

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, May 20, 2024

6:30 PM

HYBRID MEETING INFORMATION

[Click here to join Zoom Meeting](#)

[Meeting ID: 867 5996 7315](#) [Passcode: 755462](#)

Members of the public may attend this Planning Commission meeting in person, or watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV.



Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel.** You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of Meeting Minutes of May 6, 2024
 - b. Approval of Planning Commission Report and Recommendation of Approval for Setback Variance at 425 Highcroft Road
5. **Public Hearing Items**
 - a. Consider Development Application for Subdivision Request and Variance to Cul-de-Sac length (Ferndale Bluff) at 565 Ferndale Road West
6. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
7. **Adjournment**

Upcoming Meetings:

City Council - May 21, 2024

Planning Commission - June 3, 2024

Members of the Planning Commission and some staff members may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 20, 2024	AGENDA ITEM: 4.a
TITLE: Approval of Meeting Minutes of May 6, 2024	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the regular meeting minutes of May 6, 2024.

ATTACHMENTS:

1. Planning Commission Meeting Minutes of May 6, 2024

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
MAY 6, 2024**

AGENDA ITEM 1. Call to Order

Chair Stockton called the meeting to order at 6:38 p.m.

Chair Stockton noted the untimely passing of Commissioner and friend Peggy Douglas, praising her extensive contributions to the City as a Planning Commissioner, longtime Chamber of Commerce President, and engaged community member. Chair Stockton recognized Commissioner Douglas as a truly special person who was a joy to work with and that she will be deeply missed. She noted that other Commissioners were welcome to speak at this time if they would like. Hearing no statements, Chair Stockton provided the Commission with options to table all items, approve an amended agenda, or approve the agenda as is. The Commission agreed to move forward with the agenda as-is.

Chair Stockton read a prepared statement outlining multiple options for joining the meeting remotely or submitting comments and questions.

AGENDA ITEM 2. Roll Call

Chair Stockton asked Community Development Director Goellner to take roll call.

Present at roll call were Commissioners: Stockton, Sorensen, Schwalbe, Severson, Elg, and Plantan. Community Development Director Emily Goellner, Assistant Planner Valerie Quarles, Parks and Environment Planner Nick Kieser, City Forester Bennett Myhran, and City Attorney David Schelzel were also present.

Absent at roll call were Commissioner: Douglas

AGENDA ITEM 3. Approval of Agenda

Chair Stockton asked for a motion to approve the agenda for the meeting.

Commissioner Sorensen made a motion, seconded by Commissioner Schwalbe to approve the May 6, 2024 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the April 22, 2024 Planning Commission Meeting Minutes
- b.) Acknowledgement of Withdrawal of Development Application at 163 Wayzata Boulevard West – Moments of Wayzata

1 Chair Stockton read the items on the consent agenda and asked if any Commissioner wished to
2 pull an item for further discussion.

3
4 Chair Stockton asked for a motion to approve the Consent Agenda as presented.

5
6 Commissioner Plantan made a motion, seconded by Commissioner Severson to approve the
7 Consent Agenda as presented. The motion carried unanimously.

8
9 **AGENDA ITEM 5. Public Hearing Items**

10
11 Chair Stockton noted that the video monitors on the dais were not working and explained that staff
12 had distributed hard copies of the information that would be presented.

13
14 Commissioner Elg suggested that the order of the public hearing items be changed so that item c.
15 could take place first.

16
17 Commissioner Elg made a motion, seconded by Commissioner Schwalbe to move Public Hearing
18 item c. to become item a., and renumber the subsequent items accordingly. The motion carried
19 unanimously.

20
21 **a) Consider Development Application for Front Yard Setback Variance at 425**
22 **Highcroft Road**

23
24 Assistant Planner, Valerie Quarles, stated that the applicant had submitted a request for a front
25 yard setback variance at 425 Highcroft Road and reviewed the project location, surrounding land
26 use and zoning, original conditions, permitting history, and details from the application. She
27 shared photos that show the existing views of the home that was already under construction. She
28 reviewed the notification process and explained that the City had received 3 positive comments in
29 favor of the request from neighbors. She noted that the general sentiment is that the neighbors do
30 not feel that this request is highly impactful and also had stated that the original home was closer
31 than the new home will be.

32
33 Chair Stockton asked if the Commission had any questions for Staff.

34
35 Commissioner Schwalbe asked what the responsibility would be for the architect and the builder
36 when a change is made in where a building is positioned to make sure it meets all the requirements.
37 She asked if this was a situation where everybody had just missed this detail.

38
39 Planner Quarles stated that she believes that would be a fair characterization and explained that
40 one of the root issues with the review was that the front yard setback was depicted incorrectly on
41 the original survey. She stated that in her original review, the thought was that the house was 50
42 feet away so the side yard setback depiction was less important, as long as the home was compliant,
43 but noted that this had made review later a bit tougher once the home moved.

44
45 Bill Costello, Streeter Custom Builders, 18312 Minnetonka Boulevard, expressed his condolences
46 on the loss of Commissioner Douglas. He stated that while the current situation was unfortunate,

1 they do believe that granting this request would have little to no consequence for the neighborhood.
2 He outlined some of the potential consequences and expense should the City decide not to grant
3 the variance request.
4

5 There being no questions from the Commission for the applicant, Chair Stockton opened the public
6 hearing on the application at 6:45 pm.
7

8 Jeannie Hamm, 445 Highcroft Road, stated that she does not know the owners of this home or
9 anyone from Streeter Custom Homes. She stated that she has lived next door to the construction
10 for a long time and believes that this request is minimal and the cost to fix it would be burdensome
11 for the property owner. She stated that the house that used to be on this property was much closer
12 and explained that she would like to see the project completed and the homeowners be able to get
13 into their new home.
14

15 Community Development Director Goellner stated there were no people that called in to the
16 meeting that have asked to speak at the public hearing.
17

18 There being no additional comments on the application, Chair Stockton closed the public hearing
19 at 6:48 pm.
20

21 Chair Stockton asked for the Commission to share their questions and feedback on the application.
22

23 Commissioner Elg stated that he would like to move this along and would recommend approval
24 of the request.
25

26 Commissioner Schwalbe stated that she agreed and noted that she did not think this had been done
27 on purpose and was simply an oversight that will have minimal impact on anyone else.
28

29 There being no further discussion, Chair Stockton asked for a motion on the application.
30

31 Commissioner Elg made a motion, seconded by Commissioner Schwalbe, to direct staff to prepare
32 a draft Planning Commission Report and Recommendation with appropriate findings reflecting a
33 recommendation of approval for a Front Yard Setback Variance at 425 Highcroft Road, for review
34 and adoption at the next Planning Commission meeting.
35

36 Chair Stockton stated that she also felt this was a reasonable request and felt that the home was in
37 character with the area.
38

39 Commissioner Plantan stated that she would agree and was pleased that the neighbors have made
40 statements on behalf of the applicant.
41

42 The motion carried unanimously.
43

44 **b) Consider Zoning Text Amendments to Chapter 930 (Animals) to Allow for the**
45 **Keeping of Chickens on Single Family Residential Properties**
46

1 Parks and Environment Planner Kieser, reviewed the proposed text amendments to Chapter 930
2 to allow for keeping of chickens on single family residential properties. He reviewed background
3 of this issue, past discussions at the City Council and Energy and Environment Committee,
4 proposed changes, and the staff recommendation for approval. He explained that no public
5 comments had been received regarding the proposed changes.

6
7 Commissioner Sorensen stated that he appreciated all the time and effort that has gone into the
8 chicken conversation. He stated that it appears as though there has been a large amount of
9 discussion, but perhaps not a consensus on this issue.

10
11 Parks and Environment Planner Kieser stated that was a good point and noted that it was brought
12 forward three years ago and they could not come to a consensus at that time either which was why
13 they had brought it to a recent City Council Workshop meeting. He explained that what came out
14 of that meeting was direction to keep the code language as simple as possible in order to come to
15 a resolution and not keep on churning. He stated that their direction was to find a balance between
16 all the comments that were heard three years ago and incorporate all the research they did from
17 other communities in order to find a solution.

18
19 Commissioner Sorensen stated that at one point in time there was discussion about this being
20 restricted to larger lots but the current proposal was for any single family residential lot and asked
21 for how that came about.

22
23 Parks and Environment Planner Kieser explained that when this was brought forward three years
24 ago, there was a minimum lot size of 40,000 sq. ft. He stated that when this went before the
25 Council it was a large part of their discussion and noted that he felt it was one of the biggest reasons
26 that they did not come up with a solution at that time. He stated that the current proposal went back
27 to being as simple as possible and making it as accessible as possible for everyone in the City,
28 while still meeting the restrictions and regulations.

29
30 Commissioner Sorensen asked about the restrictions related to the location of the coops and the
31 run areas.

32
33 Parks and Environment Planner Kieser explained that they would need to be in the rear yard and
34 would need to meet the accessory structure setbacks. He noted that the accessory structure
35 setbacks vary within the different zoning districts and explained that the smallest setback from the
36 property line would be 5 feet which would mainly be in the R-3A properties and the highest is
37 around 15-20 feet.

38
39 Commissioner Sorensen stated that it is a bit difficult for him to get his head around what would
40 be appropriate in this situation because he doesn't have a lot of experience with chickens. He
41 referenced the portion of the presentation related to proposed changes and noted that there are
42 many lots in the City that are R-3 or R-3A some of which are less than 9,000 sq. ft. which means
43 that they could have a coop and run within 5 feet of their property line in multiple places which
44 was his only concern. He stated that he questioned what the neighbors would think and stated that
45 he was not overly familiar with the noise issues or the visual impact this may have. He stated that

1 his overall sense was that this was a good idea, but was not sure it was a good idea for the smaller
2 lots.

3
4 Commissioner Elg stated that property owners are only allowed one coop per property and there
5 is a limit to 4 chickens.

6
7 Commissioner Sorensen clarified that he did not mean that there would be multiple coops on the
8 property, but that each neighbor could have a coop which would mean that they would be
9 surrounded by coops.

10
11 Commissioner Plantan asked if there was a limit to how many coops per property and how many
12 accessory units they could have on the property. She gave the example of having a shed, a detached
13 garage, and asked whether they could have 1 or 2 chicken coops.

14
15 Park and Environment Planner Kieser clarified that they would only be allowed 1 chicken coop
16 and chicken run on each property with a maximum of 4 hens. He noted that it was interesting how
17 the City Code lays out the number of accessory structures and explained that essentially, anything
18 under 200 sq. ft.. does not require a building permit.

19
20 Commissioner Schwalbe asked how many people in the City have expressed interest in having
21 chickens.

22
23 Park and Environment Planner Kieser stated that he would say 'a few' but noted that when they
24 did their community engagement they got a good number of people who expressed an interest in
25 keeping chickens.

26
27 Commissioner Schwalbe stated that she was surprised that this keeps coming up because she does
28 not know a single person who wants to keep chickens. She stated that she agreed with the
29 comments made by Commissioner Sorensen regarding his concerns about making this open to
30 every single home no matter the size of the lot and feels that decision would be a mistake. She
31 stated that she would like to see this changed to have some sort of a minimum lot size in order to
32 have chickens. She stated that she cannot think of a single chicken coop in the City.

33
34 Commissioner Elg clarified that she had not seen one because they are currently not allowed
35 without a CUP, which takes time and money.

36
37 Commissioner Schwalbe asked how much it would cost to get a CUP.

38
39 Community Development Director Goellner stated that a CUP can cost hundreds, and usually
40 thousands of dollars. She noted that it also takes about 3-6 months to complete the process. She
41 explained that because the CUP process was fairly intense, she did not believe it was the proper fit
42 for this type of use.

43
44 Chair Stockton clarified that currently people cannot have chickens in the City unless they go
45 through a lengthy and costly process through something that would essentially be unfamiliar to a
46 resident

1
2 Community Development Director Goellner stated that was correct and would not be something
3 that a typical resident would be able to immediately understand and would need quite a bit of
4 coaching to get through this process. She stated that they would also most likely incur thousands
5 of dollars throughout this process.
6

7 Commissioner Elg asked how the recommendation came up with the limitation of 4 chickens, a
8 50 sq. ft. structure, and a 100 sq. ft. run. He asked if someone had told them that this was the ideal
9 living space for chickens.
10

11 Park and Environment Planner Kieser stated that the number of hens was based on looking at what
12 other communities currently have and explained that the range they saw was 4-8 hens. He
13 explained that, based on this information, they went down to the most conservative option in order
14 to find a balance and would fit the City. He stated that related to the size of the coop and run, they
15 researched the minimum size recommendations and made sure that they were above those
16 numbers. He explained that what they are proposing is right in the middle of what other
17 communities have in place for sizing.
18

19 Chair Stockton asked what reasons there may be for denying a permit request.
20

21 Park and Environment Planner Kieser stated that if the permit application meets all the restrictions
22 and code requirements the City would essentially have to approve the request. He stated that if
23 there are issues later on with code enforcement items, it could potentially be revoked.
24

25 Chair Stockton asked if the permit fee would provide the funding for following up on these things.
26

27 Park and Environment Planner Kieser stated that was correct and explained that they would make
28 the fees equate to the necessary staff time.
29

30 Commissioner Plantan stated that the recommendation is that they would need to be located in the
31 rear yard and asked if it was correct that if they were not in a run that the rear yard would have to
32 be fenced.
33

34 Park and Environment Planner Kieser stated that was correct and would need to be entirely fenced
35 so the chickens would not be allowed out.
36

37 Commissioner Plantan asked if those fencing requirements would be similar to that of a swimming
38 pool with relation to height regulations.
39

40 Park and Environment Planner Kieser explained that in the code language, they set a minimum of
41 4 feet for the fencing and that the chickens cannot get outside of the fencing.
42

43 Commissioner Severson asked about the feedback from residents and neighbors of people in other
44 communities, especially those on the smaller lots about whether it has been a problem or not.
45

1 Park and Environment Planner Kieser stated that he had not spoken with staff at the other cities
2 and explained that he had just looked at their code language. He stated that he thinks it is a good
3 suggestion for him to try to touch base with some of the staff in the other communities in order to
4 get a bit more insight.

5
6 Commissioner Severson noted that she had done a quick Google search and found that chickens
7 can fly about 10 feet in the air so a 4 foot high fence may not be tall enough to keep them in.

8
9 Community Development Director Goellner noted that if the City had a complaint received about
10 that issue, they would address it at that time. She stated that it is not very common and explained
11 that there are chickens throughout her neighborhood in St. Paul, and noted that the lot sizes are
12 about 4,000 sq. ft. She explained that she does not really hear or see the chickens unless there is a
13 chain link fence that they can see through. She stated that she believed that it was not common to
14 see neglectful owners of chickens and noted that she had been involved in a chicken keeping
15 ordinance when she was in Golden Valley and felt it went pretty well.

16
17 There being no additional questions from the Commission, Chair Stockton opened the public
18 hearing on the application at 7:30 pm.

19
20 Community Development Director Goellner stated there were no people that called in to the
21 meeting that have asked to speak at the public hearing.

22
23 There being no one wishing to comment on the application, Chair Stockton closed the public
24 hearing at 7:30 pm.

25
26 Chair Stockton asked for the Commission to share their questions and feedback on the application.

27
28 Commissioner Elg stated that he was excited that this proposal has come forward. He stated that
29 their neighbors in Deephaven, Minnetonka, and Plymouth currently allow chickens. He explained
30 that having your own chickens allows for greater sustainability and allows people the option to not
31 have to purchase their eggs from someone like a factory farm producer which he felt could be
32 cruel to the chickens. He stated that he was completely in favor of this proposal and has also liked
33 the educational piece of this for people to learn about raising chickens. He stated that he would
34 support the removal of the restriction for the size of lot and thanked staff for their work on this
35 proposal.

36
37 Commissioner Sorensen stated that he was in favor of finding a process that is more simple than a
38 CUP process. He stated that for the most part, he felt this proposed amendment was positive but
39 feels that there are still some 'unknowns' on how this may play out and reiterated that his concern
40 was for allowing this on the smaller lots and would prefer to proceed with caution, especially given
41 the lack of interest from the community.

42
43 Commissioner Plantan stated that she also has some concerns and felt that 5 feet off the property
44 line was not enough. She stated that she feels that this is a unique ordinance with live animals
45 versus other accessory structures like a shed or gazebo. She stated that she feels that it needs a bit
46 more work but loves the idea of keeping it simple. She referenced details from nearby

1 communities related to chickens and noted that she would support there being some kind of checks
2 and balances in place for things like keeping the areas clean so there is not an odor. She reiterated
3 that she felt that there needed to be a few more regulations or discussions and not just a blanket
4 option to apply once and then have it for life unless somebody complains.

5
6 Commissioner Severson stated that a few years ago she was in favor of this until she talked to
7 people that were also in favor of it, but did not want to be neighbors to the chickens. She stated
8 that she believes that, in theory, this sounds really good, but she does not know if there are a lot of
9 people who will want this in their neighborhood. She stated that she also wondered if they should
10 require a fenced in rear yard regardless of whether they have a coop or a run. She noted that
11 because they have heard that there is not a whole lot of interest in this, she was not really sure if
12 this was the right time to make this change.

13
14 Commissioner Schwalbe stated that she knows two people who have had chickens and both only
15 ended up keeping them for 1-2 years. She stated that she also has concerns with the size of the lot
16 and the setbacks proposed and would not vote in support of this, as presented.

17
18 Commissioner Elg stated that he appreciated anecdotes, but does not feel that they should have
19 any bearing on the conversation because the Commission should be looking at facts. He stated
20 that he also did not feel that hypotheticals were a good way to make judgements. He noted that
21 he felt that the language amendments have been pretty well thought out by staff and expressed the
22 desire for the conversation to stick to facts.

23
24 Chair Stockton stated the City currently doesn't have anything like this right now so this would be
25 going from one extreme to another by allowing it everywhere. She explained that she was not
26 opposed to that idea but feels that she was hearing that this may be of interest to some but perhaps
27 there has not been enough thought that has done into the remedial circumstances due to going from
28 one extreme to the other. She stated that in order to make people comfortable with it, there would
29 need to be some type of restriction or spending additional time to take a look at what actions would
30 cause a permit to be denied. She stated that she feels that the City needs to start somewhere and
31 noted that there has been a lot of thought put into this issue. She explained that she would be in
32 favor of some compromises in the wording that would allow the City to look into how things would
33 be handled in an extreme situation, for example, smells or dogs going crazy. She stated that she
34 would be in favor of moving this forward with some additional details.

35
36 Commissioner Schwalbe noted that she liked the suggestions made by Commissioner Plantan
37 related to the requirement being more than a 5 foot setback and that it be allowed on larger lots
38 only. She asked Commissioner Plantan to repeat some of her suggestions.

39
40 Commissioner Plantan stated that she would like to see there be more than a 5 foot setback from
41 the property line. She stated that she liked the idea of people being able to have chickens, but felt
42 that the City needed to have additional conversations about some of the details. She asked if the
43 Commission could move this forward to the Council but continue to have those conversations.

44
45 Community Development Director Goellner noted that she believed that it would be acceptable
46 for the Commission to amend the language and information that had been included in the packet.

1
2 City Attorney Schelzel stated that the Commission could move this forward, but ask the Council
3 to consider some modifications, as they have been discussing, if there was general consensus
4 among the Commission that they wanted to allow chickens within the City.

5
6 Commissioner Plantan stated that she felt that the Commission could also have consensus to deny
7 this proposal and have it come back for further discussion.

8
9 City Attorney Schelzel noted that this item will move onto the Council whether the Commission
10 recommends approval or denial. He noted that what he heard from the Commission was that they
11 felt there were a few parts of the ordinance, as drafted, that they would like to fill in a bit more
12 regulation.

13
14 Commissioner Elg stated that he would like the Commission to work on this a bit tonight and make
15 some actual recommendations to the Council in order to keep this moving forward. He stated that
16 he would agree that a larger setback is probably a good idea and that having a fenced in yard may
17 also be okay. He stated that while the chickens 'can' fly up to 10 feet high, many times chickens
18 for this purpose have their wings clipped so that would not be an issue. He reiterated that he would
19 like the Commission to identify a few of the things that they would want to recommended be added
20 rather than just passing it on and having staff simply bring back something else.

21
22 Commissioner Sorensen stated that the Council will be able to read the minutes and know some
23 of their discussion points.

24
25 City Attorney Schelzel confirmed that their discussion would be reflected in the minutes in
26 addition to whatever has consensus for inclusion in the report and recommendation.

27
28 Commissioner Sorensen stated that for some of the things that they discussed, he was not sure the
29 Commission was in the position to know exactly what it should be changed to, for example, the
30 height of the fencing, lot size, or setbacks. He stated that if the Council has access to their
31 discussion it would give them some time to think about those issues prior to their meeting.

32
33 City Attorney Schelzel stated he did not feel the Commission needed to come up with specifics,
34 but could send the message to the Council that the Commission, for example, felt the fence height
35 should simply be higher than what is proposed and that the setback should be greater than 5 feet.
36 He noted that staff has spent a lot of time working on this and believes that they will be able to
37 recommend some changes based on the feedback from the Commission.

38
39 Commissioner Plantan suggested that the Commission identify the things that they are concerned
40 about such as setbacks, and communicate that they would like the Council to consider some
41 additional requirements. She stated that she would like the Council to consider the height of the
42 fencing, and the possibility for a two year application in order to be able to check and see how it
43 is going rather than going from 0 to 100 mph. She reviewed the items she had concerns with
44 including, duration of permit, height of fencing, and side yard setbacks.

1 Commissioner Sorensen that he would also like to note a concern with lot sizes and noted that it
2 may be more of an issue of defining it by specific zoning district, rather than by square footage.

3
4 Commissioner Elg explained that he would like it to be on the record that he would never be in
5 favor of that, because it would exclude people.

6
7 Community Development Director Goellner stated that she believes she has heard that the
8 Commission has consensus that they recommend approval, but would recommend modifications
9 for review by the Council. She stated that the areas of concern would be: consideration of larger
10 setback requirements for the coop and run, that included discussion about possibly 10 feet or larger;
11 interest in establishing a minimum lot size; interest in seeing more investigation of the property
12 fence height in the rear yard; and duration of the permit and the potential renewal process.

13
14 Commissioner Severson confirmed that the way this is written would not allow downtown
15 businesses to have chicken coops on their properties.

16
17 Community Development Director Goellner confirmed that the way the ordinance was proposed
18 was only for single family residential properties and would not be for commercial use.

19
20 Commissioner Severson asked about townhomes or apartments.

21
22 Community Development Director Goellner noted that those would be considered multi-family
23 properties.

24
25 There being no further discussion, Chair Stockton asked for a motion on the application.

26
27 Commissioner Plantan made a motion, seconded by Commissioner Schwalbe, to approve the Draft
28 Planning Commission Report and Recommendation with the following four conditions and that
29 the City Council consider: a larger setback requirement; a minimum lot size; a larger fence height
30 in the rear yard; and the duration of the permit and renewal based on compliance.

31
32 Commissioner Elg reiterated that he would not be in favor of limiting the size of the property and
33 making any stipulation that would omit one property over another. He stated that he could support
34 the other three conditions, but would like to eliminate the condition related to property size. He
35 stated that staff has looked closely at what other communities were doing and he was not aware
36 that they were having a lot of issues with chickens. He stated that he feels the motion proposed
37 would be micromanaging the situation.

38
39 Chair Stockton suggested that, in lieu of micromanaging and eliminating a section of the residents,
40 that there could also be consideration given to capping a section to a quantity of chickens for the
41 small lots, for a particular zone.

42
43 Upon a vote, the motion carried 4 ayes and 2 nays (Commissioners Sorensen and Elg).

44
45 **c) Consider Zoning Text Amendments to Chapter 936 on Tree Preservation**
46

1 City Forester Myhran reviewed the proposed text amendments to Chapter 936 related to tree
2 preservation. He outlined the background of the Tree Preservation Ordinance, its impact on the
3 canopy, and discussion from a recent City Council Workshop. He briefly reviewed the objectives
4 of the proposed text amendments and outlined the next steps in the process.

5
6 Chair Stockton asked if the Commission had any questions for Staff.

7
8 Commissioner Plantan referenced point number three related to the definition of heritage trees to
9 better reflect relative species value. She noted that some neighborhoods are defined by, for
10 example, silver maples sweeping along the boulevards and explained that she was a bit concerned
11 that this language was saying that those would not be included for replacement.

12
13 City Forester Myhran explained that they would still be protected and explained that for a
14 significant tree, the replacement requirement is 1 inch for 1 inch. He noted that for a heritage tree,
15 there would actually be 2 inches of replacement required for each 1 inch and explained that the
16 thought behind that was the amount of environmental value that would be lost.

17
18 Commissioner Plantan referenced item number six and asked for additional explanation on setting
19 due dates for required tree replacements. She asked if the recommendation was for the
20 replacements to be staggered on a property in order to best suit the species and the site.

21
22 City Forester Myhran referenced 936.11b and read aloud the current language and the proposed
23 additional language.

24
25 Commissioner Schwalbe stated that she felt that City Forester Myhran had done a very thorough
26 job.

27
28 There being no additional questions from the Commission, Chair Stockton opened the public
29 hearing on the application at 8:24 pm.

30
31 Community Development Director Goellner stated there were no people that called in to the
32 meeting that have asked to speak at the public hearing.

33
34 There being no one wishing to comment, Chair Stockton closed the public hearing at 8:24 pm.

35
36 Chair Stockton asked for the Commission to share their questions and feedback on the application.

37
38 Commissioner Severson stated that she also felt that City Forester Myhran did a great job of
39 incorporating some of the things that the City has learned over the last few years.

40
41 Commissioner Sorensen stated that he also felt that City Forester Myhran did a really nice job with
42 the proposed text amendments. He explained that he felt that they were reasonable and would
43 also make the criteria more objective and enforceable.

44
45 There being no further discussion, Chair Stockton asked for a motion on the application.

1 Commissioner Elg made a motion, seconded by Commissioner Plantan, to Adopt the Draft
2 Planning Commission Report and Recommendation reflecting a recommendation of approval of
3 the Zoning Ordinance Amendments to Chapter 936 – Tree Preservation.

4
5 The motion carried unanimously.

6
7 **AGENDA ITEM 6. Other Items:**

8
9 **a) Review of Development Activities**

10 **b) Planning Commission Meeting Schedule**

11
12 Community Development Director Goellner noted that the next meeting will be May 20, 2024
13 which has one public hearing scheduled related to 565 Ferndale Road West. She stated that staff
14 anticipates that there will be one agenda item for the June 3, 2024 meeting and reminded the
15 Commission to let her know if there are meetings that they will need to miss.

16
17 Commissioner Severson stated that she felt that Commissioner Douglas' absence was felt tonight
18 and she will be missed.

19
20 Community Development Director Goellner stated that she would be sending the Commission
21 information on upcoming services in honor of Commissioner Douglas.

22
23 **AGENDA ITEM 7. Adjournment.**

24
25 There being no further business on the agenda, Chair Stockton asked for a motion to adjourn.

26
27 Commissioner Plantan made a motion, seconded by Commissioner Sorensen to adjourn the
28 Planning Commission meeting. The motion carried unanimously.

29
30 The Planning Commission meeting was adjourned at 8:29 p.m.

31
32 Respectfully submitted,
33 Kayla Atkins Rokosz
34 *TimeSaver Off Site Secretarial, Inc.*



City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 20, 2024	AGENDA ITEM: 4.b
TITLE: Approval of Planning Commission Report and Recommendation of Approval for Setback Variance at 425 Highcroft Road	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: August 6, 2024 (extended to 120 days)	

BACKGROUND:

Applicant Streeter Custom Homes, on behalf of applicant Loren Unterseher, has submitted a development application requesting a front yard setback variance to support a home currently under construction at 425 Highcroft Road. As of May 2, three positive public comments have been received.

The Planning Commission reviewed the application at their May 6 meeting and recommended approval of the application by a vote of 6-0, citing practical difficulties associated with the existing location of the home, the location of the previous home closer to the street, and a lack of impact on neighborhood character.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. 425 Highcroft Rd - Planning Commission Report and Recommendation of Approval

WAYZATA PLANNING COMMISSION**May 20, 2024****REPORT AND RECOMMENDATION OF APPROVAL
OF FRONT YARD SETBACK VARIANCE
AT 425 HIGHCROFT ROAD**

SUMMARY OF RECOMMENDATION

1. Approval* of Variance from Front Yard Setback

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION**Section 1. BACKGROUND**

- 1.1 **Project.** Property owner Loren Unterseher, represented by Streeter Custom Builder, (the “Applicant”) has submitted a development application (the “Application”) requesting a Front Yard Setback variance to support a new home currently under construction (the “Project”) on the property at 425 Highcroft Road, legally described on Attachment A (the “Property”).

- 1.2 **Application Request.** The Applicant is requesting approval of the following variance:

- A. **Front Yard Setback Variance** (Sec. 951.06.B.1.a): A variance of 4 feet less than the required 45 feet front yard setback, for a setback of 41 feet off the front property line along Peavey Road (the “Front Yard Setback Variance”).

- 1.3 **Property.** The street address, property identification number and owner of the Property are as follows, and the legal description of the Property is attached.

425 Highcroft Road	0111723420007	LOREN A UNTERSEHER TRUSTEE
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- 1.4 **Land Use.** The Property is zoned and guided as follows:

Zoning:	R-1A Low Density Single Family Estate District
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Comp Plan:	Estate Single Family
Overlay Districts:	N/A
Design District:	N/A

- 1.5 Notices and Public Hearing. In accordance with City policy, the Applicant sent a letter on the Application to all property owners located within 500 feet of the Property on April 26, 2024. Notice of the public hearing on the Application was published in the *Sun Sailor* on April 25, 2024 and mailed to all property owners located within 500 feet of the Property on April 25, 2024. The public hearing on the Application was held at the May 7, 2024 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Variances. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 905.1.C. are:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant establishes that there are practical difficulties in complying with the Zoning Ordinance.
- C. “Practical difficulties,” as used in connection with the granting of a variance, means that:
 - (i) the property owner’s proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person’s land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- F. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

Based on the Application materials, staff report, public comment presented at the public hearing, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Variance. The Front Yard Setback Variance requested (the "Variance") is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. The following conditions are met for the Variance:
- A. The Applicant has established that there are practical difficulties in complying with the applicable front yard setback standard for the Property.
 - B. The Applicant's Project and the Variance requested are reasonable in that size, scope and impact of the relatively small areas encroaching into the setback are unlikely to affect any surrounding property. In addition, the Project will move the house further out of the front yard setbacks than the previously existing condition and generally improve conditions on the Property.
 - C. The Variance is due to circumstances related to the unique conditions of the Property as a corner lot, with the Peavey Road side curving inward, and are not created by the Applicant.
 - D. The Variance would not alter the essential character of the locality in that, as noted above, the Project is improving the house generally and improving its location relative to the front yard setbacks.
 - E. The practical difficulties necessitating the Variance are not solely economic in nature.
 - F. The uses associated with the Project and the Variance are permitted within the R-1A Low Density Single Family Estate District.
 - G. The Applicant has provided the reasons that the Variance is justified under applicable criteria in order to make reasonable use of the land, structures and building on the Property.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Front Yard Setback Variance, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction and follow all laws and regulations applicable to the Project, including building codes, tree preservation, land use regulations, and City Code and policies applicable to days and times of work, and construction management.
- B. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application.
- C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 20th day of May 2024.

Attachment A
Legal Description of Property

Legal Description	Lot 6, Block 4, "Highcroft Subdivision"
PID	0111723420007
Abstract or Torrens?	Torrens
Certificate of Title No.	1539614
Address	425 Highcroft Road, Wayzata, MN 55391



City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 20, 2024	AGENDA ITEM: 5.a
TITLE: Consider Development Application for Subdivision Request and Variance to Cul-de-Sac length (Ferndale Bluff) at 565 Ferndale Road West	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: June 1, 2024 (extended to 120 days - July 31, 2024)	

BACKGROUND:

Dray Trustee LLC, on behalf of Draycott DST, has submitted a development application requesting approval of a Preliminary Plat and a 126-foot variance to the 600-foot maximum cul-de-sac length requirement. The applicant seeks to subdivide the 11.67 acre property into 4 separate buildable residential riparian lots. All 4 lots are proposed to have shoreline on Peavey Pond. The current property has two residential buildings on the lot: a single-family home and a caretaker's cottage, both of which would be demolished. The applicant's intent is to subdivide the property into 4 lots, construct the required street and associated subdivision improvements, and then sell the lots individually. The current application includes the necessary subdivision and shoreland zoning requests to subdivide and improve the lots prior to sale.

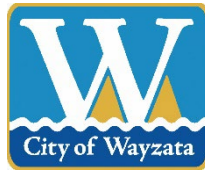
Two public comments have been received as of May 16, both of which are concerned about the environmental and neighborhood impact of the proposed development.

ACTION REQUESTED:

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft Planning Commission Report and Recommendation, with appropriate findings, reflecting a recommendation on the variances requested in the application, for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. 565 Ferndale Rd W - Staff Report
2. 565 Ferndale Rd W - Application Materials
3. 565 Ferndale Rd W - Public Comments Received by May 16, 2024



**Staff Report
Wayzata Planning Commission
May 20, 2024**

Project Name: Ferndale Bluff Subdivision
Address: 565 Ferndale Road West
Application Requests: Preliminary Plat
Subdivision Variance to Cul-De-Sac Length
Applicant: Dray Trustee LLC
Report Prepared by: Emily Goellner, Community Development Director
Eric Zweber, Consulting Planner
“60 Day” Deadline: June 1, 2024
“120 Day” Extension: July 31, 2024

Development Application

Introduction

Dray Trustee LLC, on behalf of Draycott DST, has submitted a development application requesting approval of a Preliminary Plat and a 126-foot variance to the 600-foot maximum cul-de-sac length requirement. The applicant seeks to subdivide the 11.67 acre property into 4 separate buildable residential riparian lots. All 4 lots are proposed to have shoreline on Peavey Pond. The current property has two residential buildings: a single-family home and a caretaker’s cottage, both of which would be demolished. The applicant’s intent is to subdivide the property into 4 lots, construct the required street and associated subdivision improvements, and then sell the lots individually. Driveways and building pads are shown on the plat to demonstrate that the lot configuration would allow for future houses to be constructed without any variances to the Zoning Ordinance. These are herein referred to as “demonstration” building pads and driveway locations. The current application includes the necessary subdivision and shoreland zoning requests to subdivide and improve the lots prior to sale.

Property Information

The property identification number and owner of the property is as follows:

Address	PID	Owner
565 Ferndale Rd W	01-117-23-33-0026	Draycott DST

The current zoning and land use designation for the property is as follows:

Address:	565 Ferndale Rd W
Current Zoning:	R-1A Low Density Single Family Estate District
2040 Comp Plan Designation:	Estate Single Family – 0.25 to 0.5 units/acre
Overlay Districts:	Shoreland and Wetland
Design District:	N/A

Project Location

The property is located north of Ferndale Road West, west of Bovey Road and southeast of Hillside Drive West. The property abuts Ferndale Road West and Peavey Pond.

Map 1: Project Location



Source: Hennepin County

Application Request

The applicant is requesting approval of the following items:

- A. Preliminary Plat (Subdivision Ordinance §1003.02): The applicant requests approval of the preliminary plat for subdivision of the property into 4 residential riparian lots.
- B. Variance to Cul-de-sac Length (Subdivision Ordinance §1006.06): The applicant is requesting a variance of 126 feet to the maximum cul-de-sac length of 600 feet for a proposed cul-de-sac length of 726 feet (measured from Ferndale Rd W to the northern end of the cul-de-sac bulb). This is a proposed variance to the Subdivision Ordinance, which has different criteria than what is in the Zoning Ordinance for determining the appropriateness of the proposed variance.

Public Hearing Notice and Neighborhood Notification

Notice of the public hearing on the Application was published in the Sun Sailor on May 9, 2024. The public hearing notice was mailed to all residents and property owners located within 500 feet of the subject property on May 9, 2024. Per the City's Neighborhood Notification and Meeting Policy, the applicant sent a letter about the Application to residents within 500 feet of the subject property on May 8, 2024. A neighborhood meeting was not required.

Public Comments

As of May 16, two written public comments have been received noting concerns about the project, including neighborhood character, the size of the proposed road, and environmental impacts.

Background Information

The property has been under the same ownership since 1964. Allison Capen, Heather Capen Cox and Samantha Capen Muldoon are the current property owners and they are represented as Dray Trustee LLC. A development application for this property was first submitted in 2022.

During initial project review in 2022, City staff requested the completion of an Environmental Assessment Worksheet (EAW). The proposed number of docks and spaces for watercraft associated with the subdivision exceeded the exemption threshold under Minn. Stat §4410.4600, Subp. 16, which allowed the City to request a Discretionary EAW. EAWs are review processes by which governments can determine if a project meets the criteria for an Environmental Impact Statement (EIS), which is a guidance document intended to help regulators manage significant environmental impacts. The EAW itself functions as a similar guidance document that can help regulators manage complex permitting processes, even if the project is not anticipated to have significant environmental impacts.

WSB, the City's planning consultant, then drafted the EAW, which includes topics such as land use and geology, water resources, potential contamination, fish and wildlife, historic and cultural resources, and air quality. The worksheet went through the standard public review process and included a public comment period. After this period, the state Environmental Quality Board (EQB) provided a decision document to the City stating that the project's environmental impacts could be adequately managed through standard permitting processes, and would not meet the criteria for an EIS. Both the decision document and the EAW itself were then reviewed by City Council on April 18, 2023. At that meeting, the Council heard public comments, reviewed the EAW information, and reviewed the EQB's decision document, concurring that the project would not require an EIS. The applicant subsequently conducted a Phase I Cultural Resources Assessment requested in the EAW, which found no significant cultural resources on the site, along with a Bald Eagle Habitat Assessment. A Wetland Notice of Decision and Delineation report was also completed.

The EAW now functions as one of the primary tools by which the City and other governmental agencies would manage the project if approved. The proposed project's phased construction, heavily wooded condition, and location next to Peavey Pond would lead to a complex, overlapping permitting process as outlined in the EAW.

During this time, the concepts for the plat have been refined. Simultaneously, amendments to the Shoreland Ordinance and Tree Preservation Ordinance were adopted by City Council, which apply to this application. The applicant noted that they previously met with the neighbors regarding the proposed plans prior to the official neighborhood notification letter described above.

Summary and Analysis of Application

Proposed Plans and Improvements

The proposed subdivision would create 4 single-family residential lots (each with riparian access to Peavey Pond) and 1 outlot containing retaining walls, stormwater infrastructure, and right-of-way for a public street and cul-de-sac. The current property consists of 2 residential buildings: a single-family home and a caretaker's cottage. Existing buildings would be demolished to accommodate the construction of the cul-de-sac and allow for the sale and eventual residential development of each lot.

The City Engineer does not support the City assuming any additional right-of-way beyond that which is required for the public street per the City Code. Instead, the applicant chose to create Outlot A for the area between the public street and the property to the west. The applicant has requested that Outlot A be combined with Lot 4 through a special lot combination agreement. The owner of Lot 4 would be responsible for all maintenance of Outlot A.

The proposed public street and cul-de-sac would extend 726 feet north from Ferndale Rd W, along the western side of the property. The cul-de-sac bulb would be positioned in the location of the existing caretaker's cottage. Under this application, activity would be limited to the demolition of the two existing structures and associated infrastructure as well as deconstruction of the gravel driveway near the lakeshore. The applicant notes that the 4 lots would not undergo any additional grading or tree clearing until subsequent owners identify and receive approval for building placement. The building footprints shown on the preliminary plat could be adjusted by subsequent owners and are shown at this stage of platting to ensure each lot is buildable within current zoning regulations. Each lot would have some constraints to buildable area due to the presence of bluffs, wetlands, and Peavey Pond.

	Lot 1	Lot 2	Lot 3	Lot 4
Lot Area (sq ft)	214,308	80,163	80,097	80,097
Demonstration Building Pad Area (sq ft)	5,000	5,000	5,000	5,000
Buildable Area Width (ft)	100	150	130	200
Buildable Area Depth (ft)	300	210	164	90
Demonstration Driveway Area (sq ft)	2,564	2,240	2,554	2,829

Each lot would have frontage on Peavey Pond and proposed locations for driveway access to the public street. Exact driveway locations will be determined by the subsequent owners. Outlot A would be 8,987 square feet (0.21 acres) in size and include retaining walls, stormwater infrastructure, and right of way for the proposed public road. The 4 lots include portions of Peavey Pond and/or Ferndale Marsh.

	Total Area (sq ft)	Lake Area (sq ft)	Wetland Area (sq ft)	Dryland Area (sq ft)
Lot 1	214,308	~6,100	~94,150	~114,050
Lot 2	80,163	~7,500	~4,850	~67,800
Lot 3	80,097	~9,400	~5,700	~65,000
Lot 4	80,097	~15,100	~1,650	~63,350

Peavey Lake is an impaired water as identified by the Minnesota DNR and also in the Comprehensive Plan. Peavey lake's aquatic life is affected by chloride and aquatic recreation is affected by nutrients. Ferndale Marsh is identified as a moderately sensitive wetland area in the Comprehensive Plan.

Comprehensive Plan

The property is guided for Estate Single Family use. Per the comprehensive plan, single-family homes are the primary use within this category, with accessory dwelling units allowed. The category provides the lowest density of residential uses, with lot sizes of 2 acres or larger and residential densities ranging from 0.25 to 0.5 units per acre.

The proposed residential lots vary in size from 1.83 to 4.92 acres. Each residential lot is expected to contain one single-family home, once purchased, resulting in residential densities ranging from 0.2 to 0.55 units per acre.

Zoning

The property is currently zoned as R-1A, Low-Density Single Family Estate district. The property is also located in the Shoreland Overlay district and Wetland Overlay district.

The following table outlines the zoning standards for the R-1A district, Shoreland Overlay district, and the proposed plat.

	R-1A – Low-Density Single Family Estate	Shoreland Overlay District	Proposed Plat
Lot Area (min.)	80,000 sq. ft.	Same as underlying zoning district	Min: 80,097 sq. ft. (Lots 3 & 4)
Lot Width (min.)	200 ft	Same as underlying zoning district	Min: 200 ft (Lot 3)
Lot Depth (min.)	200 ft	N/A	Min: ~260 ft (Lot 2)
Setback from Ordinary High Water Level	N/A	The greater of the following: a) 75 ft; b) line drawn between two closest riparian principal structures on either side; c) average setback of two closest riparian principal structures on either side. In all cases, the setback line will be parallel to the OHWL.	Building construction sequence impacts the applicable setback. Principal structures not yet designed. Each lot allows for buildable area within setbacks – demonstration building pads provided for illustration. See <i>shoreland setback analysis for more information.</i>
Setback from top of bluff	N/A	30 ft	Demonstration building pads at least 30 ft from bluff.
Property Line Setbacks, principal structure (min.)	Front: 45 ft Side (west): 20 ft Side (east): 20 ft Rear: 50 ft	Same as underlying zoning district	Principal structures not yet designed. Each proposed lot allows for buildable area within setbacks - demonstration building pads provided for illustration.
Height (max.)	3 stories or 40 ft	35 ft*	N/A
Impervious Surface (max.)	20%	25%	Demonstration building pads/driveways – Max. 10% (lot 4)

Lot Coverage (max.)	10%	N/A	Demonstration building pads – Max. 6% (lots 2, 3, 4)
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**Building heights of over 35 feet may be allowed with a Shoreland Impact Plan/Conditional Use Permit.*

Preliminary Plat

The platting process for the City of Wayzata is a two step process involving preliminary and final plat approval. The preliminary plat application process requires applicants to submit plans depicting name of the subdivision, location of proposed lot lines, existing conditions, proposed design features and any supplemental information that is required by the City. The plans for the subdivision (preliminary plat) are presented to the Planning Commission for their recommendation and the Planning Commission shall use the review criteria in the subdivision ordinance to render a recommendation. The Planning Commission recommendation, along with the preliminary plat application, is then reviewed by the City Council. If the preliminary plat is approved by the City Council, the applicant will be directed to file an application for a final plat, which is reviewed by the City Council. If the final plat is substantially compliant with the preliminary plat, the City Council must approve the final plat.

Variance to Cul-de-Sac Length

The proposed plans indicate that a public street (with the cul-de-sac) will be constructed at a length of 726 feet. This is measured from the Ferndale right-of-way to the end of the cul-de-sac. The maximum cul-de-sac length allowed by the Subdivision Ordinance is 600 feet, thus resulting in a variance request of 126 feet. The applicant states that the property is unique due to its large size, steep slopes, wooded areas, and wetlands. The applicant has considered a shorter, 600-foot cul-de-sac but has determined that the tree removal would be greater than what would occur with a 726-foot cul-de-sac. The difference in tree removal is shown on pages 13 and 14 of the Tree Inventory and Mitigation exhibit.

The proposed 726-foot cul-de-sac would place the bulb at the location of an existing clearing, reducing the amount of grading, retaining walls, and tree removals. Per the Tree Inventory & Mitigation Plan, the proposed 726-foot cul-de-sac would result in the removal of 85 Significant Trees, which is 32 fewer trees than the 600-foot alternative. Public streets are required for this type of subdivision. Public streets are limited to a grade of no more than 8% grade, must have curb and gutter and a minimum street width of at least 26 feet. The applicant has chosen to propose the public street along the western property line because this is the area of the lowest existing slope. The standards for reviewing a variance are included at the end of this staff report. Note that subdivision variance criteria are different than zoning variance criteria.

Street Design - Location

The Subdivision Ordinance sets standards for street design in platted subdivisions. Local streets, which is what is proposed with this plat, are required to have a right-of-way width of 50 feet and a pavement width of 26 feet. Concrete curb and gutter are required for a local streets and the submitted plans meet this specification. Centerline gradients shall

be at least 0.4 percent and local streets cannot have a gradient over 8 percent. The road plan that has been submitted meets this requirement.

Per the Subdivision Ordinance §1006.05.M., the street design shall not be designed in a way that causes hardship to owners of adjoining property in platting their own land and providing convenient access to it. The neighboring property to the west, 621 Ferndale Road, is large enough to potentially undergo a lot split in the future. The presence of Outlot A may impede the development of driveway accesses to the proposed street, but those access points would not be required for the development of the adjacent property. The proposed preliminary plat proves more than 60 feet of frontage onto the new public street for the owners of 621 Ferndale Road. Right-of-way for a new public street is required to be a minimum of 50 feet.

The Zoning Ordinance §920.05.E.6. sets standards for the curb cut proximity to an intersection. No curb cut or other driveway access shall be located less than 40 feet from the intersection of two or more street rights-of-way. The proposed cul-de-sac right-of-way provides 60 feet of street frontage for the 621 Ferndale Road property. Should the owner of 621 Ferndale Road chose to split their property in the future, a public street can connect at the location of this 60-feet wide street frontage, but then the proposed driveway for Lot 2 would be within 40 feet of a intersection of the public street serving the lot split.

The City Engineer has reviewed the plans for conformity with the Subdivision Ordinance §1006 and has no issues or concerns with the proposed street design. Per standard procedure, the City Engineer will review the final plan set to ensure that the street design remains in compliance with the Subdivision Ordinance. This will also be addressed with final plat review and within the development agreement.

Lot Configurations

Subdivision Ordinance §1006.04.B establishes standards for the design of side lot lines. Of particular note is the requirement that side lines of lots shall be radial (at right angles) to lake or stream shores or at right angles to street lines. Lots 1 and 2 have multiple side lot lines and not all of them are radial to the lake shore. The Planning Commission should consider whether or not the lots can be considered conforming to this ordinance requirement given the complexity and configuration of the lot lines in an attempt to create riparian lots.

Lot Line	Number of Line Segments	Segments at Right Angle to Street Lines	Segments Radial to Lake Shore	Segments neither at Right Angle to Street nor Radial to Lake Shore
Lot 1-2	5	1	1	3
Lot 2-3	6	1	1	4
Lot 3-4	3	1	1	1

Subdivision Design Requirements

Subdivision Ordinance §1006.16 addresses minimum design features. The design features set forth in this Chapter are minimum requirements. There are also multiple Comprehensive Plan policies that will need to be considered.

- Zoning Ordinance §920.05.D.10 states that the grade elevation of any parking area or portion thereof shall not exceed five percent. While it appears that the two (2) required parking stalls can be met within the garage, the entirety of the driveway for Lot 2 exceeds 5%.
- Subdivision Ordinance §1006.04.C states that each lot shall provide an adequate building site at least one foot above the street grade. The demonstration building pads on Lots 2, 3 and 4 are more than one foot above the proposed road. For the Lot 1, the garage of the “possible house” is 1.4 feet above the cul-de-sac. At the time of building permit, Lot 1 will need to be evaluated to determine that the final building site is one foot above the cul-de-sac.

Protected Areas

Subdivision Ordinance §1006.14 addresses protected areas within subdivisions and the incorporation of protected areas into each proposed lot. Protected areas are those deemed environmentally sensitive by the City due to with wetlands, drainage ways, watercourses, floodable areas or steep slopes. When protected areas are to be incorporated into the proposed lots, the applicant must demonstrate that the design of the lots will not require construction on steep slopes (over 18 percent). The preliminary plat would create lots that would require construction on steep slopes. The preliminary plat shows impacts to steep slopes would be required for the demonstration driveways on Lot 2, Lot 3, and Lot 4. There is no location on Lot 4 where a building pad would avoid steep slopes.

Setbacks from Parking Areas

The Zoning Ordinance §920.05.D.1 requires front, side and rear setbacks of at least ten feet from property lines shall be maintained from parking areas in all zoning districts. While the driveway placement is subject to the designs developed by the future owners of each lot, the driveways shown in the preliminary plat comply with the required setbacks.

Lot Coverage & Impervious Surfaces

Zoning Ordinance §951.07.A-B sets standards for lot coverage and impervious surfaces for properties in the R-1A, Low-Density Single Family Estate district. Lot coverage may not exceed 10 percent of lot area and impervious surfaces on a lot may not exceed 20 percent of lot area. The demonstration building pads and driveway areas identified on the preliminary plat result in lot coverage and impervious surface totals that are well below the allowable maximum.

The following table outlines the proposed lot coverage and impervious surface area for each lot, as calculated based on the demonstration driveway and building pad locations:

	Lot 1	Lot 2	Lot 3	Lot 4
Lot Area (sq. ft.)	214,308	80,163	80,097	80,097
Max. Allowable Lot Cover (sq. ft.) – 10%	21,430	8,016	8,009	8,009
Demonstration Building Pad Area (sq. ft.)	5,000	5,000	5,000	5,000
Percent Lot Coverage	2.3%	6.2%	6.2%	6.2%
Max. Allowable Impervious (sq. ft) – 20%	42,861	16,032	16,019	16,019
Demonstration Driveway Area (sq. ft)	2,564	2,240	2,554	2,829
Impervious Surface Coverage (building & driveway surfaces)	3.5%	9.0%	9.4%	9.8%

Shoreland Setback

Shoreland Ordinance §991.09.D.2 addresses minimum setbacks to lakeshores. Building setbacks need to be the greater of the following:

- a) 75 feet;
- b) line drawn between two closest riparian principal structures on either side;
- c) average setback of two closest riparian principal structures on either side.

The setback requirement (b) requiring a line drawn between the two closest riparian principal structures require the evaluation of the order in which the lots are built on. The applicant has provide a Setback Analysis (attached to this report) to demonstrate these impacts. If Lot 1 was constructed before Lot 2, the buildable area of Lot 2 would be reduced to a point were Lot 2 would not have a 50-foot deep by 100-foot wide building pad. If the a home is constructed on Lot 2 before Lot 3, then the building area of Lot 3 would be reduced. If the homes on Lot 2 and Lot 4 were constructed before Lot 3, the buildable area of Lot 3 would be reduced to a point were Lot 3 would not have a 50-foot deep by 100-foot wide building pad.

Steep Slopes

Shoreland Ordinance §991.13.E provides regulations regarding steep slopes. The applicants has provided a Stormwater Pollution Prevention Plan (SWPPP) for this project and are not proposing grading on the bluffs or steep slopes between the house pads and the Peavey Pond. The EAW, as described in more detail further in this report, contains a number of stipulations that need to be addressed during the process of construction.

Land Suitability

Shoreland Ordinance §991.21.A requires that all lots shall be suitable in their natural state for the proposed use with minimal alteration. Topographic and other features of the natural land need to be examined to determine if the proposed use would likely be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community. The creation of a preliminary plat that creates four lots from one existing lot will alter the site. Trees will be removed for the construction of the public cul-de-sac and later with the construction of the houses. Grades greater than 18% will be disturbed with the construction of the driveways for Lots 2 and 3 and the home site and driveway for Lot 4. The Planning Commission will need to consider whether these activities are greater than a “minimal” alteration.

Consistency with Other Controls

Per §991.21.B of the Zoning Ordinance, a subdivision shall not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purposes. The proposed lots would create sufficient buildable area and appropriate site conditions for each future owner to build a house and associated improvements without any required variances; however, the City and the applicant must be diligent about phasing the construction of the lots to ensure that they are constructed in a manner that does not put other lots in peril of needed variances for future construction.

Tree Removal and Replacement

The applicant is proposing to remove 85 Significant Trees (totaling 1,102 inches of trunk diameter at breast height, or DBH) and 3 Heritage Trees (94 DBH). Under Chapter 936 of the Zoning Code, Significant Tree removals which exceed the 10% DBH removal allowance require an inch of replacement per inch of removal. Any Significant Tree replacement that does not occur on-site requires a Fee-in-Lieu of Tree Replacement. There is no removal allowance for Heritage Tree removals, which require two inches of feasible on-site replacement per inch of removal. Any Heritage Tree replacement that cannot occur on-site requires a Fee-in-Lieu of Tree Replacement.

	Total DBH	DBH Removed	% DBH Removed	Removal Allowance	DBH Replacement Required
Significant Trees	9,860	1,102	11.2%	10% (986 DBH)	116
Heritage Trees	729	94	12.9%	N/A	188

The applicant has proposed a Mitigation Plan consisting of 75 total inches of on-site tree replacement, shown below.

Quantity	Common Name	Size	Total DBH
5	Arborvitae	7' (2.5")	12.5
5	Princeton Elm	3"	15
4	Firefall Maple	2.5"	10
3	Swamp White Oak	3"	9
4	Hackberry	4"	16
5	Canadian Hemlock	7' (2.5")	12.5

The remaining 229 inches of required replacement are proposed for mitigation by Fee-in-Lieu of Tree Replacement. The applicant states on page 3 of the Tree Inventory & Mitigation Plan that fee mitigation is necessary due to the density of existing stands.

