo, MN 55042

Re: Lake Elmo Village Area Final Alternative Urban Areawide Review (AUAR)

Dear Mr. Klatt:

The Department of Natural Resources (DNR) has reviewed Lake Elmo Village Area Final Alternative Urban Areawide Review (AUAR). The DNR offers the following comments for your consideration.

Regarding public water concerns, the AUAR contained a figure identifying public waters and Table 8-1 contained a list of major permits and approvals, including the three items listed below.

1. Water Appropriation for new Municipal needs, if needed
2. Temporary Water Appropriation Permit for construction dewatering.
3. Public Waters Work Permit

The City of Lake Elmo has an Appropriation Permit for 60 MG/Y (Permit #1961-1031). It should be noted that increases in usage beyond the 60 MG/YR would require DNR Approval. This approval item should probably be included in Table 8-1.

Thank you for the opportunity to review the Final AUAR and thank you for your consideration. Please feel free to contact me with any questions or comments.

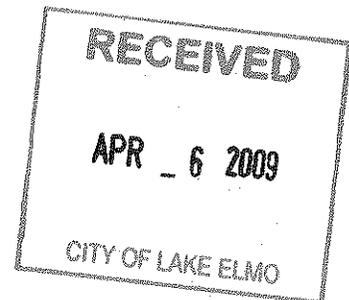
Sincerely,

Ronald Wieland, Senior Planner (651) 259-5157
Environmental Review Unit
Division of Ecological Resources

cc: Wayne Barstad, Craig Wills, Steve Colvin, Lisa Joyal, Randall Doneen

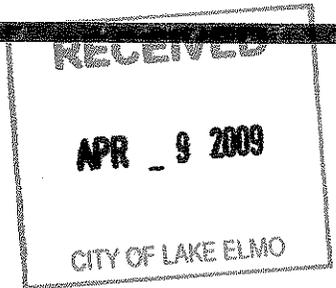
ERDB# 20070720-0004

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April 8, 2009

Kyle Klatt, Planning Director
City of Lake Elmo
3800 LaVerne Avenue North
Lake Elmo, MN 55042



RE: Lake Elmo Village Area Final Alternative Urban Areawide Review (FAUAR)
Metropolitan Council District 12
Metropolitan Council Review File No. 20393-2

Dear Mr. Klatt:

Metropolitan Council staff completed its review of the Final Lake Elmo Village Area Alternative Urban Areawide Review (FAUAR) to determine its accuracy and completeness in addressing regional concerns. Council staff comments on the draft AUAR in its December 29, 2008 letter. The staff review has concluded that the FAUAR addresses previously identified issues, and is complete and accurate with respect to regional concerns. The Council does not object to the FAUAR.

Council staff would like to reiterate that the City should be aware that choosing to implement Scenario A, B, or C will require that the City submit a comprehensive plan amendment regarding such to the Metropolitan Council for review.

This letter concludes the Council's review of the FAUAR, on which the Council will not take formal action. If you have any questions or need further information, please contact Lisa Barajas, Principal Reviewer, at 651-602-1895.

Sincerely,



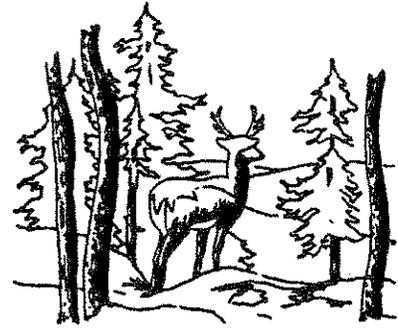
Phyllis Hanson, Manager
Local Planning Assistance

CC: Crystal Carlson, MHFA
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Sherry Broecker, Metropolitan Council District 12
Keith Buttleman, Environmental Services
Lisa Barajas, Sector Representative / Principal Reviewer
Cheryl Olsen, Reviews Coordinator

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April 10, 2009

Mr. Kyle Klatt
Planning Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042



Re: Lake Elmo Village Area Final AUAR

Dear Mr. Klatt:

Thank you for sending the Valley Branch Watershed District (VBWD) a copy of the Lake Elmo Village Area Final Alternative Urban Areawide Review (AUAR). The VBWD Board of Managers approved the attached comments at its April 9, 2009 meeting.

The VBWD Managers' greatest concern is the effect the proposed development will have on the water resources of the area, especially Downs Lake, Horseshoe Lake, and the St. Croix River. The VBWD may update its Rules and Regulations to require the volume controls proposed in the AUAR. When the area is developed, the VBWD will enforce its rules and regulations to protect water resources.

Please contact me at 952-832-2622 or jhanson@barr.com if you'd like to schedule a meeting or have questions on the attached comments.

Sincerely,

John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the District

c: VBWD Managers
Dale Homuth, MnDNR Regional Hydrologist
Craig Wills, MnDNR Area Hydrologist
Molly Shodeen, MnDNR Area Hydrologist
Amanda Strommer, Washington County Public Health and Environment
John Freitag, Washington County Public Health and Environment
Dan Kylo, West Lakeland Township Board Chairman
Dale Thompson, MPCA – MS4 Stormwater Program Supervisor
Howard Markus, MPCA – Impaired Waters Assessments and 303(d) List
Craig Affeldt, MPCA – St. Croix Basin Water Resources Planning Team Chair
Jim Larson, Metropolitan Council
Ciara Schlichting, Bonestroo
Ryan Stempiski, TKDA – Lake Elmo Assistant City Engineer
Environmental Quality Board



Comments on Final AUAR

The following paragraphs list the VBWD's comments and the corresponding AUAR question number and page number.

