



Nine Mile Creek Discovery Point  
12800 Gerard Drive  
Eden Prairie, MN 55346  
(952) 835-2078  
ninemilecreek.org

CASE FILE #PL201900220

November 27, 2019

Dean Williamson  
Frauenshuh  
7101 W 78<sup>th</sup> St Suite 100  
Bloomington, MN 55439

**RE: Conditional Approval of NMCWD Permit 2019-139 for a parking lot expansion at Creekview East at 7101 W 78<sup>th</sup> St in Bloomington**

Dear Mr. Williamson,

The Nine Mile Creek Watershed District has reviewed and conditionally approved your permit application for the project referenced in bold above. This approval is made with the understanding that permit 2018-91 that proposed a 7-stall increase is now invalidated, due to the permit being expired and the significant scope difference between the proposed projects numbered 2018-91 and 2019-139. The NMCWD permit (2019-139) is approved, but not valid and issued, until the project is in compliance with the following conditions:

1. General Conditions
2. Financial Assurance in the amount of \$37,900
  - a. \$32,900 for stormwater management, erosion control and site restoration
  - b. \$5,000 for compliance with the chloride management requirements.
3. Submission of documentation that a drainage easement over the stormwater management facilities has been submitted to Bloomington (4.5.4i), if such easement is required by the city.
4. A receipt showing recordation of a maintenance declaration for the onsite storm water management facilities and wetland buffer area. A draft of the declaration must be approved by the District prior to recordation.

Nine Mile Creek Watershed District will hold the permit until condition items 2 through 4 above are received.

By accepting the permit when issued, you agree to the following stipulations:

1. Per Rule 4.5.6, an as-built drawing of the storm water facilities conforming to the design specifications, including a stage volume relationship in tabular form for the basin, as approved by the District must be submitted.

Understanding Our Urban Watershed



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2. Buffer markers, in accordance with the requirements of District Rule 3.4.5, must be installed.
3. Submission of a plan for post-project management of Chloride use on the site. The plan must include 1) the designation of an individual authorized to implement the chloride use plan and 2) the designation of a Minnesota Pollution Control Agency certified salt applicator engaged in the implementation of the chloride-use plan for the site. The release of the \$5,000 of the financial assurance required for the chloride-management plan requires that chloride-management plan has been provided and approved by the District's Administrator.
4. For the release of the \$32,900 financial assurance, Rule 12.4.1b requires demonstration and confirmation that the storm water management facilities have been constructed or installed and are functioning as designed and permitted. Verification, through daily observation logs and photographs, must be provided showing the storm water facilities used for volume retention have drawn down within 48 hours from the completion of two 1-inch (approximate) separate rainfall events.

If you have any questions, please call Randy Anhorn, District Administrator at 952-835-2078 or Bob Obermeyer, District Engineer at 952-832-2857.

Sincerely,

Lauren Foley  
Permit & Water Resources Coordinator

**Permit #:** 2019-139  
**Project Name:** Creekview East Parking Lot Expansion

**CASE FILE #PL201900220**

**Approval Date:** Nov 27, 2019

## General Provisions

1. All temporary erosion control measures shown on the erosion and sedimentation control plans must be installed prior to commencement of surface or vegetation alteration and be maintained until completion of construction and vegetation is established as determined by NMCWD.

If silt fence is used, the bottom flap must be buried and the maximum allowable spacing between posts is 4-foot on center. All posts must be either 2-inch x 2-inch pine, hardwood, or steel fence posts. If hay bales are used, all bales must be staked in place and reinforced on the downstream side with snow fence.

2. All areas altered because of construction must be restored with seed and disced mulch, sod, wood fiber blanket, or be hard surfaced within two weeks after completion of land alteration and no later than the end of the permit period.
3. Upon final stabilization, the permit applicant is responsible for the removal of all erosion control measures installed throughout the project site.
4. At the entryway onto the site, a rock filter dike being a minimum of two feet in height and having maximum side slopes of 4:1 must be constructed. This rock filter dike will enable construction traffic to enter the site and also provide an erosion control facility.
5. If dewatering is required and sump pumps are used, all pumped water must be discharged through an erosion control facility prior to leaving the construction site. Proper energy dissipation must be provided at the outlet of the pump system.
6. The NMCWD must be notified a minimum of 48 hours prior to commencement of construction.
7. The NMCWD, its officers, employees and agents review, comment upon, and approve plans and specifications prepared by permit applicants and their consultants for the limited administrative purpose of determining whether there is reasonable assurance that the proposed project will comply with the regulations and criteria of the NMCWD. The determination of the NMCWD that issuance of this permit is appropriate was made in reliance on the information provided by the applicant.
8. The grant of this permit shall not in any way relieve the permittee, its engineer, or other professional consultants of responsibility, nor shall it make the NMCWD responsible for the technical adequacy of the engineer's or consultant's work. The grant of this permit shall not relieve the permittee from complying with all conditions and requirements of the permit which shall be retained by the permittee with the permit.
9. The issue of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
10. This permit is permissive only. No liability shall be imposed upon the NMCWD or any of its officers, agents or employees, officially or personally, on account of the granting of this permit or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors.

11. In all cases where the doing by the permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly-owned lands or improvements or interests, the permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all necessary property, rights, and interest.
12. The permit is transferable only with the approval of the NMCWD (see NMCWD Rule 1.0). The permittee shall make no changes, without written permission previously obtained from the NMCWD, in the dimensions, capacity, or location of any items of work authorized by this permit.
13. The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the NMCWD for inspection of the work authorized by this permit.
14. This permit may be terminated by the NMCWD at any time deemed necessary in the interest of public health and welfare, or for violation of any of the provisions of this permit.
15. Construction work authorized under this permit shall be completed on or before date specified above. The permittee may, in writing, request that the NMCWD extend the time to complete the project in accordance with NMCWD Rule 1.0.