Tree Preservation

The proposed Tree Preservation Plan calculates grading and construction impact in greater detail than is required by City Code. The preservation methods described are consistent with current best practices. If the plan's specifications are adhered to throughout the development period, an above-average tree preservation success rate is expected.

Comments from the City Engineer/Director of Public Works

The City Engineer has reviewed the submitted documents and the EAW. The City Engineer has no additional comments for the preliminary plat analysis but they will review the plans submitted during the final plat and ensure that the EAW mitigation strategies are implemented.

Standards of Planning Commission Review of Application Requests

The Preliminary Plat approval and Variance requested are quasi-judicial actions, meaning that the Planning Commission acts similarly to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to the facts associated with this particular project and property.

Primary Questions to Consider

1. Preliminary Plat
 - a. Overall Plat
 - i. Is the proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan?
 - ii. Does the creation of a lot or lots adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas?
 - iii. Does the design of the lots, the building pads, and the site layout respond to and is reflective of the surrounding lots and neighborhood character?
 - iv. Does the proposed lot layout and building pads conform with all performance standards in the Subdivision Ordinance?
 - v. Does the proposed subdivision or lot combination tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed?

b. Are Four Lots Reasonable or Acceptable?

- i. Do the building pads that result from the subdivision preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets?
- ii. Are the building pads that result from subdivision selected and located with respect to natural topography to minimize filling or grading?
- iii. Are existing stands of significant trees retained where possible and are the building pads sensitively integrated into existing trees?
- iv. Does the design of the subdivision clearly reflect all necessary measures of protection to ensure against adverse environmental impact?
- v. Does the applicant demonstrate that the proposed design will not require construction on slopes over 18 percent, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary?
- vi. Are the proposed lots suitable in their natural state for the proposed use with minimal alteration?

c. Are Four Riparian Lots Reasonable or Acceptable?

- i. Do the demonstration building pads preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
- ii. Are the proposed lots suitable in their natural state for the proposed use with minimal alteration?

2. Variance to Subdivision Ordinance

- a. Are there special circumstances or highly unique conditions affecting the property? Would these circumstances mean that the strict application of the Ordinance would deprive the applicant of the reasonable use of his land?
- b. Would the granting of the variance be detrimental to the public health, safety and welfare or injurious to other property in the area?
- c. Would the variance correct inequities resulting from an extreme physical hardship such as topography?
- d. Is the identified hardship related to economic difficulties?
- e. Is the hardship a result of an action or actions by the owner, applicant, developer or any agent thereof?

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application, for review and adoption at the next Planning Commission meeting.

Attachments

Application Narrative (February 2, 2024)
Subdivision Variance Narrative (January 31, 2024)
Resubmittal Narrative (April 2, 2024)
Preliminary Plan Set (April 2, 2024)
Constraints Diagram (February 2, 2024)
Tree Inventory and Mitigation (April 2, 2024)
Setback Analysis Narrative (April 2, 2024)
Near Shore Aquatic Conditions Response (April 2, 2024)
Bluff Determination Memo (February 24, 2023)
Bald Eagle Habitat Assessment (March 27, 2023)
Preliminary Drainage and Stormwater Calculations*
Supplemental Grading and Drainage Exhibit (April 2, 2024)
Wetland Notice of Decision and Delineation Report* (June 26, 2023)
Draft Special Lot Combination Agreement (February 2, 2024)
Environmental Assessment Worksheet Record of Decision (April 5, 2023)
Cultural Resources Report and State Historic Preservation Office Letter* (June 7 and July 26, 2023)

*These documents have been abridged to practically reduce the total size of the attachments. Please contact staff for full versions of these documents.

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval.

Preliminary Plat Approval

Section 1003.02.E. of the Subdivision Ordinance sets forth general criteria for consideration of a preliminary plat. The planning commission's recommendation shall be based upon, but not limited to, the following factors:

- 1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.**
- 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.**
- 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.**
- 4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.**
- 5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.**
- 6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.**
- 7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.**
- 8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.**
- 9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Chapter 909 of the Wayzata Zoning Ordinance.**
- 10. The proposed lot layout and building pads shall conform with all performance standards contained herein.**
- 11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.**
- 12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.**

Cul-De-Sac Streets

Section 1006.06 of the Subdivision Ordinance sets standards for cul-de-sac streets.

- A. **Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length**, including a terminal turn around which shall be provided at the closed end, with a right-of-way radius of not less than 60 feet. The length shall be measured along the centerline from the nearest intersection to the center point of the cul-de-sac.
- B. Where a temporary cul-de-sac is required, the turnaround right-of-way shall be placed adjacent to a plat boundary line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

Variance Criteria

Section 1009.04 of the Subdivision Ordinance sets standards for approval of variances to the literal provisions of the Ordinance. Variances may be granted when “undue hardship” may result from strict compliance. In approving the variance, the City Council can prescribe any conditions it deems necessary or desirable for the public interest. A variance shall only be approved when the City Council finds:

1. **That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.**
2. **That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.**
3. **That the variance is to correct inequities resulting from an extreme physical hardship such as topography.**
4. **Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.**
5. **That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.**

The Planning Commission shall make a finding of fact and recommendation of actions or conditions related to the variance request.

Specific Ordinances Pertaining to the Project.

Zoning Ordinances

§920.05.D.1 requires front, side and rear setbacks of at least ten feet from property lines shall be maintained from parking areas in all zoning districts.

§920.05.D.7 Curb Cut Maximum. No curb cut access shall exceed 24 feet in width except upon approval by the City Engineer.

§920.05.D.10 Parking Area Grades. The grade elevation of any parking area or portion thereof shall not exceed five percent.

§951.07.A and B. Lot coverage may not exceed ten percent of lot area and Impervious surfaces on a lot may not exceed 20 percent of lot area.

§991.09.D.2 Minimum Setback Requirement. Lake Shore Setbacks. No principal structure or building addition other than a water oriented accessory structure as specified above shall be located closer to the ordinary high water mark than the greater of:

- a. Seventy-five feet;
- b. A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;
- c. The average setback of the two closest riparian principal structures on either side of a proposed building site; or
- d. The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

§991.13.E Steep Slopes. The Zoning Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions shall be attached to permits to prevent erosion and preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

§991.21.A Land Suitability. Each lot created through subdivision, including planned unit developments authorized under Section 991.17 of this Ordinance, **shall be suitable in its natural state for the proposed use with minimal alteration**. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, **steep topography**, inadequate water supply or sewage removal capabilities, near shore aquatic conditions unsuitable for water based recreation, **important fish and wildlife habitat**, presence of significant historic sites, **or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community**.

§991.21.B Consistency with Other Controls. A subdivision shall not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purposes.

Subdivision Ordinances

§1006.04.B Side Lot lines. Side lines of lots shall be at right angles to street lines, radial to curved street lines, or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.

§1006.04.C Building Sites. Each lot shall provide an adequate building site at least one foot above the street grade.

§1006.05.J Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts with temporary cul-de-sacs, or when designed as cul-de-sac streets. §1006.05.M The street design shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. §920.05.D.6 Curb Cut Proximity to Intersection. No curb cut or other driveway access shall be located less than 40 feet from the intersection of two or more street rights-of-way.

§1006.07.A requires a minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

Type of Street	Right-of-Way Width	Pavement Width
Local Street	50 feet	26 feet
Cul-de-sac	60 feet turnaround radius	48 feet turnaround radius

§1006.07.E Deflection. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 100 feet.

§1006.07.H Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be 20 times the algebraic difference in the percent of grade of the two adjacent slopes.

§1006.07.K Corner Radii. Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Corners at entrances to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

§1006.07.L requires a concrete curb and gutter for all street surface improvements.

§1006.14 Protected Areas. Where land proposed for subdivision is deemed environmentally sensitive by the City, due to the existence of wetlands, drainage ways, watercourses, floodable areas or steep slopes, the design of said subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impact. The City's Stormwater Management Plan shall be carefully referenced and adhered to when designing a subdivision. Based upon the necessity to control and maintain certain sensitive areas, the City shall determine whether said protection will be accomplished through lot enlargement and redesign or dedication of those sensitive areas in the form of outlots. In general, measures of protection shall include design solutions which allow for construction and grading involving a minimum

of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, **the applicant shall be required to demonstrate that the proposed design will not require construction on slopes over 18 percent**, or result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.

§1006.15.I Public Sites and Open Spaces (Parkland Dedication): When a subdivision is too small for practical dedication of public land, or if no land in the subdivision is suitable for such use, the applicant may be required to pay an equivalent cash fee for all or part of the portion to be dedicated, based on the fair market value of the land on the day of final plat approval.

§1006.16 Minimum Design Features. The design features set forth in this Chapter are minimum requirements. The City may impose additional or more stringent requirements concerning lot size, streets and overall design as deemed appropriate considering the property being subdivided based upon site considerations and the Wayzata Comprehensive Plan.

Comprehensive Plan

The Comprehensive Plan identifies multiple goals and policies relating to this request. These statements can provide guidance and direction for decision making. The first relevant residential policy is to identify opportunities to protect property values through the consistent relationship of land uses, streets, sidewalks, natural features, and the maintenance of properties (Comprehensive Plan p. 3-6). The second is to identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts (Comprehensive Plan p. 3-6).

The Natural and Community Resources section identifies seven objectives. Objective 1 is to promote sound land use development decisions which protect and enhance Lake Minnetonka and other wetlands as a significant natural resource to the community's vitality and "sense of place" (Comprehensive Plan p. 6-8). Objective 3 is to promote sound land use decisions which protect and preserve native ecological systems and wildlife habitats within Wayzata (Comprehensive Plan p. 6-9). Objective 4 is to support a healthy tree coverage, and objective 5 is to protect important topographical features and views within the community (Comprehensive Plan p. 6-9).

February 2, 2024

Preliminary Plat Application: Subdivision of 565 Ferndale Road West, Wayzata, MN 55391

Applicant: Dray Trustee LLC for Allison Capen, Heather Capen Cox, and Samantha Capen Muldoon

I. EXECUTIVE SUMMARY

The Property is currently a single parcel improved with one single-family home and a caretaker's cottage. We, the applicant, propose to subdivide the 11.67 acre property into 4 separate buildable lots.

The proposed plat conforms to all requirements of the City's zoning and subdivision ordinances, except that it contains a 725-foot cul-de-sac road, which is longer than the 600-foot maximum cul-de-sac road length allowed by the City's subdivision ordinance. As part of this plat request, the applicant is seeking a variance from the strict application of this maximum cul-de-sac length requirement. The project could be completed without a variance, but the longer road is responsive to the existing topography, and is requested to improve sightlines from the western neighbors, and in order to impact fewer trees and require less grading.

Applicant has worked diligently with the city staff for over two years, refining the plat and submitting additional information as requested by the city, including an Environmental Assessment Worksheet (EAW) and a Phase One Cultural Resources Assessment in spring of 2023. Applicant has responded to multiple ordinance revisions that occurred after we began preparing our submittal materials (shoreland ordinance amendments and tree ordinance). Throughout the process, the applicant has provided the city with extensive information detailing bluff impacts and tree impacts including a tree preservation plan, and other aspects of the proposal. Additionally, the applicant has met multiple times with many of the neighbors, and has tried to be very responsive to their concerns, altering the proposed road and tree preservation plan, among other changes, in order to address their concerns.

Our guiding vision has been a responsible, thoughtful, small-scale development (only 4 houses on almost 12 acres), consistent with the Comprehensive Plan, city code and subdivision requirements, consistent with the existing neighborhood character, and sensitive to the surrounding environment.

II. APPLICANT BACKGROUND

The Capens purchased the home in 1964. Allison, Heather, and Samantha all grew up on the property and have sustainability, landscape design, and conservation backgrounds.

- **Allison** is a licensed architect and nationally known environmental and sustainability consultant with over 20 years of experience in her field. She is a former Committee for the Environment co-Chair at AIA Seattle, and Chair of the Sustainable Design Resource Group of AIA Washington Council. At the International Living Future Institute, she was Director of the Living Building Challenge (LBC) program, and ran its Auditor training and audit process. She initiated and authored the LBC Petal Handbook series and has developed and presented at numerous webinars and national conferences, including Living Future and GreenBuild. She has worked in sustainable building design and was an early LEED reviewer. She lives in Seattle with her husband Mark and daughter Camille.
- **Heather** worked as a licensed landscape architect at landscape design firms SWA Group, Hargreaves Associates (now Hargreaves Jones) and Oehme, van Sweden, and Associates, all

internationally acclaimed, award-winning firms known for their ecologically responsible designs. Her work has included developing sustainable design options for Stanford University, an ecologically responsible 40-acre residential development project, and a master plan for an estate in Martha's Vineyard, all with an emphasis on native plants. Recently, she has taken her appreciation for landscapes to the canvas, and is currently a successful large-scale landscape painter, represented by Maybaum Gallery of San Francisco. She lives in northern California with her husband (Brennan Cox, owner of Groundworks Office, a landscape architecture firm) and three boys, Porter, Calder, and Teddy.

- **Samantha** is Vice Chair of Long Lake Waters Association (LLWA), a local watershed, wetland, and water quality nonprofit. Her hands-on watershed conservation work with LLWA was formally recognized in 2018 by the City Council of Long Lake, as well as the Lake Minnetonka Garden Club (LMGC), where she was presented with a GCA Conservation Commendation in 2021. She has been Conservation Chair of the LMGC, and has advocated on behalf of native plants, trees, and our national parks at the Federal level. She is the former Board Chair of the MN Zoo Foundation, where she spearheaded the strategic plan focused on connecting people with nature. She is a former Chair of the Orono Parent Association, and for the last five years has spearheaded the annual July 4th "Flying" Pancake Breakfast in Wayzata with her family. She lives in Orono, with her husband Paul and two children, Angus and Lydia.

III. RE: SUBDIVISION STANDARDS: City Code, § 1003.02(E)

When considering an application for preliminary plat approval, the City Council, following a recommendation by the Planning Commission, "shall consider possible adverse effects of the preliminary plat." City Code, § 1003.02(E). In doing so, the City Council must consider twelve factors set forth in the City's subdivision ordinance. The applicant addresses below each of the factors outlined in City Code, § 1003.02(E)(1)-(12):

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan. City Code, § 1003.02(E)(1).

The Property is guided Estate Single Family by the City's 2040 Comprehensive Plan¹. According to the Plan, "*This category provides for the lowest density residential uses, with lot sizes of 2 acre or larger. Single-family homes are the primary use within this category.*"² The Plan calls for densities of between .25 and .5 units per acre, as this larger lot size and lower density requirement is "conducive to the preservation of important natural resources" located within those areas of the City that are designated Estate Single Family.

The proposed preliminary plat conforms to the (1) use, (2) lot size and (3) density guidelines defined objectively by the Wayzata Comprehensive Plan and zoning ordinance. The proposed plat conforms to the subdivision ordinance in implementing the comprehensive plan, Section 1003.02(E)(1) Specifically: (1) The use is Residential. (2) The size of each residential lot is at least 80,000 feet. (3) The density of the proposed plat is 0.34 units per acre.

The *proposed* plat includes improvements that are designed to minimize impacts to existing natural

¹ 2040 Comprehensive Plan, Fig. 3-2, Fig. 3-5

² 2040 Comprehensive Plan, p. 3-9

features, providing potential building sites on areas with the least amount of slopes and where limited impacts to trees will occur. The required new street closely follows the existing driveway, avoids bluffs, and is in a location least visible from any public waters. Municipal utilities already serve the site. The creation of three additional lots will more optimally utilize existing municipal infrastructure. Therefore, by all objective standards, this proposed subdivision is consistent with the Wayzata Comprehensive Plan. See Subdivision Code, § 1003.02(E)(1).

Moreover, as set forth elsewhere in this application (and in the variance application submitted simultaneously herewith), the applicant has worked with the city for more than two years to design the proposed plat specifically to preserve the “important natural resources” located on the Property as directed by the Comprehensive Plan.

Conclusion: *Proposed* project is consistent with the Comprehensive Plan, City Code, § 1003.02(E)(1).

2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets. City Code, § 1003.02(E)(2).

We have carefully considered the wildlife on the property, and have worked diligently to present a proposal that is sensitive to the wetlands and woods and wildlife present, and reflective of the character of the surrounding neighborhood. The applicant has designed the proposed plat specifically to preserve the “important natural resources” located on the Property as directed by the Comprehensive Plan.

An extensive Environmental Assessment Worksheet (EAW) and Phase 1 Cultural Resources Assessment were conducted, at the request of City Staff in the spring of 2023. WSB, the city’s consultants, completed the assessment, and at its conclusion issued an extensive report of all of the environmental considerations. Specifically, the April 2023 EAW conducted by City Consultant WSB stated, *“There are no MNDNR Regionally Significant Ecological Areas, MNDNR Native Plant Communities... within the project area or within one mile of the project area. No MBS Sites of Biodiversity Significance were identified within the project area. No impacts to these ecological resources are expected to occur from project construction... There are no scenic views or vistas on or near the project area, and no non-routine impacts or visual nuisances are anticipated... (the) proposed project is consistent with established uses in the area, and therefore will not create a significant change in visual aesthetics. No other potential environmental effects exist.”*

WSB (and the City as the RGU) found that no further environmental analysis was needed due to the low to negligible impact of the project on the project’s environmental resources, and/or community assets. The Wayzata City Council agreed, and unanimously issued a Negative Declaration of Need for an Environmental Impact Statement (EIS) on April 18th, 2023 (Resolution 25-2023).

Moreover, as noted in the applicant’s variance application submitted simultaneously herewith, the applicant is requesting a variance from the City’s maximum cul-de-sac road length requirement specifically for the purpose of preserving existing trees on the site; minimizing the necessary amount of grading necessary to develop the site; and minimizing the amount of retaining walls necessary to develop the site. Please refer to the attached variance application for comparison graphics and data.

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(2).

3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading. City Code, § 1003.02(E)(3).

Building pads are proposed on the flattest portions of each lot, as close to the proposed road as possible adjoining code-compliant driveways. Such locations will minimize grading and site disturbance. All building pads will be custom graded by future owners as part of the residential building permit process.

Conclusion: Proposed project clearly meets the standard outlined per City Code, § 1003.02(E)(3)

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees. City Code, § 1003.02(E)(4).

This site is heavily wooded, as applicants have not conducted any significant tree removals for over 60 years other than removal of diseased, dead or dying trees. Gronberg & Associates Inc. identified all significant and heritage trees on the property, and identified trees to be removed using GPS data which maps to exact tree classifications, diameter, species, and age/health. In fact, a majority of the existing trees are on bluffs or steeper slopes, and will not be impacted in any way by the proposed subdivision. Specifically, 87% (or 546) of the significant and heritage trees will not be impacted by the proposed subdivision. All four lots can accommodate a building pad and driveway while staying below the 25% threshold for tree mitigation, as defined in City Code Chapter 936.04 Subpart A2.

The project, including the requested variance to the road, and the location of all proposed building pads, was designed specifically to take advantage of the existing road and caretaker cottage turn-around, and other open areas currently on the property, as much as feasible, in order to minimize tree removal, particularly of significant trees.

While three (3) heritage trees will be impacted, the applicant has submitted a tree preservation plan from a certified arborist (Davey Tree) and retained professional landscape architect and planning consultant (HGKi) to minimize impacts and save additional trees through sound mitigation strategies.

Applicant has also worked with the Wayzata City Forester (including an onsite visit with arborist Davey Tree) to refine the proposal to reduce impact on trees. All proposed tree removals are in compliance with the recently amended Wayzata Ordinance Chapter 936 - Tree Preservation.

Some additional trees will likely be removed for future residential structures. Such removals will be governed by the City of Wayzata's Tree Preservation Code, and must abide by all City regulations and permitting process (see Code 936.05). It is important to note that the City Tree Preservation Code and regulations are cumulative and take into account the current proposed subdivision removals in their regulation calculations (in other words, the tree removal count doesn't reset to zero when/if the property changes hands). Applicant has provided an extensive tree survey and inventory in order to enable the evaluation of tree impacts over time as homes are built.

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(4)

5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas. City Code, § 1003.02(E)(5).

The proposed lots are consistent with, and will not adversely impact, the scale (lot size/density), character, and pattern (layout) of existing lots in this area of the City.

1. **Scale (Lot Size/Density):** The property is zoned R-1A, Low Density Single Family Estate District, within the Comprehensive Plan, which allows a residential density of between 0.25 and 0.5 units/acre and has a minimum lot area of 80,000 square feet. The project proposes to subdivide the parcel into four lots that vary in size from 80,097 to 214,308 square feet which results in a site density of 0.34 units per acre. The proposed lot sizes are in line with those in the neighborhood, which range from 17,620 square feet at to 275,147 square feet³ (a density range of 2.47 to .16 units/acre, respectively).

According to the city's consultant WSB, in the April 2023 EAW, "*The proposed development is consistent with City land use plans and zoning for development in this area.*"

Therefore, based on both lot size and density calculations and the EAW conclusions, the proposed lots are consistent with the established neighborhood scale.

2. **Character:** The term character is imprecise, and as such it is difficult to objectively define in order to assess or determine impact. However, elements that can be objectively quantified to consider are (i) a neighborhood's land use, (ii) visual resources, (iii) historic resources, (iv) socioeconomics [value], (v) traffic, and (vi) noise.

- i. Land Use: **Per Factor 1, Code Compliance (above), the project is compliant with Wayzata Comprehensive Plan Land Use zoning, and is consistent with the land use in the surrounding neighborhood.**

- ii. Visual Resources: The project will maintain the visual buffer of the trees and bluffs surrounding Peavey Pond, as shoreline and city setback and bluff regulations preclude tree removals and grading in those delineated areas. Additionally, the project is not contiguous with Lake Minnetonka, and will not be visible from Lake Minnetonka, due to large scale existing buildings and tall hedges already on the lakefront properties.

According to the City of Wayzata's Consultants, WSB, in the April 2023 EAW (approved by the city) noted that "*There are no scenic views or vistas on or near the project area, and no non-routine impacts or visual nuisances are anticipated. During construction, the surrounding residential and industrial properties will experience temporary visual impacts because of tree removal and construction. The proposed project is consistent with established uses in the area, and therefore will not create a significant change in visual aesthetics.*" (Sec. 15, Visual, pg. 19, EAW on file with the City of Wayzata).

Based on the site conditions and the conclusions within the EAW, the visual impacts of the project are therefore consistent with the character of the existing area.

³ 520 Ferndale Road West and 493 Bovey Road are both neighboring lots to 565 West Ferndale.

- iii. Historical Resources: A Phase I Cultural Resources Assessment was completed in June of 2023, and **no historical resources** were found within the proposed project area. The findings have been filed and accepted by the State Historic Preservation Office (SHPO), and the State Archaeologist Office and the Minnesota Indian Affairs Council received the Phase I CRA and had no concerns.

Therefore, according to the State of MN, and as filed with the City of Wayzata, and the Record of Decision issued by the City, there are no historical resources affected by the project.

- iv. Socioeconomic/Value: The lots proposed by the city are being sold as upper bracket residential lots, consistent in terms of land value with the surrounding lots. It is expected that homes similar to those in the neighborhood will be built by the buyers of these homes.

The land and homes will be in the upper bracket, and well within the mid-range of the existing homes within the neighborhood, defined in this case as those homes around Peavey Pond and along Ferndale Road, and therefore the proposed 4-lot subdivision will not materially impact the values of the homes within the neighborhood.

- v. Traffic: According to the April 2023 EAW approved by the City: *“The proposed project is not expected to generate traffic during construction of the residential dwelling units... The project construction may cause minor traffic inconveniences to roadway users on Ferndale Rd W but will have **no effect on traffic congestion or impact the regional transportation system.**”*
- vi. Noise: According to the EAW approved by the City, *“The existing noise sources and levels near the project area are typical of residential areas... It is anticipated that noise levels will temporarily increase locally during project construction but are expected to return to intensities consistent with existing levels and sources following construction completion. All noises emanating during construction will be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7030 and Minn. Stat. § 116.07.”*
According to the EAW, **any projected noise levels will be consistent with the character of the existing area.**

- 3. Pattern: Ferndale Road, and the surrounding Estate neighborhoods have evolved over 100+ years, and consequently the lots vary greatly in shape, size, configuration, and layout with regard to each other, without discernible pattern. In fact, it has been said that the distinguishing characteristic of the neighborhood is the irregularity of the lots, and the charming and sophisticated effect that results from a natural lot layout that has evolved over time (vs. a calculated, rigid lot layout of a planned contemporary development, such as one might find in Plymouth, MN).

Attached please find some examples (all within 0.5 miles of the proposed 4-lot subdivision) of the charming irregularity within the Ferndale/ Harrington/ Peavey Pond neighborhood which has evolved over decades to result in a varied streetscape, reflective of topographical features and/or access needs within the neighborhood (slopes, woods, wetlands, property and shoreline access, etc.). Each of the cited properties contributes to the overall sophistication and irregularity of the neighborhood. Each of these cited

properties fall within the same comprehensive plan land use designation and zoning district as the proposed plat. (See attached Exhibit A).

The proposed lots will not be ‘cookie cutter’ and therefore are very consistent with the current pattern of the neighborhood.

Conclusion: Proposed project meets the multiple standards outlined per City Code, § 1003.02(E)(5)

6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character. City Code, § 1003.02(E)(6).

In addition to the response below, see the response to factor number five regarding proposal’s consistency with established neighborhood scale, pattern and character, above.

Over the past 60+ years, we have watched the neighborhood grow and evolve. Neighbors moved in and out of the area, removed or renovated homes, built new homes, subdivided and reconfigured their lots, installed docks, removed trees, planted gardens, and otherwise enjoyed their property, as is their right within the city regulations. The neighborhood has been continually changing and evolving. To ensure our project is complementary to the appropriate evolution of the neighborhood, we have hired an expert team, within the environmental, engineering, and architectural fields to help ensure our proposal is sensitive and thoughtful to the neighborhood.

Specifically, we have retained: Hoisington Koegler Group Inc./HKGi (Planners and Landscape Architects with expertise in shoreland regulatory controls such as Bluff analysis), Davey Tree (certified Arborists), Emmons & Olivier Resources, Inc./EOR (wildlife, water resources, sustainability, and environmental consultants), Kjolhaug Environmental Services (wetland and water resource experts), Gronberg & Associates Inc. (local civil engineers with stormwater management expertise), Blondo Consulting (MN archaeological and cultural consultants), and Whitten Associates (licensed architect and city planner with over 40 years development experience in the area).

Similar to other lots in the neighborhood, each resulting lot design encompasses some slope, trees, wetland and/or water, and has a reasonable area for building for each lot. Each proposed building pad is situated away from the wetlands, bluffs, and shoreline (consistent with the other homes on Peavey Lake) and will not obstruct or intrude on neighbor views of the water.

The road has been located along the existing driveway on the western edge of the property, to avoid run-off to the lake, minimize view impacts from the lake, and to maintain wildlife corridors along the shoreline.

We are not building any structures, however the potential building pads shown illustrate that tree removal, grading or construction on sensitive bluffs or steep slopes would not be required. Each lot has adequate access to the shoreline without requiring extensive grading or impacts to bluffs.

The site layout and lots we are proposing, and the building pads we have suggested, are consistent in size, type and value with the surrounding lots and neighborhood character, and have been designed and proposed to respond to and reflect the surrounding Ferndale Road neighborhood and Peavey Lake neighborhood.

Conclusion: Proposed project meets the standards outlined per City Code, § 1003.02(E)(6)

7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area. City Code, § 1003.02(E)(7).

Per the response in 5.1 (above) this size lot proposed is consistent with the established neighborhood, which has a minimum lot area of 80,000 square feet.

The project proposes to subdivide the parcel into four lots that vary in size from 80,097 to 214,308 square feet which is similar to existing lots in the neighborhood, which range from 17,620 square feet to 275,147 square feet.

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(7)

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area. City Code, § 1003.02(E)(8).

NA. The applicant is not proposing any buildings as part of this preliminary plat approval application. However, the possible building pads, shown at the request of the City, would accommodate structures similar in scale to those already in the neighborhood. The established City Permitting process and oversight will provide guardrails to the building process, ensuring the resulting homes are of the caliber and scale expected within the neighborhood.

Conclusion: City Code, § 1003.02(E)(8) is not applicable.

9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Chapter 909 of the Wayzata Zoning Ordinance. City Code, § 1003.02(E)(9).

NA. The Property is not within any of design districts identified in the design standard review provisions contained in Chapter 909 of the City's zoning ordinance. However, the established City Permitting process and oversight will provide guardrails to the building process, ensuring the resulting homes are of the caliber and scale expected within the neighborhood.

Conclusion: City Code, § 1003.02(E)(9) is not applicable.

10. The proposed lot layout and building pads shall conform with all performance standards contained herein. City Code, § 1003.02(E)(10).

The proposed plat conforms to all requirements of the City's subdivision and zoning ordinances, with the sole exception of the 600-foot maximum cul-de-sac road length requirement set forth in Section 1006.06(A) of the City's subdivision ordinance.

The applicant is only seeking this variance from strict application of the maximum cul-de-sac road length requirement in order to better adapt the proposed development to the unique topographical features of the site and minimize environmental impacts. Specifically, a slightly longer road of 725 ft. will greatly reduce the number of significant and heritage trees that will need to be removed, reduce the amount of grading required, and place the required cul-du-sac in an open area (currently

a driveway in front of the Cottage) that will be less visible to the immediate neighbors.

Lot layouts have been adjusted slightly since the April 2023 EAW. Many of these adjustments were in response to feedback from City Staff on various zoning and subdivision code standards. For example, lot lines were adjusted to allow access to the shoreline without the need for any boardwalks, to be radial to curved street lines and the OHWL, and to avoid impacting a heritage tree. These adjustments were made to be more consistent with the definition of side lot lines in the subdivision code (see 1006.04 b.). All lots in the proposed plat meet minimum square footage requirements, setbacks (including setbacks related to shorelines, bluffs, steep slopes and wetlands), lot width as measured at the street and the OHWL, grading restrictions, and other restrictions on lot layout.

There are approximately 400 linear feet of frontage on Peavy Pond (as measured along the OHWL). At the Minimum lot width of 75' as measured at the OHWL per City Shoreland Overlay and per shoreland rules, there is sufficient land area, road frontage, and frontage on Peavy Pond to support 5 lots under the governing minimum dimensional criteria stated in the ordinance. The proposed 4 lots allow improvements that avoid bluffs and minimize impacts on steep slopes and trees while remaining consistent with the dimensional standards of the R-1A zoning district and shoreland overlay.

Proposed layout of lots and building pads conforms to all City performance standards.

Conclusion: Proposed project and variance clearly meet the standard outlined per City Code, § 1003.02(10)

11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed. City Code, § 1003.02(E)(11).

The proposed preliminary plat will result in beautiful lots ready for beautiful homes. They will not depreciate the values of neighboring properties. Specifically, per the comments under Socioeconomic/Value, within Factor 3, Character above, **the proposed project will result in lots and homes consistent in value with those already in the neighborhood, and will therefore not adversely impact the values of the neighboring properties.**

Conclusion: Proposed project clearly meets the standard outlined per City Code, § 1003.02(E)(11)

12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity. City Code, § 1003.02(E)(12).

The proposed preliminary plat includes four lots on 11+ acres. It is an increase of only three lots to the existing plat, which currently has both a single-family home and a caretaker's cottage. These 3 new lots will have negligible impacts on traffic, water/sewer demand, noise, lake crowding, etc., and will only enhance the efficiency of the existing municipal infrastructure. According to the April 2023 EAW, **the City's transportation, utility and other public services can easily accommodate this project.**

Conclusion: Proposed project meets the standard outlined per City Code, § 1003.02(E)(12)

In summary, each aspect of City Code, § 1003.02(E)(1-12), has been met by Applicant.

ADDRESSING SUBDIVISION GOALS: City Code, § 1001.02(B)

The City's subdivision ordinance also states that subdivision approvals are to be guided by certain goals set forth in the ordinance. City Code, § 1001.02(B).

The applicant addresses each of these goals below:

1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan). City Code, § 1001.02(B)(1).

As noted above with respect to Section 1003.02(E)(1), the proposed plat conforms to the guidelines set forth for land within the Estate Single Family category of the City's 2040 Comprehensive Plan.

Scale, mass and other qualities of future residential buildings will be controlled by City of Wayzata zoning and building codes, and enforced through the established building permit process to ensure consistency with the surrounding neighborhood. Accordingly, this 4-lot subdivision project preserves and enhances the City's "small town" character by maintaining consistency with the Comprehensive Plan and surrounding neighborhood character.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(1)

2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan). City Code, § 1001.02(B)(2).

As noted above under Subdivision Standards, Section 1003.02(E)(5)-(7), the proposed lots are consistent with, and therefore will not adversely impact, the scale, pattern and character of existing lots in this area of the City. They are residential and will not impact commercial areas.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(2)

3. Provide a balanced housing supply available for all people no matter their income, age, race or ethnicity (Comprehensive Plan). City Code, § 1001.02(B)(3).

The proposed development will increase the City's housing supply.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(3)

4. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan). City Code, § 1001.02(B)(4).

The proposed plat is located in an existing single family estate residential neighborhood. It is within walking and biking distance of Wayzata schools, restaurants, businesses and churches, and will support, and be consistent with, the existing pedestrian environment in that neighborhood.

Conclusion: Proposed project meets the goal outlined per City Code, § 1001.02(B)(4)

5. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan). City Code, § 1001.02(B)(5).

As noted above with respect to Sections 1003.02(E)(1)-(4), and in the variance application submitted simultaneously with the preliminary plat application, the applicant has designed the proposed plat specifically to preserve the “important natural resources” located on the Property as directed by the Comprehensive Plan.

The applicant has designed the project to follow the topographic contours of the site, including following the design of the existing driveway where feasible. In addition, the road and potential building pads are proposed to be located away from the waterline, bluffs, and wetlands to minimize shoreland impacts.

The proposed project will not impact bluffs, or wetlands, and has sought to minimize tree removals and impacts to steep slopes and grading.

The April 2023 EAW objectively confirmed that the impact of the proposed plan to the natural amenities and environment would be minimal.

Conclusion: Proposed project clearly meets the goal outlined per City Code, § 1001.02(B)(5)

In summary, each aspect of City Code, § 1001.02(B) has been met by Applicant.

IV. ADDITIONAL TOPICS

The City’s staff has suggested the following topics should be addressed in our narrative, to clarify Applicant’s adherence to the City Code on specific issues.

1. **Flag lots, § 1006.04. :** The City of Wayzata endeavors to avoid Flag Lots, defined in City Code § 1001.08: *"Flag Lot" means an "L" shaped design utilizing a minimum frontage on a public street in order to facilitate back lot or rear property division and development.* ”

All proposed lots meet street frontage requirements. None of the proposed lots create back lots, therefore the project does not create Flag Lots.

Conclusion: Not Applicable; Proposed project does not create Flag Lots as defined per City Code, § 1001.08, and therefore the proposed lots are not subject to Flag Lot concerns.

2. **Docks:** Please note that Applicant is not planning on installing any docks or slips – Applicant is merely showing, at the City’s request, a layout compliant with LMCD regulations so that future owners can consider applying for a permit.

The Lake Minnetonka Conservation District is responsible for regulating docks for property owners surrounding Lake Minnetonka, including Peavey Pond. Current LMCD regulations allow one watercraft per 50 feet of continuous shoreland for a total of up to 8 boats for the 400+ feet of shoreline, independent of the number/ shape of the lots on the property. The proposed layout has shown the allowable slips divided evenly between the four properties. Each lot will have access to Peavey Lake (DNR No. 27-138) and allow for the possible construction of docks and boat slips by future homeowners as permitted through LMCD.

In addition, the bridge leading from Peavey Lake to Lake Minnetonka has a very low clearance, with a small scale that will be prohibitive to larger boats, or any excessive boating impacts. The April 2023 EAW clearly states that *“the increase in the number of watercraft[s] of Peavey Lake (DNR No. 27-138) is not expected to result in direct or indirect environmental effects from the physical modification of Peavey Lake.”* Additionally, the EAW states that *“impacts to fish habitat from the installation of docks and boat slips are expected to be temporary and minor.”*

As long as future owners are held to and follow the LMCD and WCA regulations, the issue of docks should not be of concern by the city.

Conclusion: Not Applicable; Potential docks are subject to the regulatory oversight of the LMCD, and not the City of Wayzata. Therefore this issue does not need to be addressed via the City of Wayzata’s subdivision process.

3. **Boardwalks:** Please note that the applicant is not planning on installing any boardwalks. Boardwalks are not needed to access the shoreline from any of the lots. Future owners could consider and seek approvals for boardwalks through the proper permitting process, but boardwalks are not part of this plat application.

The Wetland Conservation Act (WCA) No Loss application process will regulate the feasibility of any boardwalks proposed by future homeowners. In addition, it should be noted that the City’s April 2023 EAW worksheet indicated that the short boardwalk used for illustration in an early proposal (which has since been altered slightly to avoid the need for a boardwalk) would not materially affect the wetlands, or any sensitive flora/fauna, as “the project has been designed to avoid wetland impacts.” Minor lot line adjustments were made since the April 2023 EAW plat concept to reduce the need for boardwalks.

Conclusion: Not Applicable; Potential boardwalks will be subject to the WCA, and therefore do not need to be addressed via the City of Wayzata’s subdivision process.

V. CONCLUSION

Our goal has been to gently sub-divide our parent’s property (which our family has lived on for almost 60 years, since our parents bought it in 1964) into an environmentally sensitive, responsible, low-density project consistent with the surrounding neighborhood character.

Currently, the large (11.67 acre) property consists of one lot with 2 houses on it, and we are proposing to subdivide it, in order to create four lots from the current oversized lot.

Allowing the subdivision of this property in a manner similar to surrounding lots would be keeping compliant with the purpose and goals of the subdivision ordinance. (See 1001.2 A. 1. *“To encourage well planned, efficient and attractive subdivisions, by establishing adequate and impartial standards for design and construction.”*)

Ferndale Bluff / 565 Ferndale Road West

Four-lot Subdivision Application Narrative

Our proposal complies with all of the City of Wayzata subdivision standards including setbacks, lot coverage, grading, acreage, tree preservation ordinances, and any other city and state regulations. The proposed application is designed to meet code, to minimize the need for any variances, and to minimize impacts on the environment. The only variance requested is optional (the project could be completed without the variance), but extending the road to 725' takes advantage of the existing topography, therefore requiring less grading and impacting fewer trees.

The property at 565 West Ferndale Road, as currently platted, is a historical anomaly. The proposed development brings the property in line with the surrounding neighborhood as it currently exists.

We appreciate your time and attention to this proposal, and we look forward to responding to your questions, concerns or comments. Thank you,



Samantha Capen Muldoon, Member, Dray Trustee LLC



Allison Capen, Member, Dray Trustee LLC



Heather Capen Cox, Member, Dray Trustee LLC

Exhibit A Lot Pattern Exhibition

The proposed lots are consistent with many lots in the surrounding neighborhood:

Lots in the surrounding Ferndale and Harrington neighborhood are unique, as the nearby lot pattern has evolved over time. It is characterized by a natural layout, which is responsive to the topography, and responsive to lake access. The table attached illustrates that the proposed lot configurations are consistent with many of the neighboring lots, and thus meets the city zoning requirement that it “respect the existing scale character and pattern”¹ of the neighborhood.

Comparison Properties (see page 2):

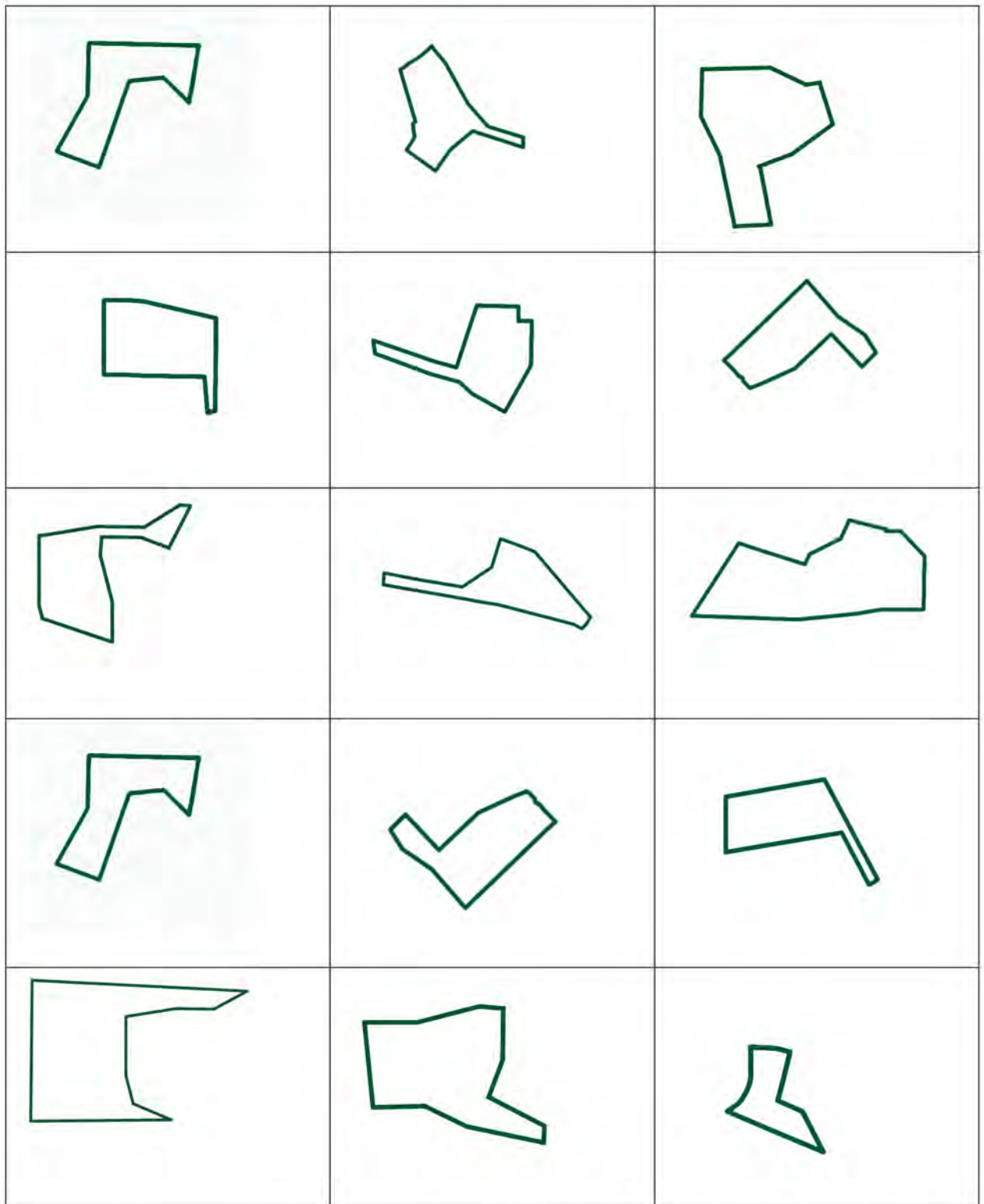
- All referenced properties are within 0.5 miles of 565 West Ferndale Road (circle below indicates approximate area of consideration, with western edge truncated due to Orono City Line).
- All referenced properties are zoned similarly, *R-1A Low Density Single Family Estate District* (as outlined in Wayzata City Code of Ordinance, Part XI, Chapter, 951).

Applicant property is the only unchanged plat since 1914, and as such, is currently both a historical and neighborhood anomaly. Subdivision of this 11.67-acre site into 4 single family estate lots meets all zoning requirements, and would bring the property into consistency with the neighborhood.



¹ Wayzata City Code 1001.2, B2

Exhibit A
Lot Pattern Exhibition



All examples are within ½ mile of property and are zoned *R1-Low Density Single Family Estate* in the 2040 Comprehensive Plan.

January 31st, 2024

565 Ferndale Road West, Wayzata, MN 55391
Ferndale Bluff Preliminary Plat Application:
Subdivision; R-1A Low-Density Single-Family Estate District

Project Compliance with Variance Approval Criteria:

The property is currently a single parcel improved with one single-family home and a caretaker's cottage. The applicant proposes to subdivide the property into four separate lots. The proposed plat conforms to all requirements of the City's zoning and subdivision ordinances with one requested variance: a 725-foot cul-de-sac road, which is longer than the 600-foot maximum cul-de-sac road length requirement established by the City's subdivision ordinance. The property is heavily wooded with areas of steep grades. The requested longer cul-de-sac road will place the circle of the cul-de-sac bulb at the location of an existing clearing. The longer road will reduce the number of trees that need to be removed for the required cul-de-sac, compared to the number of trees that would be removed with a 600 foot cul-de-sac road. Also, the extension of the cul-de-sac road will significantly reduce the amount of grading and retaining walls. In general, a variance for a longer cul-de-sac road will allow the applicant to propose "a development adapted to the existing site" opposed to "adapting the existing site to the development."

The City's subdivision ordinance sets a maximum cul-de-sac road length of 600 feet: City Code, § 1006.06(A). The applicant seeks a variance from strict application of this requirement in order to construct a cul-de-sac road with a length of 725 feet. Variances from strict application of the City's subdivision ordinance are governed by Section 1009.04 of the City's subdivision ordinance: City Code, § 1009.04(A). This Section states that the City Council may grant a variance from strict application of the ordinance when "undue hardship may result from strict compliance." It states that the City Council "shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity." It also states that the City Council shall only approve a variance making five findings described in the ordinance: City Code, § 1009.04(A)(1) - (5). The applicant addresses each of those findings below:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.

The property is unique in its topography and tree cover. The wooded area, steep slopes, wetlands and waterways limit the possible configurations of the site. The subdivision of the parcel into estate residential lots that meet the general use and density standards of the comprehensive plan, meet the lot size and dimensional standards of the zoning district and are consistent with the shoreland rules is a reasonable use of the parcel. Extending the length of the cul-de-sac road beyond the 600-foot maximum length will reduce the amount of grading, retaining walls, and tree removal required for this development. Reducing grading impacts and saving trees by extending the street beyond 600 feet allows a reasonable use of the property.

2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.

As noted, extending the length of the cul-de-sac road beyond the 600-foot maximum length will reduce the amount of grading, retaining walls, and tree removal required for this project. This will not be detrimental from a public health, safety and welfare perspective. In addition, the longer road moves the cul-de-sac further from, and less visible to, the closest neighbor.

3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.

As noted above, the need for the variance arises entirely from the topography and existing tree coverage of the property. Due to steep slopes, bluffs, and tree cover, there are few open flat locations for the road and cul-de-sac. Using the existing road as much as possible and taking advantage of the existing turn around by the caretaker cottage, minimizes impacts to the environment. The 725' road, with a variance, would require less grading and remove 32 fewer significant trees than the 600' road required by the City.

4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.

The applicant is not asserting economic difficulties as a justification for the requested variance.

5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

As noted, the need for the variance arises entirely from the topography and existing tree coverage of the property. It does not arise from any action of the owner, applicant, or developer.

We appreciate your thoughtful consideration of this variance request.

Dray Trustee LLC



Samantha Capen Muldoon, Member, Dray Trustee LLC



Allison Capen, Member, Dray Trustee LLC



Heather Capen Cox, Member, Dray Trustee LLC

SAMANTHA CAPEN MULDOON, ALLISON CAPEN, HEATHER CAPEN COX
DRAY TRUSTEE LLC | FERNDALBLUFFS@GMAIL.COM
April 02, 2024

*RE: Ferndale Bluff, 565 West Ferndale Road, Wayzata, MN 55391 – SUPPLEMENTAL INFORMATION
REQUESTED BY CITY on 02/23/2024*

To whom it may concern:

Attached and following please find our revised and updated materials and supplemental information regarding our application to subdivide our family property at 565 West Ferndale Road, in Wayzata.

The following is intended to provide a direct response to the items noted as incomplete and requested as supplementary information in the 02/23/2024 Ferndale Bluff Application Status Letter from the City of Wayzata (Eric Zweber, Planning Consultant). The request from the City is restated in standard text with each item followed by the applicant's response in 'red' text. Where appropriate, references are made to separate exhibits attached.

The application is missing the following item:

1. *Depiction of Required Curb & Gutter.* §1006.07.L requires a concrete curb and gutter for all street surface improvements. The proposed cul-de-sac reflected in the Preliminary Plat does not include curb and gutter. Please revise the plans to include curb and gutter, including a typical road section, or revise the development application and subdivision variance narrative to add a request for a variance from City Code §1006.07.L. See §1003.02.A.4. If the applicant chooses to add the curb and gutter into their design, the Drainage Summary will need to be modified to include the curb and gutter and associated stormwater infrastructure.

Curb and Gutter were assumed as part of the street design based on city standard street sections. The Drainage Summary and Stormwater Plan was prepared with that design consideration. Labels were added to note curb and gutter and a typical street section using City Plate No. Str-2 was added to Figure 4 Grading and Road Plan of plan set. (See attached updated Plan Set drawing updated on 03/14/2024)

In addition, the following supplementary information will be necessary in order to determine compliance with multiple City Code requirements. See Sec. 1005.02.E. Please provide the additional information noted below to demonstrate compliance with the noted City Code Sections:

- A. *§920.05.D.1 requires front, side and rear setbacks of at least ten feet from property lines shall be maintained from parking areas in all zoning districts.*
 - Please provide setback measurements from side lot lines for all driveways and

paved areas.

All potential driveway surfaces including turnouts have been updated and are shown to be a minimum 10 feet from side lot lines. Driveway surfaces for lots 2 and 3 were modified from prior submittal versions to meet a 10 foot setback. See attached updated Plan Set drawing updated on 03/14/2024)

This change resulted in minor modifications to the Tree Preservation Plan and resulted in saving a small number of trees. (See revised/updated Tree Preservation Plan exhibits.)

B. *§951.07.A and B. Lot coverage may not exceed ten percent of lot area and Impervious surfaces on a lot may not exceed 20 percent of lot area.*

- Please provide the lot coverage and impervious surfaces percentages of the example building and driveway layouts.

All lots are well within lot coverage and impervious surface requirements using illustrated potential building areas and driveway surfaces. The following table is reflective of the updated plan set exhibits attached.

Lot	1	2	3	4
Lot Area (Square Feet)	214,308	80,163	80,097	80,097
Max Lot Cover Square Feet (10% of Lot Area per Code)	21,431	8,016	8,010	8,010
Potential Building Pad Square Feet (Lot Coverage)	5,000	5,000	5,000	5,000
Percent Lot Coverage Calculated	2%	6%	6%	6%
Max Impervious Surface Square Feet (20% Per Code)	42,862	16,033	16,019	16,019
Potential Driveway Square Feet	2,564	2,240	2,554	2,829
Impervious Surfaces (Building and Driveway surfaces) Calculated	4%	9%	9%	10%

- C. *§991.09.D.2 Minimum Setback Requirement. Lake Shore Setbacks. No principal structure or building addition other than a water oriented accessory structure as specified above shall be located closer to the ordinary high water mark than the greater of:*
- Seventy-five feet;*
 - A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;*
 - The average setback of the two closest riparian principal structures on either*



- side of a proposed building site; or*
- d. *The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.*
- Please provide a phasing plan that demonstrates the order in which the houses will be built to comply with these shoreland setback regulations.

See attached separate narrative and exhibits “Ferndale Bluff Setback Analysis Narrative”.

- D. *§991.21.C.2 requires information regarding near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation.*

- Please provide the near-shore aquatic conditions information.

See attached separate narrative “Near Shore Aquatic Conditions Response”.

- E. *§1006.07.A requires a minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:*

Type of Street	Right-of-Way Width	Pavement Width
Local Street	50 feet	26 feet
Cul-de-sac	60 feet turnaround radius	48 feet turnaround radius

- Please provide the right-of-way and pavement width measurements on the plans.

Labels were added to note ROW and pavement width, radii (R), and a typical street section using City Plate No. Str-2 was added to Figure 4 Grading and Road Plan of plan set. The proposed street is designed to meet city standards. (See attached updated Plan Set drawing updated on 03/14/2024)

- F. *§1006.07.E Deflection. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 100 feet.*

- Please provide the radius of the curve where the cul-de-sac meets Ferndale Road.

Labels were added to Figure 4 Grading and Road Plan of plan set to show radii. The proposed street is designed to meet city standards. (See attached updated Plan Set drawing updated on 03/14/2024)

- G. *§1006.07.H Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be 20 times the algebraic difference in the percent of grade of the two adjacent slopes.*

- Please provide the grade of Ferndale Road.

Information was added to the street profile in Figure 4 Grading and Road Plan of plan set to show the street at a grade of 3.0 percent coming off of Ferndale Road. (See attached updated Plan Set drawing updated on 03/14/2024)

H. *§1006.07.K Corner Radii. Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Corners at entrances to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.*

- Please show that the radii of the intersection of the cul-de-sac at Ferndale Road is a radius of at least 15 feet.

Labels were added to Figure 4 Grading and Road Plan of plan set to show radii. The proposed street is designed to meet city standards. (See attached updated Plan Set drawing updated on 03/14/2024)

Again, thank you for all of the time and attention thus far that you have brought to this project, and for your consideration and assistance moving forward.

Sincerely,

DRAY TRUSTEE LLC ON BEHALF OF

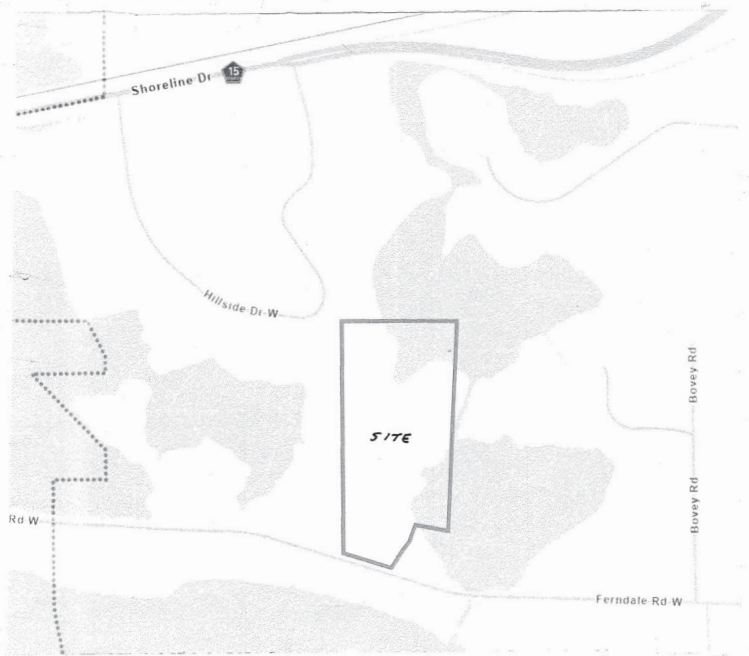
Samantha Capen Muldoon

Allison Capen

Heather Capen Cox

FERNDALE BLUFF

TITLE SHEET



VICINITY MAP

TABLE OF CONTENTS

1. TITLE SHEET
2. EXISTING CONDITIONS
3. PRELIMINARY PLAT
4. GRADING & ROAD PLAN
5. PRELIMINARY UTILITY PLAN
6. TREE INVENTORY PLAN
7. DOCK AND DRIVEWAY DETAIL
8. PROPOSED LOT LINES AND EASEMENTS

REVISIONS	
DATE	
8-12-22	
8-24-22	
8-24-23	
1-10-24	
3-14-24	

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.