Executive Summary, Stormwater Volume Control, Page x

This section states, "The city will work with developers to provide runoff volume facilities adequate to maintain existing runoff volume or the 100-year rainfall event...." As summarized in other sections of the AUAR, the City needs to require that developers not increase the stormwater runoff volumes for the 100-year rainfall event.

Question 17, Water Quality – Surface Water Runoff, Pages 67-79

While the VBWD does not agree with all of the assumptions (including curve numbers for existing conditions) of the various runoff volume analysis scenarios, the response to this question concludes on page 78 that the runoff volume control facilities will be constructed to not increase runoff volumes from existing conditions for the 100-year event, as calculated by the VBWD simple calculation for landlocked basins. (This basically means that a volume equal to six inches times the new impervious surface must be infiltrated.) Following the City's proposal, permit applicants will need to provide proof that

- the runoff volume difference between proposed and conditions (as calculated by the VBWD simplified method) is captured,
- the proposed infiltration facility can infiltrate at the designed rate, and
- the runoff volume can be infiltrated within 48 hours.

The VBWD is currently updating its Rules and Regulations and may include this requirement for projects within the Downs Lake watershed.

Kyle Klatt

From: djbucheck@comcast.net
Sent: Friday, April 10, 2009 2:27 PM
To: AUAR Draft Comments
Subject: comments on final version of AUAR

To Whom it May Concern,

The following are my comments on the final version of the AUAR:

The final version of the AUAR fails to require that developers not increase the stormwater runoff volumes for the 100 year rainfall event. The city is to protect Downs Lake subwatershed land and homeowners and to not require the developers to keep the runoff at the required levels could be disastrous to this area. The runoff volume should be infiltrated within 48 hours of the storm. The AUAR should suggest ordinances that could require this. The city needs to make sure the development follows code and does not increase the volume and rate more than 1 percent of what occurred prior to development.

The City of Lake Elmo should be the leader in enforcing the rules for development in regards to potential water problems. They should be developing ordinances and suggesting new methods which would assure current landowners that future development will not be harmful. It appears they are looking toward Valley Branch Watershed to protect Lake Elmo citizens rather than doing the job themselves.

Ann Bucheck
2301 Legion Avenue
Lake Elmo, Mn 55042
ph 651-770-1730

Minnesota Department of Natural Resources

Comment Summary: The city has a Water Appropriation Permit for 60 mg/yr (Permit #1961-1031). It should be noted that increases in usage beyond the 60 mg/yr would require DNR approval. This approval item should be included in Table 8-1.

Response: Table 8-1 will be revised to list the Water Appropriation Permit as follows:

Minnesota Department of Natural Resources	Water Appropriation Permit for new municipal well, if needed
	Temporary Water Appropriation Permit for construction dewatering
	Public Waters Work Permit (for work within a DNR Public Water)
	<u>Water Appropriation Permit (#1961-1031) Modification, to increase usage beyond the permitted amount (60 mg/yr.)</u>

Metropolitan Council

Comment Summary: The AUAR is complete and accurate. The Council does not object to the Final AUAR.

Response: Comment noted

Valley Branch Watershed District

Comment Summary: The VBWD may update its rules and regulations to require the volume controls proposed in the AUAR within the Downs Lake watershed. Permit applicants will need to prove that they can meet the controls. The Executive Summary states “maintain” existing volume vs. “not increase” volume from existing.

Response: The Mitigation Plan discussion of involvement by other agencies will be updated as follows:

Involvement by Other Agencies, if applicable

Proposed development projects within the AUAR area will need to submit development plans for approval by the City of Lake Elmo, the VBWD and for projects greater than 1 acre, and the Minnesota Pollution Control Agency (MPCA). The VBWD has rules relating to stormwater management plans, erosion control plans, floodplain alteration, drainage systems, and other development activities. VBWD will require permit applicants to provide proof that: 1) the runoff volume difference between proposed and existing conditions is captured, 2) the proposed infiltration facility can infiltrate at the designed rate, and 3) the runoff volume can be infiltrated within 48 hours.

Response: The executive summary will be updated as follows:

The city will work with developers to provide runoff volume facilities adequate to maintain not increase existing runoff volume for the 100-year rainfall event by implementing volume control best management practices (BMPs) on their sites.

Ann Bucheck

Comment Summary: The Final AUAR fails to require that developers not increase stormwater runoff volumes for the 100-year rainfall event. The AUAR should suggest ordinances that could require this. The City of Lake Elmo should be the leader in enforcing the rules for development in regards to potential water problems and

developing ordinances and methods to assure current landowners that development will not be harmful. The city is looking to VBWD to protect Lake Elmo citizens rather than doing the job themselves.

Response: Mitigation Strategy 17.5 specifically requires that developers provide runoff volume facilities adequate to not increase runoff volume from existing conditions. The Mitigation Plan Implementation Summary specifically requires the city to incorporate the findings from the AUAR in future updates to its official controls, which includes design standards for stormwater management facilities. To clarify this, the following language will be added to the Mitigation Plan Implementation Summary table under “update official controls”:

Use the information contained in the AUAR during future considerations of updates or amendments to the zoning and subdivision ordinances, including design requirements for stormwater management facilities. Any future consideration of amendments or updates to ordinances would follow the city’s set procedures and guidelines for such amendments