Mark S. Gronberg

Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

DATE
7-23-22

SCALE
2" = 10'

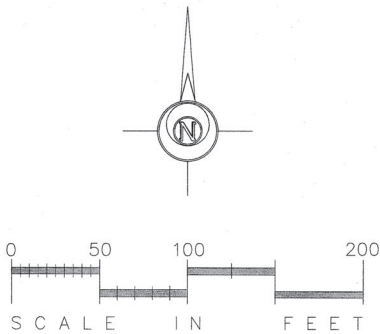
22-073

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141



FERNDALE BLUFF
CERTIFICATE OF SURVEY &
EXISTING CONDITIONS FOR
DRAYCOTT DST

IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



LOT 81

LOT 80

LOT 79

LOT 83

LOT 84

LOT 7

FERNDALE WOODS

LOT 6

LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwestly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwestly from the intersection of the Northerly line of said Road with the East line of Lot 84; thence Northwestly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeastly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeastly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeastly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443; Lot 80; Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwestly a distance of 10 feet; thence Northeastly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwestly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwestly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

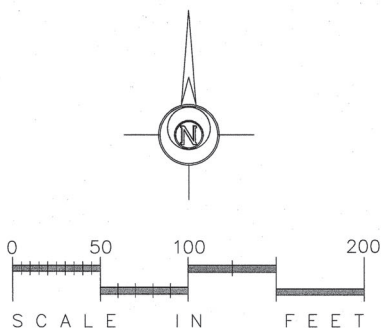
Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.



2207352EXCOND2.SUJ

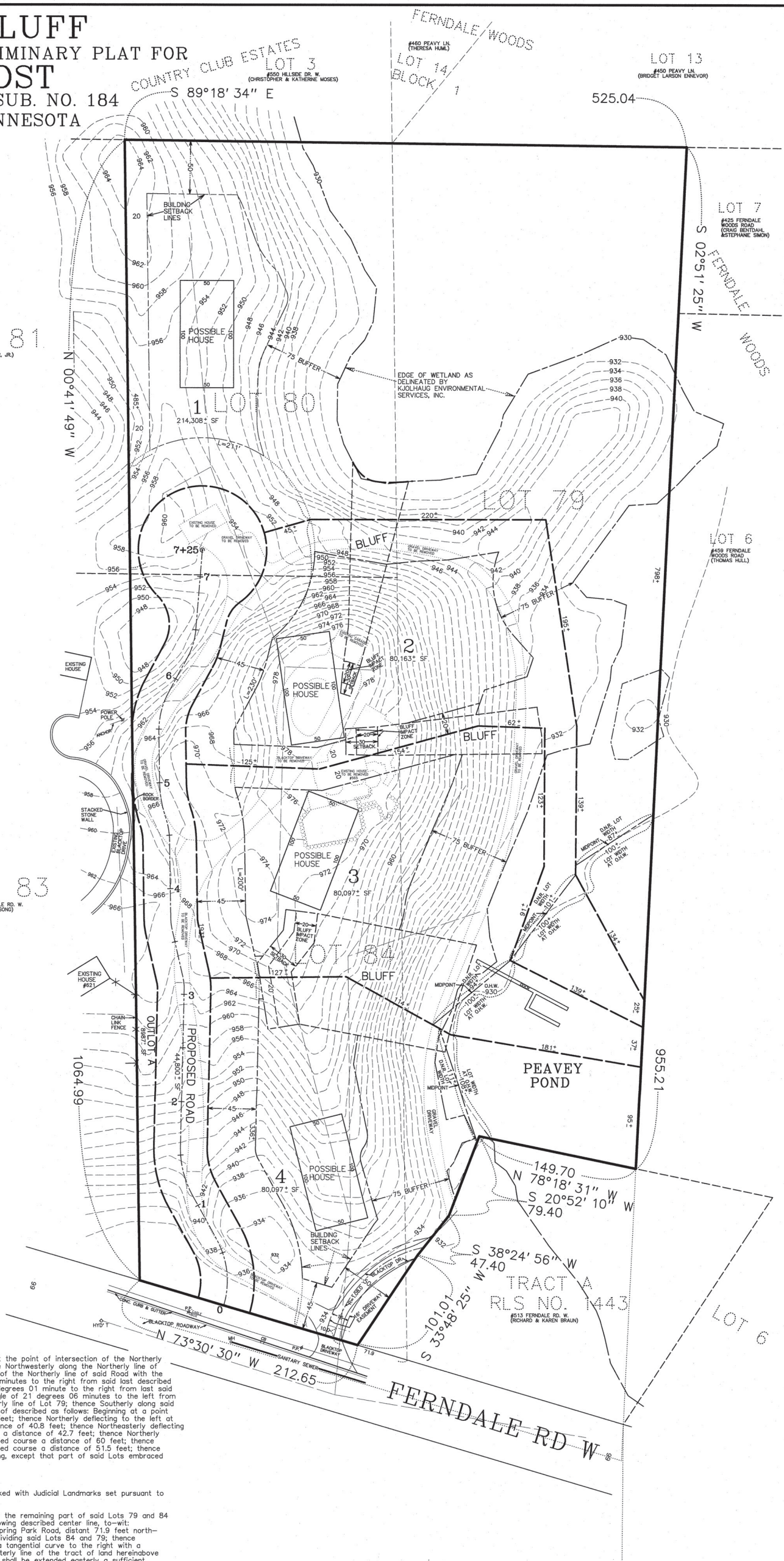
DATE	REVISIONS	I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. <i>Mark S. Gronberg</i> Mark S. Gronberg Minnesota License Number 12755	PROJECT FERNDLE BLUFF	DATE		GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141
8-12-22				7-23-22		
8-25-22				SCALE		
6-26-23				1"=50'		
1-10-24				JOB NO		
3-14-24				22-073		

FERNDALE BLUFF
CERTIFICATE OF SURVEY & PRELIMINARY PLAT FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



LOT 81
(H.B. ATWATER, JR.)

LOT 83
(DONALD BRODSONG)



LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwesterly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwesterly from the intersection of the Northerly line of said road with the East line of Lot 84; thence Northwesterly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeasterly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeasterly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeasterly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443;

Lot 80;

Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwesterly a distance of 10 feet; thence Northeasterly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northeasterly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwesterly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.

o : denotes iron marker

—917—: denotes existing contour line, per owner's drawing

Bearings shown are based upon the Hennepin County coordinate datum



This survey intends to show the boundaries of the above described property, and the location of several existing buildings, driveways, decks, and topography, and the proposed location of a proposed road, outlet, four lots and four possible houses thereon. It does not purport to show any other improvements or encroachments.

ZONING = R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT
GROSS AREA = 11.67± AC.
AREA BELOW O.H.W. (PEAVEY POND) = 0.88± AC.
AREA IN WETLANDS (EXCLUDING PEAVEY POND) = 2.47

PROJECT
FERNDALE
BLUFF

DATE
7-23-22
SCALE
1"=50'
JOB NO
23-185

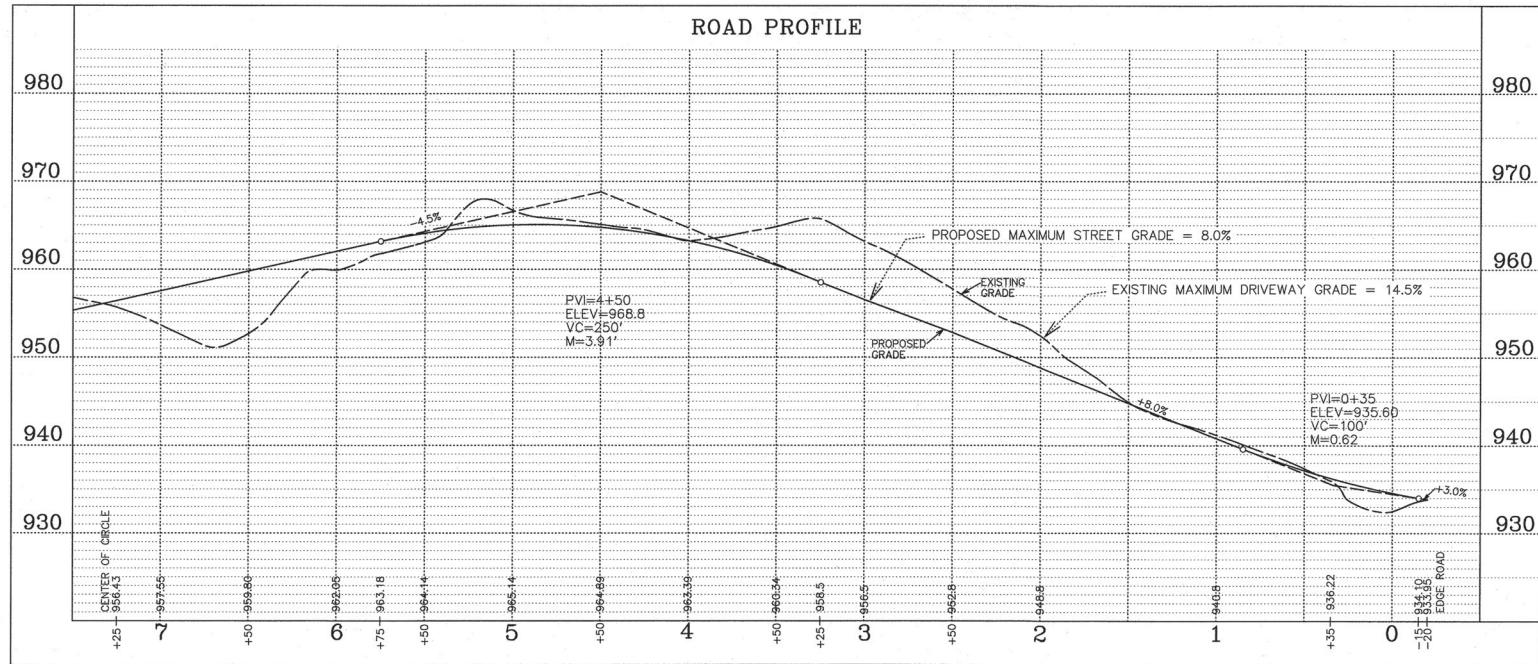
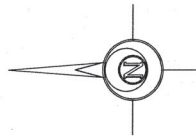
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

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 Land Surveyor under the laws of the State of Minnesota.
Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

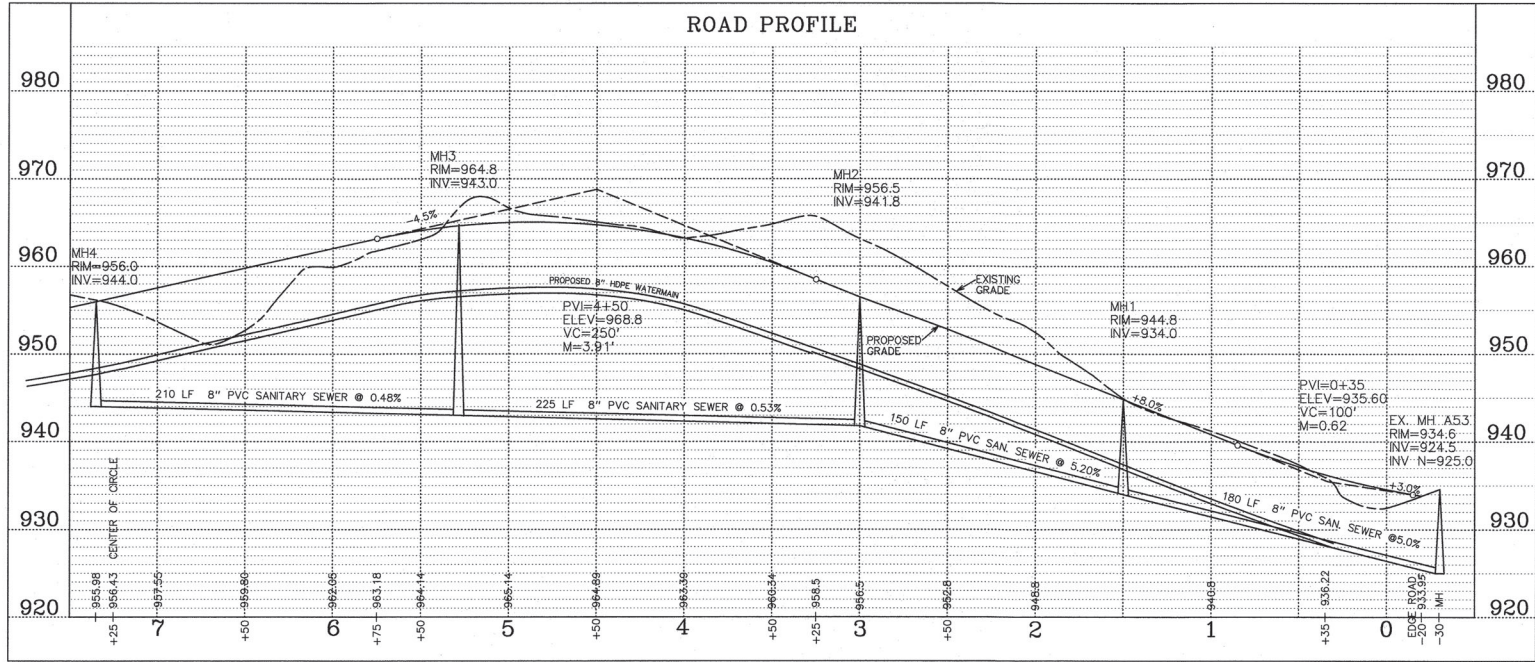
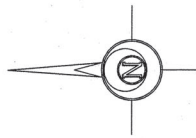
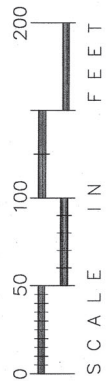
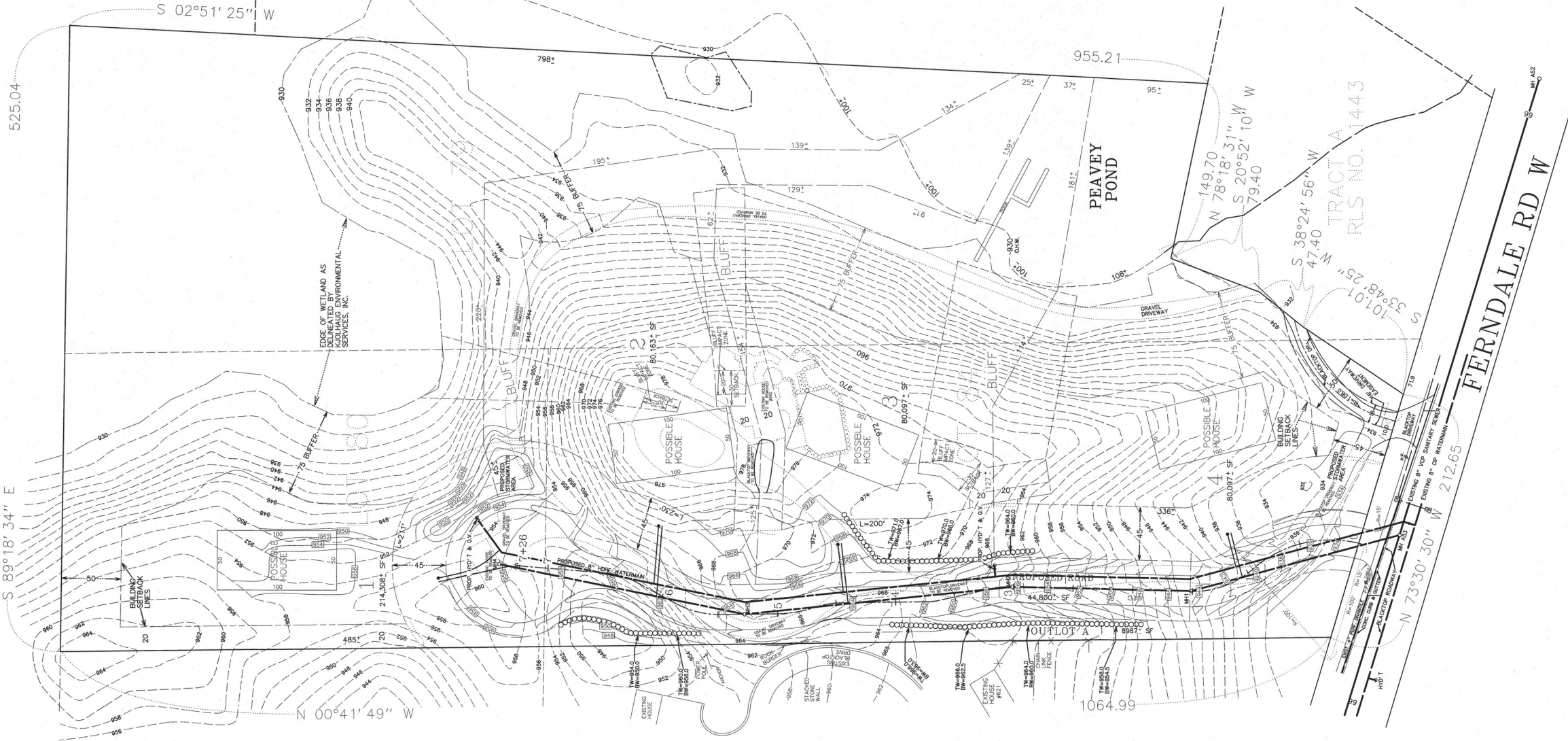
DATE	REVISIONS
8-12-22	
8-25-22	
3-22-23	REVISED BLUFF INFORMATION PER H&G
6-26-23	
1-10-24	

23185S4GRADINGROAD6.SCI

23-185

Page 65 of 283

FERNDALE BLUFF
PRELIMINARY UTILITY PLAN FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA

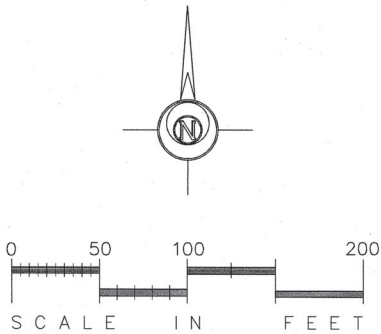


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DATE	8-12-22	REVISIONS	
DATE	8-25-22		
DATE	6-28-23		
DATE	1-11-24		
DATE	3-14-24		
PROJECT FERNDAL BLUFF		I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota. Mark S. Gronberg Minnesota License Number 12755	
DATE 7-23-22		GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141	
SCALE 1"=50'			
SHEET NO. 23-185			

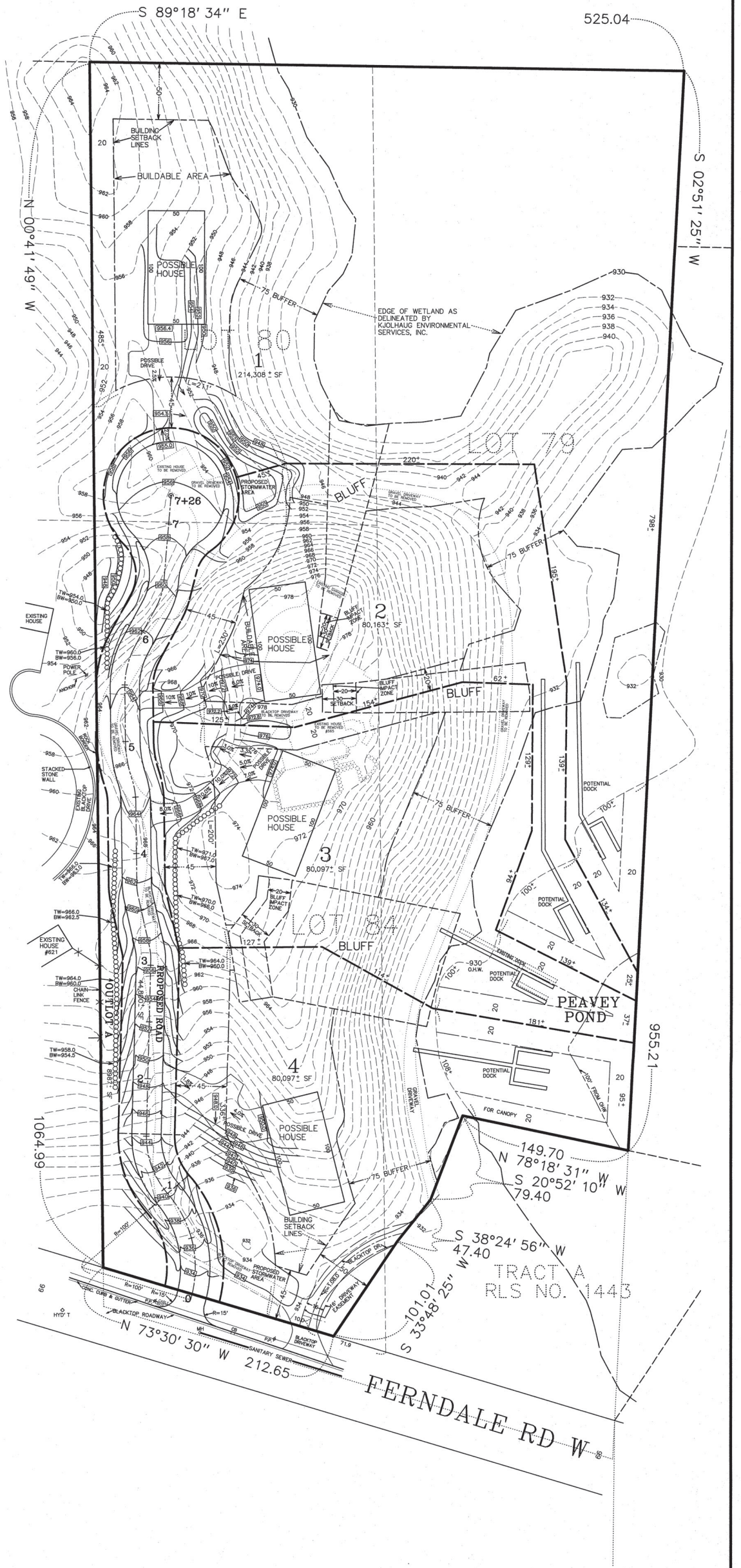
TREE SCHEDULE

TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION
1	11 MAPLE	146	10 BOXELDER	451	15 HICKORY	806	12 HICKORY	953	14 MAPLE
2	23 MAPLE	147	9 MAPLE	452	14 OAK	807	12 MAPLE	954	14 ASH
3	13 ASH	148	19 MAPLE	453	21 MAPLE	808	11 BOXELDER	955	15 MAPLE
4	21 MAPLE	149	10 MAPLE	454	13 HACKBERRY	809	8 MAPLE	956	20-20-16 LINDEN
5	11 MAPLE	150	8 MAPLE	456	14 MAPLE	810	13 MAPLE	957	18 ELM
6	12 MAPLE	152	12-13-14 LINDEN	457	17 ASH	811	26 MAPLE(H)	958	16 HICKORY
7	25 MAPLE(H)	153	20 MAPLE	458	23 OAK	812	9 MAPLE	959	10 ASH
8	13 MAPLE	154	28 OAK(V)	461	34 MAPLE(H)	813	22 MAPLE	960	16 ASH
9	16 LINDEN	155	17 MAPLE	462	24 MAPLE	814	10 MAPLE	961	13 HICKORY
10	17 MAPLE	156	13 MAPLE	463	15 MAPLE	815	23 MAPLE	962	14 MAPLE
11	27 MAPLE(H)	157	6 MAPLE	466	19 MAPLE	816	11 MAPLE	963	8 ASH
12	30 MAPLE(H)	158	9 MAPLE	468	16 ASH	817	11 HICKORY	964	10 ELM
13	13 BOXELDER	159	6 MAPLE	470	19 ASH	818	20 MAPLE	965	15 MAPLE
14	23 MAPLE	160	8 MAPLE	472	28 MAPLE(H)	819	9 MAPLE	966	11 MAPLE
15	13 ELM	161	10 MAPLE	473	18 MAPLE	820	9 MAPLE	967	21 LINDEN
16	17-13-13 LINDEN	162	9-20 MAPLE	474	16 MAPLE	821	19-14 MAPLE	968	16-18 MAPLE
17	11 HICKORY	163	10 MAPLE	475	24 MAPLE	822	9 MAPLE	969	11 MAPLE
18	16 HACKBERRY	164	8 MAPLE	476	20 MAPLE	823	8 MAPLE	970	8 MAPLE
19	34 HICKORY	165	9 MAPLE	477	17 MAPLE	824	18 ASH	971	12 ELM
20	6 MAPLE	166	10 MAPLE	478	14 MAPLE	825	8 ELM	972	14 ELM
21	14 MAPLE	167	18 MAPLE	479	13 MAPLE	826	9 MAPLE	973	13 LINDEN
22	12 BOXELDER	168	21 MAPLE	481	13 MAPLE	827	10 MAPLE	974	8 MAPLE
23	12 HACKBERRY	169	15-16 HICKORY	484	13 HICKORY	828	18 MAPLE	975	15 MAPLE
24	14 BOXELDER	170	8 MAPLE	486	22 MAPLE	829	7 MAPLE	976	16 ASH
25	12 MAPLE	171	18 MAPLE	487	16 MAPLE	830	16 MAPLE	977	23 MAPLE
26	11 MAPLE	172	8 MAPLE	488	24 MAPLE	831	12 MAPLE	978	12 MAPLE
27	11 MAPLE	173	18 MAPLE	489	18 LINDEN	832	18 BOXELDER	979	10 MAPLE
28	10 MAPLE	174	12 MAPLE	491	18 MAPLE	833	8 MAPLE	980	8 MAPLE
29	9 MAPLE	175	8 MAPLE	493	23-7 MAPLE	834	13 ASH	981	9 MAPLE
30	6 MAPLE	176	9 MAPLE	494	19 MAPLE	835	18 HICKORY	982	13 MAPLE
31	8 MAPLE	177	12 MAPLE	495	16 MAPLE	836	10 ELM	983	14 MAPLE
32	15 MAPLE	178	12 MAPLE	496	14 MAPLE	837	15 MAPLE	984	9 MAPLE
33	9 MAPLE	179	16 MAPLE	499	17 MAPLE	838	15 ASH	985	11 OAK
34	9 MAPLE	180	7 MAPLE	500	20 MAPLE	839	12 MAPLE	986	8 MAPLE
35	21 MAPLE	181	15 MAPLE	502	20 MAPLE	840	28 OAK(H)	987	18 MAPLE
36	10 MAPLE	182	10-8 LINDEN	503	20 MAPLE	841	29 MAPLE(H)	988	18 ASH
37	10 MAPLE	183	18 MAPLE	504	13 MAPLE	842	16 MAPLE	989	6 MAPLE
38	8 MAPLE	184	7 MAPLE	505	14-17 MAPLE	843	7 MAPLE	990	8-8 HICKORY
39	16 BOXELDER	185	14 MAPLE	507	11 CEDAR	844	24 MAPLE	991	12 MAPLE
40	21 MAPLE	186	28 OAK(H)	508	12 CEDAR	845	12 HICKORY	992	9 ELM
41	7 MAPLE	187	11 ELM	509	11 CEDAR	846	6 MAPLE	993	23 BOXELDER
42	7 MAPLE	188	8 MAPLE	511	18 MAPLE	848	19 MAPLE	994	11 MAPLE
43	8 MAPLE	189	8 MAPLE	512	21 MAPLE	849	6 MAPLE	995	18 MAPLE
44	7 MAPLE	190	11 LINDEN	513	17 MAPLE	850	13 MAPLE	996	18 ASH
45	12 MAPLE	191	14 MAPLE	514	18 LINDEN	851	16 ASH	997	20 MAPLE
46	8 MAPLE	192	32 WALNUT(H)	515	20 MAPLE	852	11 MAPLE	998	14 MAPLE
47	10 MAPLE	193	11 BOXELDER	516	17 MAPLE	853	10 MAPLE	999	16 MAPLE
48	15 OAK	194	11 MAPLE	519	19 MAPLE	854	14 ELM	1000	15 ASH
49	15 MAPLE	195	12 ELM	520	DEAD-MAPLE	855	12 MAPLE	1001	14 ELM
50	8 MAPLE	196	9 MAPLE	521	21 HICKORY	856	9 MAPLE	1002	8 MAPLE
51	13 MAPLE	197	13 ELM	522	15-7 LINDEN	857	20 MAPLE	1003	16 BOXELDER
52	9 MAPLE	198	8-15 MAPLE	523	DEAD-LINDEN	857A	20 MAPLE	1004	12 BOXELDER
53	12 BOXELDER	199	23 BOXELDER	524	12 HICKORY	858	10 MAPLE	1010	16-14 ASH
54	8 MAPLE	200	9 MAPLE	525	16 MAPLE	859	14 BOXELDER	1011	18 ASH
55	14 MAPLE	202	12 LINDEN	526	14 MAPLE	861	14 MAPLE	1012	14 ASH
56	17 MAPLE	203	10-16 LINDEN	527	18 MAPLE	863	23 MAPLE	1013	10 MAPLE
57	16 BOXELDER	205	13 ASH	528	12 MAPLE	864	28 OAK(H)	1014	16 ASH
58	9 BOXELDER	206	8 MAPLE	530	19 MAPLE	865	12 ASH	1015	14 ASH
59	10 MAPLE	207	10 ELM	532	15 MAPLE	867	22 MAPLE	1016	18 ASH
60	15 MAPLE	208	12-15 ELM	533	20 ELM	868	8 MAPLE	1017	16 LINDEN
61	15 MAPLE	209	11 MAPLE	534	14 MAPLE	869	13 MAPLE	1018	10 ASH
62	9 MAPLE	210	6-8 MAPLE	536	20 MAPLE	870	10 MAPLE	1019	16 MAPLE
63	12 MAPLE	211	20 ASH	538	16 LINDEN	871	7 MAPLE	1020	14 MAPLE
64	25 MAPLE	212	7 MAPLE	539	19 ELM	872	9 MAPLE	1021	14 MAPLE
65	13 MAPLE	213	18-18 ASH	545	14 MAPLE	873	8 MAPLE	1022	23 MAPLE
66	11 BOXELDER	216	14 BOXELDER	546	23 MAPLE	874	28 MAPLE(H)	1023	18 MAPLE
67	22 MAPLE	217	17 ELM	547	18 MAPLE	875	13 LINDEN	1025	14 HICKORY
68	19 MAPLE	218	10-15 HICKORY	549	22 LINDEN	876	7 MAPLE	1026	12 LINDEN
69	12 HACKBERRY	219	11-14-16-18-10 LINDEN	551	7 CEDAR	877	15 MAPLE	1027	10 ASH
70	11 MAPLE	220	13 CRABAPPLE	552	18 CEDAR	878	23 MAPLE	1028	12 ASH
71	9 MAPLE	221	17 LINDEN	554	14 ELM	880	19 LINDEN	1029	18-8 MAPLE
72	15 MAPLE	222	15 ASH	560	13 MAPLE	881	23 MAPLE	1031	16 MAPLE
73	7 MAPLE	223	17 ELM	561	16 LINDEN	882	7 MAPLE	1032	10 MAPLE
74	10 MAPLE	224	14 HICKORY	562	19 OAK	883	11 MAPLE	1033	10 ASH
75	16 LINDEN	225	17 LINDEN	563	22 OAK	884	17-17 OAK	1035	6 MAPLE
76	9 MAPLE	227	19 ASH	564	15 OAK	885	20 MAPLE	1037	14 MAPLE
77	17 LINDEN	229	6 MAPLE	565	23 OAK	886	8 MAPLE	1039	8 MAPLE
78	10 MAPLE	231	12 ASH	566	17 OAK	887	18 ELM	1040	14 MAPLE
79	6 MAPLE	232	9 ASH	571	15 ASH	888	7 MAPLE	1041	8 MAPLE
80	9 MAPLE	233	18-16-14-14 LINDEN	572	21 LINDEN	889	24 LINDEN	1042	14 ASH
81	6 MAPLE	234	14-12 MAPLE	573	15 ASH	890	19 MAPLE	1043	8 ASH
82	16 HEMLOCK	237	15 ASH	574	24 OAK	891	7 MAPLE	1044	10 MAPLE
83	12 MAPLE	238	16 ASH	575	22 LINDEN	892	13 ASH	1046	12 BOXELDER
84	10 MAPLE	242	10 HACKBERRY	577	13 MAPLE	893	10 ASH	1047	16 BOXELDER
85	7 OAK	243	19 HACKBERRY	578	14 MAPLE	894	8 MAPLE	1048	12 MAPLE
86	9 MAPLE	244	17 MAPLE	580	16 MAPLE	895	15 MAPLE	1050	14 ASH
87	15 MAPLE	245	9 HICKORY	581	17 MAPLE	896	8-7 HICKORY	1050A	18-18 MAPLE
88	7 MAPLE	246	14-9 LINDEN	582	28 OAK(H)	897	16 LINDEN	1051	22 MAPLE
89	10 LINDEN	247	6-7-11 PAPER BIRCH	584	23 OAK	898	23 MAPLE	1052	10 MAPLE
90	11 HICKORY	248	12-12-16 PAPER BIRCH	586	27 OAK(H)	899	22 LINDEN	1053	14 MAPLE
91	9 MAPLE	249	22 MAPLE	587	36 OAK-DYING	900	6 MAPLE	1054	10 BOXELDER
92	6 MAPLE	250	14-11-8 PAPER BIRCH	588	13 HICKORY	901	8 ASH	1055	8 MAPLE
93	14 MAPLE	251	23 OAK	589	28 OAK(H)	902	44 WILLOW(H)	1056	6 MAPLE
94	22 MAPLE	252	8 MAPLE	590	16 MAPLE	903	21 MAPLE	1057	12 MAPLE
95	8 MAPLE	253	13 MAPLE	591	15 MAPLE	904	14 ASH	1058	26 LINDEN
96	6 MAPLE	254	19 MAPLE	592	14 MAPLE	905	10 MAPLE	1060	10 MAPLE
97	10 MAPLE	256	12 LINDEN	593	15 MAPLE	906	12 LINDEN	1061	16 MAPLE
98	10-7 BOXELDER	257	11 MAPLE	599	22 MAPLE	907	20 BOXELDER	1064	16 ASH
99	18 HACKBERRY	258	21 WHITE CEDAR	601	20 MAPLE	908	10 HICKORY	1065	12 MAPLE
100	103 ASH	259	20 RED PINE	602	25 MAPLE(H)	909	16 BOXELDER	1066	8 MAPLE
101	6-6 ARB. CLUMP	260	15 PAPER BIRCH	605	19 LINDEN	910	10 ELM	1068	22 ASH
102	9 HACKBERRY	261	7-8 IRONWOOD	606	20 MAPLE	911	7 MAPLE	1080	20 BOXELDER
103	21 LINDEN	262	20 ASH	607	19 MAPLE	912	9 MAPLE	1081	12 ELM
104	20-20 ASH	263	10 BOXELDER	608	15 MAPLE	913	22 ASH	1082	6 MAPLE
105	8 MAPLE	264	10 MAPLE	609	20 MAPLE	914	8-8 MAPLE	1083	14 ASH
106	19 ASH	265	7 MAPLE	610	20 MAPLE	915	19 ASH	1086	16 MAPLE
107	17 BOXELDER	266	8 MAPLE	611	16 MAPLE	916	8 MAPLE	1087	16 HICKORY
108	14-16 LINDEN	267	22 MAPLE	612	20 MAPLE	917	25 MAPLE(H)	1089	10 MAPLE
109	8 BOXELDER	269	12 MAPLE	615	23 MAPLE	918	19 MAPLE	1091	16 MAPLE
110	8 MAPLE	270	8 MAPLE	616	13 LINDEN	919	12 MAPLE	1092	14 MAPLE
111	11 HACKBERRY	271	11 MAPLE	617	23 MAPLE	920	25 LINDEN	1093	14 MAPLE
112	13-13-8 PAPER BIRCH	272	13 MAPLE	618	11 MAPLE	921	10 HICKORY	1094	8 MAPLE
113	7-7-7-8 ARB. CLUMP	273	17 ASH	621	28 MAPLE(H)	922	10 ASH	1095	14 HICKORY
114	16 BOXELDER	274	12 MAPLE	622	15 MAPLE	923	16 ASH	1096	16 MAPLE
115	10 BOXELDER	275	6 MAPLE	623	16 MAPLE	924	16-14-17 LINDEN	1097	6 MAPLE
116	10 BOXELDER	276	13 LINDEN	624	28 OAK(H)	925	16 MAPLE	1098	16-14 MAPLE
117	10 LINDEN	277	18 MAPLE	626	15 OAK	926	7 MAPLE	1099	8 MAPLE
118	11-15 BOXELDER	278	14 MAPLE	627	20 LINDEN	927	10 ELM	1100	12 MAPLE
119	16 BOXELDER	279	10 MAPLE	628	22 LINDEN	928	22 BOXELDER	1101	18 MAPLE
120	13 MAPLE	280	10 MAPLE	630	22 OAK	929	6 MAPLE	1106	6 MAPLE
121	13 ELM	281	7 MAPLE	631	19 OAK	930	8-8 ASH	1107	12 ASH
122	17 MAPLE	283	15 PAPER BIRCH	632	20 OAK	931	20 MAPLE	1108	10 BOXELDER
123	19 ELM	284	18 MAPLE	634	22 LINDEN	932	18 LINDEN	1109	8 MAPLE
124	20 BOXELDER	285	19 MAPLE	635	18 MAPLE	933	16 MAPLE	1110	16 LINDEN
125	12-16-18 LINDEN	286	9 MAPLE	636	18 MAPLE	934	6 MAPLE	1111	16 MAPLE
126	13 MAPLE	287	6 MAPLE	637	23 OAK	935	40 WILLOW(H)	1114	14-14 MAPLE
127	131 MAPLE	288	10-6 PAPER BIRCH	638	13-26 MAPLE	936	11 MAPLE	1115	6 MAPLE
128	17 MAPLE	289	8 MAPLE	639	24 ASH	937	8 MAPLE	1117	16 BOXELDER
129	14 MAPLE	290	19 LOCUST	641	23 MAPLE	938	7 MAPLE	1118	26 ASH(H)
130	22 LINDEN	291	20 MAPLE	642	18 MAPLE	939	7 MAPLE	1119	16 ASH
131	9 MAPLE	292	12 ASH	644	14 MAPLE	940	11 MAPLE	1121	12 BOXELDER
132	17 MAPLE	293	8 MAPLE	645	17 LINDEN	941	16-14 LINDEN	1122	12 ASH
133	13 MAPLE	294	11 LINDEN	649	21 ASH	942	12 MAPLE	1123	8 MAPLE
134	14 HACKBERRY	297	8 MAPLE	650	31 MAPLE(H)	943	12 MAPLE	1124	8 MAPLE
135	14 MAPLE	300	16 ASH	653	18-24 ASH	944	14 MAPLE	1125	8 MAPLE

FERNDALE BLUFF
DOCK AND DRIVEWAY DETAIL FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



910.8 : denotes proposed spot elevation
-917- : denotes existing contour line
-930- : denotes proposed contour line



2318557DOCKDRIVE6.SCD

DATE	REVISIONS
8-12-22	
8-25-22	
3-28-23	REVISED BLUFF INFORMATION AND BUILDING PADS
5-3-23	PROPOSED DRIVEWAY CONTOURS ADDED
6-26-23	
7-11-24	
3-14-24	

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.

Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

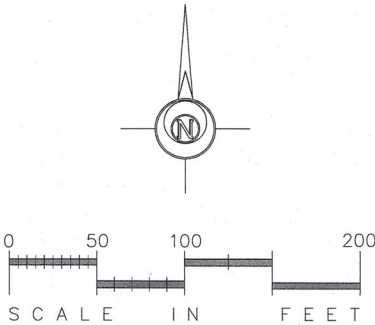
DATE
8-12-22

SCALE
1"=50'

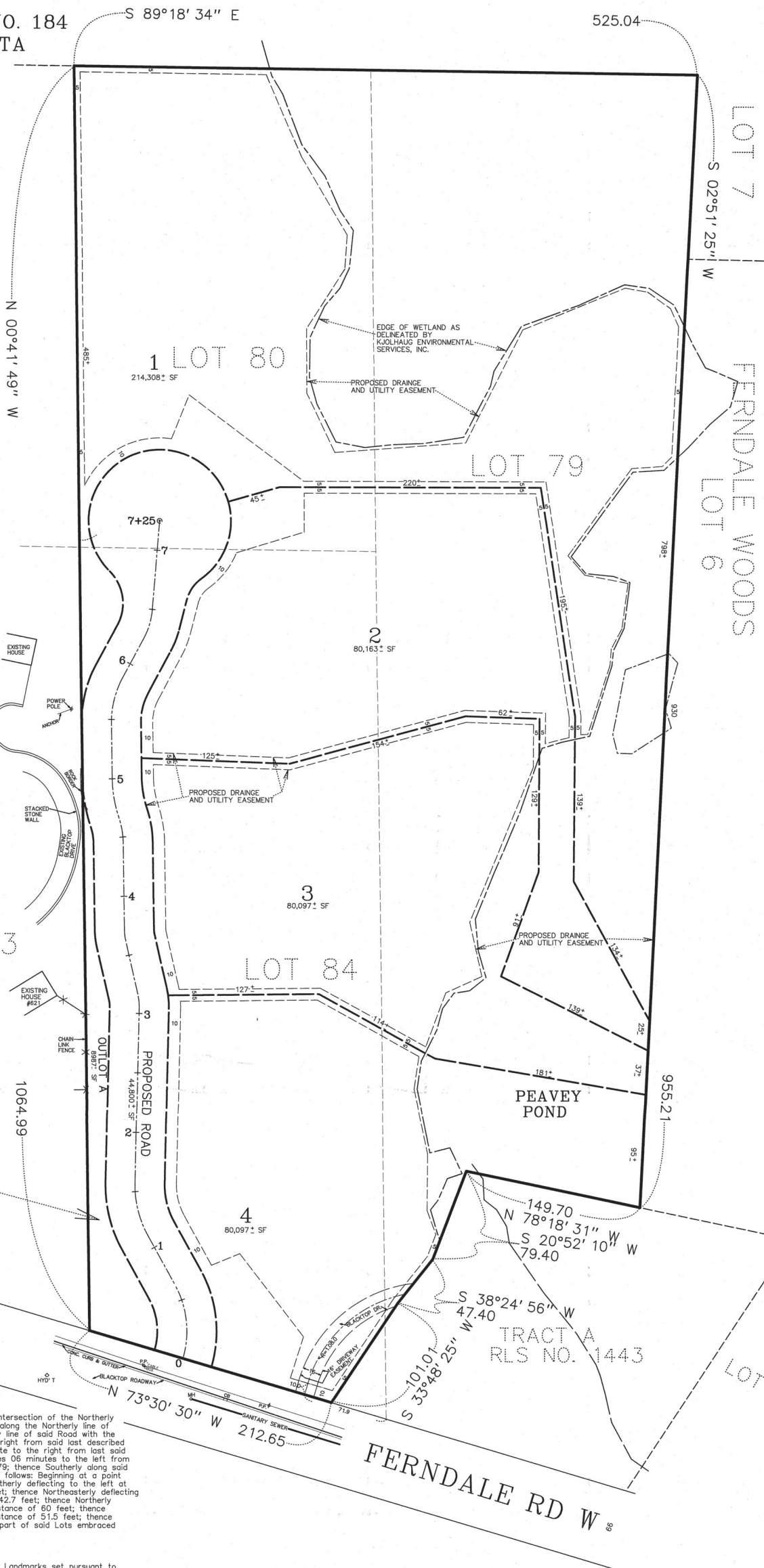
JOB NO.
23-185

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

FERNDALE BLUFF
PROPOSED LOT LINES AND EASEMENTS
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



LOT 81



NOTE: OUTLOT A
MAY BE PROPOSED
AS ADDITIONAL
RIGHT-OF-WAY

LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwest along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwest from the intersection of the Northerly line of said road with the East line of Lot 84; thence Northwest making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeast making an angle of 10 degrees 01 minute to the right from last described course a distance of 42.7 feet; thence Northeast making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeast deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443;

Lot 80;
Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwest a distance of 10 feet; thence Northeast on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwest line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwest line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.

o : denotes iron marker

Bearings shown are based upon the Hennepin County coordinate datum

This survey intends to show the boundaries of the above described property, and the location of several existing buildings, driveways, decks, and the proposed location of a proposed road, outlot, four lots and easements thereon. It does not purport to show any other improvements or encroachments.



231855PRLTUESMT3.SCI

DATE	REVISIONS
8-12-22	
8-25-22	
8-28-23	
1-11-24	
3-14-24	

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 Land Surveyor under the laws of the State of Minnesota.
Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

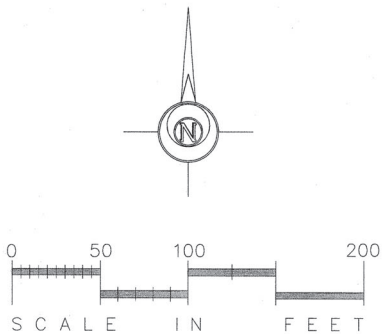
PROJECT
FERNDALE
BLUFF

DATE 8-25-22
SCALE 1"=50'
JOB NO 23-185



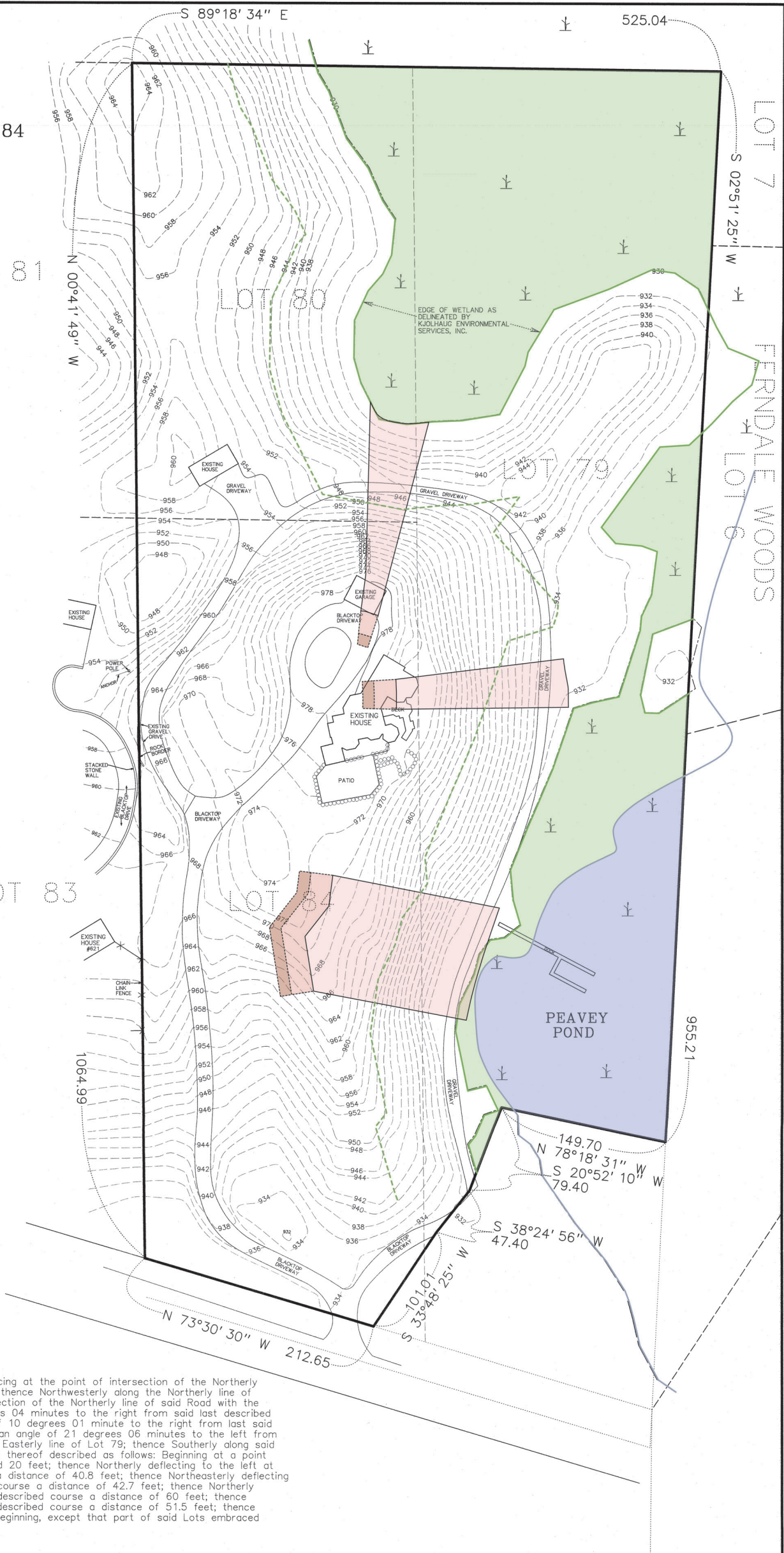
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

FERNDALE BLUFF
CERTIFICATE OF SURVEY &
EXISTING CONDITIONS FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



LEGEND

- ORDINARY HIGH WATER LEVEL (O.H.W.L.)
- DELINEATED WETLAND
- WETLAND BUFFER (75' SETBACK)
- BLUFF PER SHORELAND DEFINITION
- BLUFF IMPACT ZONE
- BLUFF SETBACK



LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwesterly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwesterly from the intersection of the Northerly line of said Road with the East line of Lot 84; thence Northwesterly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeasterly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeasterly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeasterly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443; Lot 80; Auditor's Subdivision No. 184, Hennepin County, Minn.

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Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.



DATE	REVISIONS	hereby certify that this plan, specification, or report 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.	PROJECT FERNDALE BLUFF	DATE 7-23-22 SCALE 1"=50' JOB NO 22-073	GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141
8-12-22					
8-25-22					
6-26-23					

To: Emily Goellner, City of Wayzata CD Director and Review Staff

From: Brad Scheib, AICP

Subject: Tree Survey and Preservation Plan – Ferndale Bluffs

Date: Originally Prepared on 06/28/2023 (*Updated 08/29/2023 to include city comments and evaluate city Tree Preservation Ordinance amendment published 06/29/2023*)
(*Updated on 01/31/2024 to reflect adjusted lot lines addressing city staff comments*).
(*Updated on 4/02/2024 to reflect minor adjustments to possible driveways*)

INTRODUCTION

This memo provides documentation to support the Tree Survey and Tree Preservation Plan prepared for 565 Ferndale Road W and the proposed four lot subdivision, Ferndale Bluffs. The Tree Survey and Tree Preservation Plan was prepared using the City Ordinance 818 and the revisions to Chapter 936 Tree Preservation adopted in October of 2022 and subsequently amended most recently in June of 2023.

An initial tree survey of significant trees on site was completed by Gronberg & Associates Inc. in July of 2022 (Gronberg Survey) per the Chapter 936 guidance at the time. This survey was revised June 26, 2023 to reflect dead tree removals completed in 2023, conformance to Ordinance 818, and to rectify tree diameter calculations with mapped tree tags. Attached to this summary memorandum is a Tree Preservation Plan and analysis completed by HKGi based on the trees tagged in the Gronberg Survey. The Gronberg Survey provides a unique ID to each tree that is tied to the various analysis tables included in this memorandum and the attached analysis exhibits.

HKGi took the tree survey data completed by Gronberg & Associates Inc. and conducted a detailed analysis of tree impacts on the site in the spring and summer of 2023 based on the Chapter 936 Standard (post October 2022 updates) of the city code and city staff direction. This analysis includes impacts¹ to trees based on the “construction area” resulting from the proposed subdivision public improvements including construction of a new street, required stormwater ponds, and associated grading impacts.

In June 29th, 2023 an amendment was made to the city code Chapter 936: the term ‘structural root zone’ was added. In response, board-certified arborist Tyler Hesseltine of Davey Tree was consulted to examine the Tree Preservation Plan and provide feedback based on this addition to the code. Findings were that trees with critical root zones with impacts of 40%-60% could potentially be saved with safe construction techniques because the proposed work does not interfere with the structural root zone of the tree.

Following these findings, an exhibit was created to show trees within this threshold as well as recommended construction techniques suggested by Hesseltine. As a result, 30 significant trees could be saved, two of which are heritage trees. These 30 trees will still be marked as impacted or removed throughout the remainder of this plan as we cannot guarantee that these trees will not be impacted by street construction.

¹ Tree impacts were based on each tree’s critical root zone (CRZ as defined by the Wayzata Tree Preservation Ordinance 818, sect936.02); if 40% or more of the CRZ is affected by structure or grading limits/construction areas the tree is considered to be impacted and a likely candidate for removal.

To demonstrate future lots are buildable and can meet zoning and subdivision code standards, conceptual driveways (with grading limits) and building pads are illustrated for each buildable lot. Potential tree impacts resulting from the driveway and building pads were quantified for each lot to demonstrate the ability to comply with Chapter 936 standards. Lastly, a total number of trees and the percentage of trees impacted within each lot's buildable area was quantified at the request of staff.

The tree inventory analysis was completed by or under the direction of professional licensed landscape architects, engineers, and planners.

The following is a summary of the tree survey and associated impacts:

EXISTING TREE INVENTORY SUMMARY

For the duration of this summary the following terms will be used as follows:

- “Significant Tree”: non-Heritage trees that meet the Wayzata Ordinance 818 section 936.02 definition of Significant Tree.
- “Heritage Tree”: all trees that meet the Wayzata Ordinance 818 section 936.02 definition of Heritage Tree.
- “Total Trees”: all Significant and Heritage Trees.

There are a total of 707 identified in the tree survey. Of those 707 Trees:

1. The majority (419) of the significant trees on the property are Sugar Maples. The remainder are a mix of Ash, Linden, Box Elder, Elm, Hickory, Oak and others.
2. 3 are dead or dying (a linden, a maple, and an oak) and have been recently removed from the calculations in the analysis per city code.
3. 70 trees are Ash trees and at the direction of the city forester have been removed from the calculations in the analysis due to high probability of Emerald Ash Borer infestation.
4. Removal of the 3 dead and 70 Ash trees leaves us with a total of 634 Significant Trees to use in our analysis.
5. 24 are Heritage Trees representing 703 inches Diameter at Breast Height (DBH) or approximately 7.13% of all inches DBH of Significant and Heritage trees on the site.
6. 610 trees are Significant Trees that are not Heritage or dead representing 9,157 Inches DBH or approximately 92.87% of all trees on the site.
7. The total DBH on the property is 9,860 inches (excluding the 3 dead or dying trees and 70 ash trees). This includes the sum of DBH of all stems on multi-stem trees.

STREET AND STORM POND IMPACTS

Multiple street scenarios with cul-de-sacs were explored and ultimately two were reviewed as part of the tree analysis: 600' road (meets code without a variance) and 725' road (requires a variance for length).

1. The 600' street design (street, storm pond and grading limits) will impact approximately 17.06% of the total inches DBH of all significant trees on the site or a total of 120 trees representing 1,682 inches DBH.

2. The 725' street design (street, storm pond, and grading limits) will impact approximately 12.13% of the total inches DBH of all significant trees on the site or a total of 88 trees representing 1,196 inches DBH.
3. The road and storm pond construction for both scenarios will likely impact 3 Heritage Trees representing a total of 94 inches of DBH. Great efforts will be made to preserve Heritage Trees during construction. If unable to preserve, these trees will require mitigation² per city ordinance. (see Tree Preservation Plan). However, the 725' street design has a greater possibility of saving 1 or more of the Heritage trees impacted. This will be explored in more detail as we get into construction details.
4. In summary, the 725' street design (including associated storm ponding and construction limits) is preferred as it impacts:
 - 32 fewer trees
 - 486 fewer inches DBH
 - Provides more opportunity to save 1-3 Heritage trees.

Table 0-1 Tree Impacts by Road Options (better outcome in green)

600' Option

Tree Category	# of Trees	Inches DBH	DBH: inches as % of total
Heritage	3	94	.95%
Other Significant	117	1,588	16.11%
Total	120	1,682	17.06%

725' Option

Tree Category	# of Trees	Inches DBH	DBH: Inches as % of total
Heritage	3	94	.95%
Other Significant	85	1,102	11.18
Total	88	1,196	12.13%

LOT SUMMARY

Four buildable lots are shown on the Preliminary Plat based on the less impactful 725' road concept. The following represents the tree impact analysis:

- A lot-by-lot summary of trees within the "Buildable Area" (requested by City Staff). For this analysis buildable area was defined as the gross lot area minus:
 - i. wetlands and land below 930 elevation- PWI
 - ii. bluffs,
 - iii. bluff impact zones,
 - iv. bluff setbacks, and

² Landscaping and tree planting on the site will contribute to the replacement of some required mitigation. Payment of a fee in lieu of planting will be required due to the already dense tree coverage on the site.

- v. front, side, and rear yard building setbacks (including a 75' setback to wetlands per Wayzata Wetland Buffer Standards).
- Conceptual driveways and building pads are shown to demonstrate each lot is a buildable lot. Final design of driveways and building pads will be determined by buyers of each lot and permitted through the City by the buyers.
- Impacts to trees have been estimated based on conceptual construction areas of each lot to include driveway, driveway grading, and potential building pad³. These impacts are determined post street construction. All lots can accommodate a building pad and driveway while staying below the 25% threshold for tree mitigation as defined in City Code Chapter 936.04 Subpart A 2.

The buildable lots shown will not be graded as part of this project and the design of the homes and driveways will be permitted separately.

- Any additional site work for detached accessory structures, stormwater needs, or other site improvements will be at the discretion of future buyers (in compliance with City codes), and requests for variances would be subject to City approval.
- Any impacts to heritage trees on individual lots would require individual lot owners/builders to mitigate per the City Code.
- The addition of any boardwalks and/or docks will be at the discretion of future buyers and will be required to be consistent with all applicable codes and permitting.

LOT 1 SUMMARY

Table 1-1 Total Significant Trees on Lot 1

Tree Category	# of Trees	Inches DBH
Heritage Tree	10	274
Other Significant Trees	173	2,741
Total	183	3,015

Table 1-2 Trees within Buildable area of Lot 1

Tree Category	# of Trees	Inches DBH
Heritage Tree	4	111
Other Significant Trees	35	590
Grand Total	39	701

³ Note: Trees removed for street and storm water improvements as part of the public improvements are assumed removed and not included in the individual lot analysis.

Table 1-3 Trees Impacted by conceptual construction areas (Driveways and Building Pads) on Lot 1

Tree Category	# of Trees	Inches DBH	Inches DBH as % of Total DBH on Lot
All Significant Trees	17	304	10.08%
Heritage Trees	1	28	NA

LOT 2 SUMMARY

Table 2-1 Total Significant Trees on Lot 2

Tree Category	# of Trees	Inches DBH
Heritage Tree	2	53
Other Significant Trees	122	1,729
Total	124	1,782

Table 2-2 Trees within Buildable area of Lot 2

Tree Category	# of Trees	Inches DBH
Heritage Tree	2	53
Other Significant Trees	55	861
Grand Total	57	914

Table 2-3 Trees Impacted by conceptual construction areas (Driveways and Building Pads) on Lot 2

Tree Category	# of Trees	Inches DBH	Inches DBH as % of Total DBH on Lot
All Significant Trees	20	381	21.38%
Heritage Trees	0	0	NA

LOT 3 SUMMARY

Table 3-1 Total Significant Trees on Lot 3

Tree Category	# of Trees	Inches DBH
Heritage Tree	4	144
Other Significant Trees	116	1,785
Total	120	1,929

Table 3-2 Trees within Buildable area of Lot 3

Tree Category	# of Trees	Inches DBH
Heritage Tree	1	32
Other Significant Trees	25	399
Grand Total	26	431

Table 3-3 Trees Impacted by conceptual construction areas (Driveways and Building Pads) on Lot 3

Tree Category	# of Trees	Inches DBH	Inches DBH as % of Total DBH on Lot
All Significant Trees	9	103	5.34%
Heritage Trees	0	0	NA

LOT 4 SUMMARY

Table 4-1 Total Significant Trees on Lot 4

Tree Category	# of Trees	Inches DBH
Heritage Tree	6	169
Other Significant Trees	117	1,729
Total	123	1,898

Table 4-2 Trees within Buildable area of Lot 4

Tree Category	# of Trees	Inches DBH
Heritage Tree	1	25
Other Significant Trees	32	499
Grand Total	33	524

Table 4-3 Trees Impacted by conceptual construction areas (Driveways and Building Pads) on Lot 4

Tree Category	# of Trees	Inches DBH	Inches DBH as % of Total DBH on Lot
All Significant Trees	27	399	21.02%
Heritage Trees	1	28	1.48%

CUMULATIVE IMPACTS

When looking at the entire site and recognizing the impacts to trees will occur with the public improvements (street and stormwater ponds) followed at a later time by private owner/builder improvements to each lot, a cumulative impact was prepared assuming the conceptual building pads and driveways are built as shown on the attached exhibit.

- Overall cumulative impacts are **24.17%** DBH of all significant trees on site, which is [below the 25% level in the Wayzata Code 936 Tree Preservation for which mitigation is required](#). This number can be reduced through careful construction of public improvements, custom home design, and grading at time of individual home construction.

Table 5-1 Cumulative Impacts

Tree Category	Total # of Trees	# of Trees (potentially impacted)	Total Inches DBH	Inches DBH (Potentially Impacted)	Inches DBH as % of Total DBH on Property
All Significant Trees	634	160	9,860	2,383	24.17%
Heritage Trees	24	5	703	150	1.52%

TREE REPLACEMENT PLAN

Tree replacement is proposed as part of the Tree Preservation Plan and Landscape Plan. Tree replacement plantings are proposed strategically to enhance screening to the home site to the west and the home sites south of Ferndale Road West as well as future homes sites of the development. Tree species were selected from the city tree list and are native to the site and area. Tree replacements were also selected with diversity considerations and canopy replacement considerations. A total of 26 new trees are proposed to be planted.

A total of three heritage trees are potentially impacted by the street and storm pond improvements. Per the city code, these impacted trees will require mitigation at a ratio of 2:1. New trees are proposed to be planted in conjunction with the new street project. These trees will contribute in part to the mitigation of the heritage trees. Fee-in-lieu will be used to cover any remaining required mitigation. It is possible that during construction one or two of the heritage trees currently shown as impacted may be preserved. Tree replacement thresholds for subdivision and public infrastructure is identified in Section 936.06 subpart A 2 as 25%. Tree impacts beyond that threshold require replacement. The cumulative impacts from the proposed four lot subdivision is anticipated to be below that 25% threshold.

In addition, a land disturbance permit will be needed for construction of the public street and stormwater ponds per an approved subdivision plat. The land disturbance (936.06 B 2) allows for 10% removal of significant trees before replacement is required. The proposed street will impact 12.13%. Based on staff comments our draft mitigation calculations are based on the 10% allowance threshold for impacts related to the street and stormwater pond improvements. Proposed mitigation will be a combination of new tree plantings and fee-in-lieu as allowed per code.

Table 6-1 **DRAFT** Mitigation Calculations

Reference	Inches	Mitigation Required (Caliper Inches)	Notes
10% Removal Allowance	986	-	This is the total DBH allowed to be removed per the number of DBH on site per (10% of 9,860 inches DBH) see code 936.06 B 2.
Total Proposed Removal of Significant Trees Including Heritage Trees	1,102	116	This is the total amount of trees anticipated to be removed as part of the street (725 foot concept) and stormwater improvements. Mitigation is based on the impacts over the 10% allowance.
Heritage Tree Impacts	94	94	This is the total DBH of heritage trees we are impacting. (Includes tree tags 461, 650, 841.) This number is within the total significant trees impacted (1,196). Heritage trees are required to be mitigated at a 2:1 ratio. The first inch is included in the significant tree mitigation (210). The second inch is included here.
Total Mitigation Required		304	The total mitigation requirement includes all significant trees plus the 2:1 replacement for Heritage trees
Proposed new tree plantings (26 trees at a total of 75 caliper inches)		(75)	Per the city code 936.09 A, tree replacement is calculated based on the proposed tree mitigation plan prepared by licensed landscape architects and arborist.
Remaining Mitigation needed		229	Total mitigation needed less proposed tree planting
Fee-in-lieu (\$300 per cal inch) per City Fee Schedule		\$ 68,700	

Exhibits include the following:

1. Site Survey
2. Tree Inventory Tables/Tags (Gronberg Tree Survey)
3. Existing Tree Inventory with notes
4. 600' Street Concept Tree Impacts
5. 725' Street Concept Tree Impacts
6. CRZ Percent Impacts
7. Possible Driveway and Building Pad Impacts
8. Significant Trees in Buildable Areas by Lots
9. Composite Tree Impacts
10. Measures to Protect
11. Mitigation Plan

565 FERNDALE WEST
SURVEY

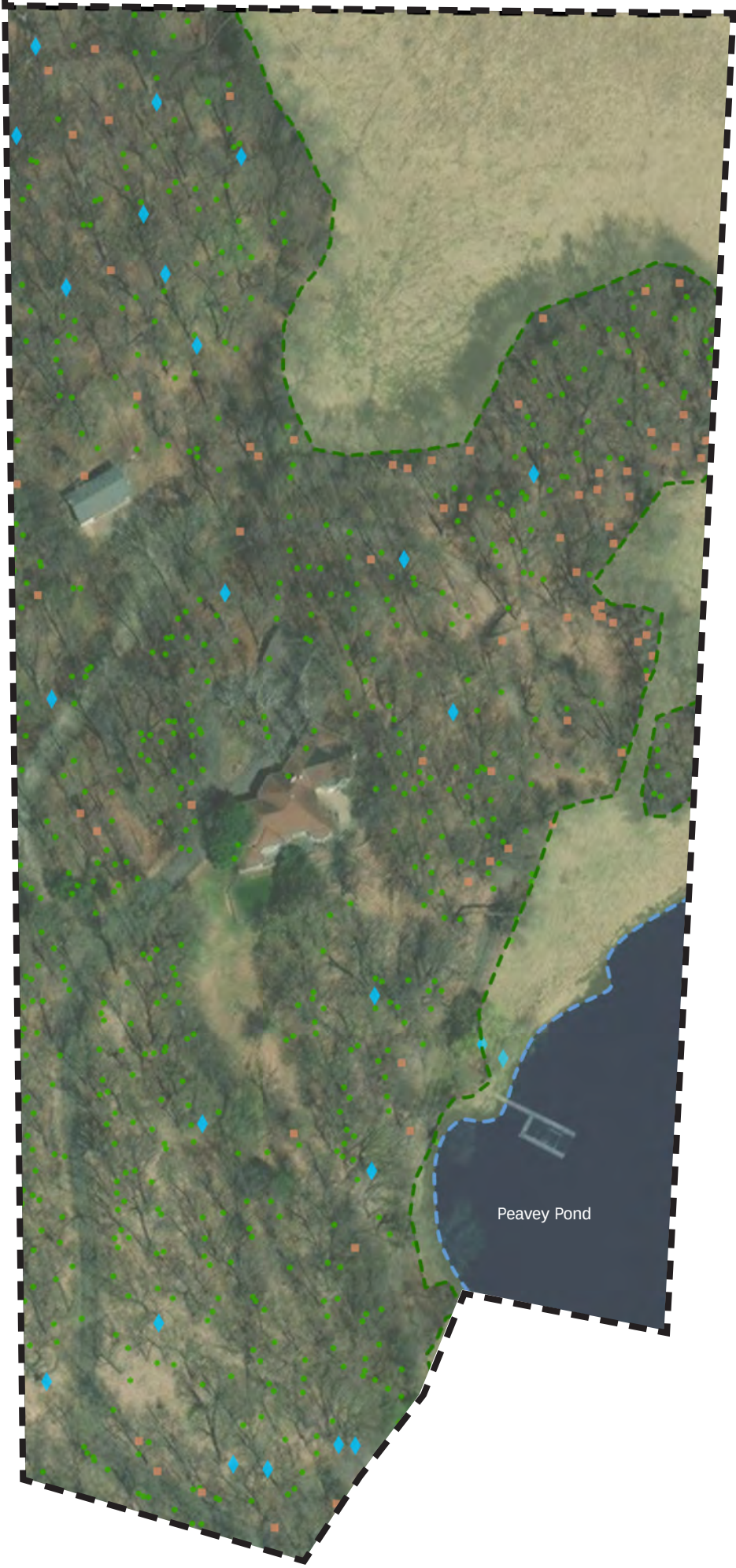


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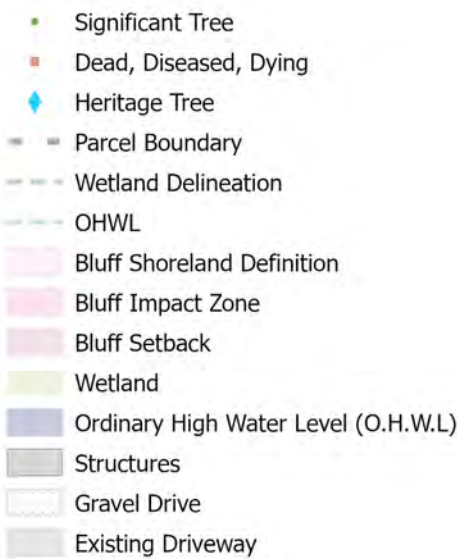
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23-185

TREE SCHEDULE									
TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION	TAG NO.	DESCRIPTION
1	11 MAPLE	146	10 BOXELDER	451	15 HICKORY	806	12 HICKORY	953	14 MAPLE
2	23 MAPLE	147	9 MAPLE	452	14 OAK	807	12 MAPLE	954	14 ASH
3	13 ASH	148	19 MAPLE	453	21 MAPLE	808	11 BOXELDER	955	15 MAPLE
4	21 MAPLE	149	10 MAPLE	454	13 HACKBERRY	809	8 MAPLE	956	20-20-16 LINDEN
5	11 MAPLE	150	8 MAPLE	456	14 MAPLE	810	13 MAPLE	957	18 ELM
6	12 MAPLE	152	12-13-14 LINDEN	457	17 ASH	811	26 MAPLE(H)	958	16 HICKORY
7	25 MAPLE(H)	153	20 MAPLE	458	23 OAK	812	9 MAPLE	959	10 ASH
8	13 MAPLE	154	28 OAK(H)	461	34 MAPLE(H)	813	22 MAPLE	960	16 ASH
9	16 LINDEN	155	17 MAPLE	462	24 MAPLE	814	10 MAPLE	961	13 HICKORY
10	17 MAPLE	156	13 MAPLE	463	15 MAPLE	815	23 MAPLE	962	14 MAPLE
11	27 MAPLE(H)	157	6 MAPLE	466	19 MAPLE	816	11 MAPLE	963	8 ASH
12	30 MAPLE(H)	158	9 MAPLE	468	16 ASH	817	11 HICKORY	964	10 ELM
13	13 BOXELDER	159	6 MAPLE	470	19 ASH	818	20 MAPLE	965	15 MAPLE
14	23 MAPLE	160	8 MAPLE	472	28 MAPLE(H)	819	9 MAPLE	966	11 MAPLE
15	13 ELM	161	10 MAPLE	473	18 MAPLE	820	9 MAPLE	967	21 LINDEN
16	17-13-13 LINDEN	162	9-20 MAPLE	474	16 MAPLE	821	19-14 MAPLE	968	16-18 MAPLE
17	11 HICKORY	163	10 MAPLE	475	24 MAPLE	822	9 MAPLE	969	11 MAPLE
18	16 HACKBERRY	164	8 MAPLE	476	20 MAPLE	823	8 MAPLE	970	8 MAPLE
19	34 HICKORY	165	9 MAPLE	477	17 MAPLE	824	16 ASH	971	12 ELM
20	6 MAPLE	166	10 MAPLE	478	14 MAPLE	825	8 ELM	972	14 ELM
21	14 MAPLE	167	18 MAPLE	479	13 MAPLE	826	9 MAPLE	973	13 LINDEN
22	12 BOXELDER	168	21 MAPLE	481	13 MAPLE	827	10 MAPLE	974	8 MAPLE
23	12 HACKBERRY	169	15-16 HICKORY	484	13 HICKORY	828	18 MAPLE	975	15 MAPLE
24	14 BOXELDER	170	8 MAPLE	486	22 MAPLE	829	7 MAPLE	976	16 ASH
25	12 MAPLE	171	18 MAPLE	487	16 MAPLE	830	16 MAPLE	977	23 MAPLE
26	11 MAPLE	172	8 MAPLE	488	24 MAPLE	831	12 MAPLE	978	12 MAPLE
27	11 MAPLE	173	18 MAPLE	489	18 LINDEN	832	18 BOXELDER	979	10 MAPLE
28	10 MAPLE	174	12 MAPLE	491	18 MAPLE	833	8 MAPLE	980	6 MAPLE
29	9 MAPLE	175	8 MAPLE	493	23-7 MAPLE	834	13 ASH	981	9 MAPLE
30	6 MAPLE	176	9 MAPLE	494	19 MAPLE	835	18 HICKORY	982	13 MAPLE
31	8 MAPLE	177	12 MAPLE	495	16 MAPLE	836	10 ELM	983	14 MAPLE
32	15 MAPLE	178	12 MAPLE	496	14 MAPLE	837	15 MAPLE	984	9 MAPLE
33	9 MAPLE	179	16 MAPLE	499	17 MAPLE	838	15 ASH	985	11 OAK
34	9 MAPLE	180	7 MAPLE	500	20 MAPLE	839	12 MAPLE	986	8 MAPLE
35	21 MAPLE	181	15 MAPLE	502	20 MAPLE	840	28 OAK(H)	987	18 MAPLE
36	10 MAPLE	182	10-8 LINDEN	503	20 MAPLE	841	29 MAPLE(H)	988	18 ASH
37	10 MAPLE	183	18 MAPLE	504	13 MAPLE	842	16 MAPLE	989	6 MAPLE
38	8 MAPLE	184	7 MAPLE	505	14-17 MAPLE	843	7 MAPLE	990	8-8 HICKORY
39	16 BOXELDER	185	14 MAPLE	507	11 CEDAR	844	24 MAPLE	991	12 MAPLE
40	21 MAPLE	186	28 OAK(H)	508	12 CEDAR	845	12 HICKORY	992	9 ELM
41	7 MAPLE	187	11 ELM	509	11 CEDAR	846	6 MAPLE	993	23 BOXELDER
42	7 MAPLE	188	8 MAPLE	511	18 MAPLE	848	19 MAPLE	994	11 MAPLE
43	8 MAPLE	189	8 MAPLE	512	21 MAPLE	849	6 MAPLE	995	18 MAPLE
44	7 MAPLE	190	11 LINDEN	513	17 MAPLE	850	13 ELM	996	18 ASH
45	12 MAPLE	191	14 MAPLE	514	18 LINDEN	851	16 ASH	997	20 MAPLE
46	8 MAPLE	192	32 WALNUT(H)	515	20 MAPLE	852	11 MAPLE	998	14 MAPLE
47	10 MAPLE	193	11 BOXELDER	516	17 MAPLE	853	10 MAPLE	999	16 MAPLE
48	15 OAK	194	11 MAPLE	519	19 MAPLE	854	14 ELM	1000	15 ASH
49	15 MAPLE	195	12 ELM	520	DEAD MAPLE	855	12 MAPLE	1001	14 ELM
50	8 MAPLE	196	9 MAPLE	521	21 HICKORY	856	9 MAPLE	1002	8 MAPLE
51	13 MAPLE	197	13 ELM	522	15-7 LINDEN	857	20 MAPLE	1003	16 BOXELDER
52	9 MAPLE	198	8-15 MAPLE	523	DEAD LINDEN	857A	20 MAPLE	1004	12 BOXELDER
53	12 BOXELDER	199	23 BOXELDER	524	12 HICKORY	858	10 MAPLE	1010	16-14 ASH
54	8 MAPLE	200	9 MAPLE	525	16 MAPLE	859	14 BOXELDER	1011	18 ASH
55	14 MAPLE	202	12 LINDEN	526	14 MAPLE	861	14 MAPLE	1012	14 ASH
56	17 MAPLE	203	10-16 LINDEN	527	18 MAPLE	863	23 MAPLE	1013	10 MAPLE
57	16 BOXELDER	205	13 ASH	528	12 MAPLE	864	28 OAK(H)	1014	16 ASH
58	9 BOXELDER	206	8 MAPLE	530	19 MAPLE	865	12 ASH	1015	14 ASH
59	19 MAPLE	207	10 ELM	532	15 MAPLE	867	22 MAPLE	1016	18 ASH
60	15 MAPLE	208	12-15 ELM	533	20 ELM	868	8 MAPLE	1017	16 LINDEN
62	9 MAPLE	209	11 MAPLE	534	14 MAPLE	869	13 MAPLE	1018	10 ASH
63	12 MAPLE	210	6-8 MAPLE	536	20 MAPLE	870	10 MAPLE	1019	16 MAPLE
64	25 MAPLE	211	20 ASH	538	16 LINDEN	871	7 MAPLE	1020	14 MAPLE
65	13 MAPLE	213	7 MAPLE	539	19 ELM	872	9 MAPLE	1021	14 MAPLE
66	11 BOXELDER	215	18-18 ASH	545	14 MAPLE	873	8 MAPLE	1022	23 MAPLE
67	24 MAPLE	216	14 BOXELDER	546	23 MAPLE	874	28 MAPLE(H)	1023	18 MAPLE
68	22 MAPLE	217	17 ELM	547	18 MAPLE	875	13 LINDEN	1025	14 HICKORY
69	19 MAPLE	218	10-15 HICKORY	549	22 LINDEN	876	7 MAPLE	1026	12 LINDEN
70	12 HACKBERRY	219	11-14-16-18-10 LINDEN	551	7 CEDAR	877	15 MAPLE	1027	10 ASH
71	11 MAPLE	220	13 CRABAPPLE	552	18 CEDAR	879	23 MAPLE	1028	12 ASH
72	9 MAPLE	221	17 LINDEN	554	14 ELM	880	19 LINDEN	1029	18-8 MAPLE
74	15 MAPLE	222	15 ASH	560	13 MAPLE	881	23 MAPLE	1031	16 MAPLE
75	7 MAPLE	223	17 ELM	561	16 LINDEN	882	7 MAPLE	1032	10 MAPLE
76	10 MAPLE	224	14 HICKORY	562	19 OAK	883	11 MAPLE	1033	10 ASH
77	16 LINDEN	225	17 LINDEN	563	22 OAK	884	17-17 OAK	1035	6 MAPLE
78	9 MAPLE	227	19 ASH	564	15 OAK	885	20 MAPLE	1037	14 MAPLE
79	17 LINDEN	229	6 MAPLE	565	23 OAK	886	8 MAPLE	1039	8 MAPLE
80	17 MAPLE	231	12 ASH	566	17 OAK	887	18 ELM	1040	14 MAPLE
81	6 MAPLE	232	9 ASH	571	15 ASH	888	7 MAPLE	1041	8 MAPLE
82	9 MAPLE	233	18-16-14-14 LINDEN	572	21 LINDEN	889	24 LINDEN	1042	14 ASH
83	12 MAPLE	234	14-12 MAPLE	573	15 ASH	890	19 MAPLE	1043	8 ASH
84	16 HEMLOCK	237	15 ASH	574	24 OAK	891	7 MAPLE	1044	10 MAPLE
85	12 MAPLE	238	16 ASH	575	22 LINDEN	892	13 ASH	1046	12 BOXELDER
86	10 MAPLE	242	10 HACKBERRY	577	13 MAPLE	893	10 ASH	1047	16 BOXELDER
87	7 OAK	243	19 HACKBERRY	578	14 MAPLE	894	8 MAPLE	1048	12 MAPLE
89	9 MAPLE	244	17 MAPLE	580	16 MAPLE	895	15 MAPLE	1050	14 ASH
90	15 MAPLE	245	9 HICKORY	581	17 MAPLE	896	8-7 HICKORY	1050A	18-18 MAPLE
91	7 MAPLE	246	14-9 LINDEN	582	28 OAK(H)	897	16 LINDEN	1051	22 MAPLE
92	10 LINDEN	247	6-7-11 PAPER BIRCH	584	23 OAK	898	23 MAPLE	1052	10 MAPLE
93	11 HICKORY	248	12-12-16 PAPER BIRCH	586	27 OAK(H)	899	22 LINDEN	1053	14 MAPLE
94	9 MAPLE	249	22 MAPLE	587	36 OAK-DYING	900	6 MAPLE	1054	10 BOXELDER
95	6 MAPLE	250	14-11-8 PAPER BIRCH	588	13 HICKORY	901	8 ASH	1055	8 MAPLE
96	14 MAPLE	251	23 OAK	589	28 OAK(H)	902	44 WILLOW(H)	1056	6 MAPLE
97	22 MAPLE	252	8 MAPLE	590	16 MAPLE	903	21 MAPLE	1057	12 MAPLE
98	8 MAPLE	253	13 MAPLE	591	15 MAPLE	904	14 ASH	1058	26 LINDEN
99	6 MAPLE	254	19 MAPLE	592	14 MAPLE	905	14 MAPLE	1060	10 MAPLE
100	10 MAPLE	256	12 LINDEN	593	15 MAPLE	906	12 LINDEN	1061	16 MAPLE
101	10-7 BOXELDER	257	11 MAPLE	598	22 MAPLE	907	20 BOXELDER	1064	16 ASH
102	18 HACKBERRY	258	21 WHITE CEDAR	601	20 MAPLE	908	10 HICKORY	1065	12 MAPLE
103	24 MAPLE	259	20 RED PINE	602	25 MAPLE(H)	909	16 BOXELDER	1066	8 MAPLE
104	6-8 ARB. CLUMP	260	15 PAPER BIRCH	605	19 LINDEN	910	10 ELM	1068	22 ASH
105	9 HACKBERRY	261	7-8 IRONWOOD	606	20 MAPLE	911	7 MAPLE	1080	20 BOXELDER
106	21 LINDEN	262	20 ASH	607	19 MAPLE	912	9 MAPLE	1081	12 ELM
107	20-20 ASH	263	10 BOXELDER	608	15 MAPLE	913	22 ASH	1082	6 MAPLE
108	8 MAPLE	264	10 MAPLE	609	20 MAPLE	914	8-8 MAPLE	1083	14 ASH
109	19 ASH	265	7 MAPLE	610	20 MAPLE	915	19 ASH	1086	16 MAPLE
111	17 BOXELDER	266	8 MAPLE	611	16 MAPLE	916	8 MAPLE	1087	16 HICKORY
112	14-16 LINDEN	267	22 MAPLE	612	20 MAPLE	917	25 MAPLE(H)	1089	10 MAPLE
113	8 BOXELDER	269	12 MAPLE	615	23 MAPLE	918	20 MAPLE	1091	16 MAPLE
114	8 MAPLE	270	8 MAPLE	616	13 LINDEN	919	12 MAPLE	1092	14 MAPLE
115	11 HACKBERRY	271	11 MAPLE	617	23 LINDEN	920	25 LINDEN	1093	14 MAPLE
116	13-13-8 PAPER BIRCH	272	13 MAPLE	618	11 MAPLE	921	10 HICKORY	1094	8 MAPLE
117	7-7-7-8 ARB. CLUMP	273	17 ASH	621	28 MAPLE(H)	922	10 ASH	1095	14 HICKORY
118	16 BOXELDER	274	12 MAPLE	622	15 MAPLE	923	16 ASH	1096	16 LINDEN
119	10 BOXELDER	275	6 MAPLE	623	16 MAPLE	924	16-14-17 LINDEN	1097	8 MAPLE
120	17 BOXELDER	276	13 LINDEN	624	28 OAK(H)	925	16 MAPLE	1098	16-14 MAPLE
121	10 LINDEN	277	18 MAPLE	626	15 OAK	926	7 MAPLE	1099	8 MAPLE
122	11-15 BOXELDER	278	14 MAPLE	627	20 LINDEN	927	10 ELM	1100	12 MAPLE
123	16 BOXELDER	279	10 MAPLE	628	22 LINDEN	928	22 BOXELDER	1101	18 MAPLE
124	13 MAPLE	280	10 MAPLE	630	22 OAK	929	9 MAPLE	1106	6 MAPLE
125	13 ELM	281	7 MAPLE	631	19 OAK	930	8-8 ASH	1107	12 ASH
126	17 MAPLE	283	15 PAPER BIRCH	632	20 OAK	931	20 MAPLE	1108	10 BOXELDER
127	19 ELM	284	18 MAPLE	634	22 LINDEN	932	18 LINDEN	1109	8 MAPLE
128	20 BOXELDER	285	19 MAPLE	635	18 MAPLE	933	16 MAPLE	1110	16 LINDEN
129	12-16-18 LINDEN	286	9 MAPLE	636	18 MAPLE	934	6 MAPLE	1111	16 MAPLE
130	15 MAPLE	287	6 MAPLE	637	23 OAK	935	40 WILLOW(H)	1114	14-14 MAPLE
131	13 MAPLE	288	10-8 PAPER BIRCH	638	13-26 MAPLE	936	11 MAPLE	1115	6 MAPLE
132	17 MAPLE	289	8 MAPLE	639	24 ASH	937	8 MAPLE	1117	16 BOXELDER
133	14 MAPLE	290	19 LOCUST	641	23 MAPLE	938	7 MAPLE	1118	26 ASH(H)
134	22 LINDEN	291	20 MAPLE	642	18 MAPLE	939	7 MAPLE	1119	18 ASH
135	9 MAPLE	292	12 ASH	644	14 MAPLE	940	11 MAPLE	1121	12 BOXELDER
136	17 MAPLE	293	8 MAPLE	645	17 LINDEN	941	16-14 LINDEN	1122	12 ASH
137	13 MAPLE	294	11 LINDEN	649	21 ASH	942	12 MAPLE	1123	8 MAPLE
138	14 HACKBERRY	297	8 MAPLE	650	31 MAPLE(H)	943	17 MAPLE	1124	8 MAPLE
139	14 MAPLE	300							

565 FERNDALE WEST

EXISTING TREE INVENTORY



NOTES:

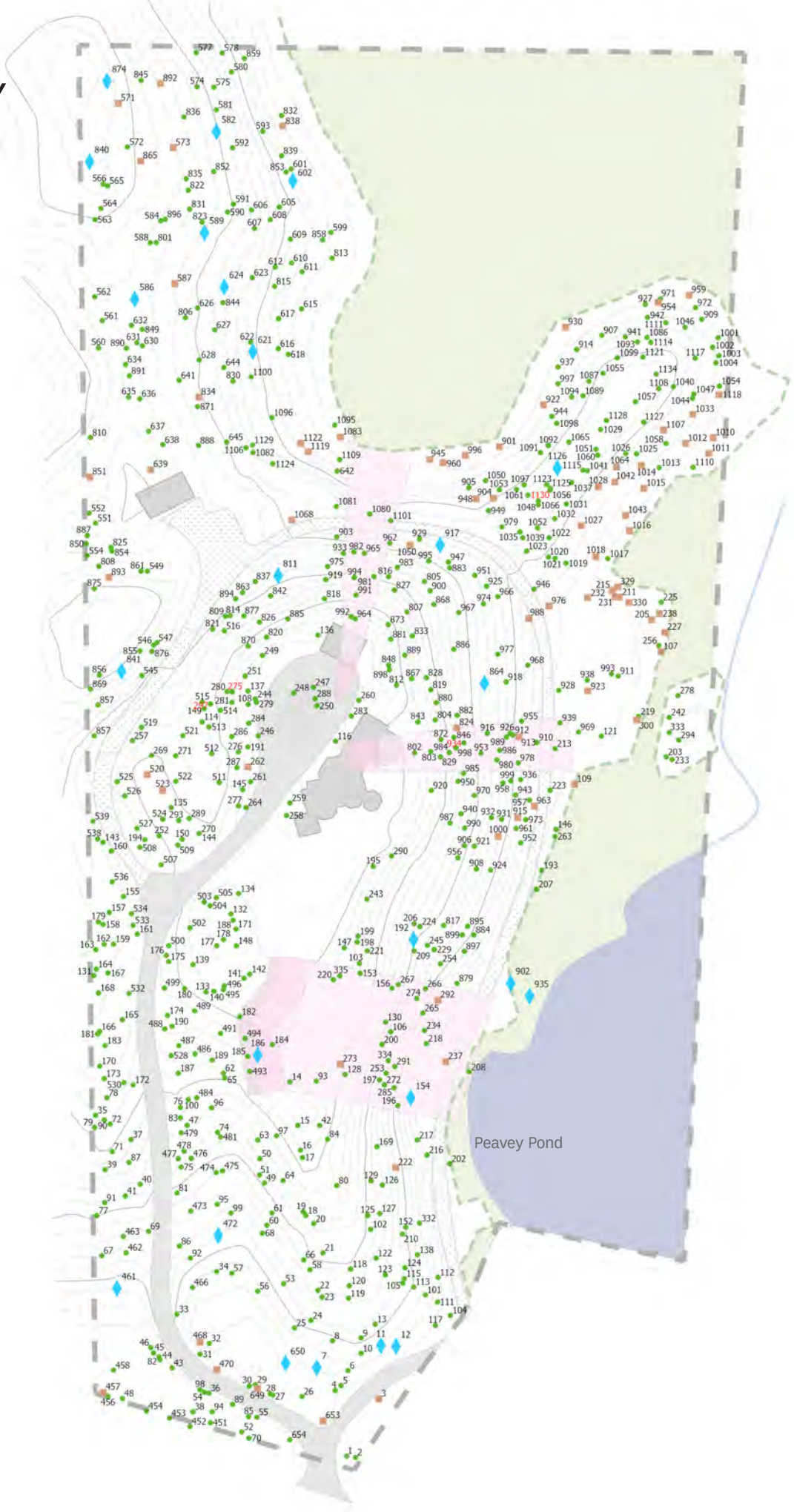
707 Total Significant Trees Surveyed
- 73 Dead, Diseased, or Dying
Including 70 Ash Trees

634 Total Significant Trees Included In
Evaluation Of Impacts

24 Heritage Trees

610 Other Significant Trees

9,860 Total DBH

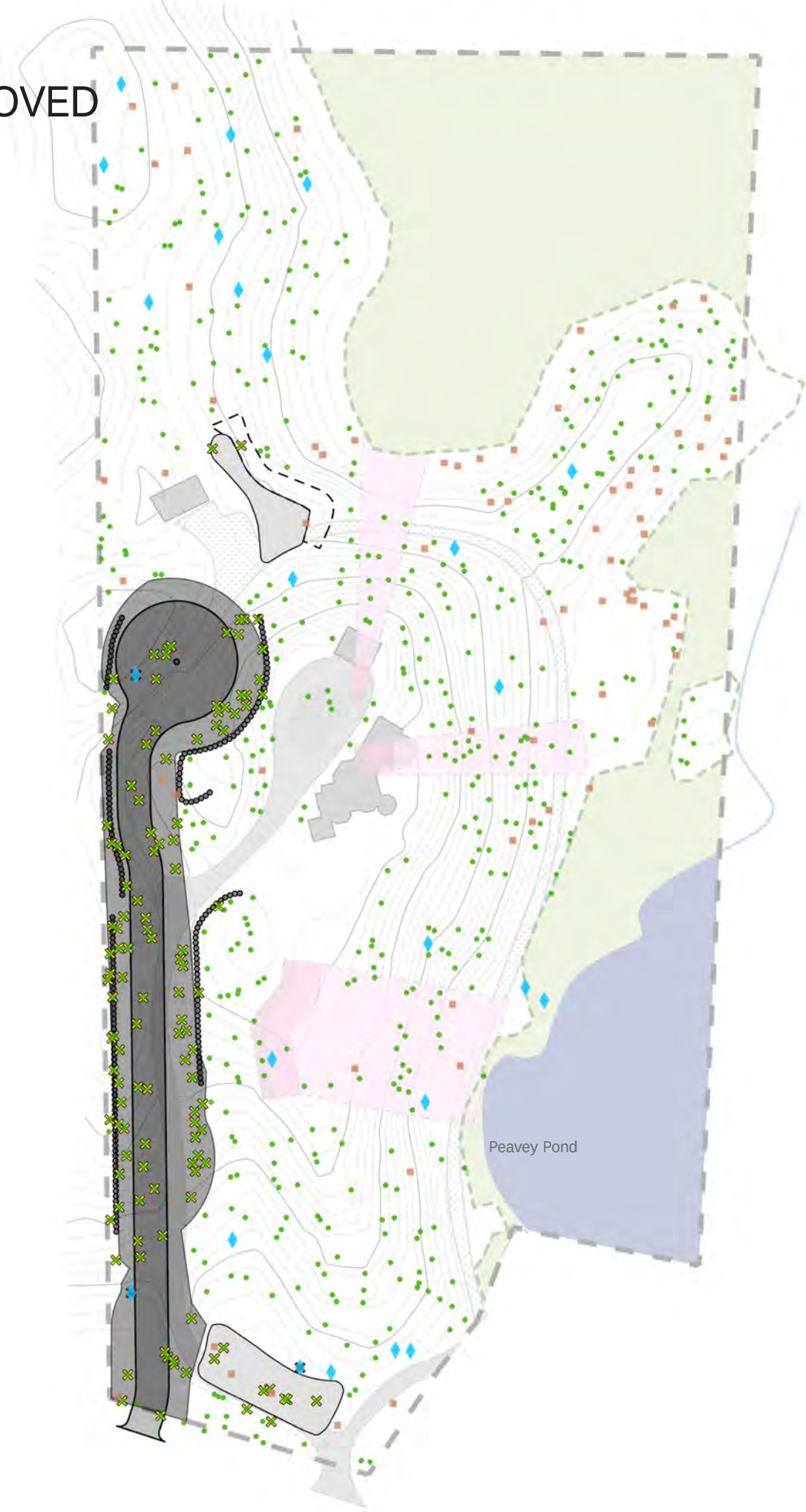


- Existing tree inventory was completed by Gronberg and Associates on 7/23/2022
- These trees represent **significant trees**, defined as “a Healthy Standard-Growth Tree that is six inches or greater in diameter at breast height, a Healthy Rapid-Growth Tree that is 12 inches or greater in diameter at breast height, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in diameter at breast height”
- Heritage trees are defined by the Ordinance as “a Healthy Rapid-Growth Tree that is 30 inches or greater in diameter at breast height, a Standard-Growth Tree that is 25 inches or greater in diameter at breast height, or a Healthy Coniferous Tree that is 25 inches or greater in diameter at breast height”
- Critical Root Zone is defined as: “the area around a tree measured from the trunk of the tree with a radius that is equal to 1.5 feet for each one inch of diameter at breast height of the tree”
- Rapid-Growth Tree Species: “means a species of tree recognized as rapid-growth trees by the City Forester, including cottonwood, poplar/aspen, box elder, willow, silver maple, elm, mulberry, and ash”
- Tree tags 520 and 523 were removed in 2023 after being evaluated as dead by the City of Forester
- Code references are taken from the Wayzata Tree Management and Preservation Ordinance Chapter 936.0 **as amended in June 2023**
- Due to the presence of Emerald Ash Borer on site, the City Forester recommended that the ash trees on site be marked as dying and not included in the analysis as they will be removed.

565 FERNDALE WEST
600' CONCEPT TREES REMOVED

- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- Trees Removed
- Heritage Tree Removed
- Retaining Wall
- Stormwater Grading Limits
- Proposed Stormwater Pond
- Road Surface
- Road Grading limits
- Parcel Boundary
- Wetland Delineation
- OHWL
- Bluff Shoreland Definition
- Bluff Impact Zone
- Bluff Setback
- Wetland
- Ordinary High Water Level (O.H.W.L)
- Structures
- Gravel Drive
- Existing Driveway

NOTES:
Removal is based on predicted impact to a tree's critical root zone of 40% or more (Ch 936.02)



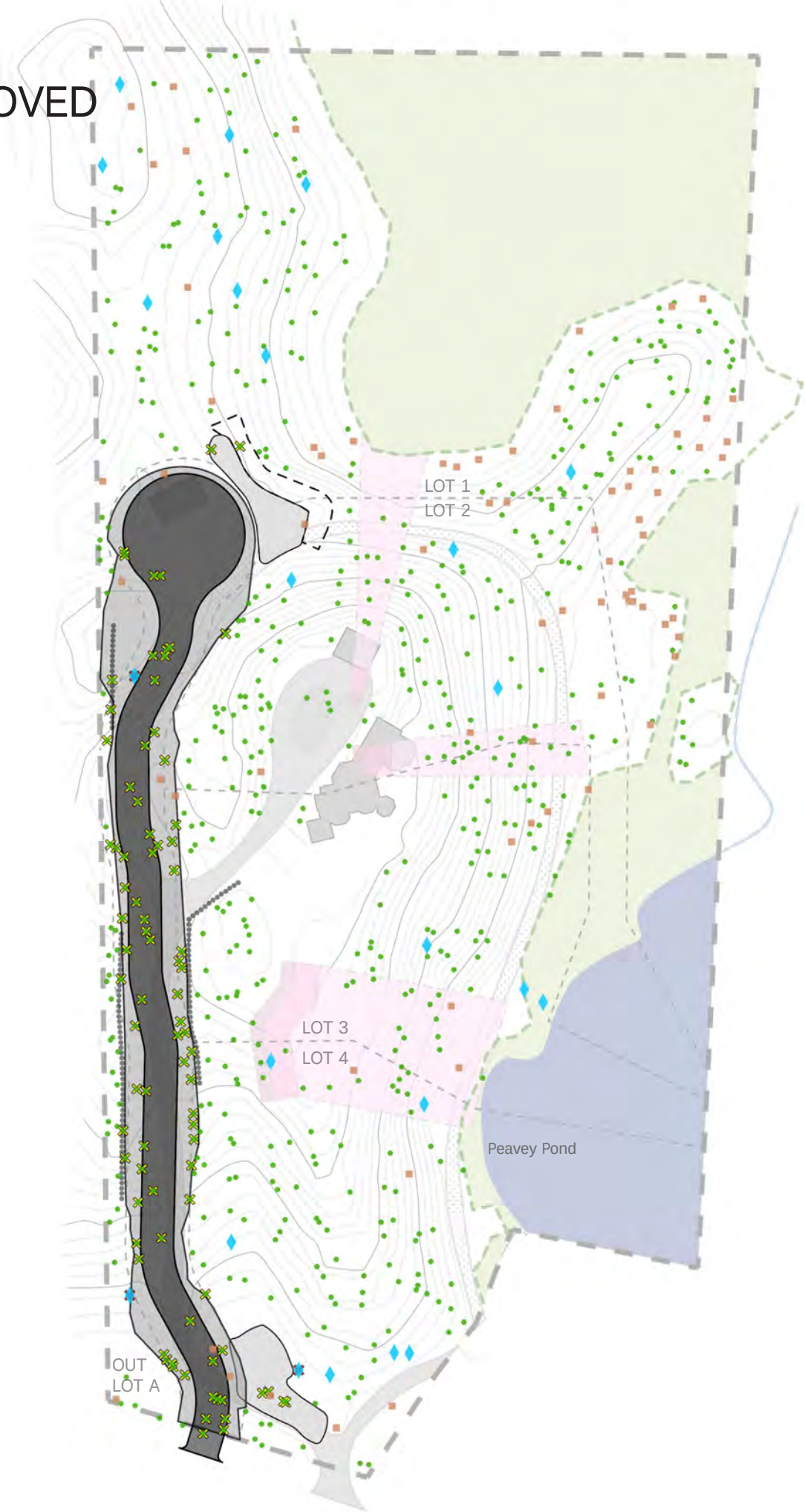
	Trees Impacted by Street Construction			Total DBH Impacted by Street Construction (inches)			% of All Trees on Site Impacted by Street Construction (634 total trees)			% of Site Impacted by Street Construction per DBH (9,860 inches)		
Tree Species	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total
ASH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
BOXELDER		1	1		16	16	0.00%	0.16%	0.16%	0.00%	0.16%	0.16%
CEDAR		2	2		23	23	0.00%	0.32%	0.32%	0.00%	0.23%	0.23%
CLUMP							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CRABAPPLE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
ELM		4	4		60	60	0.00%	0.63%	0.63%	0.00%	0.61%	0.61%
HACKBERRY		1	1		13	13	0.00%	0.16%	0.16%	0.00%	0.13%	0.13%
HEMLOCK							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HICKORY		2	2		33	33	0.00%	0.32%	0.32%	0.00%	0.33%	0.33%
IRONWOOD							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
LINDEN		4	4		61	61	0.00%	0.63%	0.63%	0.00%	0.62%	0.62%
LOCUST							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
MAPLE	3	100	103	94	1,329	1,423	0.47%	15.77%	16.25%	0.95%	13.48%	14.43%
OAK		3	3		53	53	0.00%	0.47%	0.47%	0.00%	0.54%	0.54%
PAPER BIRCH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
RED PINE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WALNUT							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WHITE PINE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WILLOW							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Grand Total	3	117	120	94	1,588	1,682	0.47%	18.45%	18.93%	0.95%	16.11%	17.06%

565 FERNDALE WEST
725' CONCEPT TREES REMOVED

- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- Trees Removed
- Heritage Tree Removed
- Retaining Wall
- 700 FT Road
- Road Grading Limit
- Stormwater Grading Limits
- Proposed Stormwater Pond
- Lower 700' Stormwater Pond
- Proposed Lot Lines 2024
- Parcel Boundary
- Wetland Delineation
- OHWL
- Bluff Shoreland Definition
- Bluff Impact Zone
- Bluff Setback
- Wetland
- Ordinary High Water Level (O.H.W.L)
- Structures
- Gravel Drive
- Existing Driveway

NOTES:
Removal is based on predicted impact to a tree's critical root zone of 40% or more (Ch 936.02)

32 Fewer Trees Impacted
486 Less DBH Inches Impacted



	Trees Impacted by Street Construction			Total DBH Impacted by Street Construction (inches)			% of All Trees on Site Impacted by Street Construction (634 total trees)			% of Site Impacted by Street Construction per DBH (9,860 inches)		
Tree Species	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total
ASH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
BOXELDER							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CEDAR		2	2		23	23	0.00%	0.30%	0.30%	0.00%	0.23%	0.23%
CLUMP							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CRABAPPLE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
ELM		5	5		63	63	0.00%	0.75%	0.75%	0.00%	0.64%	0.64%
HACKBERRY							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HEMLOCK							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HICKORY		2	2		27	27	0.00%	0.29%	0.29%	0.00%	0.27%	0.27%
IRONWOOD							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
LINDEN		4	4		66	66	0.00%	0.57%	0.57%	0.00%	0.67%	0.67%
LOCUST							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
MAPLE	3	70	73	94	875	996	0.57%	6.40%	6.98%	0.95%	9.15%	10.10%
OAK		2	2		21	21	0.00%	0.16%	0.16%	0.00%	0.21%	0.21%
PAPER BIRCH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
RED PINE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WALNUT							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WHITE PINE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WILLOW							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Grand Total	3	85	88	94	1,102	1,196	0.57%	8.46%	9.04%	0.95%	11.18%	12.13%

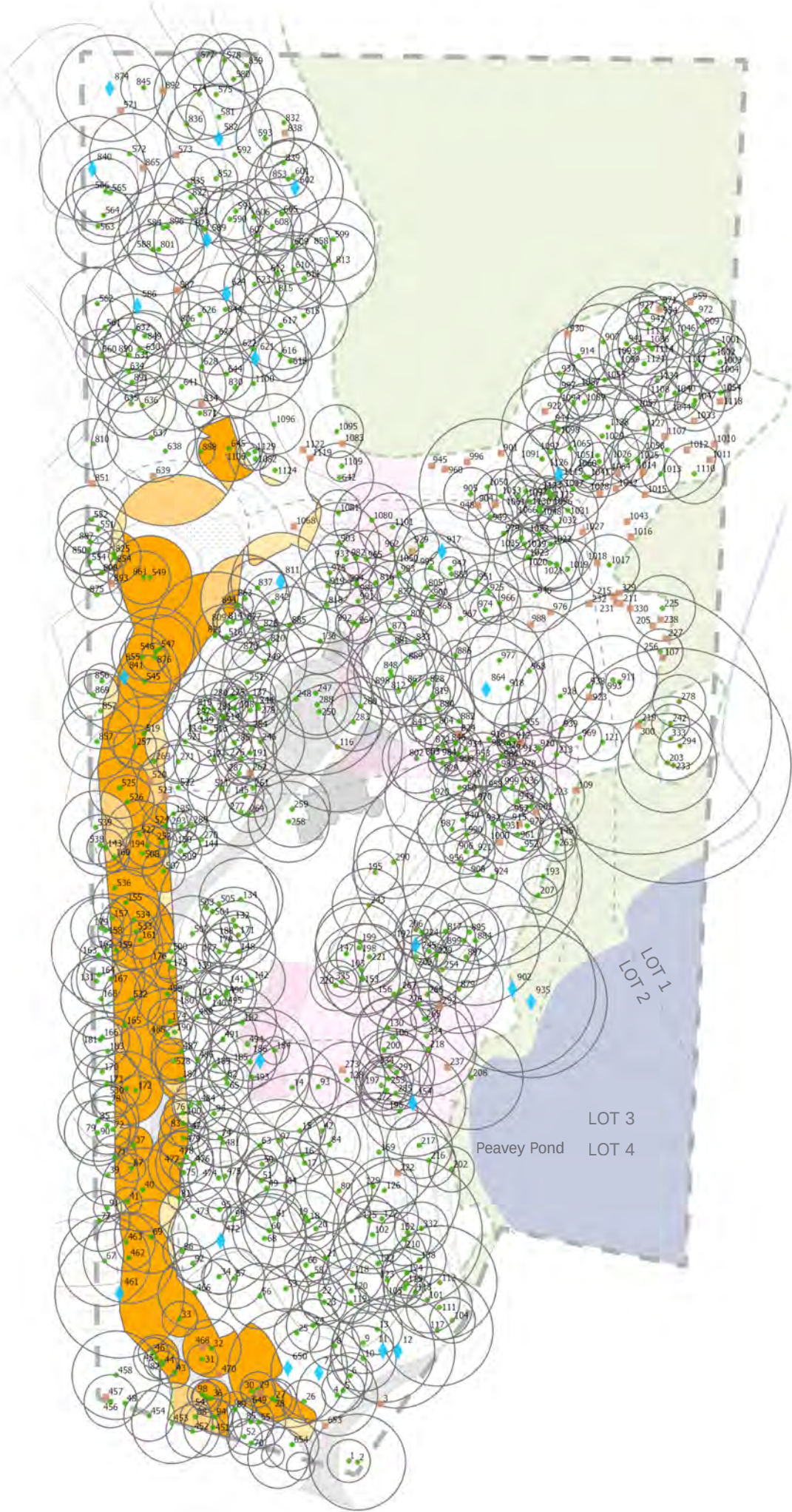
565 FERNDALE WEST
725' Road Concept
CRZ Impact Percentages



NOTES:

An impact on the critical root zone of a tree that is 40% or greater indicates removal. Trees within the 25% to 40% range are deemed impacted but not to the level of removal.

The impact to the heritage trees on the southern portion of the site can be mitigated through protective construction methods (see measures to protect). This area of construction is also majority fill rather than cut which will help to preserve the critical root zones of these trees.



TREE TAG	% IMPACT
4	5.18
7	11.31
26	41.68
27	86.45
28	93.46
29	99.94
30	100
31	100
32	90.52
33	99.93
35	24.84
36	99.88
37	100
37	99.94
38	89.88
39	34.97
40	85.17
41	96.36
43	84.13
44	67.99
45	61.55
46	73.35
47	45.00
52	1.49
54	100

TREE TAG	% IMPACT
55	31.75
56	1.31
67	26.55
69	82.09
71	50.01
72	42.26
75	41.75
76	66.12
77	11.47
78	30.51
79	17.66
81	49.56
82	69.13
83	64.08
85	20.11
86	26.34
87	100
89	52.53
90	33.07
91	9.16
92	2.96
94	90.68
96	0.07
98	100
98	100

TREE TAG	% IMPACT
100	37.87
131	11.94
135	25.44
139	8.38
143	54.47
155	81.06
157	59.48
158	30.51
159	73.46
160	84.38
161	99.95
162	44.73
163	8.92
164	1.56
166	11.58
167	45.99
168	30.97
170	4.21
172	100
173	35.51
174	73.77
175	69.88
176	75.02
179	29.73
180	8.65

TREE TAG	% IMPACT
181	19.86
183	37.45
187	64.17
190	66.77
194	99.92
252	77.18
257	99.97
269	80.59
271	15.07
293	2.17
451	46.06
452	39.10
453	29.03
454	4.01
458	4.07
461	44.51
462	60.09
463	59.42
466	45.59
468	43.39
472	2.69
473	19.35
475	0.60
476	33.26
477	55.18

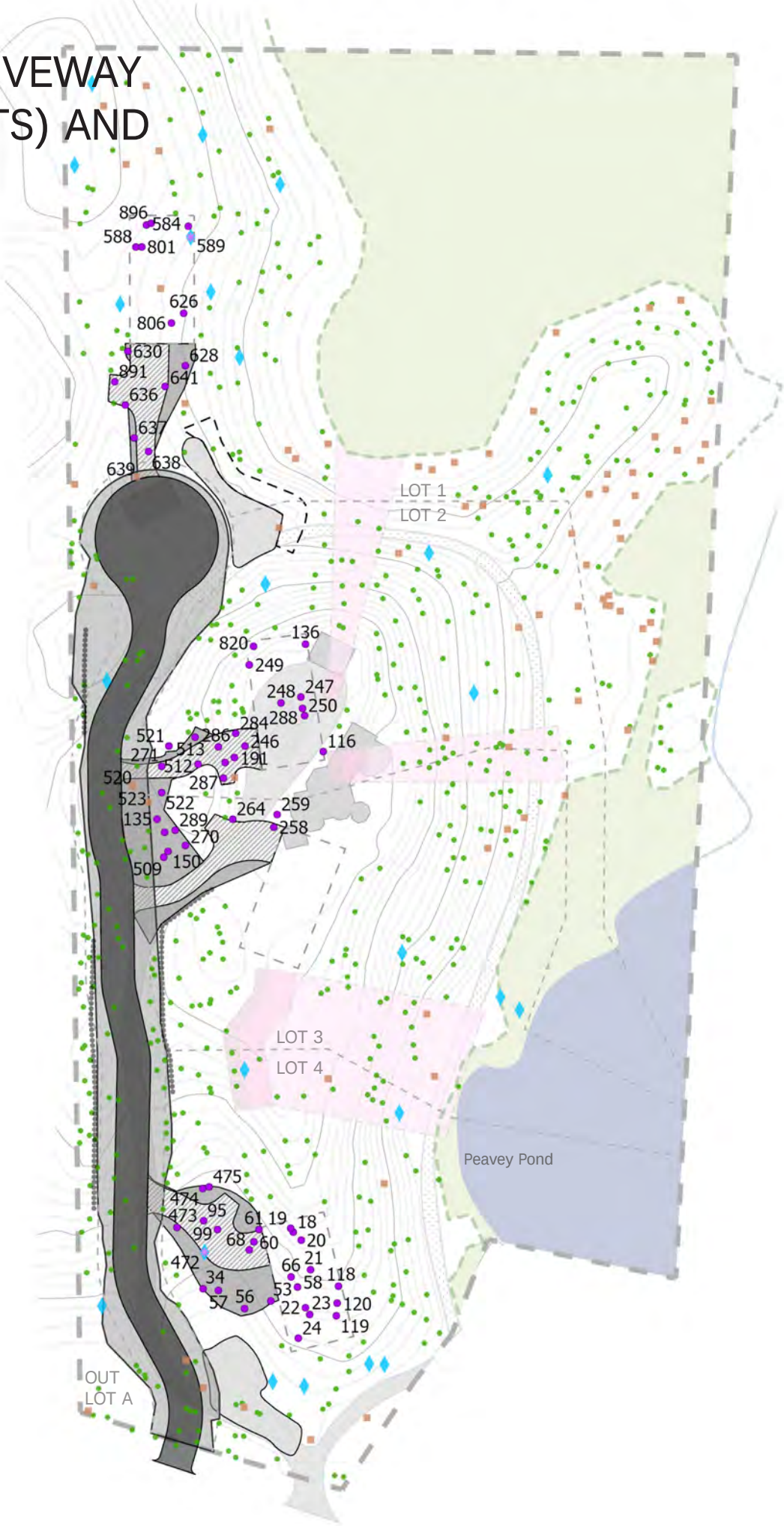
TREE TAG	% IMPACT
478	45.78
479	58.81
484	21.01
486	29.45
487	53.17
488	68.59
489	17.73
499	68.70
500	56.56
502	20.54
505	5.92
507	68.44
508	99.96
509	18.01
515	1.03
516	27.50
519	84.97
521	19.78
522	31.23
524	55.44
525	89.12
526	100
527	96.23
528	78.43
530	69.75

TREE TAG	% IMPACT
532	86.60
533	88.30
534	97.63
538	41.69
539	37.90
545	100
546	85.52
547	98.25
549	93.63
552	9.20
554	5.60
637	1.15
638	32.93
642	0.87
645	65.45
650	41.96
654	21.64
655	1.24
808	16.56
809	37.37
811	19.25
814	29.53
821	47.31
825	64.35
830	0.04

TREE TAG	% IMPACT
837	13.08
841	58.35
850	4.08
854	55.90
855	95.16
856	18.35
857	42.75
861	99.93
863	36.44
869	18.58
875	1.06
876	99.99
877	12.93
887	12.35
888	51.10
894	40.26
903	10.47
1081	5.53
1082	14.34
1106	32.57
1124	15.95
1129	17.52

565 FERNDAL WEST
POSSIBLE LOCATION OF DRIVEWAY
(INCLUDING GRADING LIMITS) AND
BUILDING PADS

- Retaining Wall
- Tree Potentially Impacted*
- Heritage Tree Potentially Impacted*
- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- Proposed Houses
- Proposed Lot Lines 2024
- 700 FT Road
- Road Grading Limit
- Stormwater Grading Limits
- Proposed Stormwater Pond
- Proposed Driveways
- Proposed Driveway Grading Limits
- Parcel Boundary
- Wetland Delineation
- OHWL
- Bluff Shoreland Definition
- Bluff Impact Zone
- Bluff Setback
- Wetland
- Ordinary High Water Level (O.H.W.L.)
- Structures
- Gravel Drive
- Existing Driveway



NOTES:
Exact tree impacts will be determined at the time of driveway and building permits. Driveway and building pads are shown to demonstrate buildable lot per zoning and subdivision code.

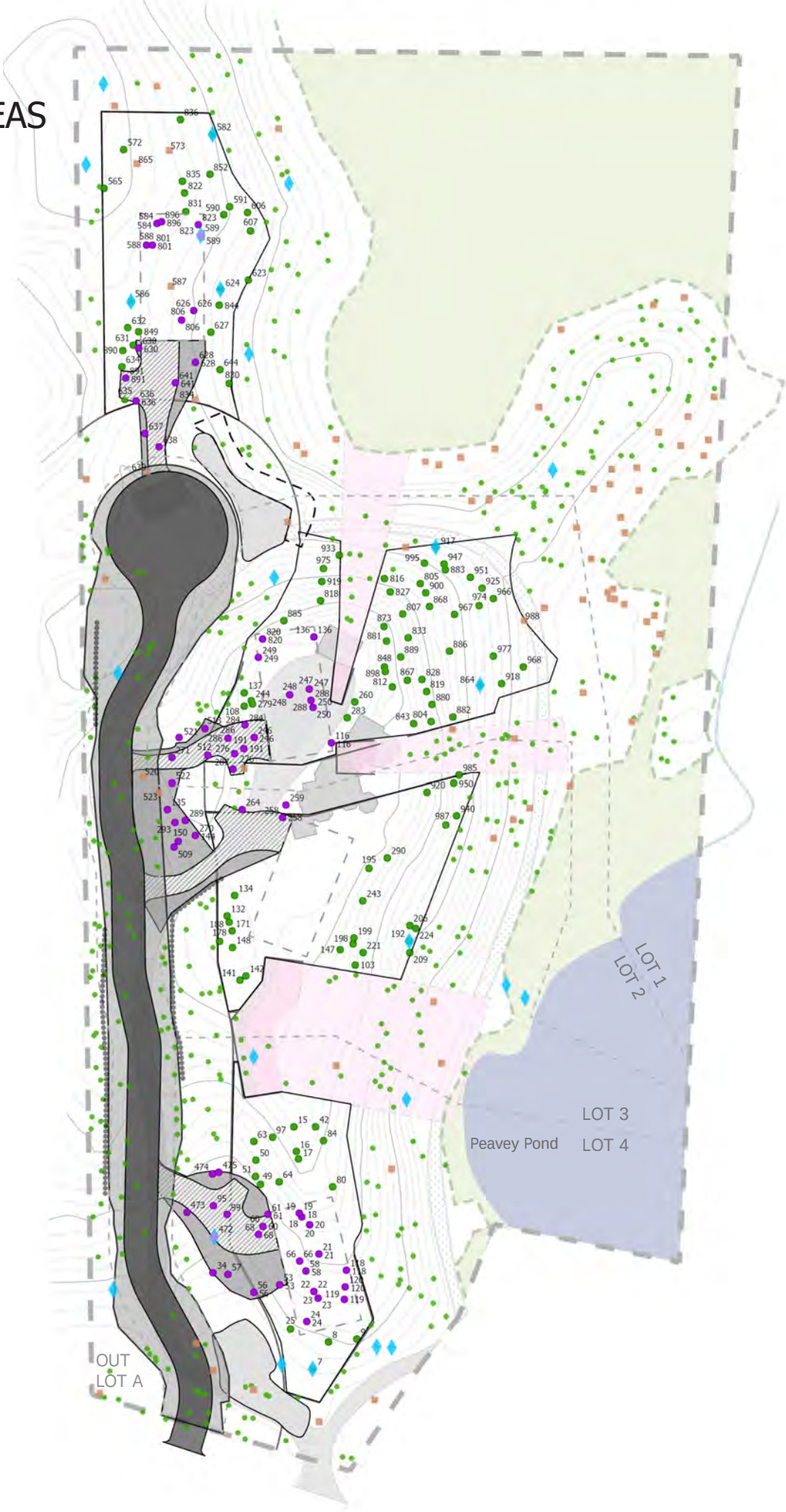
Impact is based on predicted impact to a tree's critical root zone of 40% or more (Ch 936.02)

*Trees are impacted by the conceptual location of driveways or buildings pads

Tree Species	Trees Impacted by Conceptual Location of Buildings and Driveways			Total DBH Impacted by Conceptual Location of Buildings and Driveways (inches)			% of All Trees on Site Impacted by Conceptual Location of Buildings and Driveways (634 total trees)			% of Site Impacted by Conceptual Location of Buildings and Driveways per DBH (9,860 inches)		
	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total	Heritage Trees	Significant Trees	Total
ASH							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
BOXELDER		11	11		137	137	0.00%	1.74%	1.74%	0.00%	1.39%	1.39%
CEDAR		1	1		11	11	0.00%	0.16%	0.16%	0.00%	0.11%	0.11%
CLUMP							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
CRABAPPLE							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
ELM							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HACKBERRY		2	2		28	28	0.00%	0.32%	0.32%	0.00%	0.28%	0.28%
HEMLOCK							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
HICKORY		7	7		131	131	0.00%	1.10%	1.10%	0.00%	1.33%	1.33%
IRONWOOD							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
LINDEN		4	4		80	80	0.00%	0.63%	0.63%	0.00%	0.81%	0.81%
LOCUST							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
MAPLE	1	34	35	28	473	501	0.16%	5.36%	5.52%	0.28%	4.80%	5.08%
OAK	1	4	5	28	83	111	0.16%	0.63%	0.79%	0.28%	0.84%	1.13%
PAPER BIRCH		5	5		147	147	0.00%	0.79%	0.79%	0.00%	1.49%	1.49%
RED PINE		1	1		20	20	0.00%	0.16%	0.16%	0.00%	0.20%	0.20%
WALNUT							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
WHITE PINE		1	1		21	21	0.00%	0.16%	0.16%	0.00%	0.21%	0.21%
WILLOW							0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Grand Total	2	70	72	56	1,131	1,187	0.32%	11.04%	11.47%	0.57%	11.47%	12.04%

565 FERNDAL WEST
SIGNIFICANT TREES
LOCATED WITHIN BUILDABLE AREAS

- Retaining Wall
- Tree Potentially Impacted*
- Heritage Tree Potentially Impacted*
- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- Proposed Houses
- Proposed Lot Lines 2024
- 700 FT Road
- Road Grading Limit
- Stormwater Grading Limits
- Proposed Stormwater Pond
- Proposed Driveways
- Proposed Driveway Grading Limits
- Buildable Area
- Tree in Buildable Area
- Heritage Tree In Buildable Area
- Setbacks
- Parcel Boundary
- Wetland Delineation
- OHWL
- Bluff Shoreland Definition
- Bluff Impact Zone
- Bluff Setback
- Wetland
- Ordinary High Water Level (O.H.W.L)
- Structures
- Gravel Drive
- Existing Driveway

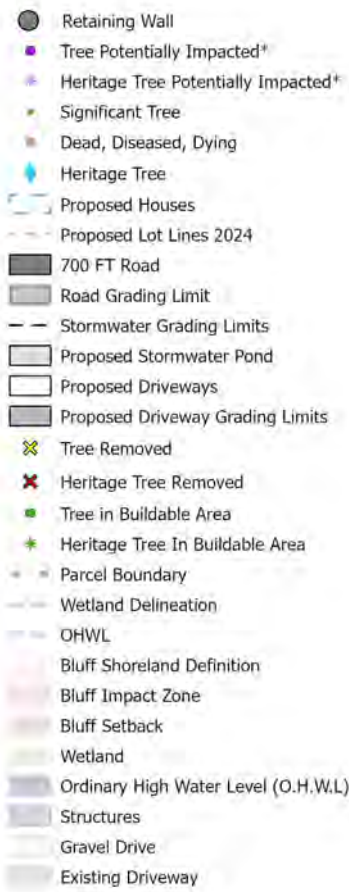


NOTES:
Impact is based on predicted impact to a tree's critical root zone of 40% or more (Ch 936.02)

Buildable area is represented by the parcel less, setback areas, bluff impact areas, and bluffs.

*Trees are impacted by the conceptual location of driveways or buildings pads

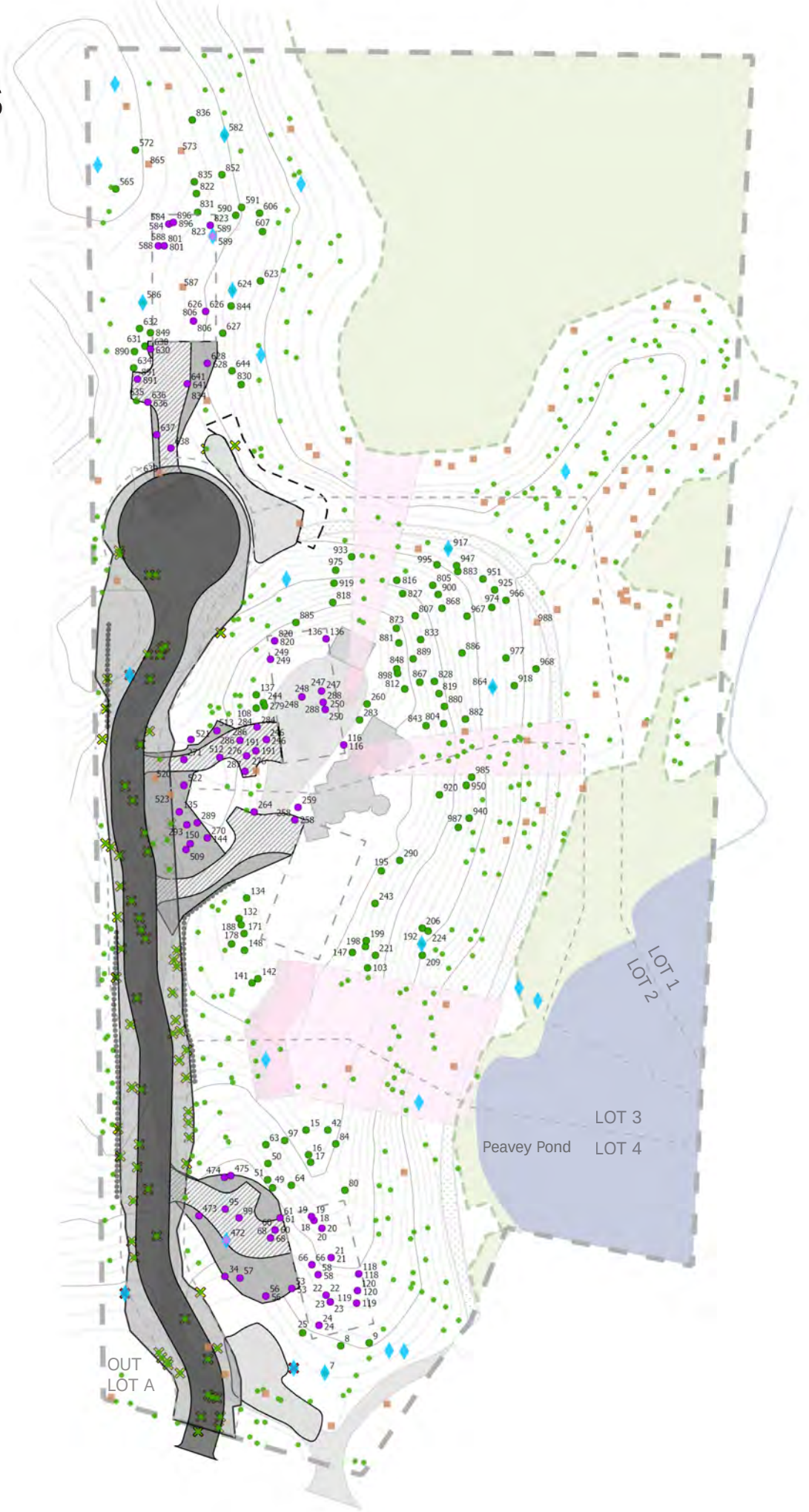
565 FERNDALE WEST COMPOSITE TREE IMPACTS



NOTES:

Removal and impact is based on potential impact to a tree's critical root zone of 40% or more (Ch 936.02)

*Trees are impacted by the conceptual location of driveways or buildings pads



565 FERNDALE WEST

Tree Preservation Plan

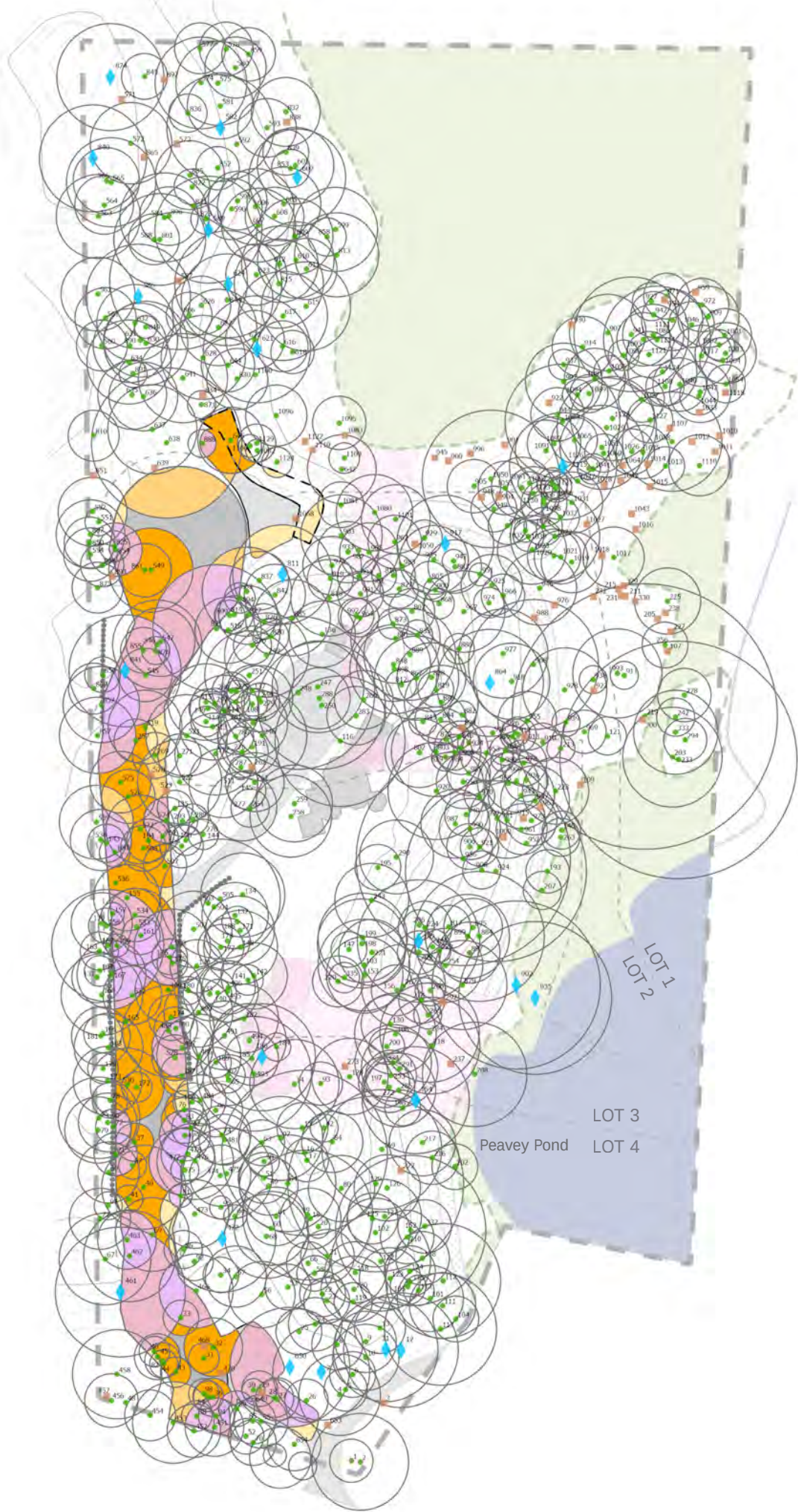
- Significant Tree
- Dead, Diseased, Dying
- Heritage Tree
- Critical Root Zones
- Stormwater Grading Limits
- 40%-60% CRZ Impact
- Less than 25% CRZ Impact
- 25%-40% Impact
- More than 40% Impact
- Proposed Stormwater Pond
- Lower 700' Stormwater Pond
- Retaining Wall
- Proposed Lot Lines 2024
- Road Grading Limit
- Parcel Boundary
- Wetland Delineation
- OHWL
- Bluff Shoreland Definition
- Bluff Impact Zone
- Bluff Setback
- Wetland
- Ordinary High Water Level (O.H.W.L.)
- Structures
- Gravel Drive
- Existing Driveway

NOTES:

Based on the evaluation by Davey Tree Expert Company and Tyler Hesseltnine, Master Arborist, trees with a CRZ impact of 40-60% may be saved if careful construction techniques are followed.

Potential savings from tree preservation measures:

- 30 Total Significant Trees
- 7.49% Total Significant Trees
- 4.66% Total DBH



Davey Tree Expert Company
2500 Fernbrook Ln N
Plymouth, MN 55447

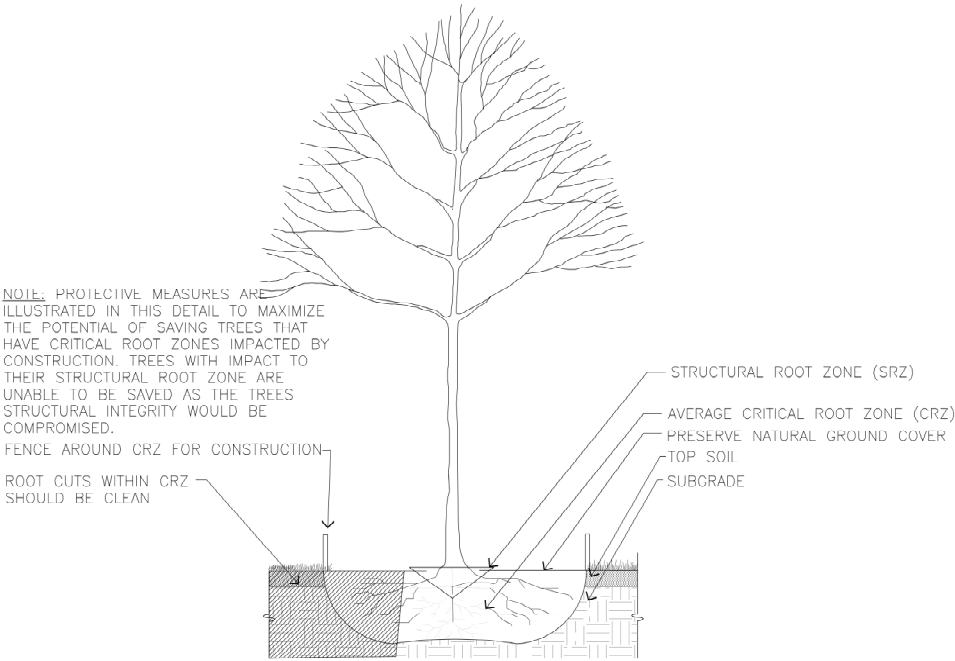
August 11, 2023

Prepared By:
Tyler Hesseltnine
Boad Certified Master Arborist MN-4177B
Tree Risk Assessment Qualified

Prepared for:
565 Ferndale West

Tree Preservation Plan

- Install appropriate tree protection measures prior to any construction activities and remain in place until completion of construction activities.
- Snow fencing, silt fencing, or other upright barriers shall be placed at the Critical Root Zone (CRZ) for Significant and Heritage trees to be preserved.
- Prevent soil compaction and grade change within the CRZ. Construction activities like parking, driving through, or storing materials within the CRZ is prohibited, as is the placing of fill against the trunk of the tree, on the root crown, or within the CRZ.
- Trees being removed must be clearly tagged or marked at least 1 week before they are removed.
- Oak trees shall not be pruned or mechanically injured anytime between April 1st and July 15th to minimize the chance of overland transmission of oak wilt. Any cuts or wounds generated in this time period shall be sealed with a non-petroleum based wound sealant. Sealant needs to be on site and available during this time period.
- Place utilities in common trenches outside the CRZ or use tunneled installation methods.
- Prevent change in soil chemistry from toxic materials like fuels, paints, and solvents, as well as construction material runoff like concrete spillage or washout.
- Utilize plant health care tactics prior to, during, and after construction activities to maintain tree vigor where feasible. This can include root zone aeration, fertilization, tree growth regulators, and water irrigation systems.
- Preserve natural ground cover (not sod) for trees being preserved.
- When excavating where preserved trees may incur exposed or damaged roots, the roots shall have clean cuts (instead of jagged tearing) and be exposed to drying and desiccation as short a period of time as possible.
- Tactics employed to remove trees, either from disease or where they cannot be preserved, should be done to minimize injury to trees being preserved. For example, using cranes to control material being lowered in the removal process can reduce the amount of scraping and gouging damage to preserved trees instead of conventional felling practices.



565 FERNDALE WEST

Mitigation Plan

HERITAGE TREES TO BE MITIGATED							
Lot #	Tree Tag	Species	DBH (in)	Condition	Heritage	CRZ (ft)	Tree Descrip.
ROW	461	MAPLE		34	HEALTHY	YES	51 DECIDUOUS
ROW	841	MAPLE		29	HEALTHY	YES	44 DECIDUOUS
4	650	MAPLE		31	HEALTHY	YES	47 DECIDUOUS
TOTAL			94				188

PROPOSED TREE PLANTING SCHEDULE							
	Qty.	Common Name	Scientific Name	Size	Caliper In.	Container	Comments
	5	Arborvitae, White Cedar	Thuja occidentalis	7' FT (2.5")	12.5	B&B	Single Stem
	5	Elm, Princeton	Ulmus americana 'Princeton'	3" CAL	15	B&B	Single Stem
	4	Maple, Firefall	Acer x freemanii	2.5" CAL	10	B&B	Single Stem
	3	Oak, Swamp White	Quercus bicolor	3" CAL	9	B&B	Single Stem
	4	Hackberry	Celtis occidentalis	4" CAL	16	B&B	Single Stem
	5	Hemlock, Canadian	Tsuga canadensis	7' FT (2.5")	12.5	B&B	Single Stem
TOTAL		26			75		

REFERENCE		MITIGATION REQUIRED	NOTES
10% Removal Allowance	986 Inches	-	This is the total DBH allowed to be removed per the number of DBH on site per (10% of 9,860 inches DBH) see code 936.06 B 2.
Total Proposed Removal of Significant Trees less Heritage Trees impacted	1,102 Inches	116 Inches	This is the total amount of trees anticipated to be removed as part of the street (700 foot concept) and stormwater improvements. Mitigation is based on the impacts over the 10% allowance.
Heritage Trees Impacted	94 Trees	188 Inches	This is the total DBH of heritage trees we are impacting. (Includes tree tags 461, 650, 841.) Heritage trees are required to be mitigated at a 2:1 ratio.
Total Mitigation Required	-	304 Inches	
Proposed new tree plantings (26 trees at a total of 75 caliper inches)	-	(75) Inches	Per the city code 936.09 A, tree replacement is calculated based on the proposed tree mitigation plan prepared by licensed landscape architects and arborist.
Remaining Mitigation needed	-	229 Inches	
Fee-in-lieu (\$300 per cal inch)		\$ 68,700	

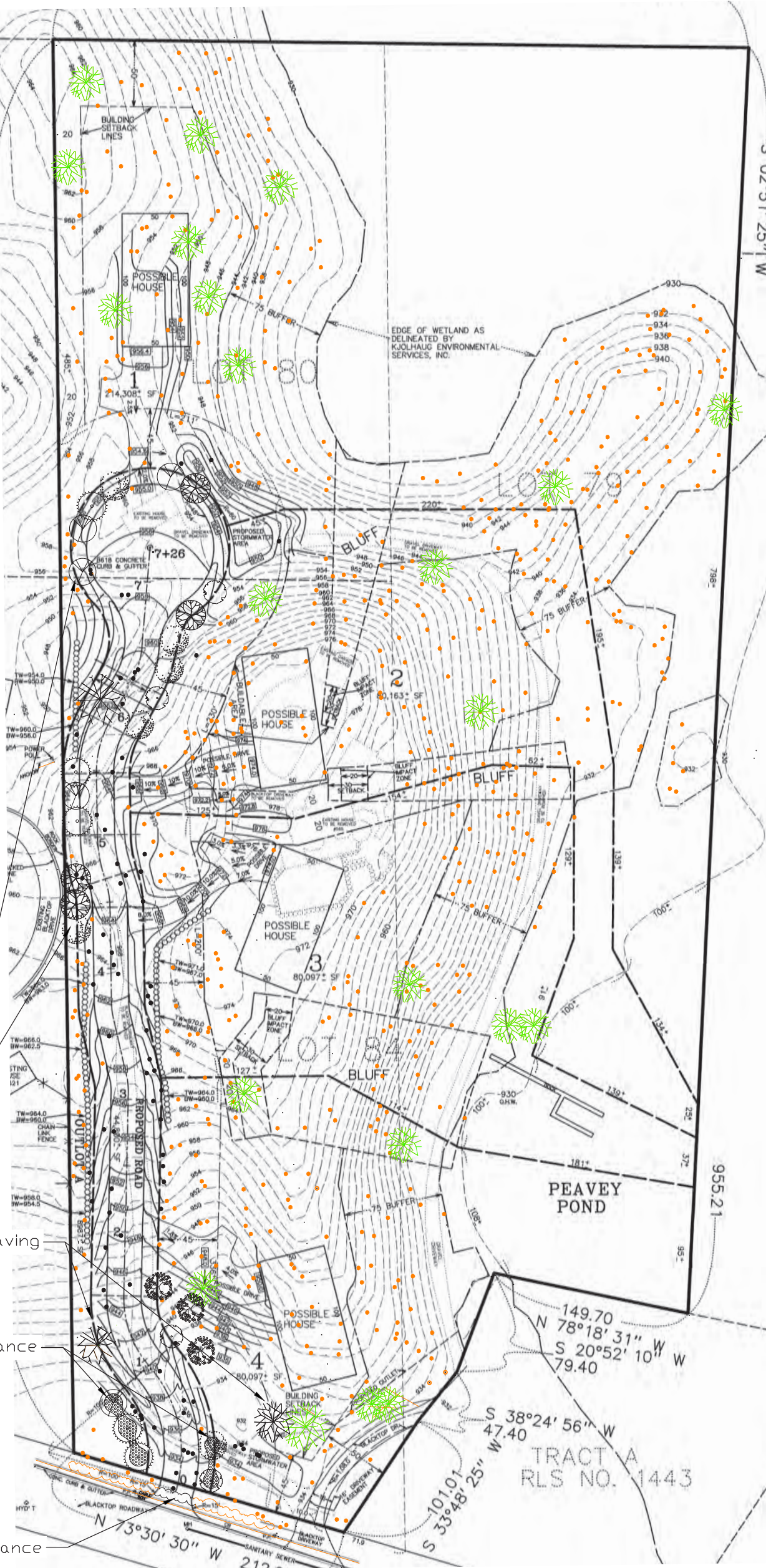
-  MAPLE
-  ELM
-  OAK
-  HACKBERRY
-  HEMLOCK
-  WHITE CEDAR
-  NEW PLANTINGS
-  EXISTING HERITAGE
-  HERITAGE FOR REMOVAL
-  EXISTING SIGNIFICANT TREE
-  EXISTING SIGNIFICANT TREE FOR REMOVAL

Trees to buffer

Explore strategies for saving

Planting enhancements at entrance

Partial arborvitae removal at entrance



Ferndale Bluff Supplemental Information – Setbacks Analysis

City Staff Status Letter Comment

The February 23rd 2024 status letter from City consultant, WSB / Eric Zweber requires supplemental information to determine lake shore setbacks per 991.09 D. 2 of the zoning code. Specifically related to this item, Zweber is requesting that the applicant *“Please provide a phasing plan that demonstrates the order in which the houses will be built to comply with these shoreland setback regulations.”* In other words, the applicant is being asked to demonstrate how the property may be developed without creating a need for a variance from the setback provisions of Ordinance 991.09D. 2.

Applicants Intent Reiterated

As noted in the application materials previously submitted, it is the applicant’s intent to subdivide the property creating four lots, construct the required street and the improvements associated with that effort, and then sell the lots. The applicant does not intend to build on the lots. The applicant does not know the exact sequence or building plans for each lot as that would be up to each individual buyer. Therefore, completing this task requires a number of assumptions and hypotheticals that have near infinite possibilities.

Challenges in Determining Average Setbacks

One challenge with this request is the innumerable number of potential scenarios the applicant is being asked to address. Ordinance 991.09D.2.c.) bases the setback on the specific siting and footprint of neighbors – but in this case, neither the designs, the location, nor which houses will be the relevant neighbors, are known for these lots after the first one is built. Since there are countless options for how each house will be designed and sited, the only way to truly determine a setback is after a building is constructed and an as-built survey can pinpoint the exact location of the house relative to the OHWL. Therefore, all the calculations in this exercise are based on broad assumptions and hypotheticals.

In addition, the ordinance as written creates difficulties if applied to new subdivisions. It produces a situation where the setback distances for construction and siting will be changing in real time as all four buyers are potentially working concurrently to design and permit their houses. These changing constraints have the potential to create confusion at the city as the buyers and city planners try to determine who has precedence and is approved first.

Zoning Code Language for Lake Shore Setbacks and Analysis Results

Applicant’s analysis response, based on the proposed plat and identification of possible building pads, is provided in *‘blue italic’* text.

991.09 D. Lake Shore Setbacks.

2. No principal structure or building addition other than a water oriented accessory structure as specified above shall be located closer to the ordinary high water mark **than the greater of:**

- a) Seventy-five feet;

In all cases, the first home to be built will have to adhere to this setback as the two structures nearest the OHWL on either side of the property average less than seventy-five feet. Once the first structure is built, seventy-five feet will no longer be the determining setback.

- b) A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;
- There are a limited number of circumstances where this line could result in a greater setback than the average setback for a portion of the lot.*
- After the first lot is built on (regardless of which lot goes first), and with each subsequent lot's house construction or addition, the setback line based on this method may change based on the new buildings' footprints and locations.*
- c) The average setback of the two closest riparian principal structures on either side of a proposed building site; or
- For the first lot, under current conditions, the structures at 459 Ferndale Woods Rd. (setback approximately 83 feet from OHWL) and 513 Ferndale Road (setback approximately 40 feet from the OHWL) are the two closest riparian principal structures on either side of a proposed building site.*
- After the first lot is built on (regardless of which lot goes first), and with each subsequent lot's house construction the average setback will change. To determine the average setback requires determining the exact point of an adjacent riparian structure and the distance from that point measured to the OHWL.*
- d) The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

Notes and Assumptions

1. The building pads are merely possible locations to demonstrate each lot can be built on and meet code requirements. Each pad is oversized and represented by a simple rectangle. Future homes may have a number of variations that may affect average setback determinations.
2. When measuring a setback distance from the OHWL, a line is drawn as perpendicular as possible from the OHWL to the nearest point of the subject structure.
3. When determining the setback line for the "average setback" a line is drawn parallel to the OHWL at a distance offset from the OHWL equal to the average setback of the two closest riparian principal structures on either side of the proposed building site.
4. Principal Riparian Structures are homes that are on a lot with frontage on public waters.
5. The 'closest riparian principal structure on either side of a proposed building site' is measured from the proposed building pads edge to any existing principal building with riparian frontage.
6. Method b) is also referenced as "Line of sight", a common riparian zoning term which is used to protect new construction from obstructing existing adjacent homes' views of the lake.
7. When drawing a "line of sight", a line is drawn between the two closest riparian principal structures on either side of a proposed building site.
8. The applicant has created lots where it is unlikely that any of the structures would change the water views for any of the other houses, given a 75' set back and the topography of the property.
9. For the existing structures adjacent the subject site, measuring points for principal structures and OHWL were determined using Hennepin County aerial photos and the 930 contour (OHWL for Peavey Lake).
10. When a site is impacted differently based on how the setback is determined, a combination of setback methods was applied (e.g. setback average + line of sight).

To address the City's requirement for documentation to determine lake shore setbacks per 991.09 D. 2 of the zoning code, applicant has provided graphic depictions of likely construction sequences and resulting setbacks that would allow buyers to build on their lots without requiring a variance. These scenarios include multiple "orders of construction" by lot but do not encompass every scenario in which all four houses could be built without needing a variance. Since this analysis cannot feasibly illustrate every potential setback resulting from the construction of the four houses, the applicant has identified reasonable and plausible scenarios that demonstrate variances are not necessary to comply with city Ordinance 991.09D.

Exhibits:

- Sequence 4-3-2-1
- Sequence 3-2-4-1
- Sequence 2-1-3-4
- Sequence 1-2-3-4
- Sequence 4-2-1-3

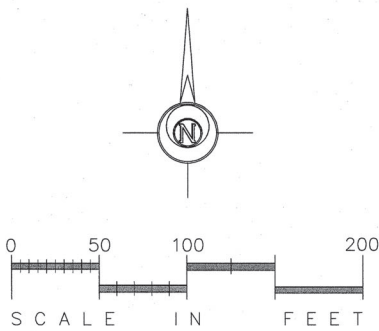
FERNDALE BLUFF

CERTIFICATE OF SURVEY & PRELIMINARY PLAT FOR DRAYCOTT DST

IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA

Phasing Sequence (4, 3, 2, 1)

- LOT 4 Builds First
- Setbacks shown for Lot 3



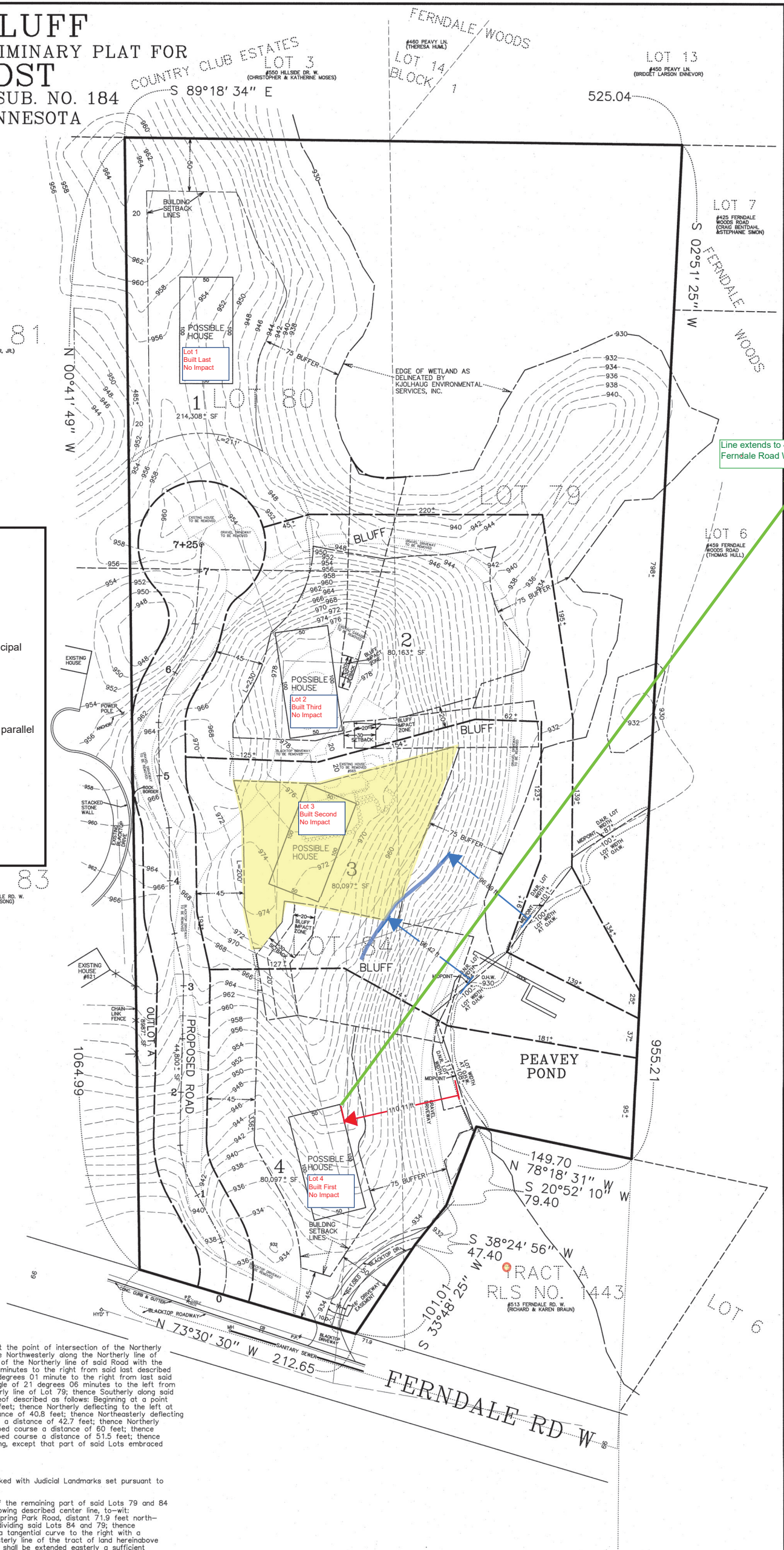
LEGEND

Buildable Area

A line which is drawn between the two closest riparian principal structures on either side of a proposed building site

The average setback of the two closest riparian principal structures on either side of a proposed building site drawn parallel to the OHWL.

Measurements of a line perpendicular from OHWL



LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northerly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwesterly from the intersection of the Northerly line of said road with the East line of Lot 84; thence Northwesterly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northerly making an angle of 10 degrees 01 minute to the right from last said described course a distance of 42.7 feet; thence Northerly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northwesterly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443;

Lot 80;

Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwesterly a distance of 10 feet; thence Northerly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwesterly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwesterly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.

o : denotes iron marker

---917---: denotes existing contour line, per owner's drawing

Bearings shown are based upon the Hennepin County coordinate datum



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DATE	REVISIONS
8-12-22	
8-25-22	
3-22-23	REVISED BLUFF INFORMATION PER H&G
6-26-23	
1-10-24	

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 Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

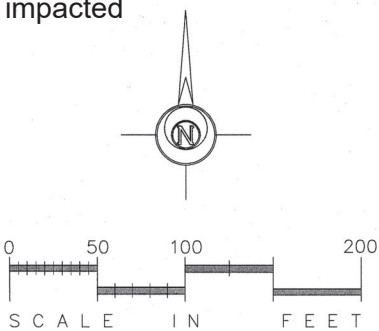
DATE
7-23-22
SCALE
1"=50'
JOB NO
23-185

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

FERNDALE BLUFF
CERTIFICATE OF SURVEY & PRELIMINARY PLAT FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA

Phasing Sequence (4, 3, 2, 1)

- LOT 4 Builds First
- LOT 3 Builds Second
- LOTS 2 and 1 possible house sites not impacted



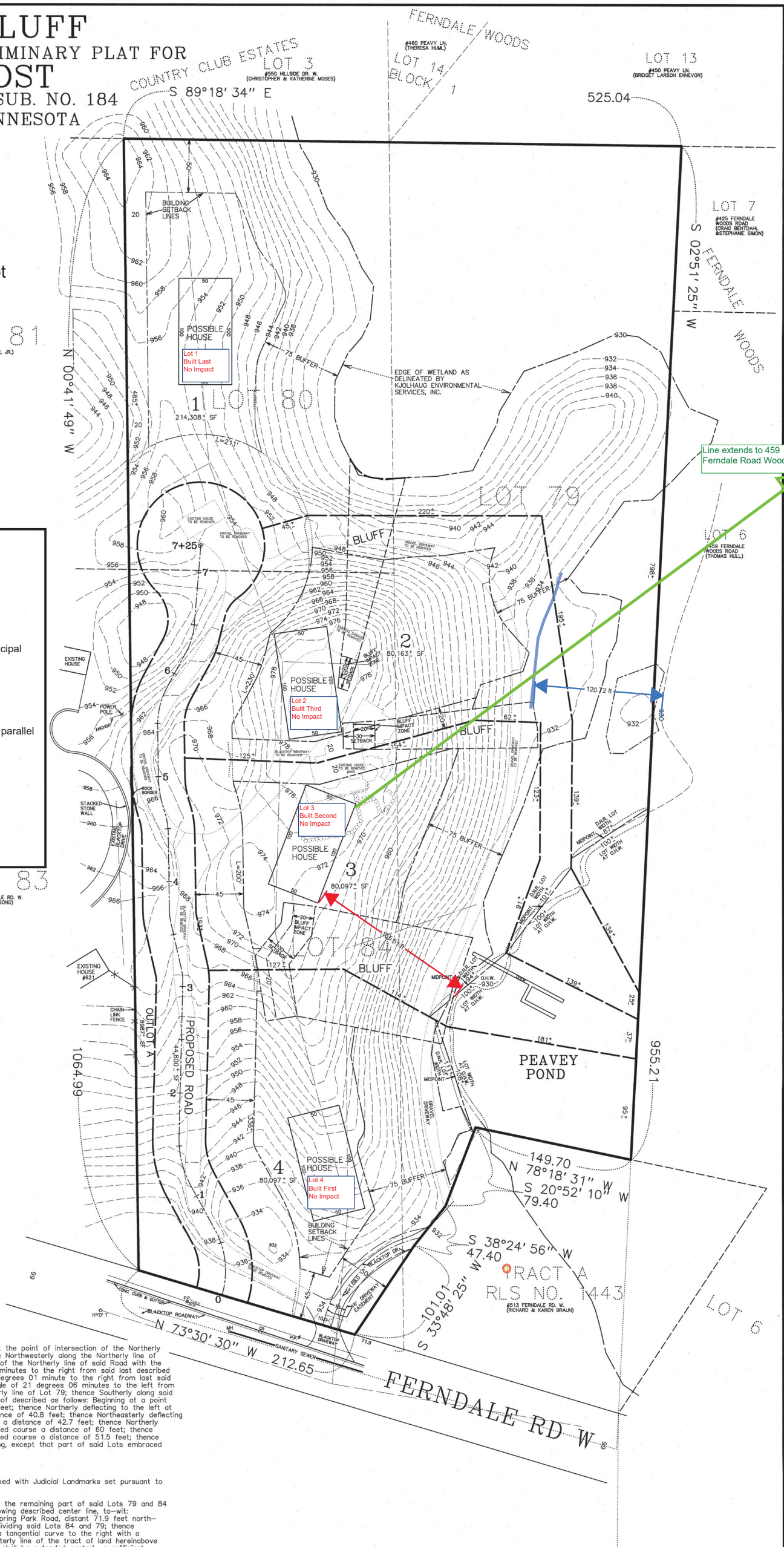
LEGEND

Buildable Area

A line which is drawn between the two closest riparian principal structures on either side of a proposed building site

The average setback of the two closest riparian principal structures on either side of a proposed building site drawn parallel to the OHWL.

Measurements of a line perpendicular from OHWL



LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwesterly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwesterly from the intersection of the Northerly line of said Road with the East line of Lot 84; thence Northwesterly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeasterly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeasterly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeasterly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443;

Lot 80;

Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwesterly a distance of 10 feet; thence Northeasterly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwesterly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwesterly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

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ZONING = R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT
GROSS AREA = 11.67± AC.
AREA BELOW O.H.W. (PEAVEY POND) = 0.88± AC.
AREA IN WETLANDS (EXCLUDING PEAVEY POND) = 2.47

PROJECT
FERNDALE
BLUFF

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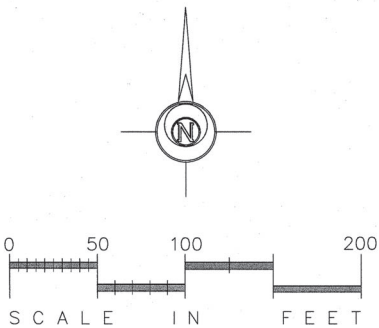
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DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA

Phasing Sequence (3, 2, 4, 1)

- LOT 3 Builds First
- No impacts to possible house site on Lot 2
- No impacts to possible house site on Lot 1



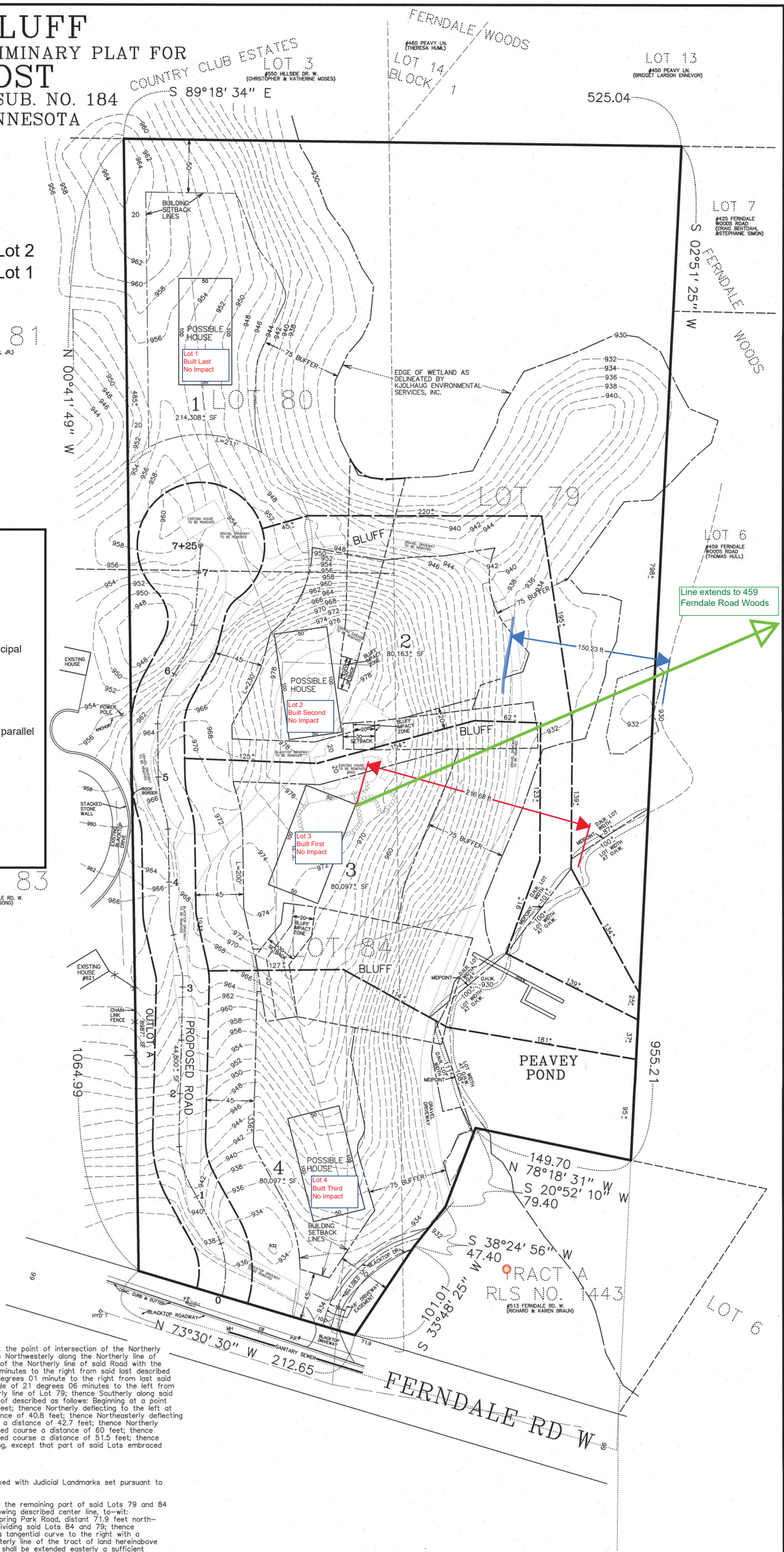
LEGEND

Buildable Area

A line which is drawn between the two closest riparian principal structures on either side of a proposed building site

The average setback of the two closest riparian principal structures on either side of a proposed building site drawn parallel to the OHWL.

Measurements of a line perpendicular from OHWL



LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwestly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwestly from the intersection of the Northerly line of said road with the East line of Lot 84; thence Northwestly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeastly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeastly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northerly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443;

Lot 80;

Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwestly a distance of 10 feet; thence Northeastly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwestly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwestly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

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GROSS AREA = 11.67± AC.
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FERNDALE
BLUFF

DATE
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SCALE
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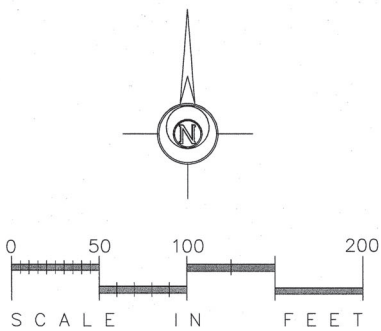
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DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA

Phasing Sequence (3, 2, 4, 1)

- LOT 3 Builds First
- Setbacks shown for Lot 4



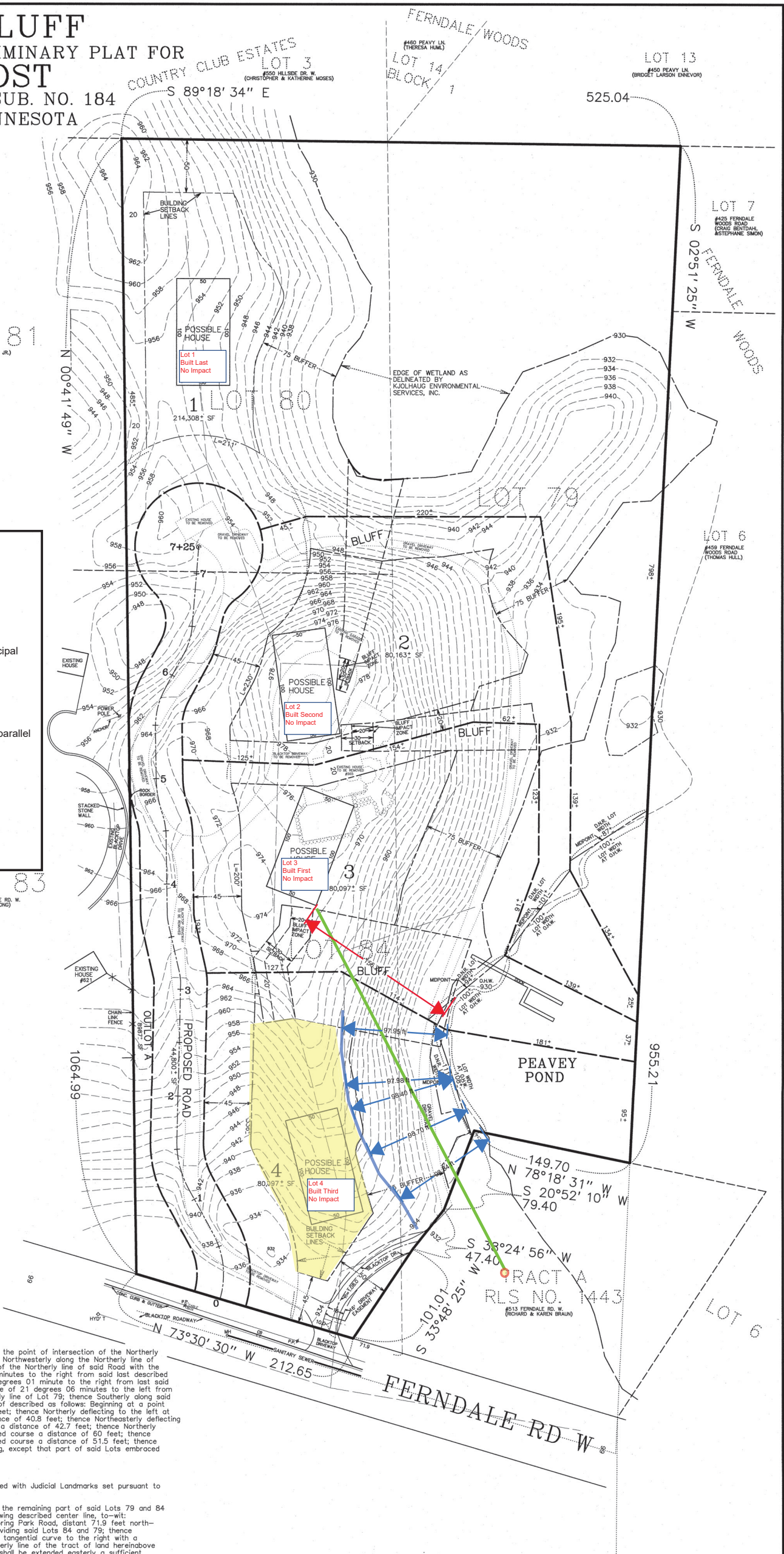
LEGEND

Buildable Area

A line which is drawn between the two closest riparian principal structures on either side of a proposed building site

The average setback of the two closest riparian principal structures on either side of a proposed building site drawn parallel to the OHWL.

Measurements of a line perpendicular from OHWL



LEGAL DESCRIPTION OF PREMISES :

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Auditor's Subdivision No. 184, Hennepin County, Minn.

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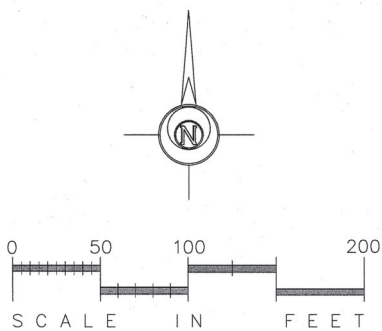


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FERNDALE BLUFF
CERTIFICATE OF SURVEY & PRELIMINARY PLAT FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA

Phasing Sequence (2, 1, 3, 4)

- LOT 2 Builds First
- LOT 1 not impacted
- LOT 3 setbacks illustrated
- LOT 4 not impacted



LEGEND

Buildable Area

A line which is drawn between the two closest riparian principal structures on either side of a proposed building site

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Measurements of a line perpendicular from OHWL



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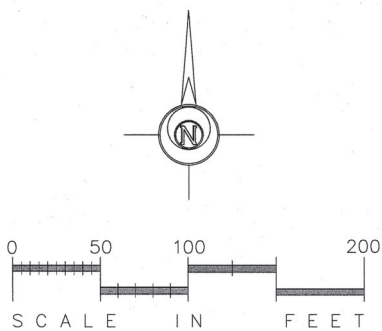
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HENNEPIN COUNTY, MINNESOTA

Phasing Sequence (2, 1, 3, 4)

- LOT 2 Builds First followed by LOT 1 and LOT 3
- LOT 4 setbacks illustrated



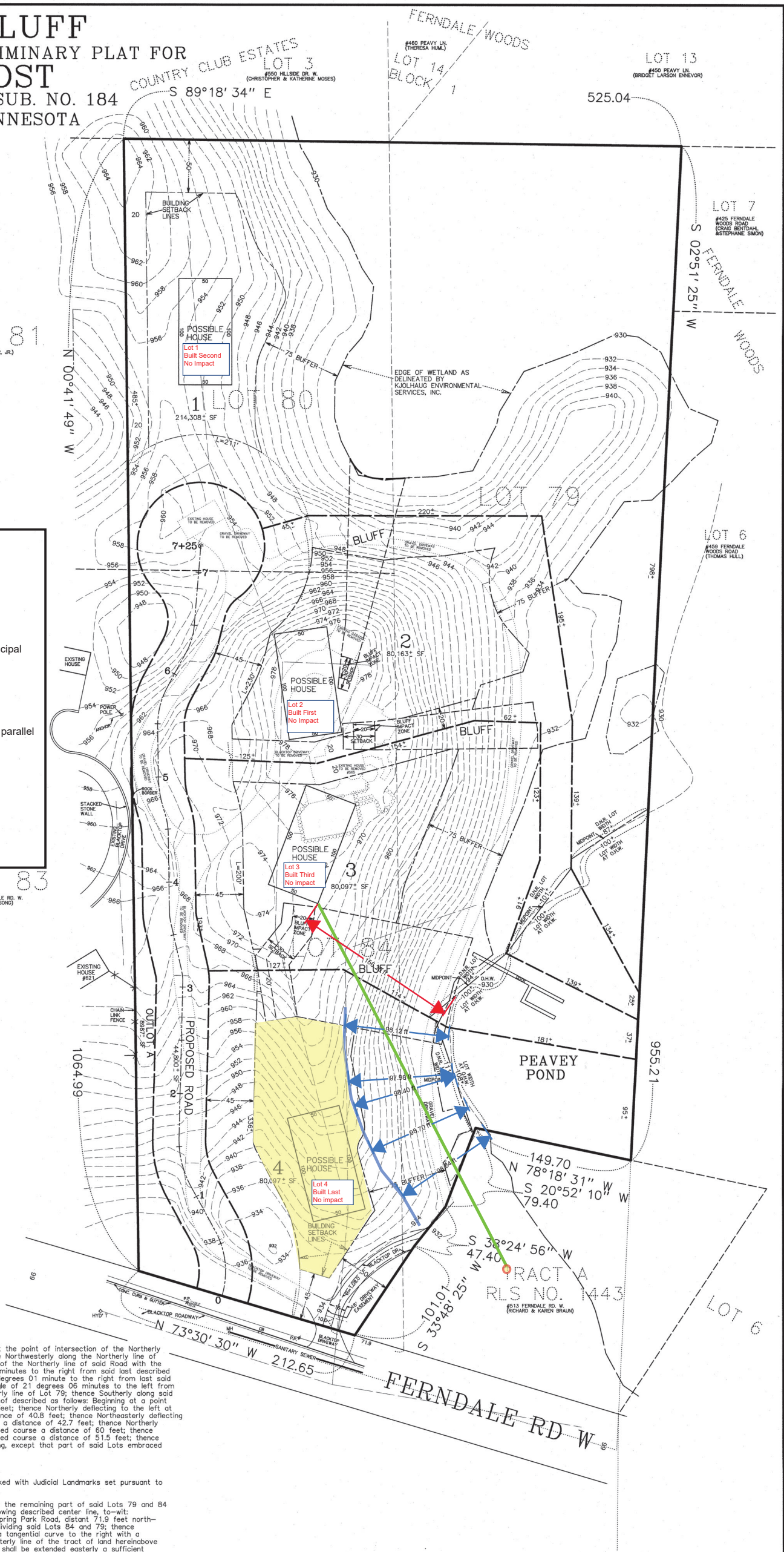
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231853PREPLAT4.SCD

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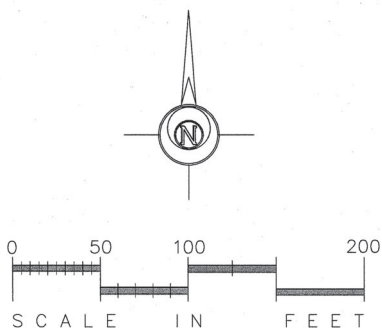
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Phasing Sequence (1, 2, 3, 4)
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- Setbacks shown for Lot 2



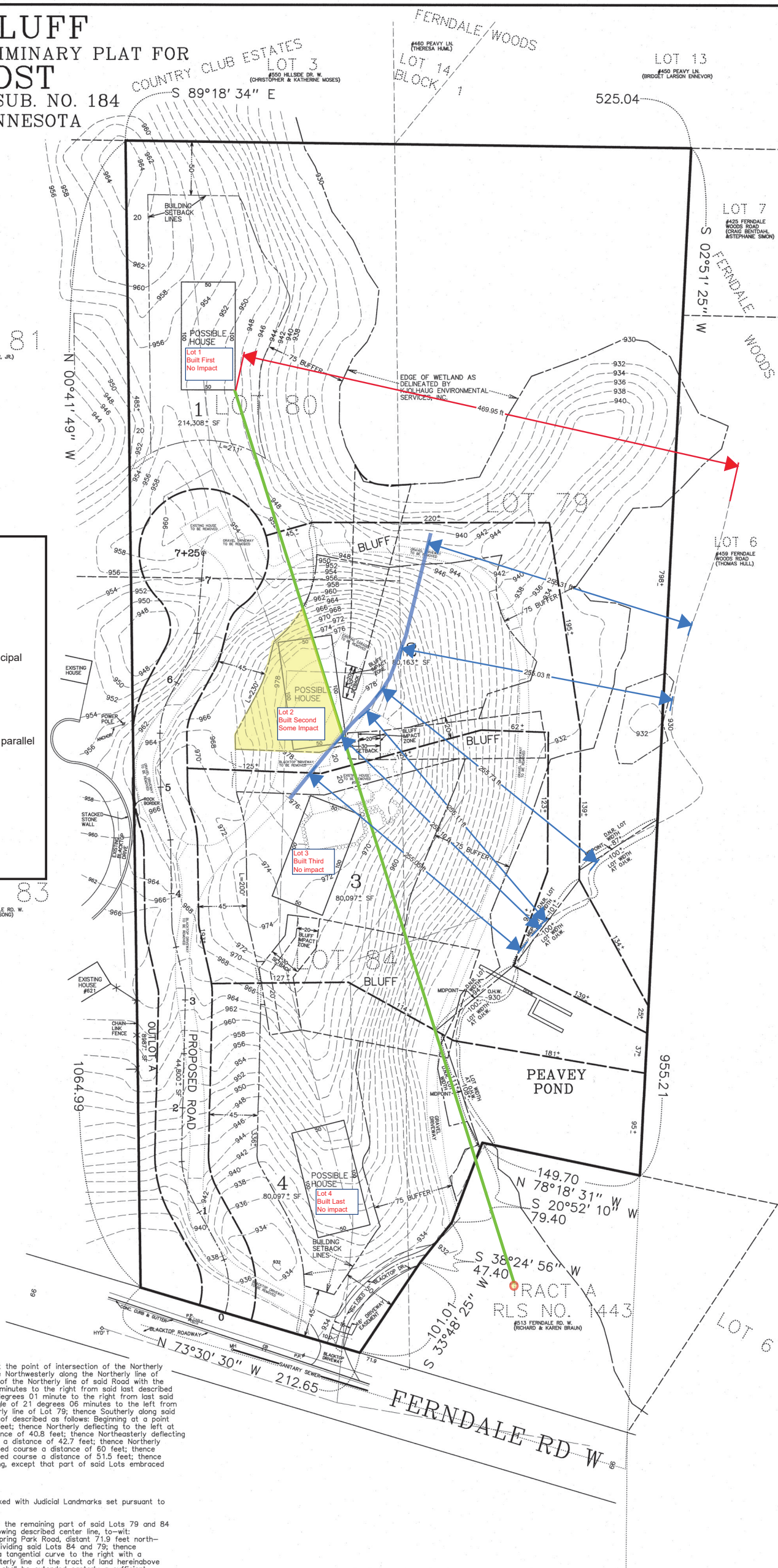
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Measurements of a line perpendicular from OHWL



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AREA IN WETLANDS (EXCLUDING PEAVEY POND) = 2.47

PROJECT
FERNDALE
BLUFF

DATE
7-23-22
SCALE
1"=50'
JOB NO
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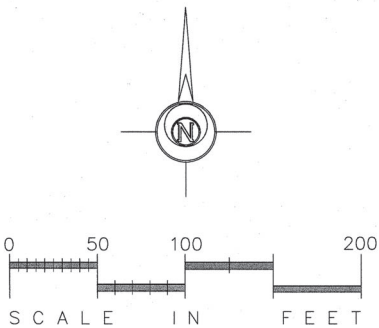
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6-26-23	
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HENNEPIN COUNTY, MINNESOTA

Phasing Sequence (1, 2, 3, 4)

- LOT 1 Builds First
- LOT 2 Builds Second
- Setbacks shown for Lot 3



LEGEND

Buildable Area

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Measurements of a line perpendicular from OHWL



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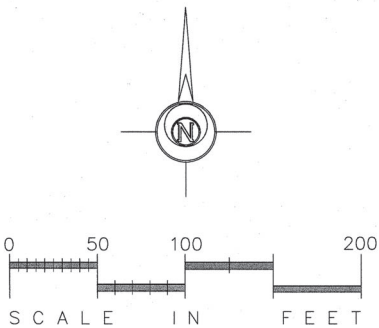
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Phasing Sequence (1, 2, 3, 4)

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- Setbacks shown for Lot 4



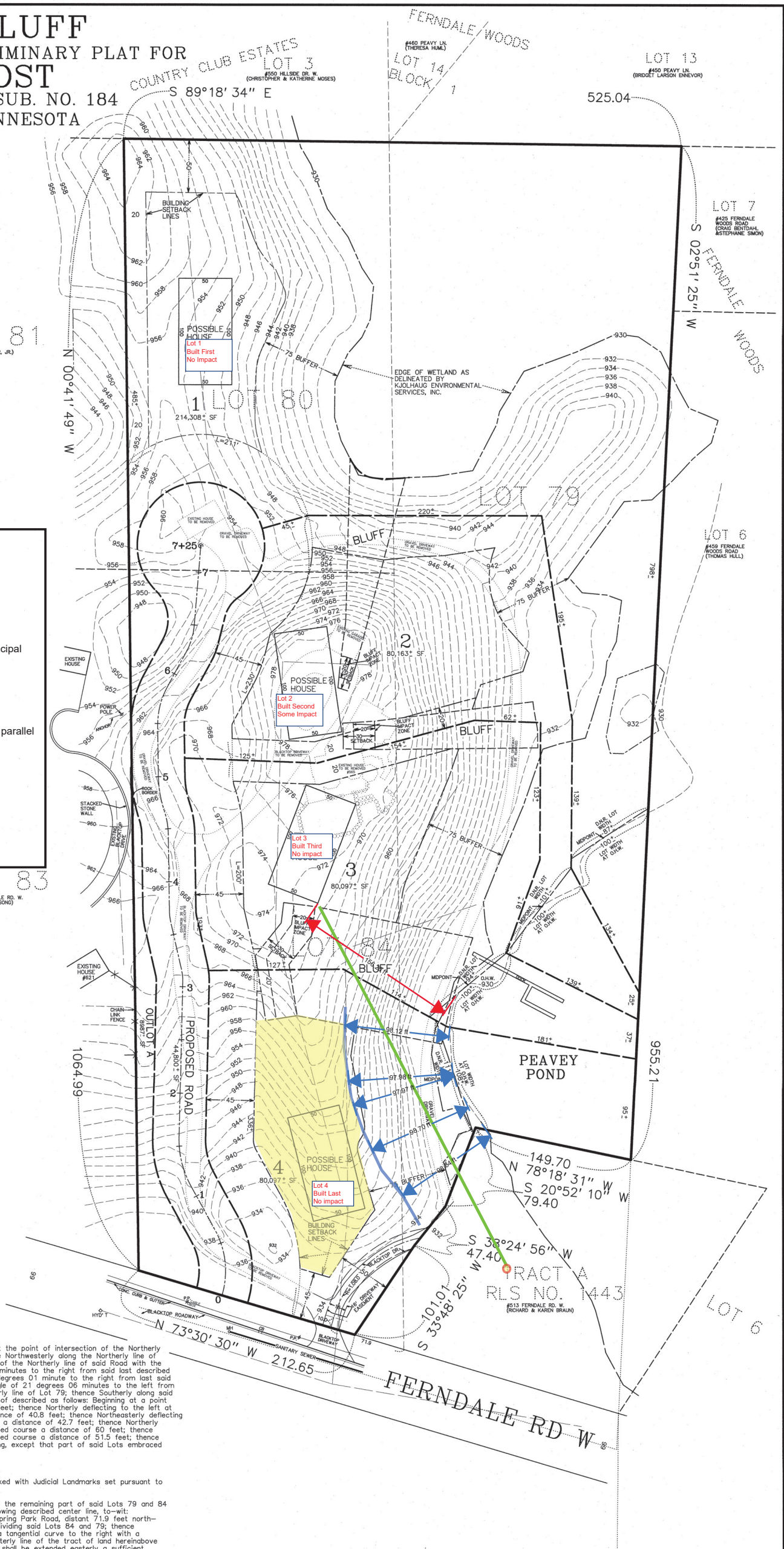
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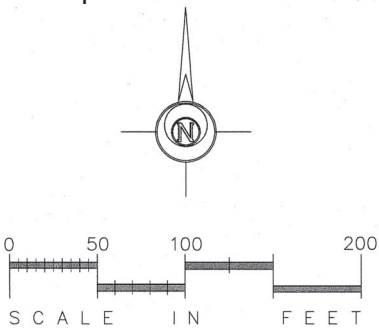
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- Setback shown for LOT 3
- No impacts to LOT 1



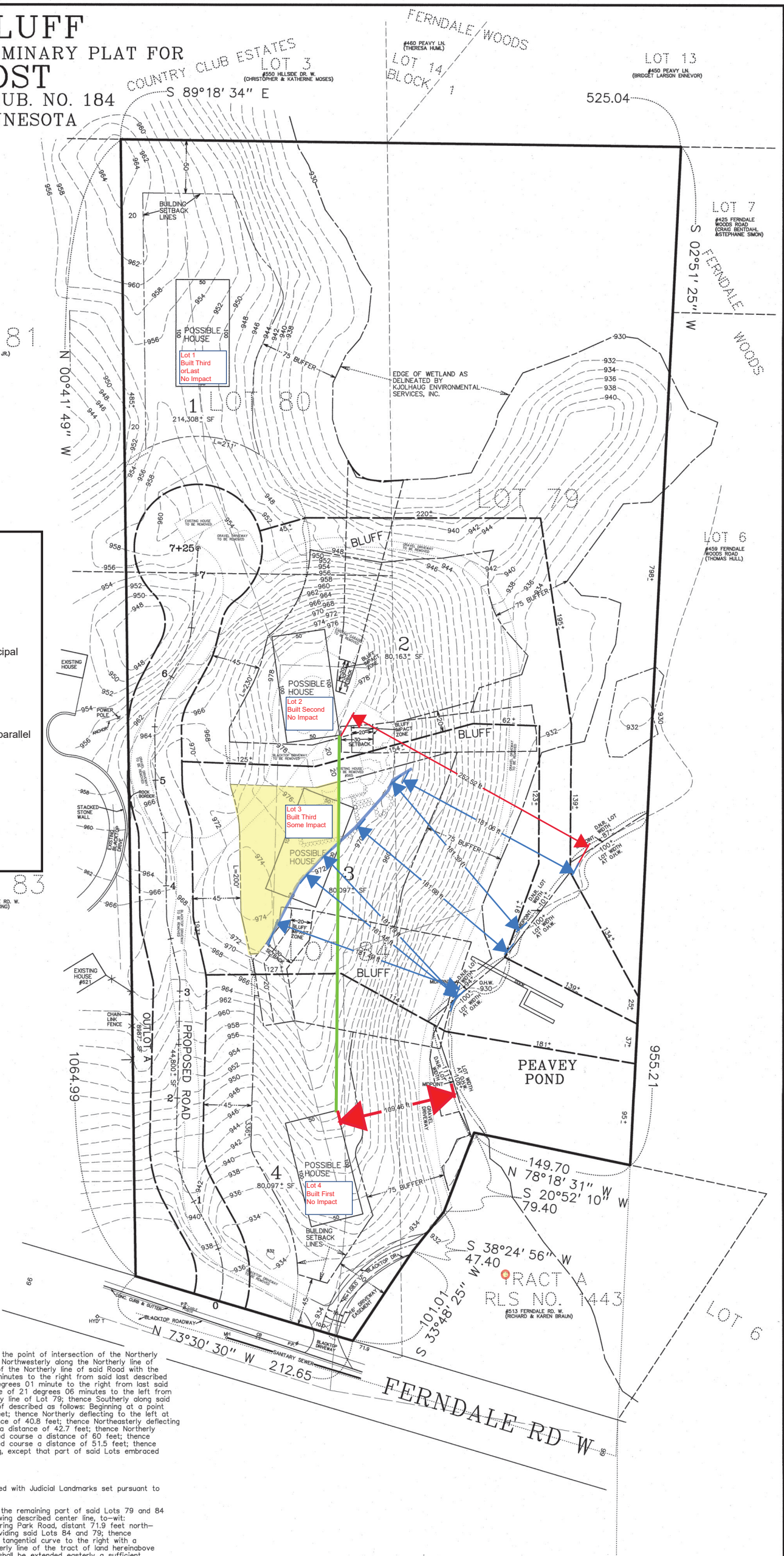
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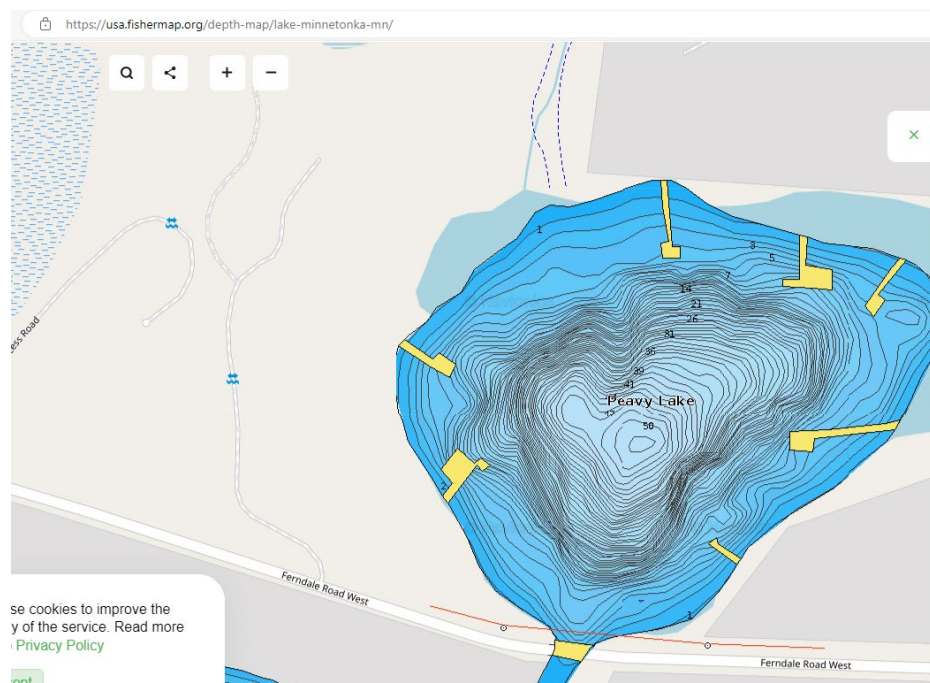
Ferndale Bluff Supplemental Information-Near-Shore Aquatic Conditions

The February 23, 2024 letter from Eric Zweber indicated that, to be deemed complete, the applicant needs to provide “information regarding near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation.” This is required by city zoning code, Chapter 991 Shoreland Overlay District, 991.21 Subdivision/Platting Provisions subpart C. Information Requirements. The following data source were used to respond to this request.

1. Wetland Delineation Report completed by Kjolhaug Environmental Services Company (NOD dated 12/06/2019) – previously submitted.
2. EAW dated April 2023, completed by WSB and Associates and approved by the City on April 18, 2023 with the finding that the project “does not have the potential for significant environmental impacts”.
3. Minnehaha Creek Watershed District Master Plan- Jan 2018.
4. Consultation with EOR Inc. water resources professional
5. DNR Lakefinder web site
6. Lake Minnetonka Conservation District web site
7. Observations and history from property owner
8. Fisherman.org depth map

Depths

Per the DNR lakefinder web site [Peavey \(27013800\) | LakeFinder | Minnesota DNR \(state.mn.us\)](#) the Peavey Lake is one of the deeper bays of Lake Minnetonka with a maximum depth of 63 feet. Near Shore is not defined in the code. Depths at approximately 50-100 feet from the OHWL can range from 6 to 20+ feet. See attached figure from fishfinder.org.



Types of bottom sediments

Types of bottom sediments include sandy till and glacial outwash as well as some areas of finely-stratified deposits consistent with Lake Minnetonka. Peavey Lake is impaired for Chlorides. – *source: Minnehaha Creek Watershed District Master Plan.*

Aquatic vegetation

Near shore areas include wetlands (see description in Wetland Delineation Report for Wetland 1) and open water. The wetland description describes the following:

“Wetland 1 was a Type 2/3/5 (PEM1B/PEM1C/PABG) wet meadow/shallow marsh/open water wetland complex located in the north and eastern part of the property. Fresh wet meadow was dominated by reed canary grass with sedges, and wood nettle with areas of a willow shrub growth. Shallow marsh wetland was dominated by cattails and scattered purple loosestrife. The open water areas were located in the southeastern part of the wetland and no vegetation was observed within the deeper water. This wetland covered 3.28 acres within the property boundaries.” – Wetland Delineation Report

Various studies and sources consulted also have documented the following “Peavey Lake (DNR No. 27-138) is identified as a DNR Infested Water (AIS) for Eurasian watermilfoil and zebra mussel and Lake Minnetonka is also identified for Eurasian watermilfoil, zebra mussel and flowering rush.”

MEMORANDUM

Hoisington Koegler Group Inc.



To: Emily Goellner, City of Wayzata CD Director and Review Staff
From: Brad Scheib, AICP
Subject: Evaluation and Determination of Bluff Impacts on 565 Ferndale Road W
Date: 02/24/2023

This memo provides a documentation of our review of the site conditions at 565 Ferndale Road W and determination of the presence of “Bluffs” and relevant bluff impact zone and structure setbacks as per the City of Wayzata Shoreland Ordinance including revisions from Ordinance 810. The process also includes following the DNR Guidance document from 12/09/2021.

Initial analysis was completed using LiDAR data from the Minnesota DNR downloaded from the MnTOPO site. Field survey data was then used to determine actual bluff locations including top and toe of bluffs and appropriate offsets for bluff impact zones and setbacks. The field survey was provided by Gronberg and Associates, Inc. and dated 08/05/2022.

Key Definitions were modified by Ordinance 810 in April of 2022. These definitions are used in the process and are as follows:

Toe of the Bluff: The point on a bluff that is the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

Top of Bluff: The point on a bluff that is the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

The Bluff Impact Zone was identified per the current zoning code online. The bluff impact zone is 20’ from the top of the bluff. The building setback from the zoning code is 30’ from the top of the bluff.

The following are key steps taken in determining if a bluff exists. Where bluff conditions are present, offsets for the bluff impact zone and the building setback are established.

Step 1. Determine if a bluff exists following criterion outlined in DNR Guidance documentation from 12/09/2021.

Criterion 1: Part or all of the feature is located in the shoreland.

Finding: All of 565 Ferndale Road W is located within the shoreland district, or 1,000 feet of the OHWL of a public water body.

Criterion 2: The Slope drains toward the water body.

Finding: One drainage area is landlocked and does not drain towards a public water body. All other slopes drain towards a public water body either directly or indirectly. See Exhibit B.

Criterion 3: The slope rises at least 25 feet above the ordinary high water level (OHWL) of the waterbody.

Finding: The OHWL for Peavy Pond is 930 as confirmed by the DNR area hydrologist and the City of Wayzata Engineer. Peavy Pond is the primary water body that affects the Bluff determination for 565 Ferndale Road W. The majority of the site rises 25 feet above the OHWL. The OHWL of Peavy Pond (930 contour) and 25 feet above 930 (955 contour) are demarked on the Exhibit C as per the field survey.

Criterion 4: The grade of the slope from the toe (of the slope) to a (any) point 25 feet or more above the OHWL averages 30% or greater. The toe of the slope is determined using the definition for toe of bluff: the lower end of a 50 foot segment with an average slope exceeding 18 percent or the OHWL, whichever is greater. If any point that is 25 feet or more above the OHWL is 30% or greater, then this criterion is met.

The following steps were taken to evaluate the areas that met criterion 1 through 3.

- i. Using the Digital Elevation Model (DEM), areas where identified where slopes are 18-29.9% and slopes that are 30% or greater. The DEM provides us the ability to focus in on those areas over 30% that might meet Criterion 4 based on the methodology of determining average grade from the toe to a point 25 feet or more above the OHWL. It is not possible for a bluff to exist where slopes are less than 30%. Therefore, 30% or greater are identified to determine where further exploration is needed. This is reflected in Exhibit D.*
- ii. A toe of the slope was identified as a starting point for measurement of the slope. The toe does not follow any specific contour but varies based on the lower end of a 50 foot segment where the average slope exceeds 18% or 9 feet of elevation change. In a few cases the toe ends up being the OHWL. In one case (near the detached garage) the toe ends up being located away from the OHWL because the slopes 'turn' and face away from the OHWL. The toe is reflected in Exhibit E.*
- iii. Slope Cross Sections were drawn as perpendicular to the contours from the OHWL as possible connecting the toe of the slope to a point above the 955 contour. Profiles following these section cuts were then drawn to illustrate where the ground intersected a 30% slope. Where the ground exceeded the 30% slope, a bluff condition exists. Additional profiles were drawn to illustrate the greatest slope in locations where a bluff exists or a transition between steep slope and bluff conditions exists. Exhibit F shows these section cuts and keys them to a table that shows the calculation of the steepest slope (see Exhibit I). Profiles for each cross section follows Exhibit F. Exhibit G is the same graphic, zoomed into a 50 scale.*

Finding: Bluff conditions exists in some locations. (Exhibit J)

2. Step 2. Where a bluff exists, locate the Top of the Bluff and determine structure setbacks and the bluff impact zone.

In locations where a bluff was determined to be present, the top of the bluff was located by finding the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent. The top of the bluff then follows a path as parallel as possible to the OHWL.

The existing home on the site is a legally non-conforming structure. It was built prior to the current zoning code definition of the top of bluff. In determining the top of the bluff where the existing home is located, the ground floor elevation was measured at approximately 971 contour. This contour was used as the elevation point of the house footprint.

From the top of the bluff, a 20 foot offset is established to determine a bluff impact zone edge (see Exhibit K) and a 30 foot offset is established to determine the building or structure setback. (See Exhibit L).

Attached Exhibits A-L (as revised on 03/03/2023)

End of Memo



Exhibit A - Aerial and Property



Exhibit B - Topography and Drainage Patterns



Exhibit C - 930 Contour (Ordinary High Water Line) and 955 Contour (25' + Ordinary High Water Line)



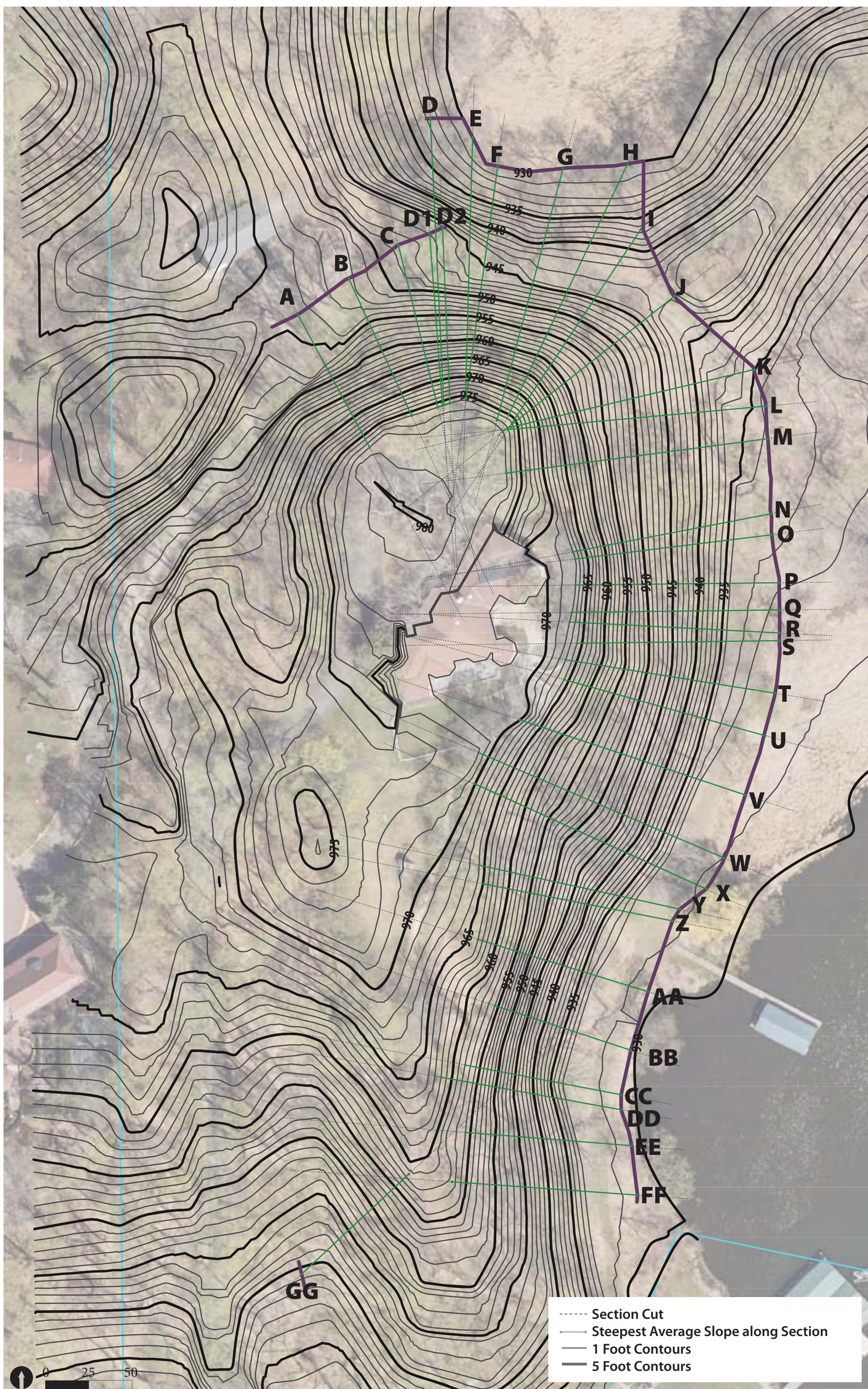
Exhibit D - Slopes and Search Area



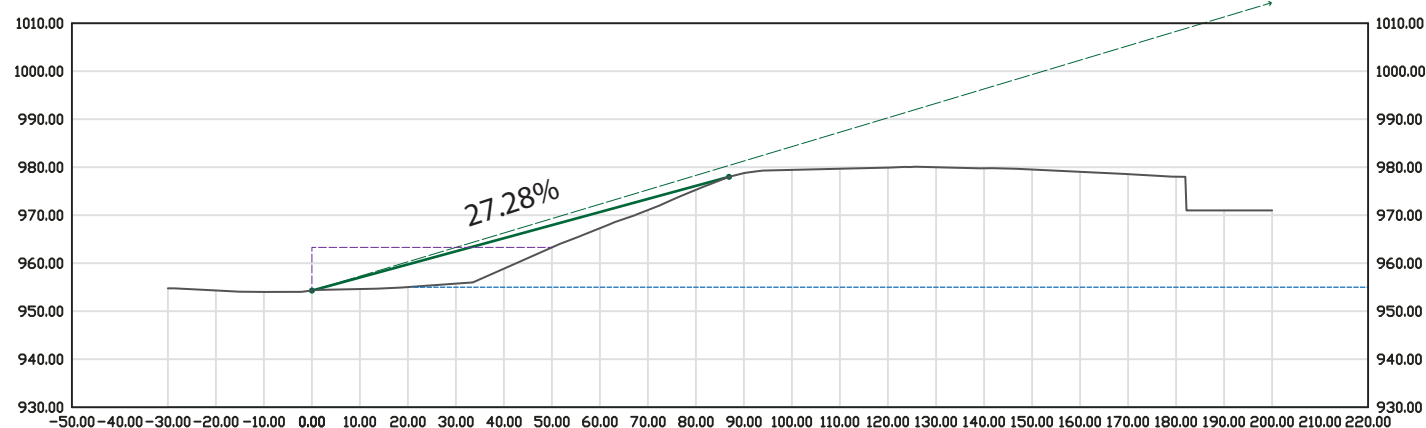
Exhibit E - Toe of Slope (Bottom of an average slope of 18% or the Ordinary High Water Line)



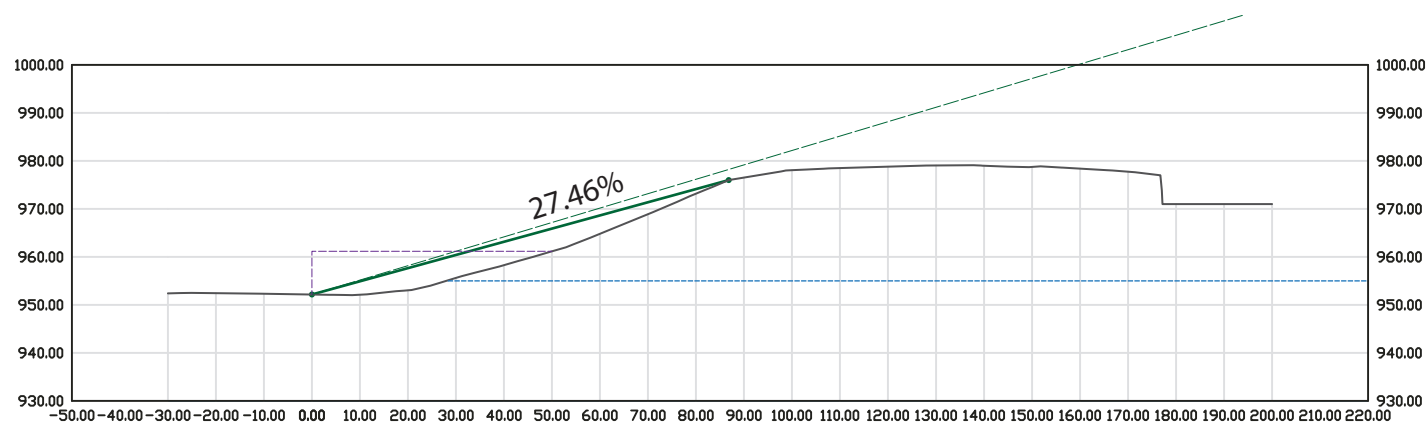
Exhibit F - Slope Cuts Analyzed



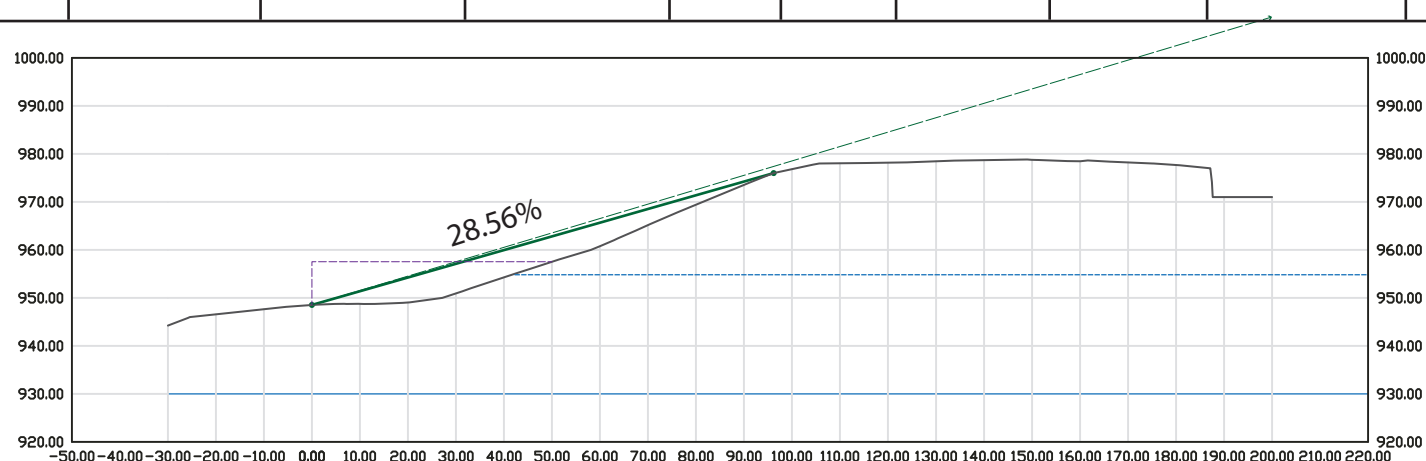
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A	954.30	963.3	978.00	23.70	86.87	27.28%			
B	952.16	961.16	976.00	23.84	86.82	27.46%			
C	948.53	957.53	976.00	27.47	96.19	28.56%			
D1	946.92	955.92	976.00	29.08	99.21	29.31%			
D	932.68	941.68	976.00	43.32	165.08	26.24%			
D2	946.07	955.07	976.00	29.94	101.01	29.64%			
E	930.00	N/A (OHWL)	976.00	46.00	151.56	30.35%	186.46	969.30	978.30
F	930.00	N/A (OHWL)	976.00	46.00	136.12	33.79%	170.94	969.30	978.30
G	930.00	N/A (OHWL)	977.24	47.24	149.72	31.55%	178.08	969.18	978.18
H	930.00	N/A (OHWL)	976.00	46.00	162.02	28.39%			
I	936.49	945.49	976.00	39.51	134.08	29.47%			
J	942.64	951.64	978.00	35.36	125.69	28.81%			
K	935.07	944.07	976.47	41.40	143.70	28.81%			
L	933.90	942.9	977.07	43.17	148.94	28.98%			
M	933.91	942.91	978.00	44.09	151.62	29.08%			
N	933.37	942.37	968.00	34.63	115.95	29.87%			
O	933.30	942.3	968.00	34.70	113.85	30.48%	150.51	962.00	971.00
P	932.22	941.22	968.00	35.78	117.20	30.53%	153.19	962.00	971.00
Q	931.98	940.98	968.00	36.02	119.43	30.16%	153.35	961.96	970.96
R	931.86	940.86	968.00	36.14	120.92	29.89%			
S	931.81	940.81	966.00	34.19	116.45	29.36%			
T	931.59	940.59	967.03	35.44	121.95	29.06%			
U	931.50	940.50	966.00	34.50	120.01	28.75%			
V	931.31	940.31	970.00	38.69	136.65	28.31%			
W	930.96	939.96	972.00	41.04	153.95	26.66%			
X	930.82	939.82	970.14	39.32	146.49	26.84%			
Y	931.19	940.19	966.00	34.81	118.16	29.46%			
Z	931.22	940.22	964.83	33.61	110.48	30.42%	151.29	961.57	970.57
AA	930.46	939.46	964.00	33.54	102.27	32.80%	144.37	961.00	970.00
BB	930.16	939.16	956.00	25.84	82.31	31.39%	157.28	962.13	971.13
CC	930.43	939.43	958.00	27.57	91.35	30.18%	138.55	957.11	966.11
DD	930.48	939.48	962.00	31.52	105.34	29.92%			
EE	930.34	939.34	956.00	25.66	103.76	24.73%			
FF	930.60	939.6	957.59	26.99	107.01	25.22%			
GG	939.42	948.42	958.59	19.17	84.22	22.76%			



	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
A	954.30	963.3	978.00	23.70	86.87	27.28%			

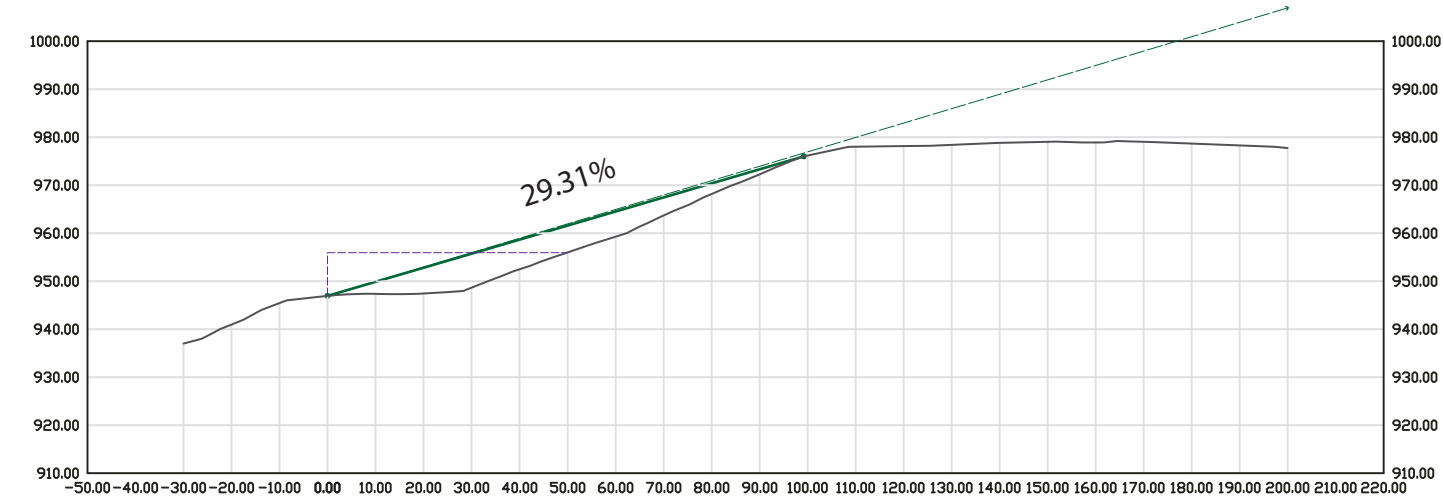


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B	952.16	961.16	976.00	23.84	86.82	27.46%			



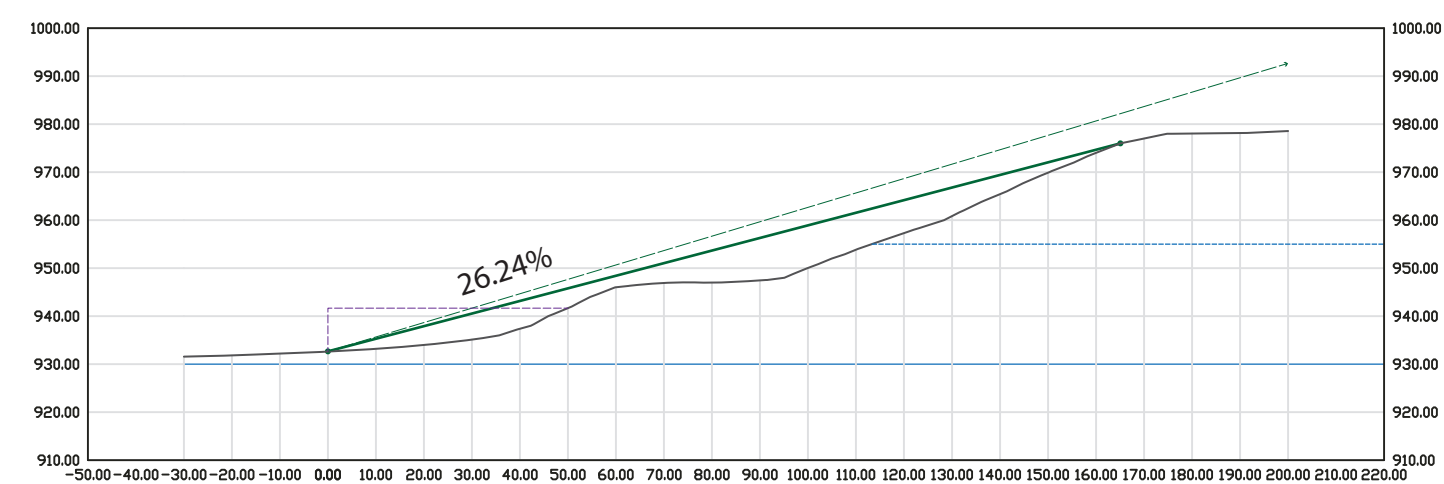
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C	948.53	v	976.00	27.47	96.19	28.56%			

D1



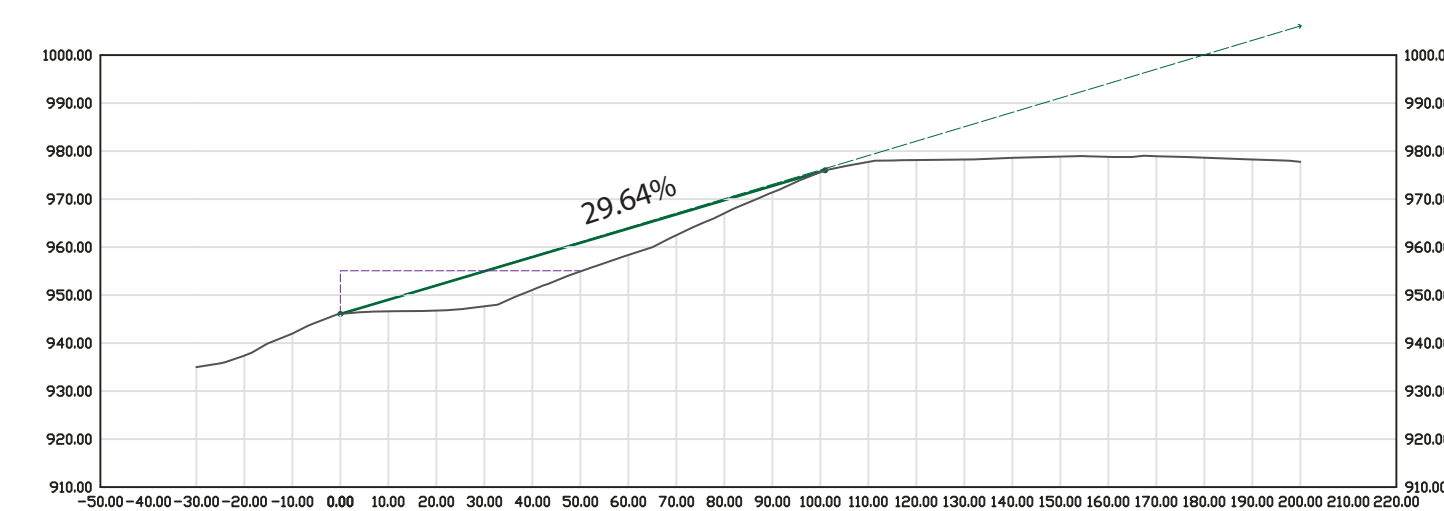
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D1	946.92	955.92	976.00	29.08	99.21	29.31%			

D



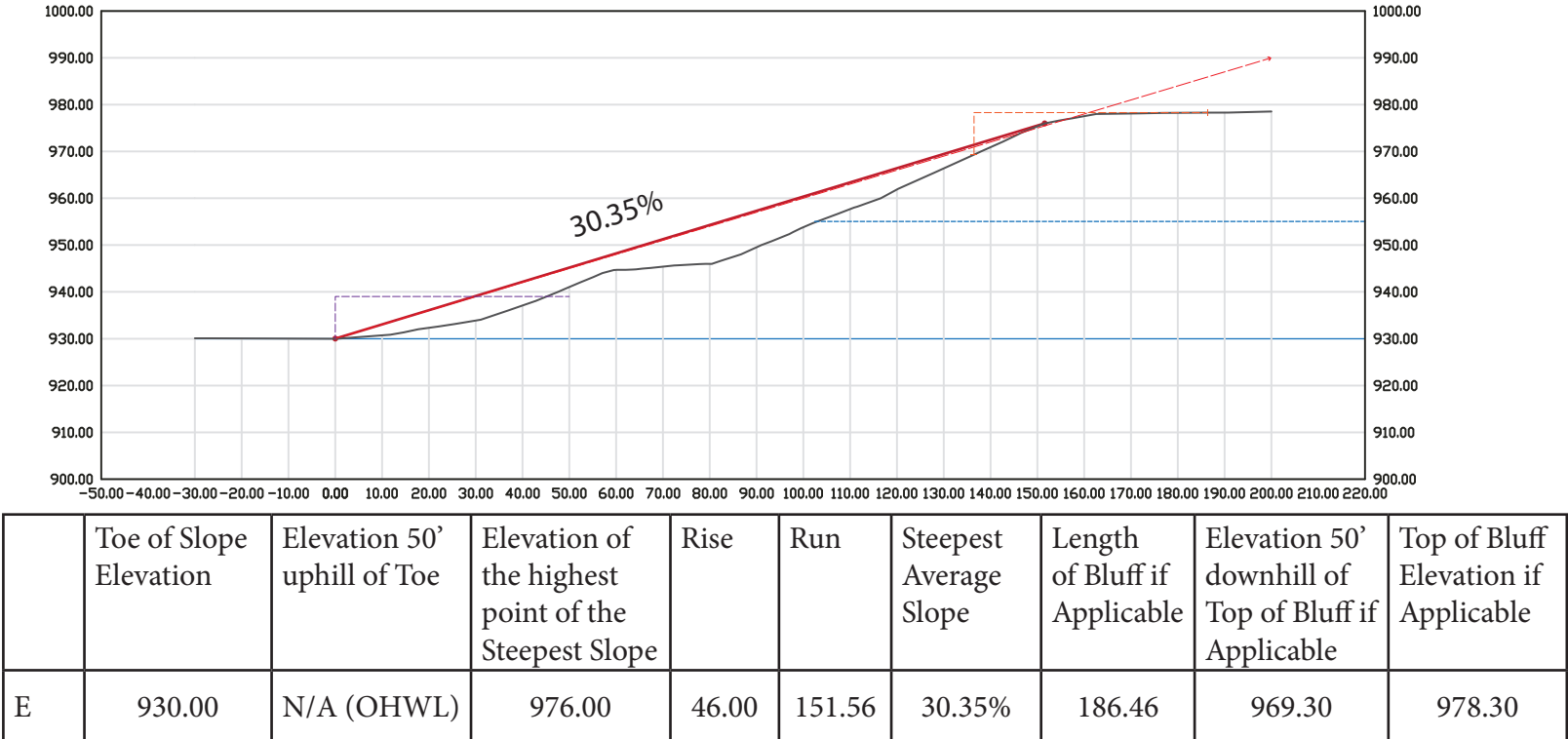
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D	932.68	941.68	976.00	43.32	165.08	26.24%			

D2

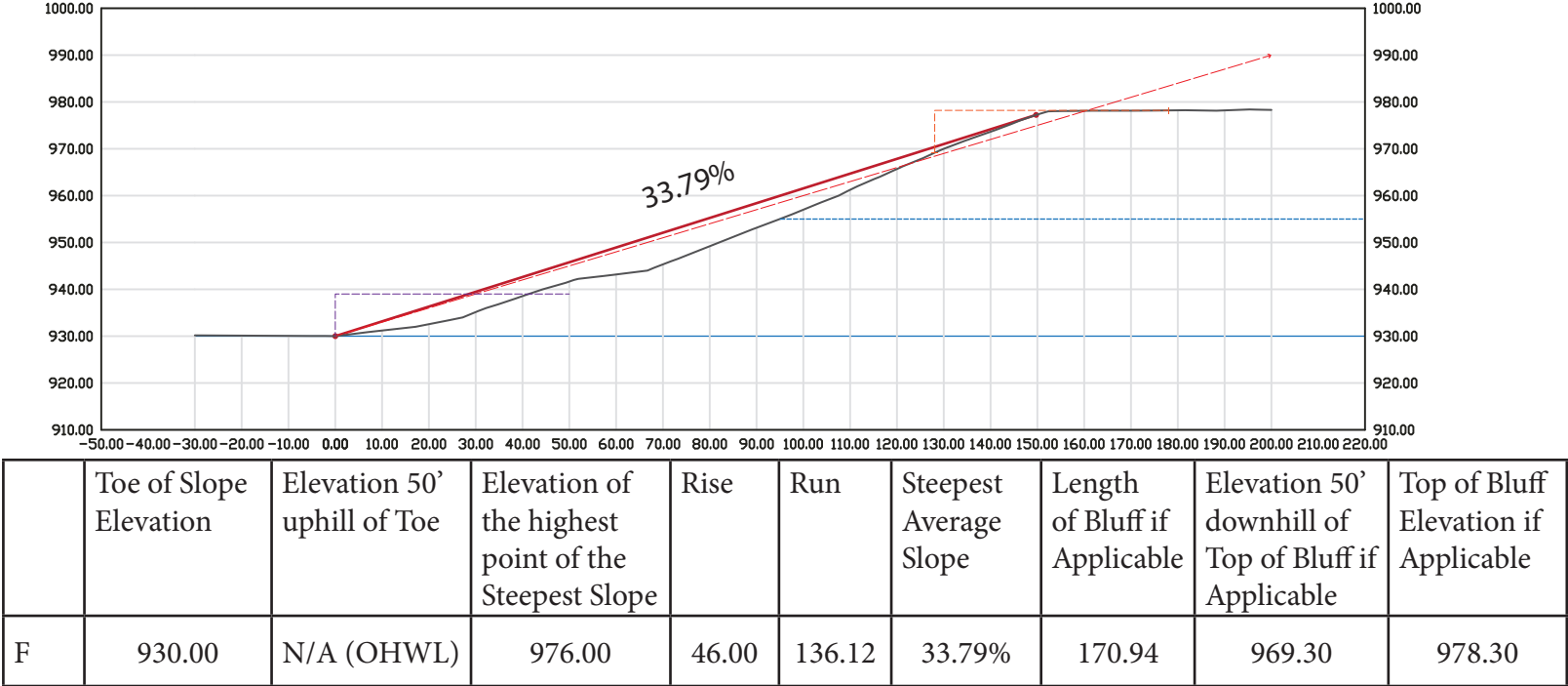


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D2	946.07	955.07	976.00	29.94	101.01	29.64%			

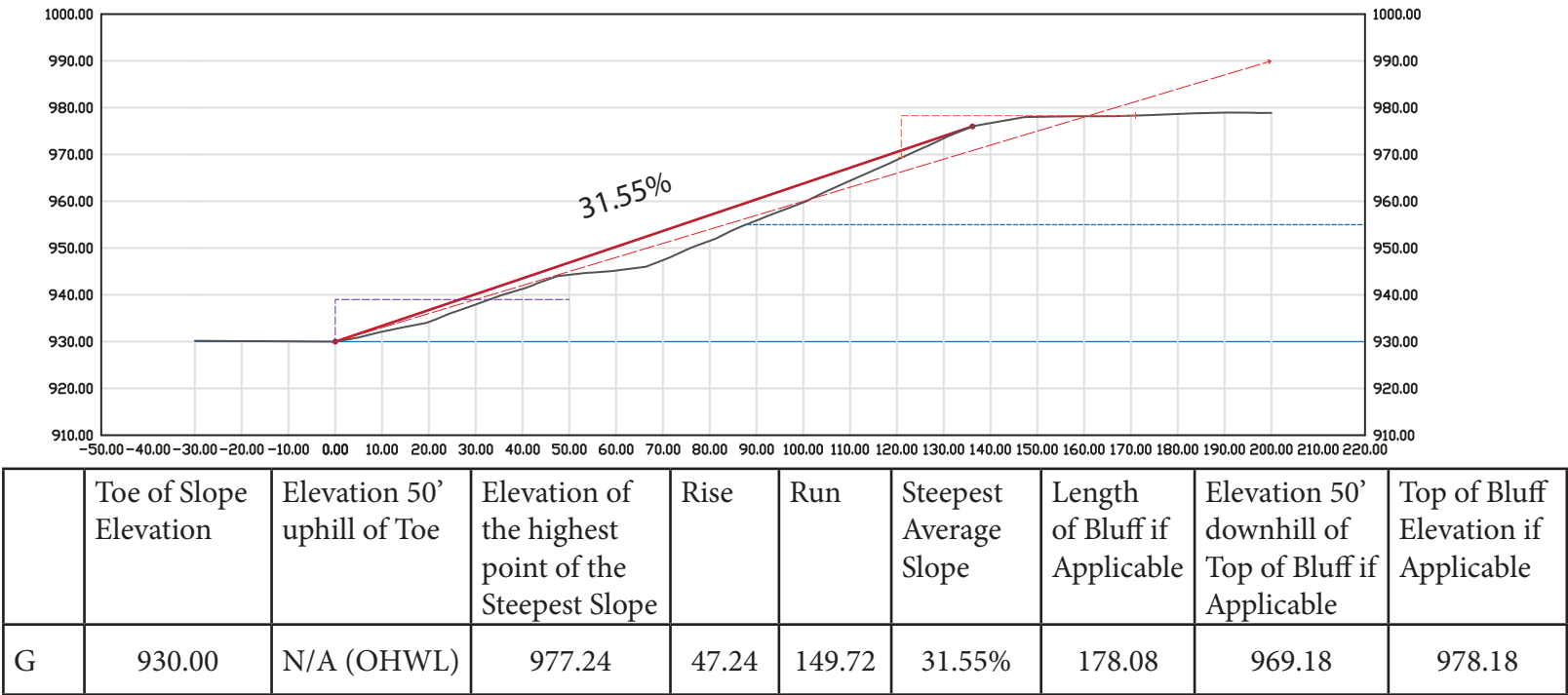
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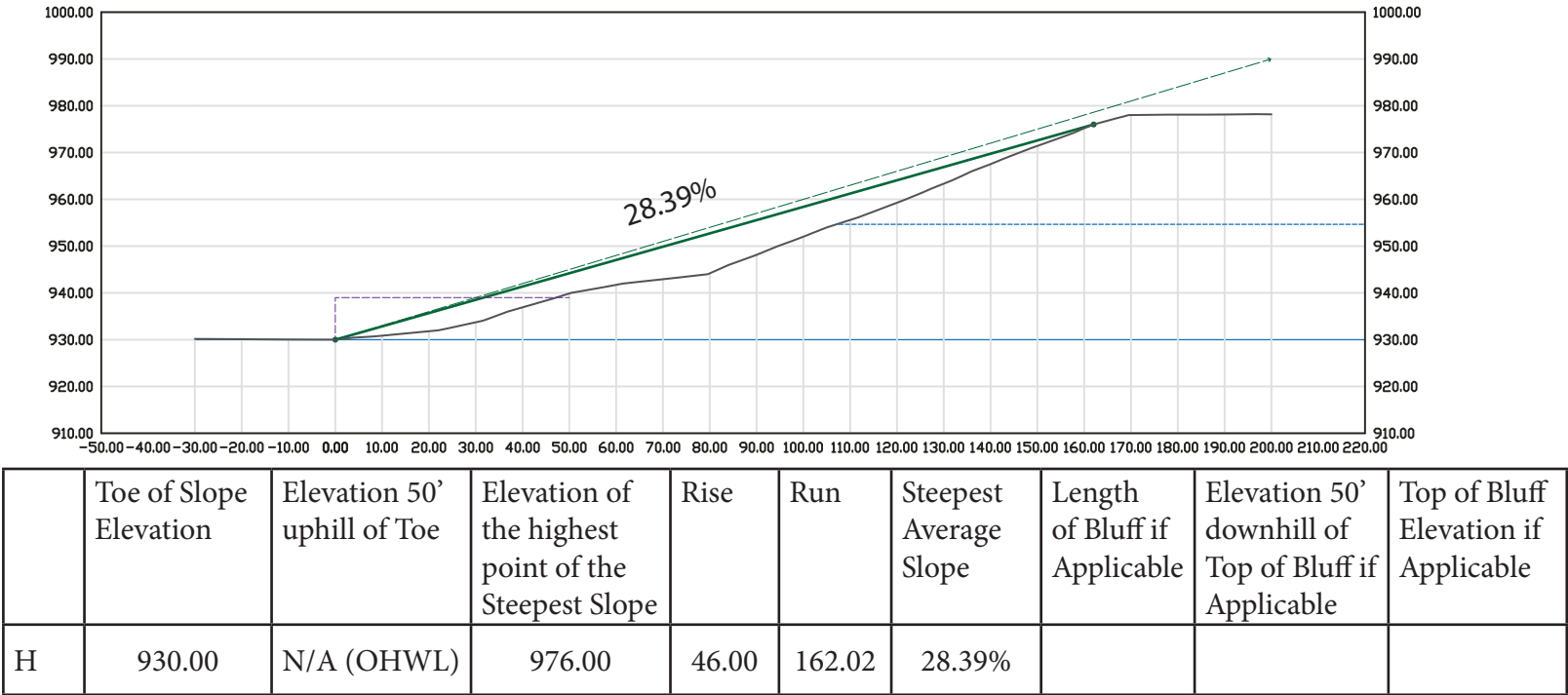
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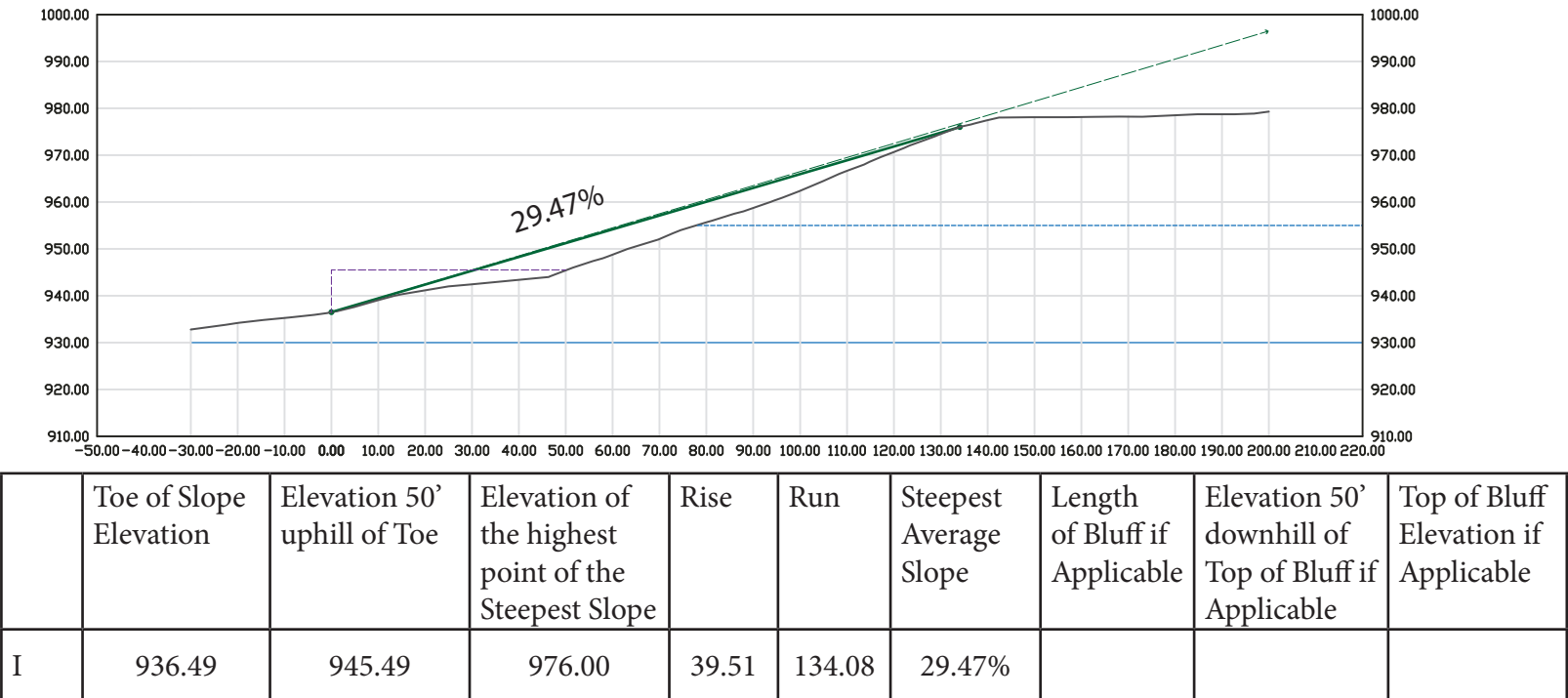
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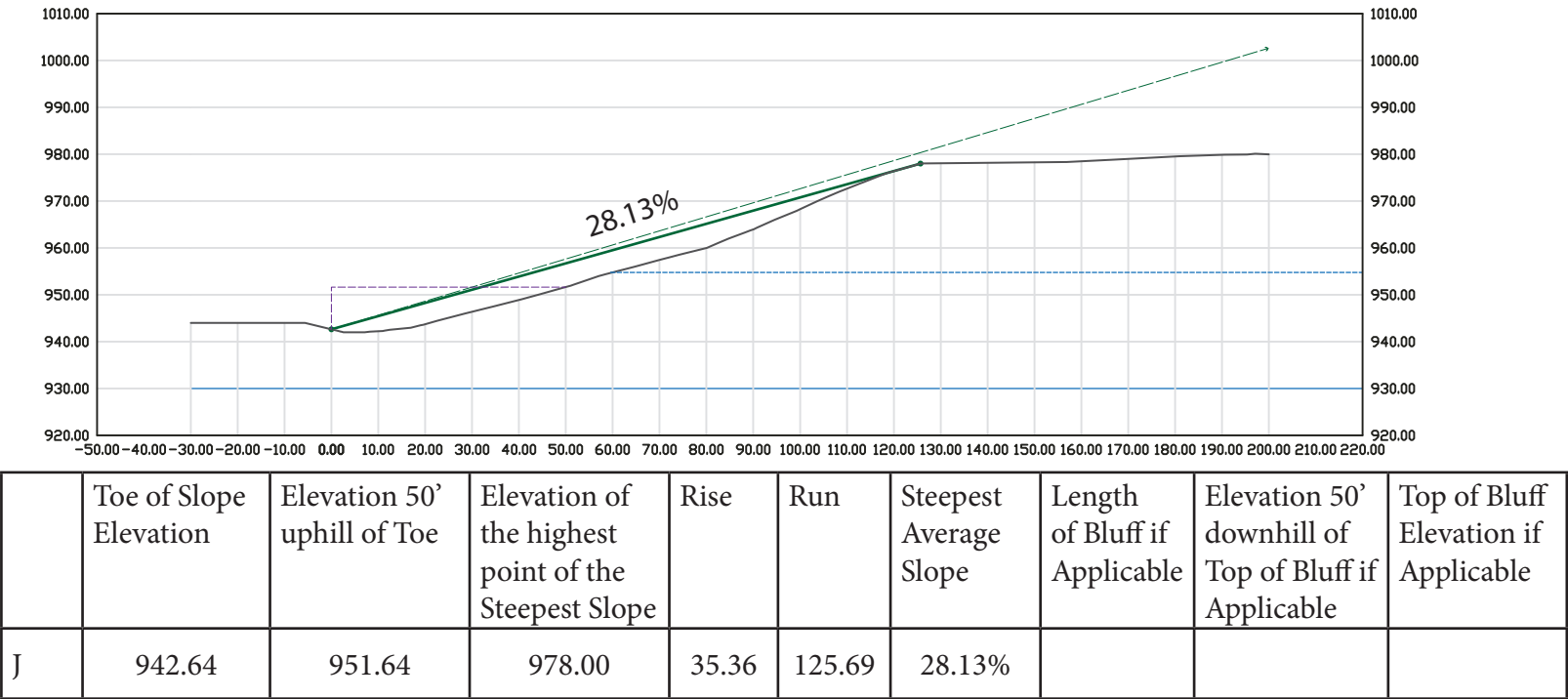
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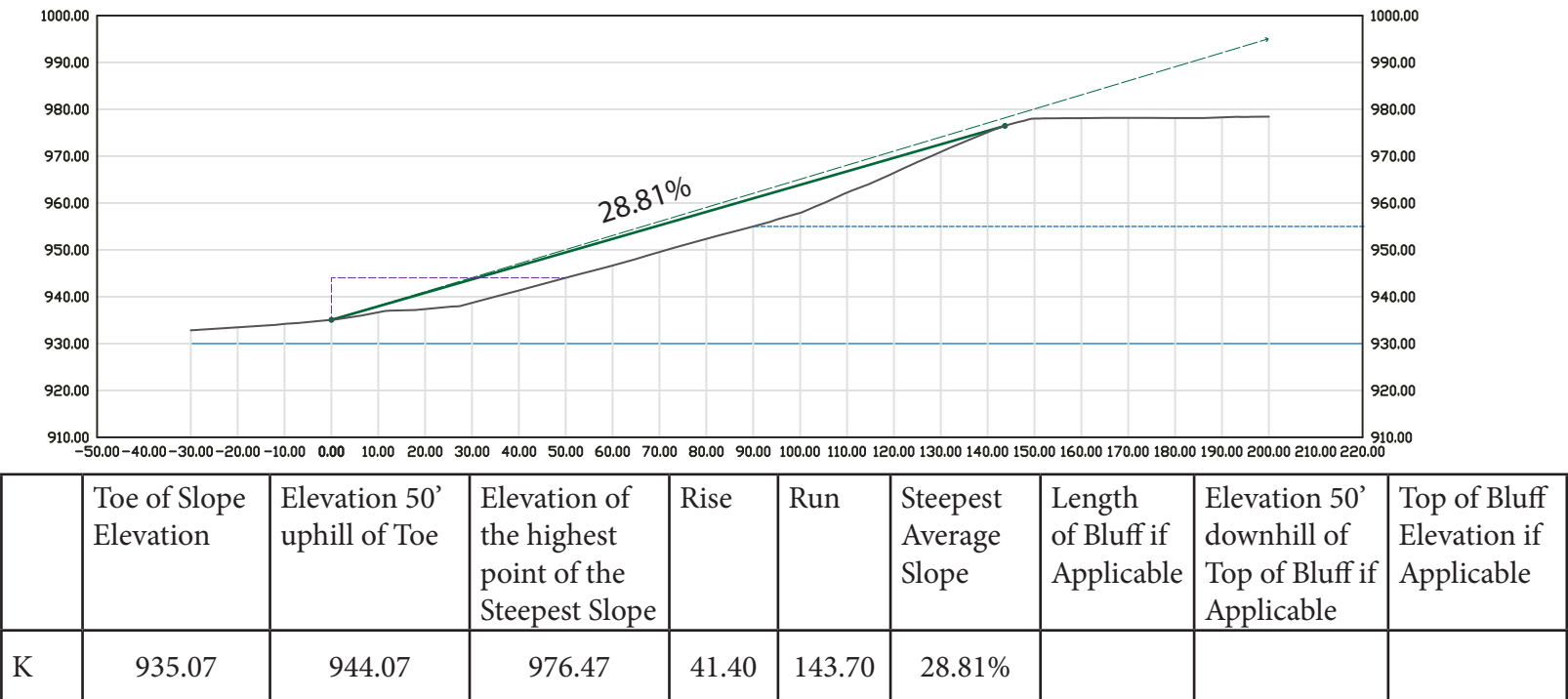
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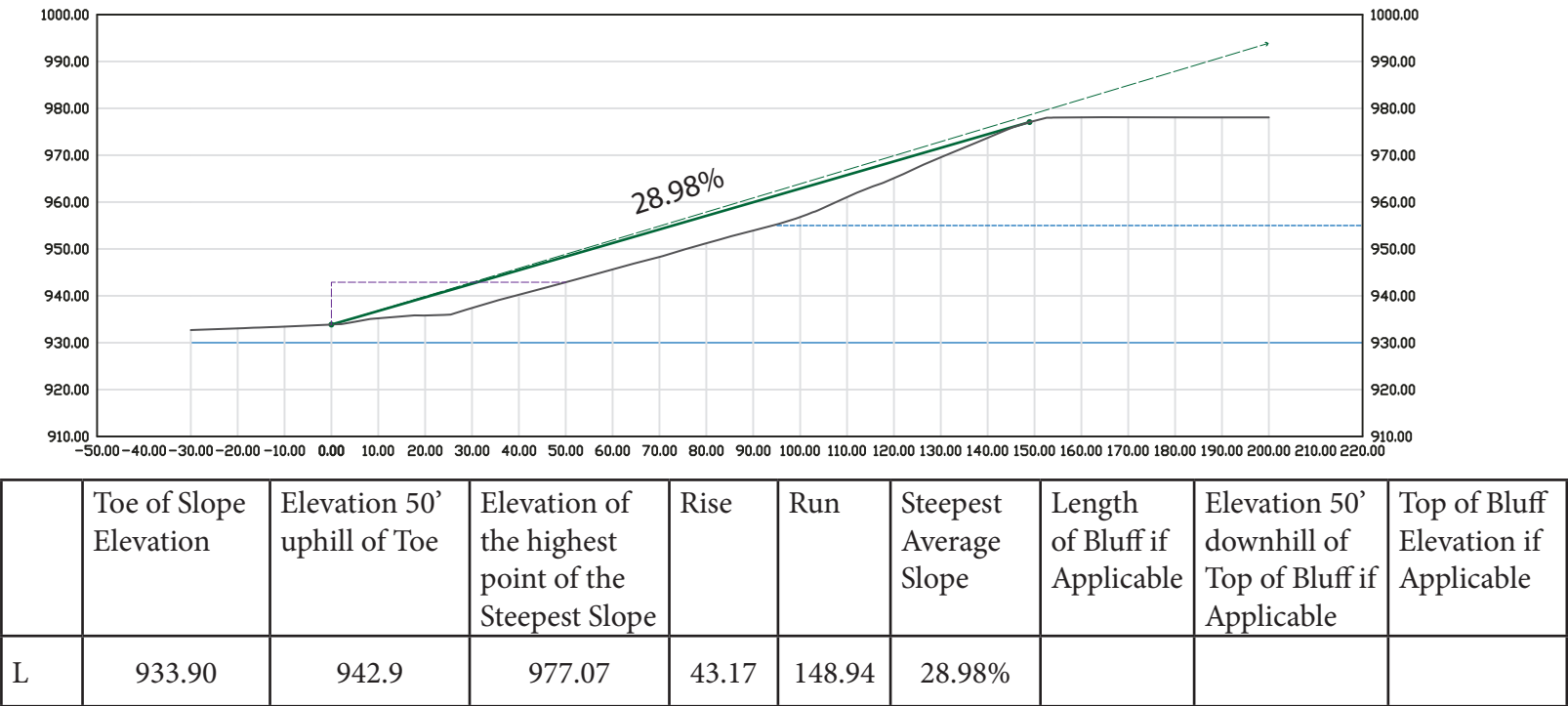
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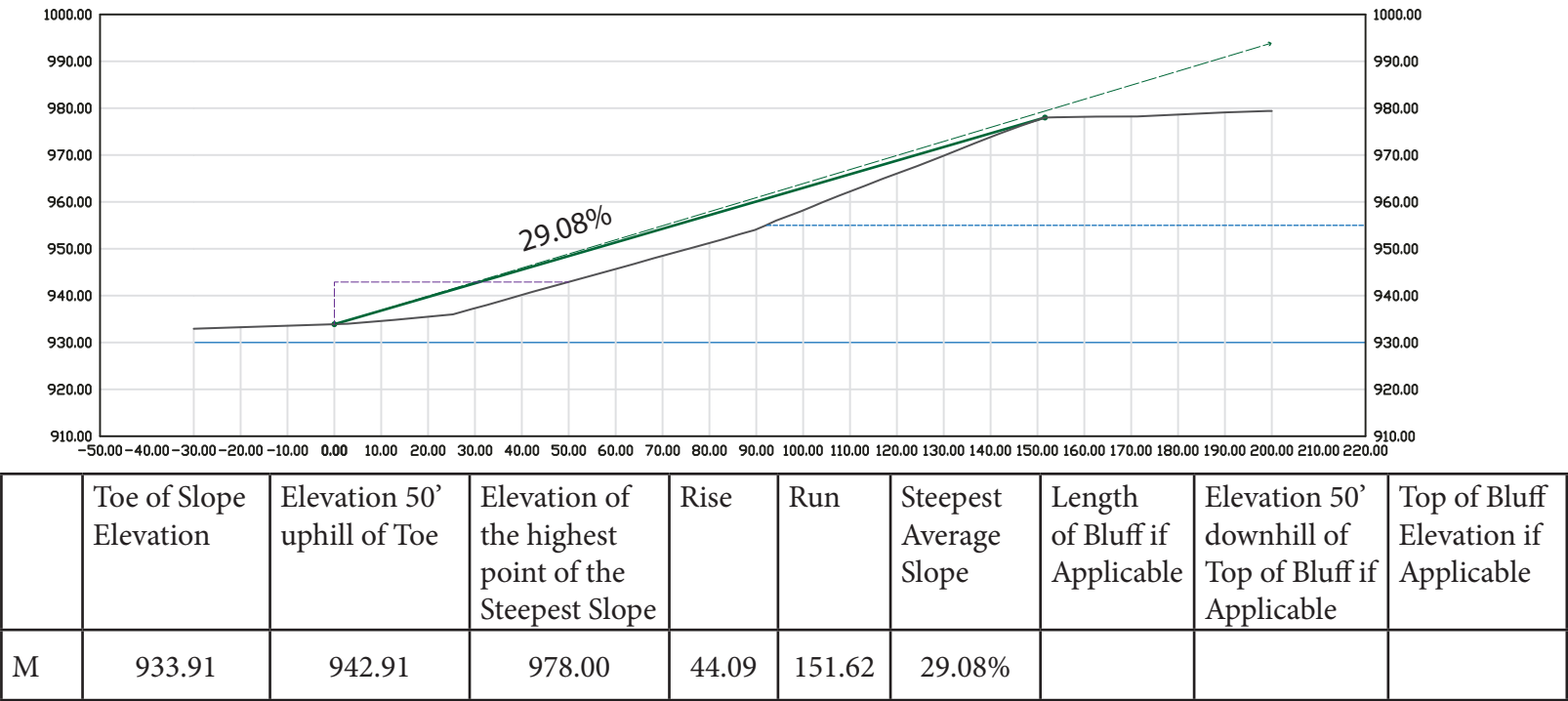
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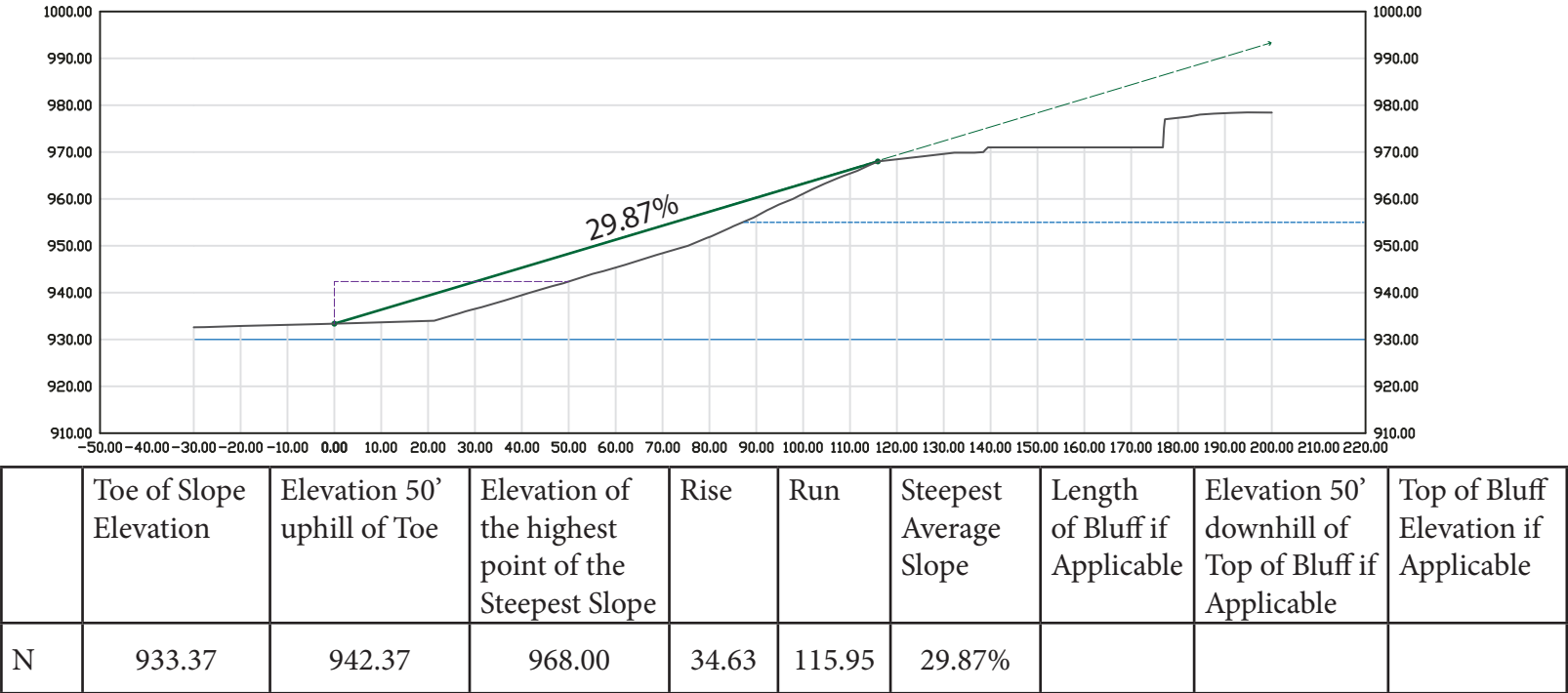
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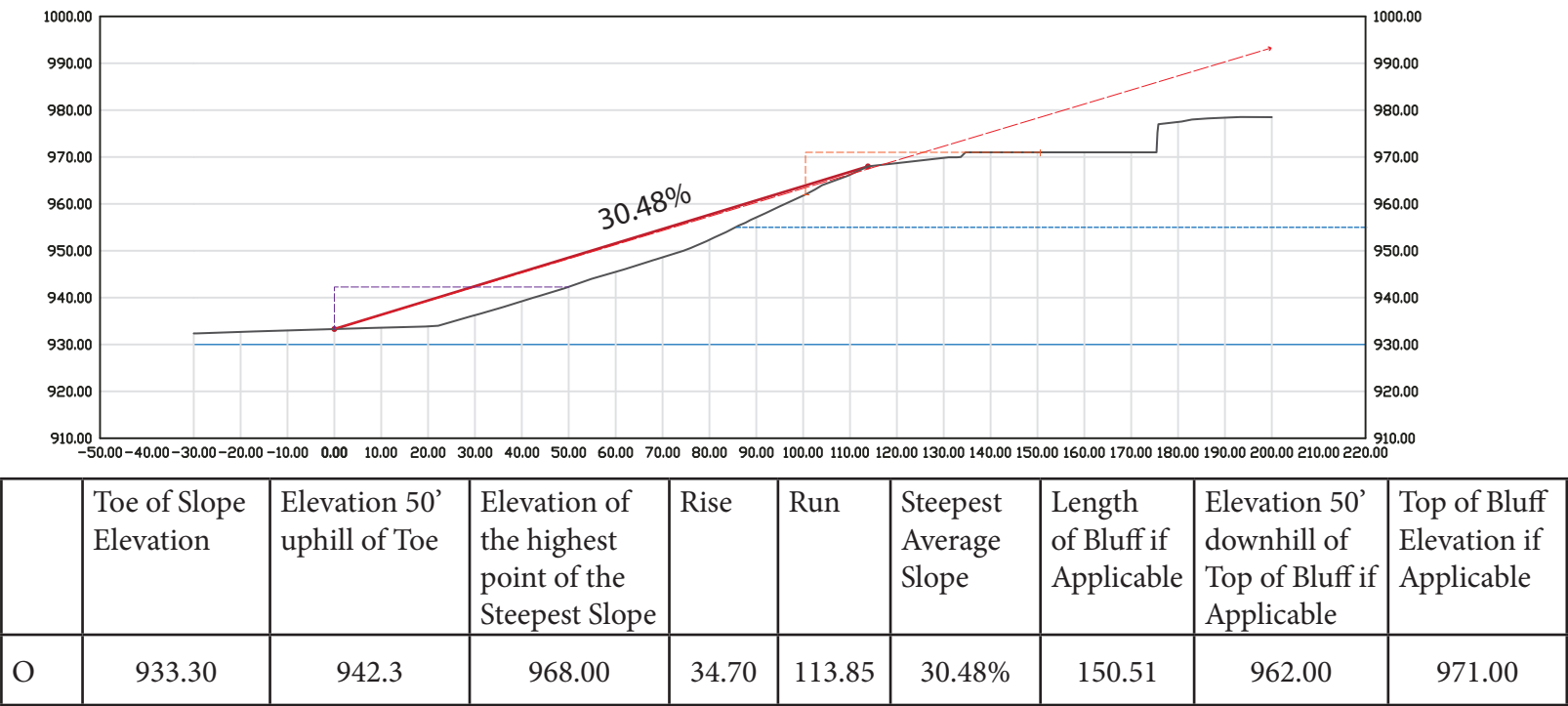
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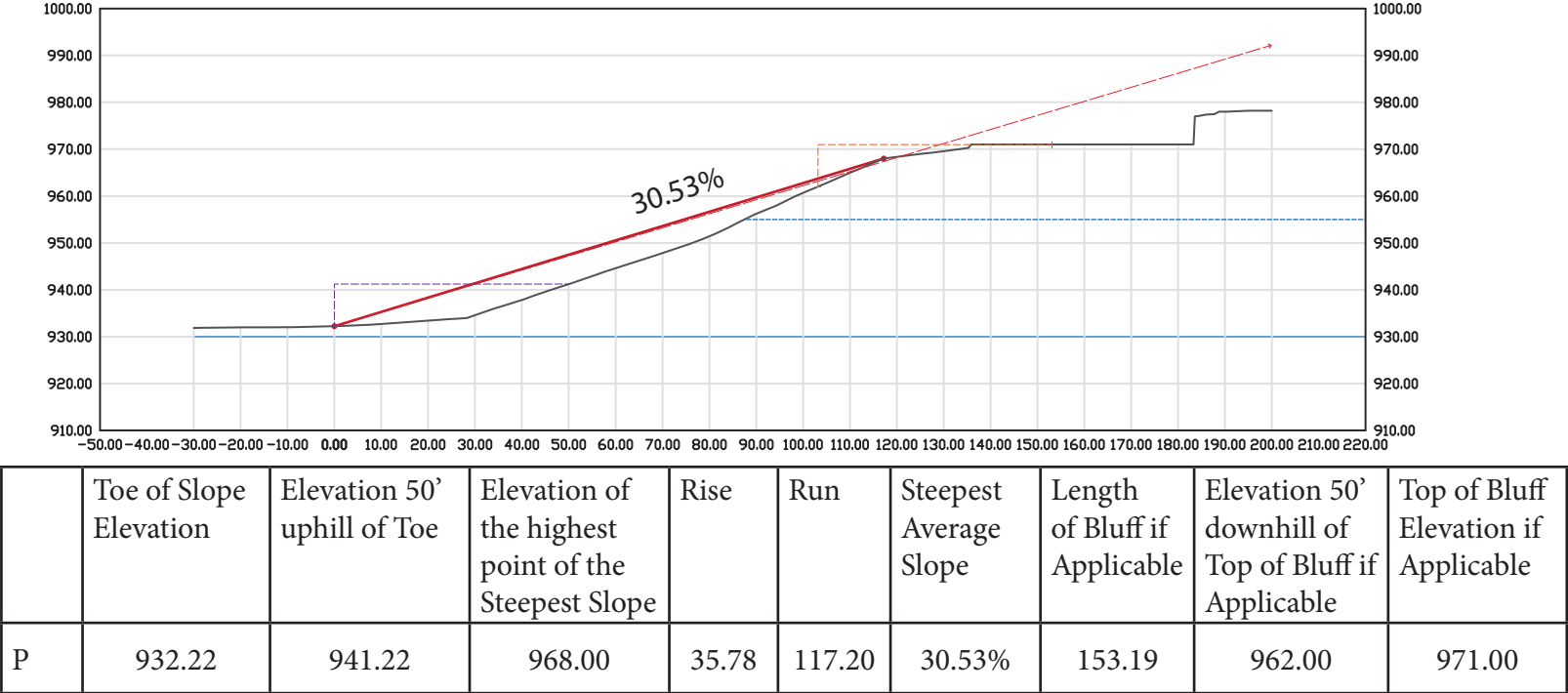
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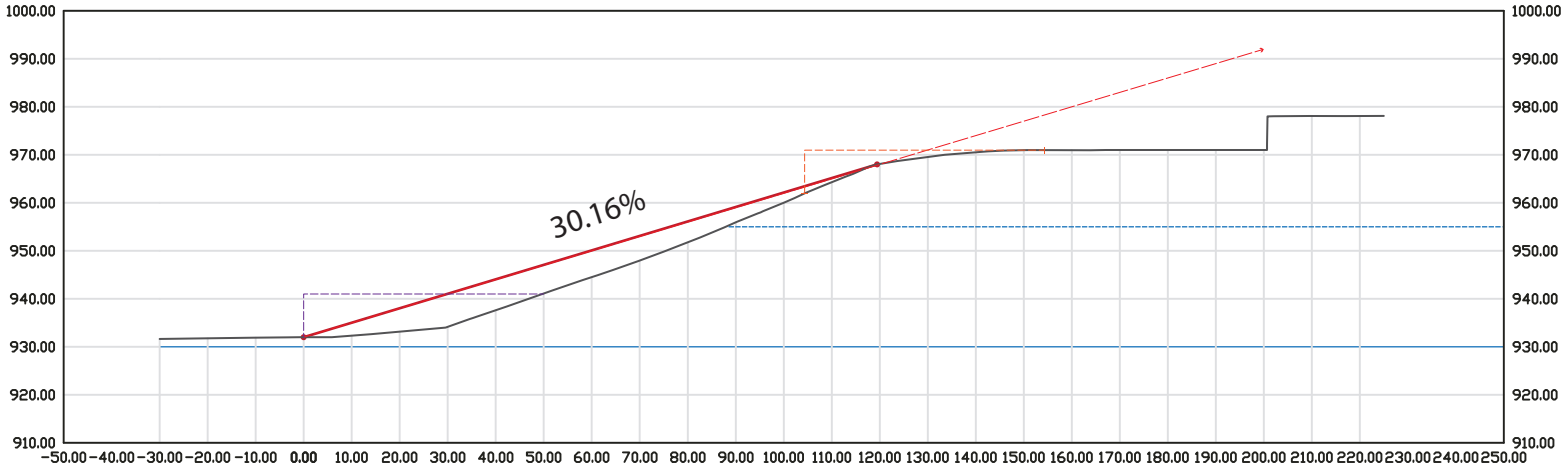
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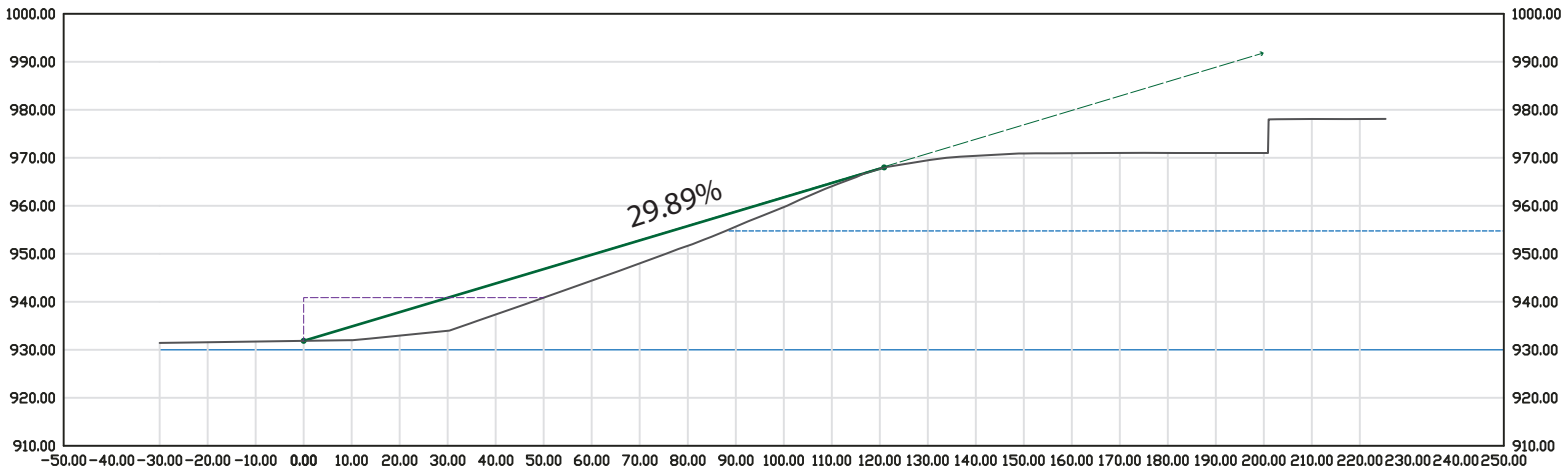


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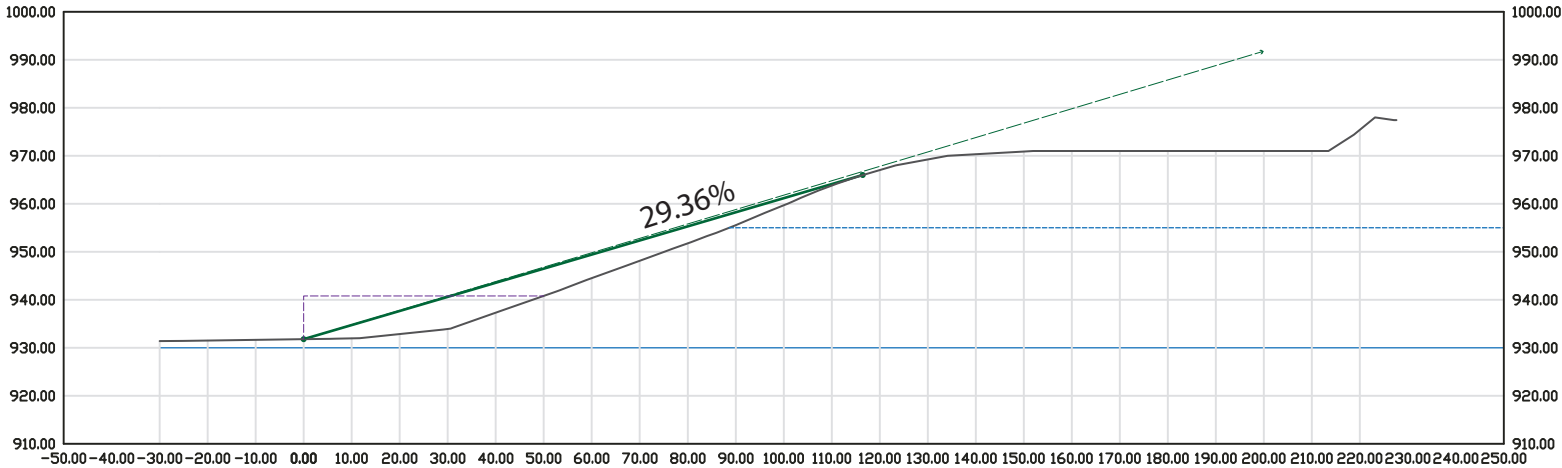
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Q	931.98	940.98	968.00	36.02	119.43	30.16%	153.35	961.96	970.96

R



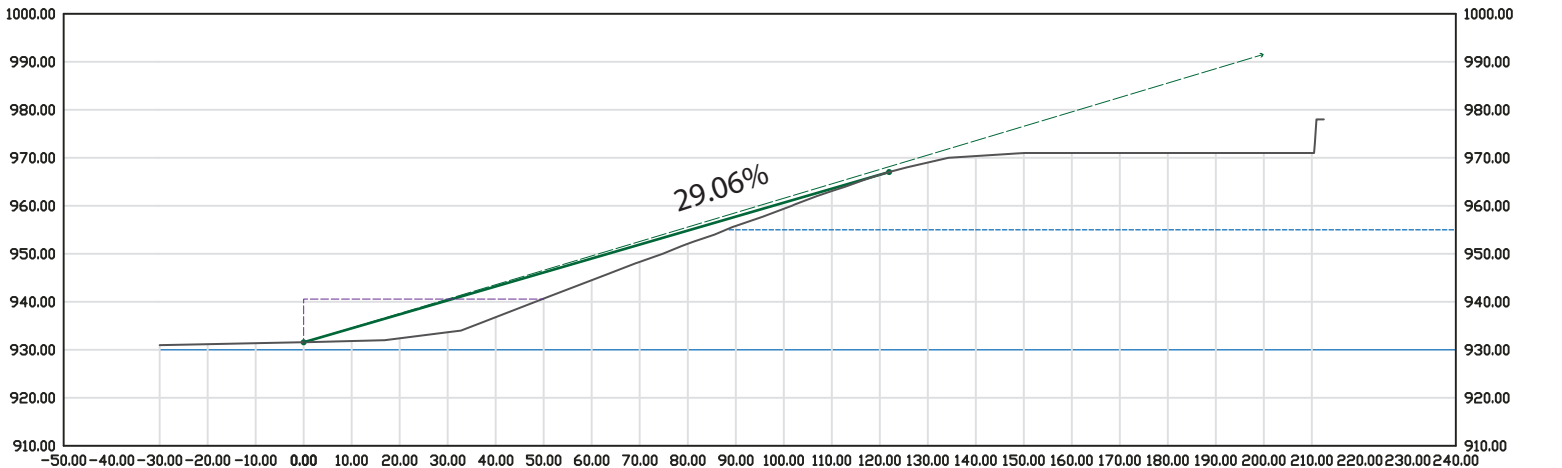
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R	931.86	940.86	968.00	36.14	120.92	29.89%			

S



	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
S	931.81	940.81	966.00	34.19	116.45	29.36%			

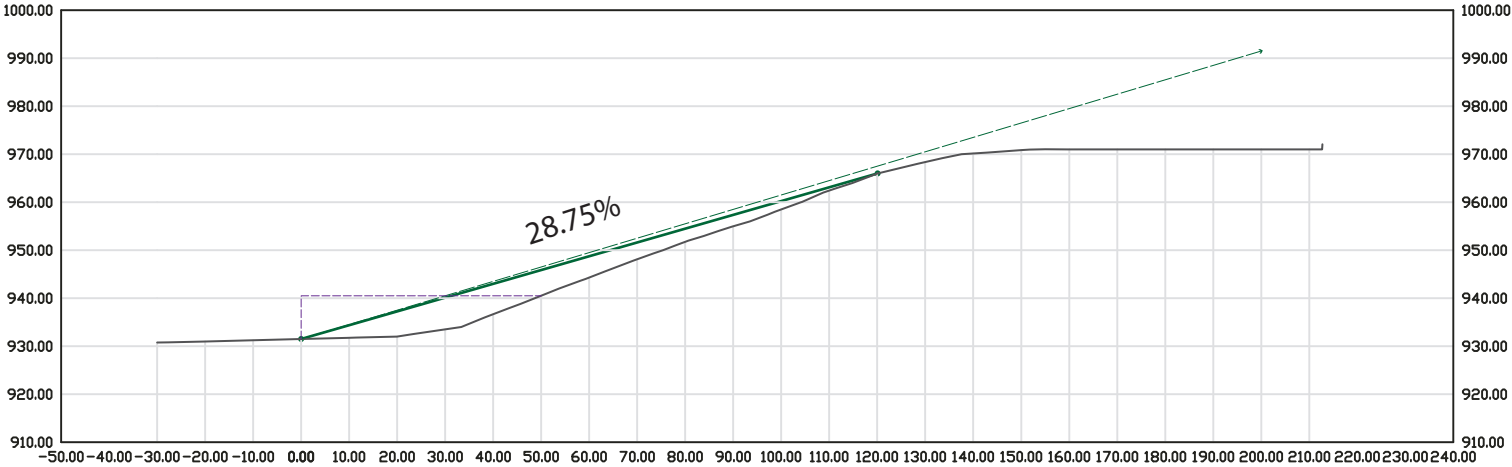
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	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
T	931.59	940.59	967.03	35.44	121.95	29.06%			

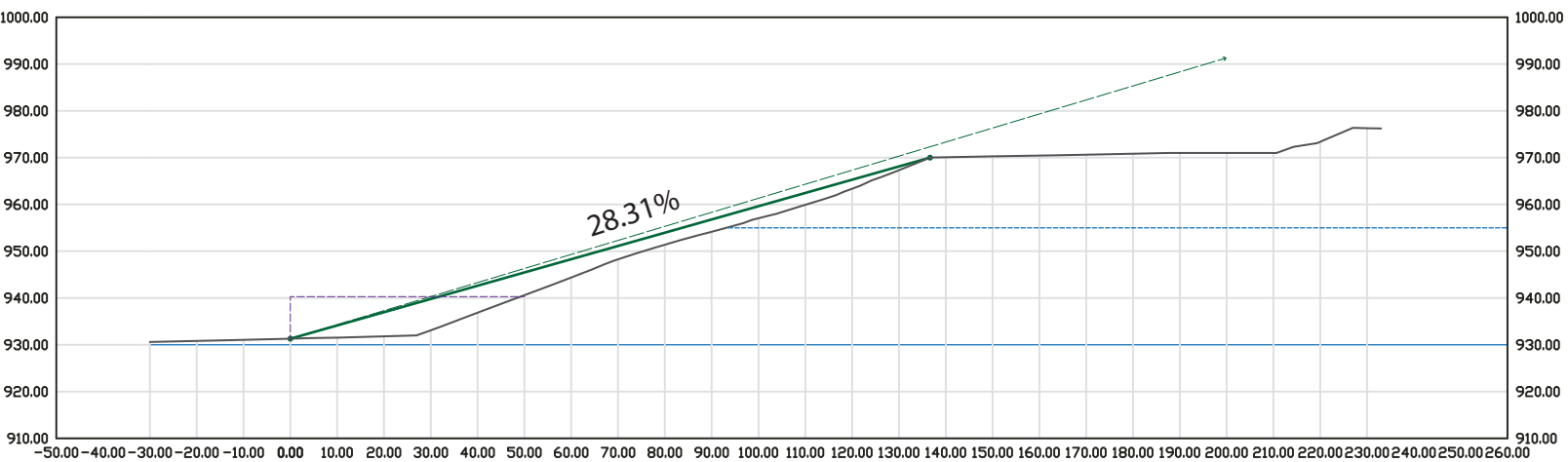
New U

U



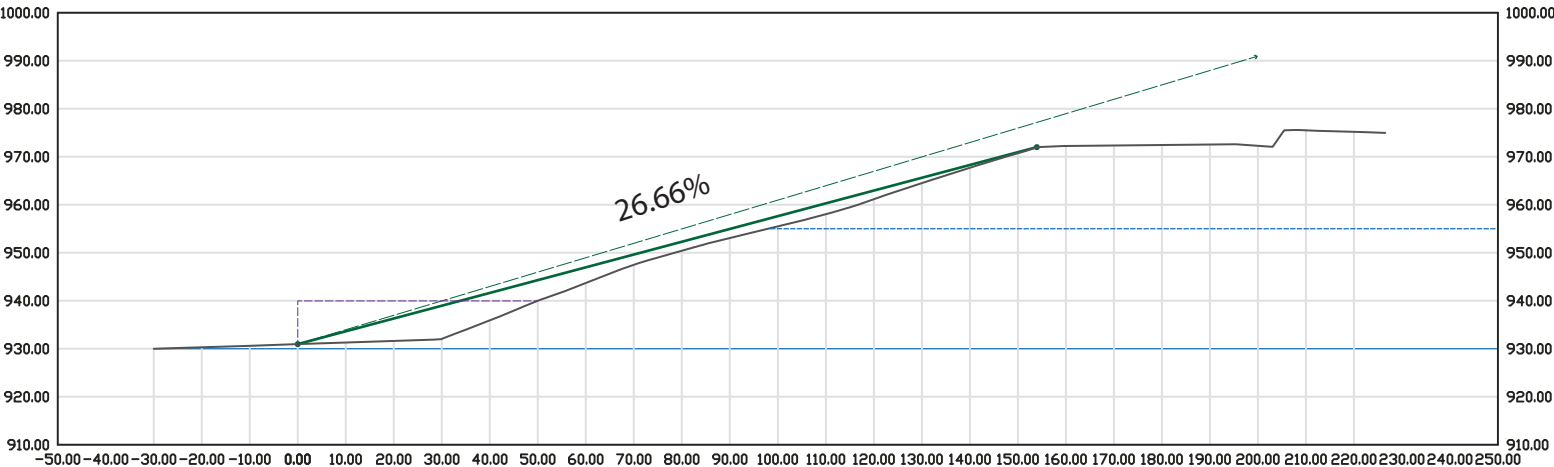
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U	931.50	940.50	966.00	34.50	120.01	28.75%			

V



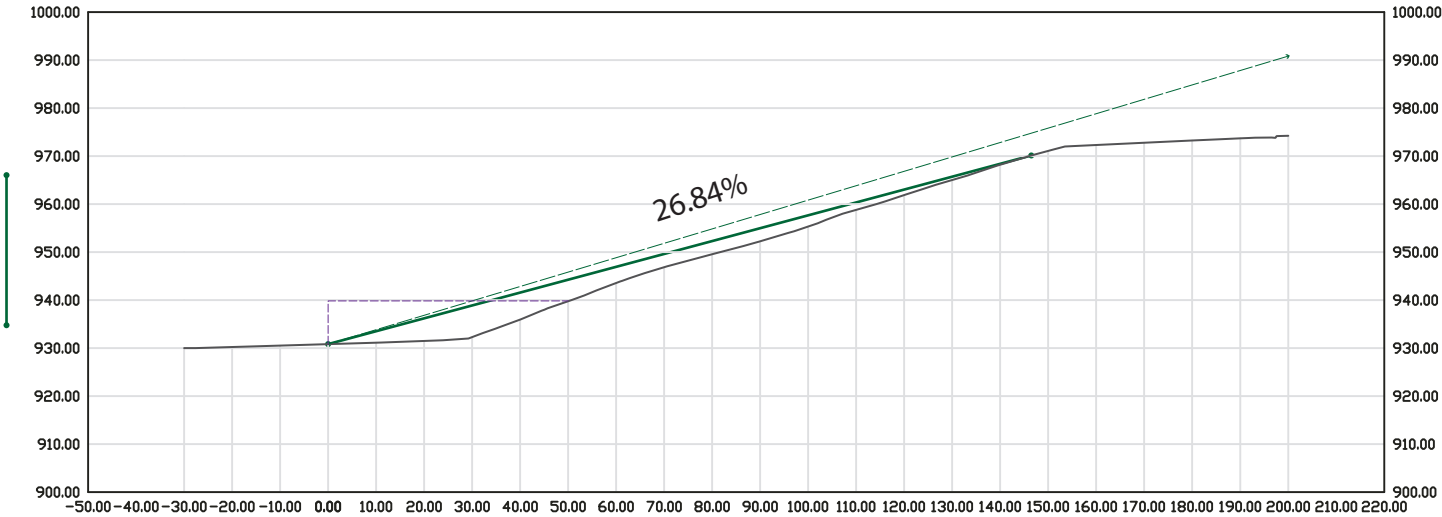
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V	931.31	940.31	970.00	38.69	136.65	28.31%			

W



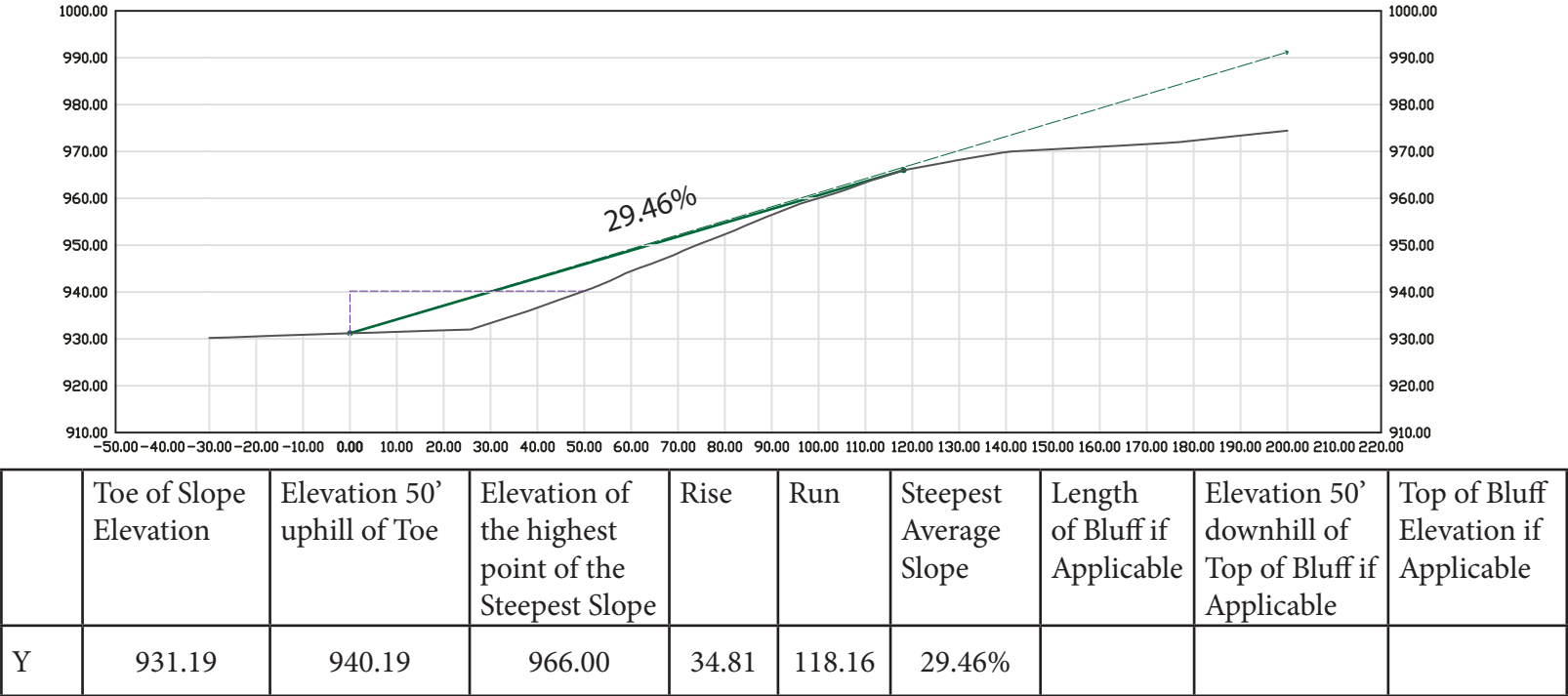
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W	930.96	939.96	972.00	41.04	153.95	26.66%			

X

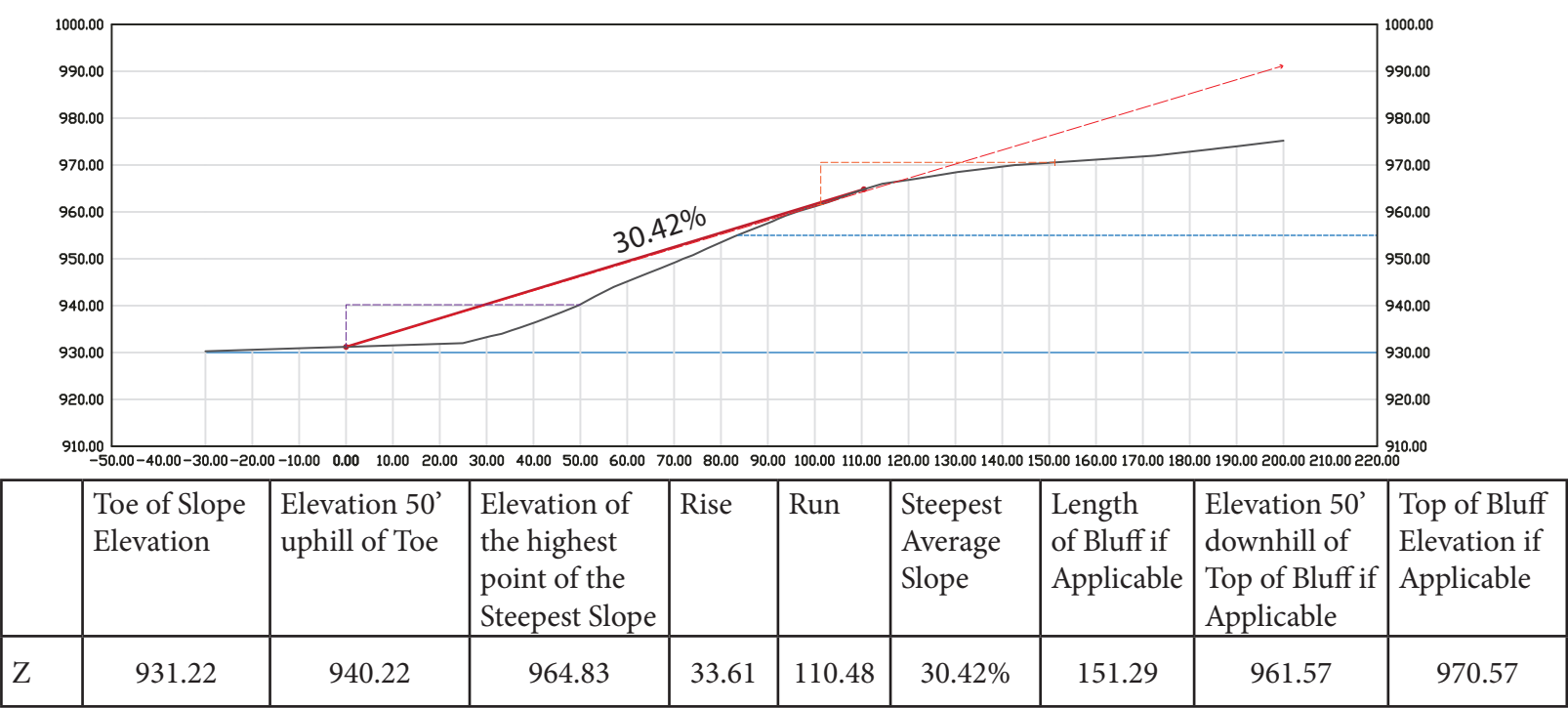


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X	930.82	939.82	970.14	39.32	146.49	26.84%			

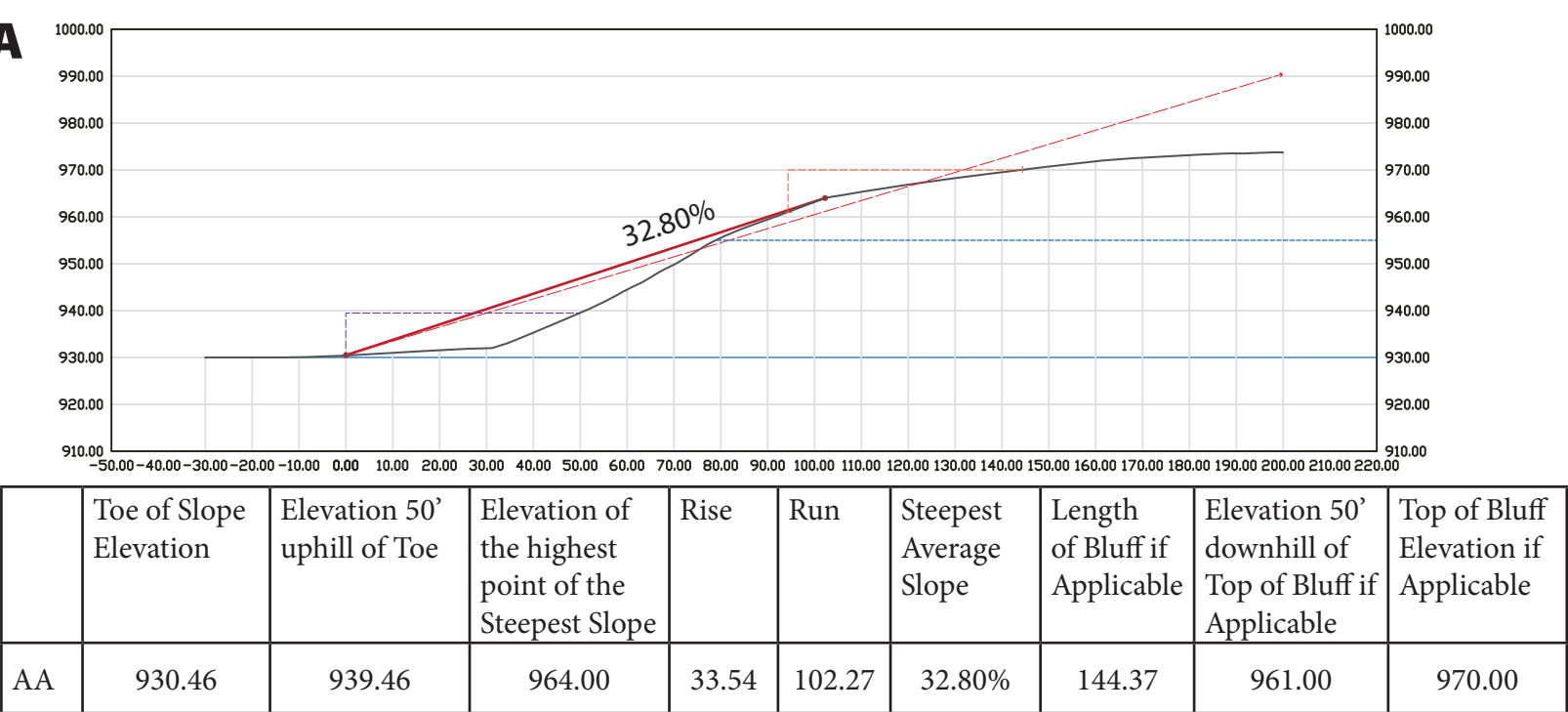
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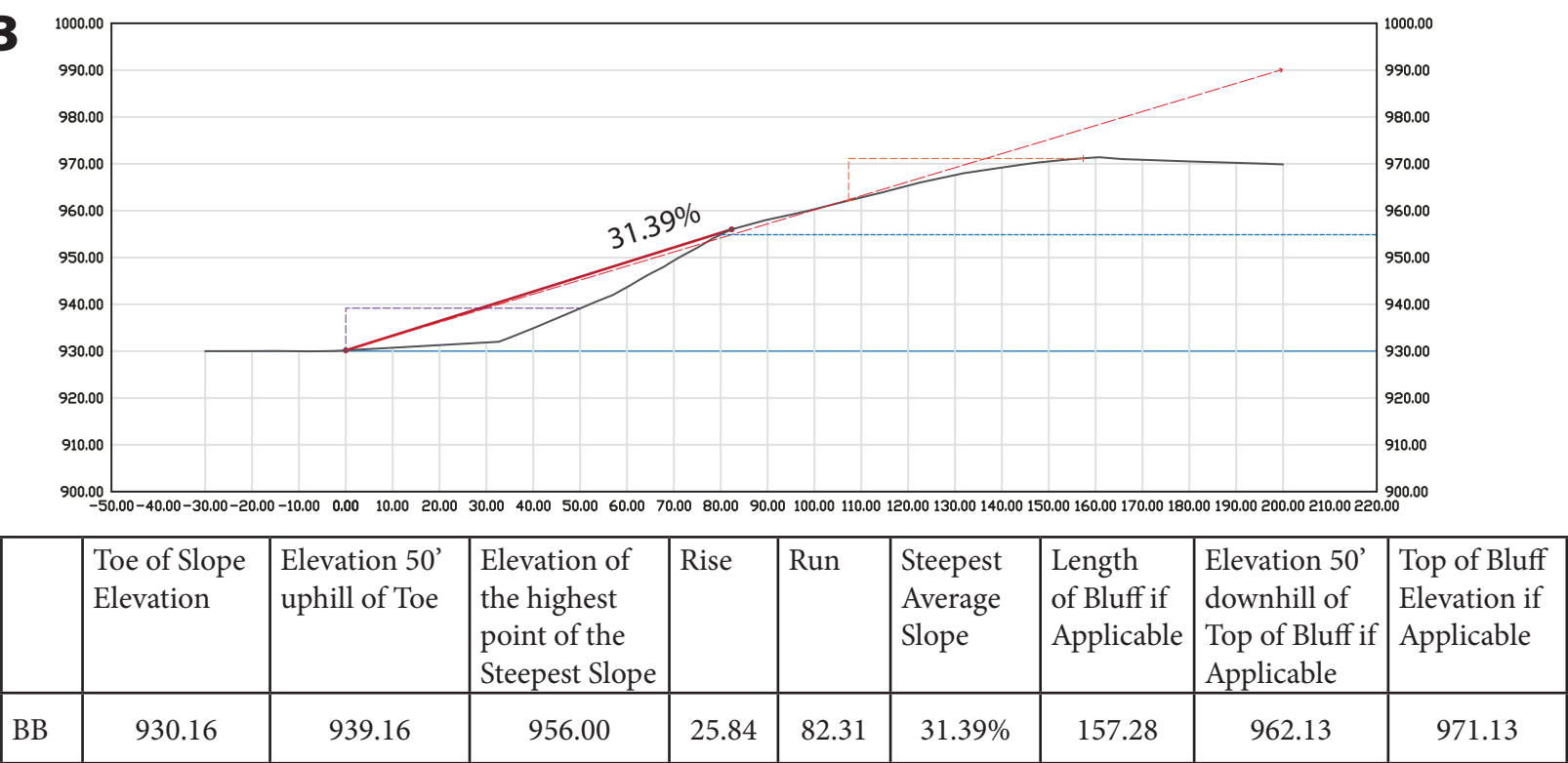
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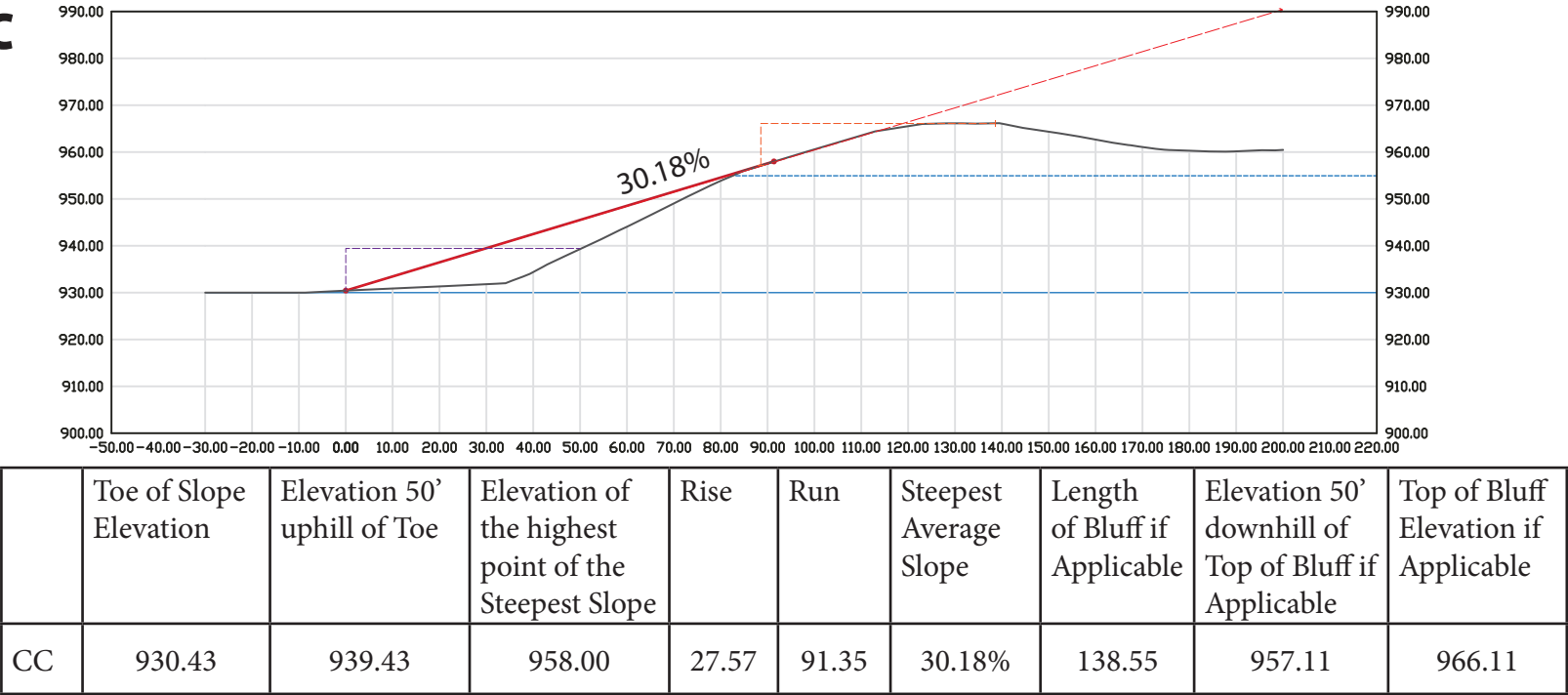
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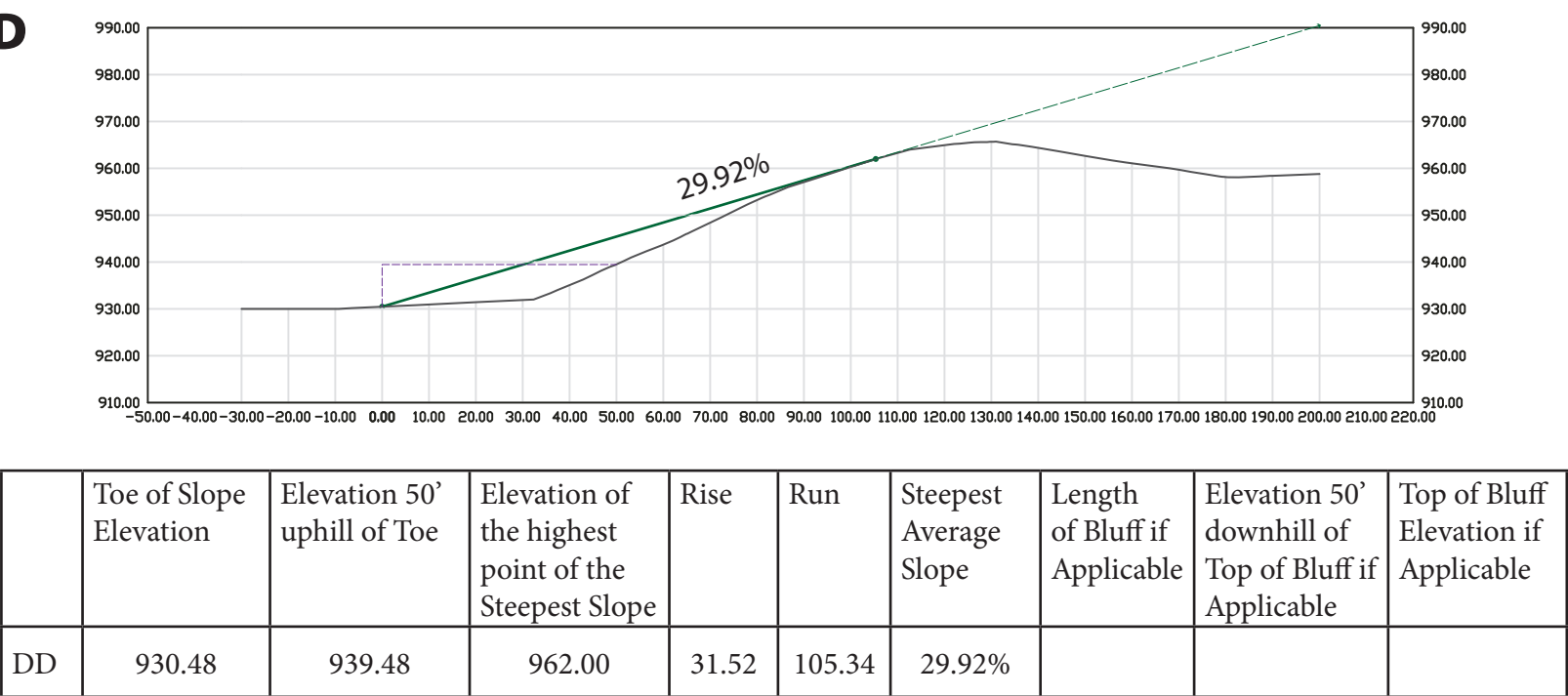
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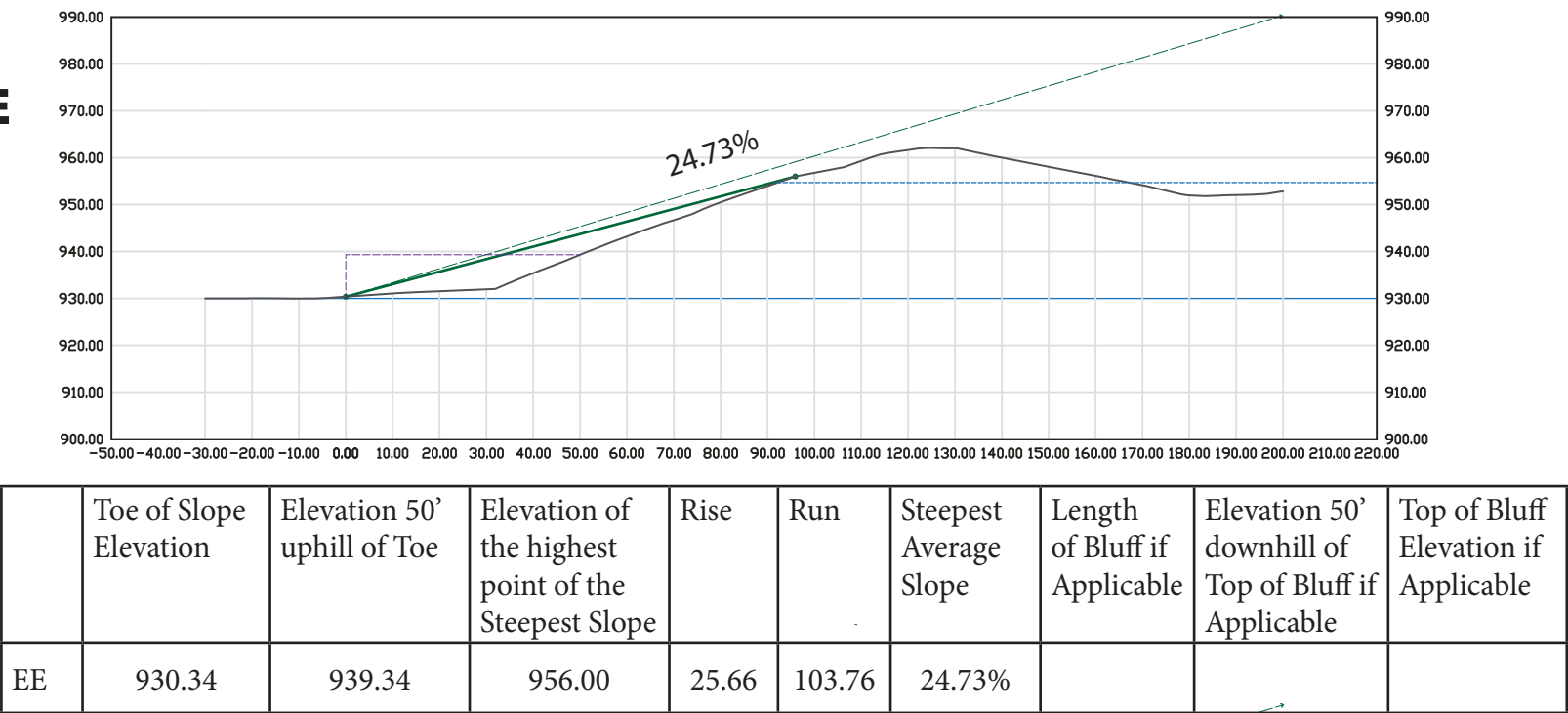
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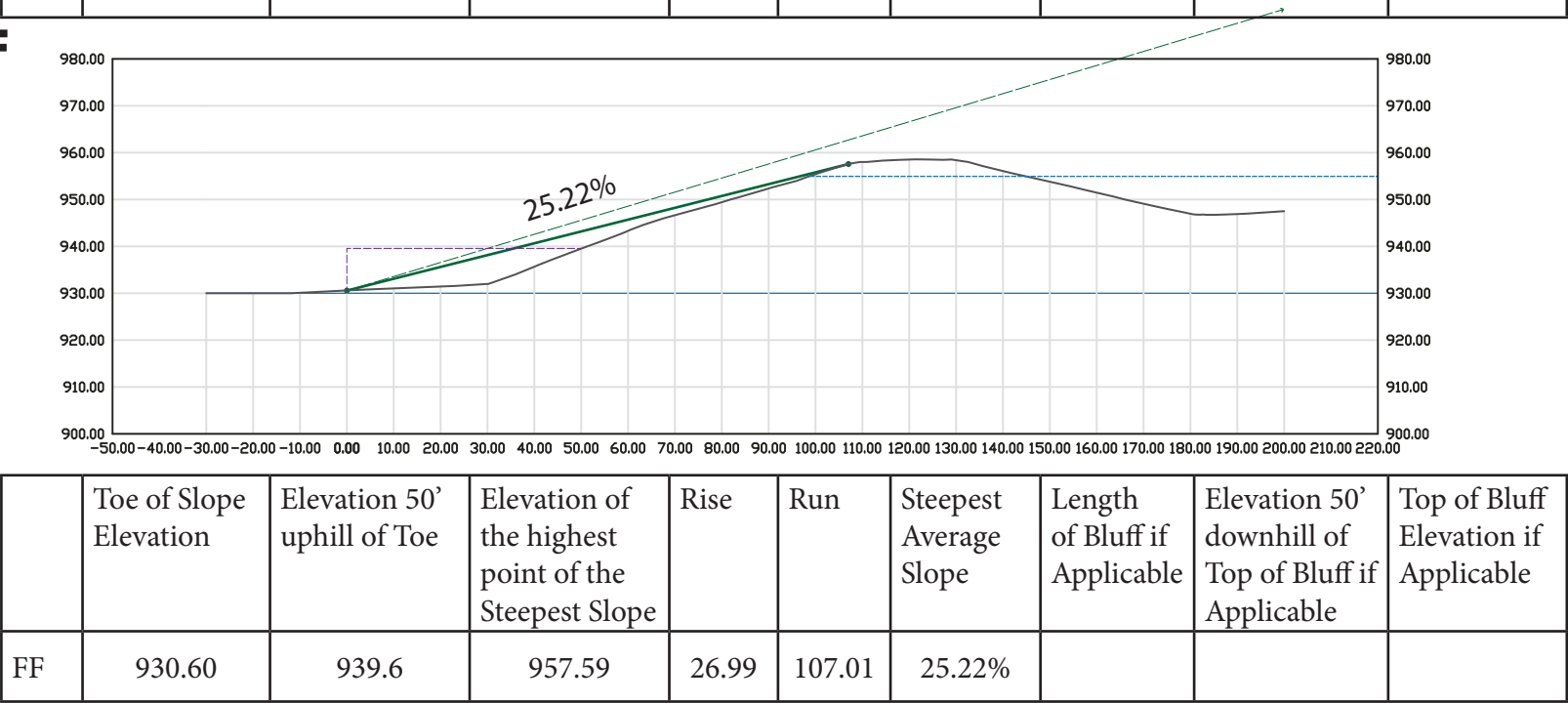
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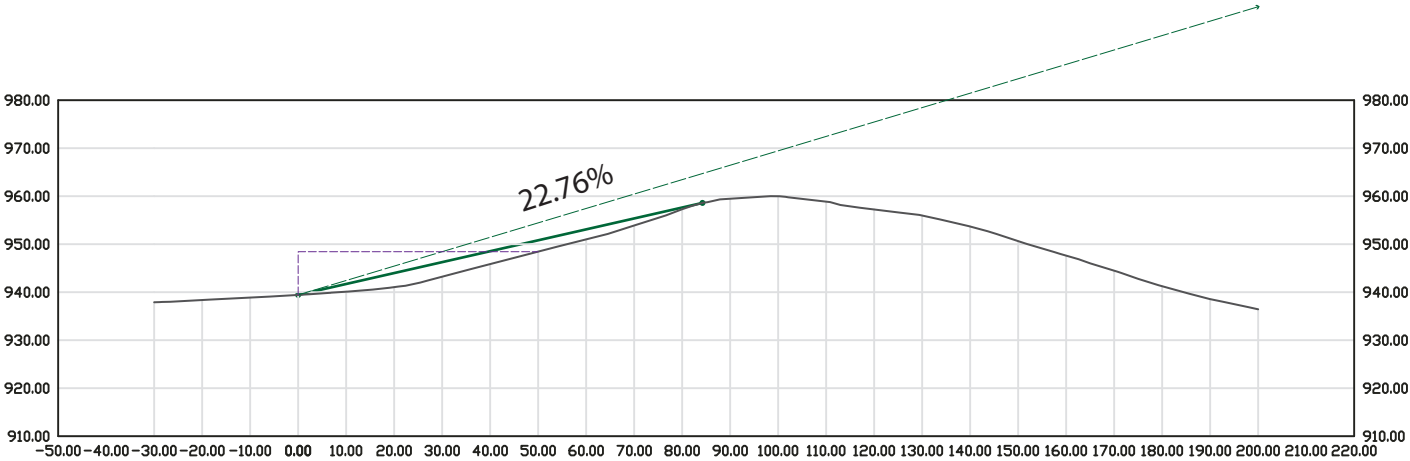


FF



DD

GG



	Toe of Slope Elevation	Elevation 50' uphill of Toe	Elevation of the highest point of the Steepest Slope	Rise	Run	Steepest Average Slope	Length of Bluff if Applicable	Elevation 50' downhill of Top of Bluff if Applicable	Top of Bluff Elevation if Applicable
GG	939.42	948.42	958.59	19.17	84.22	22.76%			



Exhibit J - Bluff Locations



Exhibit K - 20' Bluff Impact Zone



Exhibit L - 30' Bluff Setback

Project Name	Habitat Assessment of Ferndale Bluff Proposed Development Project for Bald Eagle (<i>Haliaeetus leucocephalus</i>) Suitable Habitat	Date	03.27.2023
To / Contact info	Samantha Capen Muldoon, 1801 W. Farm Road, Long Lake, Minnesota 55356		
Cc / Contact info			
From / Contact info	Carly RW Kalina, Environmental Scientist, Emmons & Olivier Resources, Inc., 1002 Quartz Avenue, Boone, Iowa 50036		
Regarding	Habitat Assessment of Ferndale Bluff Property, Lots 79,80, and 84 of Auditor's Subdivision #184 in Wayzata Minnesota		

Purpose of the Project

Ms. Samantha Capen Muldoon (Client) requested a Bald Eagle Nest Assessment of the Ferndale Bluff Proposed Development Project (Project Area) located in Wayzata, Minnesota. The Project Area is in a relatively wooded suburban habitat on the west bank of Peavy Lake and across the Ferndale Road West right-of-way (ROW) from Browns Bay, located in the northern portion of Lake Minnetonka (Figure 1). The Client is interested in developing the Project Area into a subdivision, which would require the tree clearing during periods considered active bald eagle active reproductive season (December – September).

Background

The bald eagle (*Haliaeetus leucocephalus*) was once a species in decline due to habitat degradation, illegal hunting/poaching, and food contamination from the use of dichlorodiphenyltrichloroethane, known as DDT. By 1963, only 417 nesting pairs of bald eagles were known, and the species faced extinction. Listing under the Endangered Species Act in 1978 throughout the lower 48 states assisted with the recovery of the species, which has helped recover to an estimated population of 316,700 individuals and 71,467 breeding pairs as of data collected in 2018/2019.

Bald eagles have an estimated lifespan of approximately 30 years in the wild, typically capable of breeding upon the age of four (4). This species mates for life but has been documented to accept new mates should one of the breeding pair die.

General suitable habitat for the species includes a wide variety of areas near rivers, lakes, and marshes and can include estuaries, larger lakes, reservoirs, rivers, and sometimes along the coast. However, they are increasingly found in drier areas such as farmland, urban, and suburban areas.

Nesting locations are typically selected near tree crowns, cliffs, and human-made structures such as transmission line poles and communication towers, in areas capable of supporting nest construction. Nests can be four (4) to five (5) feet across and two (2) to four (4) feet deep, however these nests can reach ten (10) feet across and can weigh thousands of pounds. Research has indicated that eagles can have one or more alternate nests located within the pair's breeding territory, typically with a clear view of a foraging area, such as a water body; however, the species is increasingly found away from water bodies typically considered foraging areas.

Breeding season for bald eagles is regionally dependent, with the population present in the northern United States typically initiating nest building in December, with egg laying and incubation occurring in anytime between January and May. The period of rearing young is understood to typically begin

as early as February, and lasting until the young-of-the-year (YOTY) fledge from the nest anytime between May and September. The [National Bald Eagle Management Guidelines](#) specifies breeding seasons throughout the U.S.

Regulatory Status

The bald eagle (*Haliaeetus leucocephalus*) is currently protected by the Bald and Golden Eagle Protection Act (Eagle Act) and by the Migratory Bird Treaty Act (MBTA), which both protect the species from harmful actions and impacts. The Eagle Act (16 U.S.C. 668-668c) provides criminal and civil penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” “Disturb” is defined as “means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause the following circumstances:

- injury to an eagle,
- a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or
- nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

The U.S. Fish and Wildlife Service (USFWS) drafted the National Bald Eagle Management Guidelines to assist landowners, land managers, and other interests to understand when provisions of the Eagle Act apply to management activities. Several human activities can impact the abilities of bald eagles to forage, nest, roost, breed, or raise young.

The MBTA (16 U.S.C. 703-712), prohibits the taking of any migratory bird or any part, nest, or egg, with the exception of permitted activities. The MBTA was enacted in 1918, and expanded in a 1972 agreement to cover bald eagles and other raptors. Regulations currently define “take” under the MBTA as “pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect” species considered migratory birds.

Habitat Assessment Methodology

Client-provided site maps indicating project boundaries were utilized to create geospatial data imported into GIS software to create site maps and a data collection tool to track observed bald eagle nests. A visual assessment was completed throughout the Project Area to determine the presence of suitable nesting habitat and the presence of bald eagles on or within 660-feet of the Project Area.

Habitat Assessment Findings

The Project Area is dominated by Sugar Maple (*Acer saccharum*) and Oak species (*Quercus sp.*), with Boxelder (*Acer negundo*), Hackberry (*Celtis occidentalis*), Linden (*Tilia americana*), and Hickory (*Carya sp.*) observed during the site visit. The Project Area has a bluff bisecting the parcel in a north/south direction, with Peavy Pond adjoining the western boundary and Minnetonka Lake across the Ferndale Road right-of-way (ROW) to the south of the Project Area.

While the Project Area was found to be suitable habitat for the bald eagle, no nests were observed in the Project Area or within 660-feet of the Project Area boundaries (Figure 2).

Recommendations

EOR did not find evidence of bald eagle nesting activity occurring within the Project Area or within 660-feet of the Project Area's boundary. This species has been shown to build nests within a calendar year as the need arises for breeding pairs. Should the project timeline advance into 2024, EOR recommends the Client conduct another Bald Eagle Nest Assessment prior to commencement of construction activities. Should a nest be identified, USFWS has created guidelines for the determination of when a permit will be required to proceed with project development activities. If the activity is greater than 660-feet from a bald eagle nest, the activity is unlikely to bother the eagles to the extent that nest abandonment would occur. Bald eagles are also unlikely to be disturbed if nest site selection is near routinely utilized roadways, homes, or other areas that were present prior to construction of the nest. The following table was created by USFWS and summarizes permit requirements and distance thresholds.

Distance	Time of Year	Activity	Recommendation
>660 feet	Any time	All (except blasting and other extremely loud activities)	No Incidental Take permit
330 to 660 feet (if similar activity within 660 feet)	Breeding season	All	Incidental Take permit may not be recommended if eagles are tolerant of past disturbance; Contact your regional Migratory Bird Permit Office for Assistance.
330 to 660 feet (no similar activity within 660 feet)	Breeding season	All	Incidental Take Permit recommended; Contact your regional Migratory Bird Permit Office for Assistance.
330 to 660 feet	Outside of breeding season	Activity that will not be noticeable when the eagles return (tree trimming, pipe installation, etc)	Incidental Take Permit likely not recommended; Contact your regional Migratory Bird Permit Office for Confirmation.
<330 feet	Outside of Breeding Season	Tree clearing, building structures	Incidental Take Permit likely recommended; Contact your regional Migratory Bird Permit Office for Assistance.
<330 feet	Breeding Season	All	Incidental Take Permit recommended; Contact your regional Migratory Bird Permit Office for Assistance.

References

USFWS. [Bald Eagle \(*Haliaeetus leucocephalus*\) | U.S. Fish & Wildlife Service \(fws.gov\)](#)

USFWS. [3-200-72: Eagle Nest Take | U.S. Fish & Wildlife Service \(fws.gov\)](#)

USFWS. [Do I need an eagle take permit? | U.S. Fish & Wildlife Service \(fws.gov\)](#)

USFWS. [National bald eagle management guidelines | FWS.gov](#), published May 2007.



Figure 1. Project Area

Ground-level Photographs



Photo 1 – Typical conditions within southwest portion of Project Area.

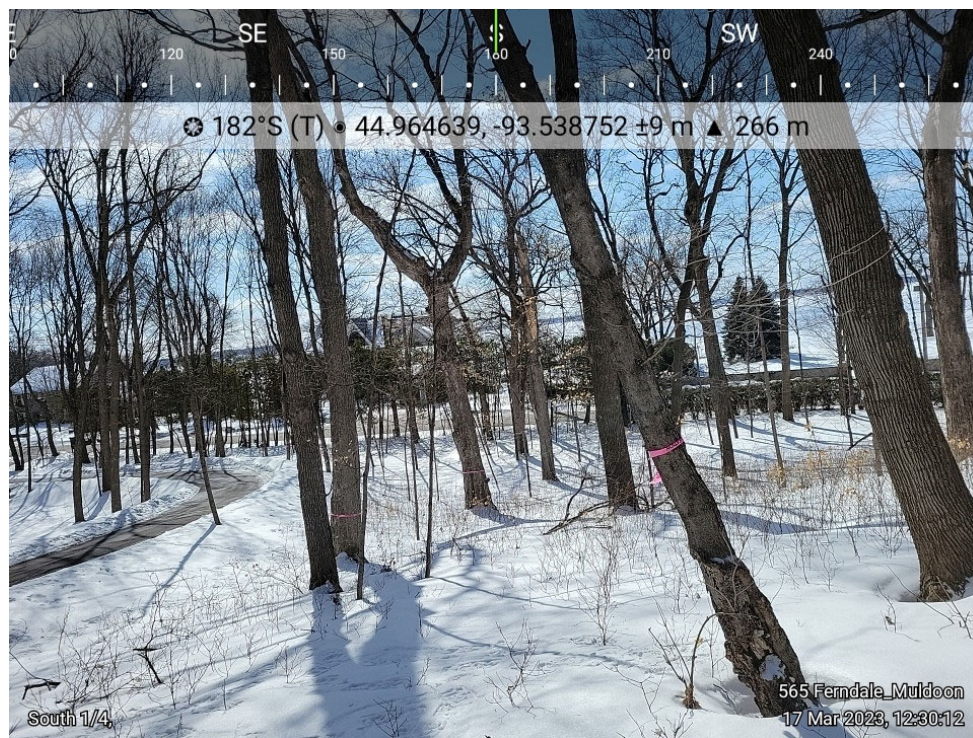


Photo 2 – Typical conditions within southeast portion of Project Area.



Photo 3 – Typical conditions within northwest portion of Project Area.

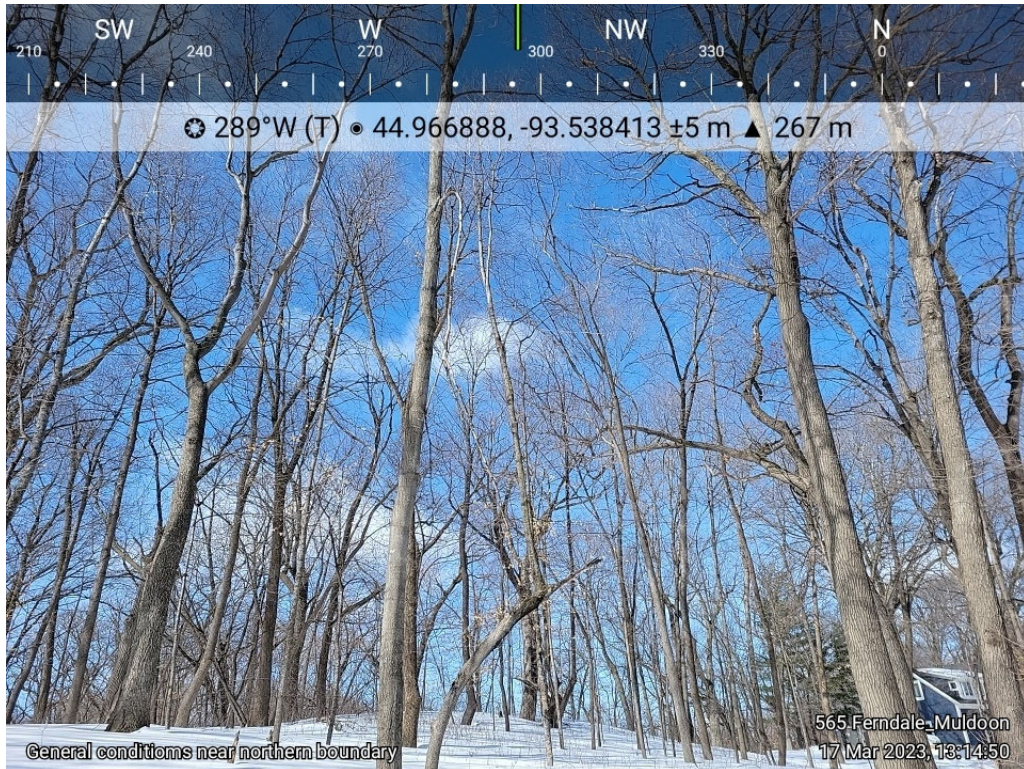


Photo 4 – Typical conditions within northeast portion of Project Area.

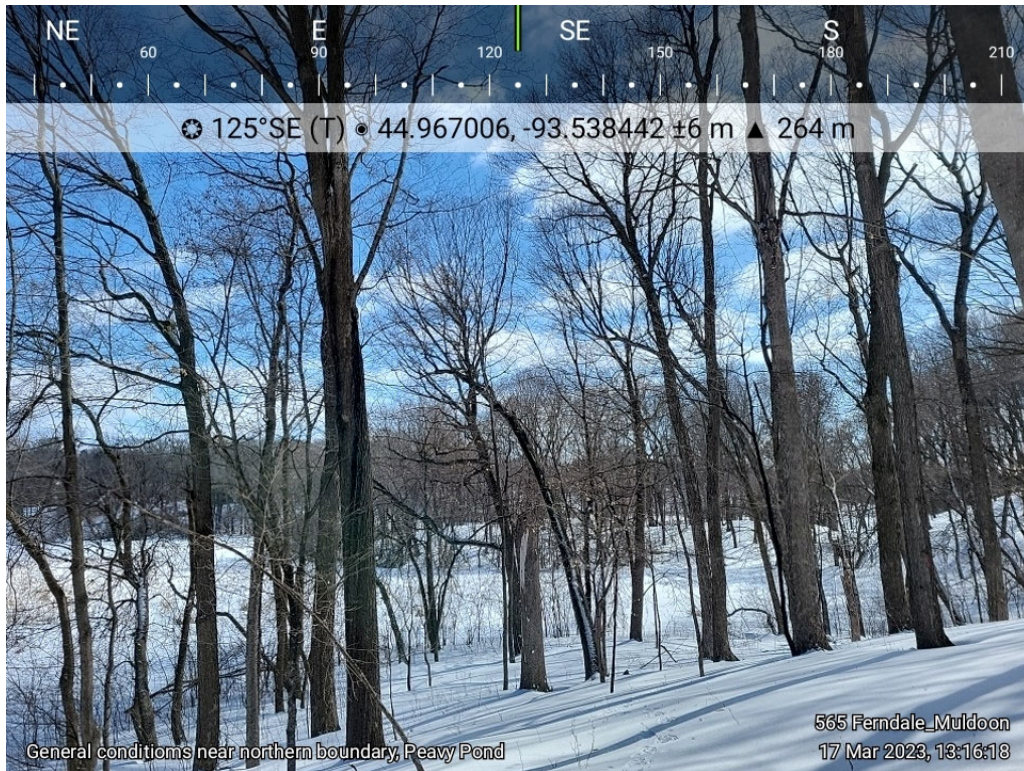
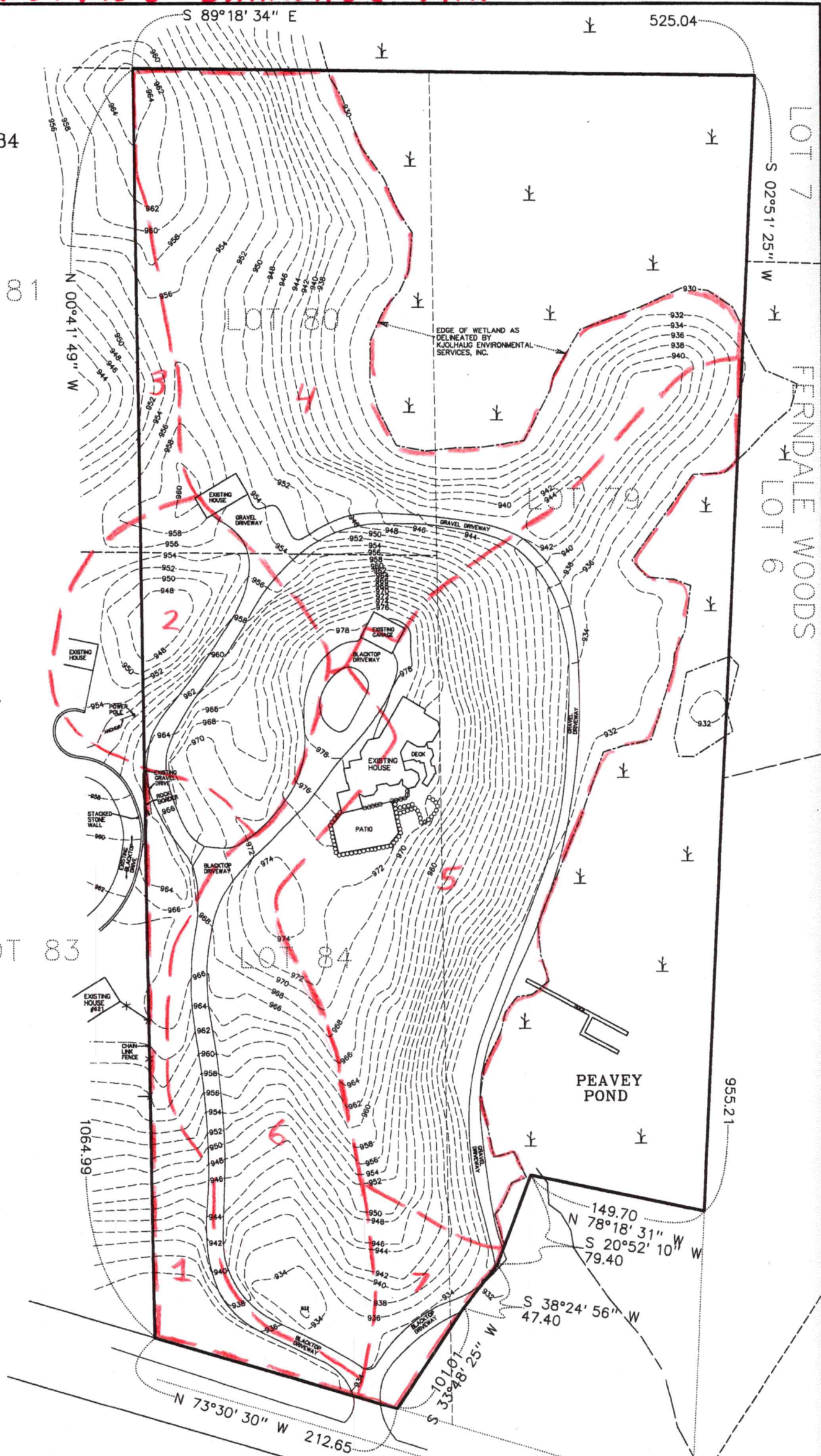


Photo 5 – Typical conditions of NW portion of Project Area with Peavy Pond and Bluff, facing SE.



Photo 7 – Typical conditions of NW portion of Project Area facing north towards wetland area.

CERTIFICATE OF SURVEY &
EXISTING CONDITIONS FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northernly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwestly along the Northernly line of said road 216.3 feet to a point 5.3 feet Northwestly from the intersection of the Northernly line of said Road with the East line of Lot 84; thence Northwestly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeastly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeastly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northernly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeastly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northernly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443;

Lot 80;

Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet north-westerly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwesterly a distance of 10 feet; thence Northeasterly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwesterly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwesterly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.



1207352EXC0402.5CJ	
DATE	REVISIONS
8-12-22	
6-25-22	
6-26-23	

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 Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg

Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDAL BLUFF

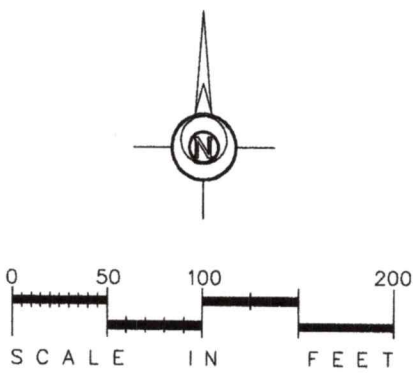
DATE	7-23-22
SCALE	1"=100'
JOB NO	22-073



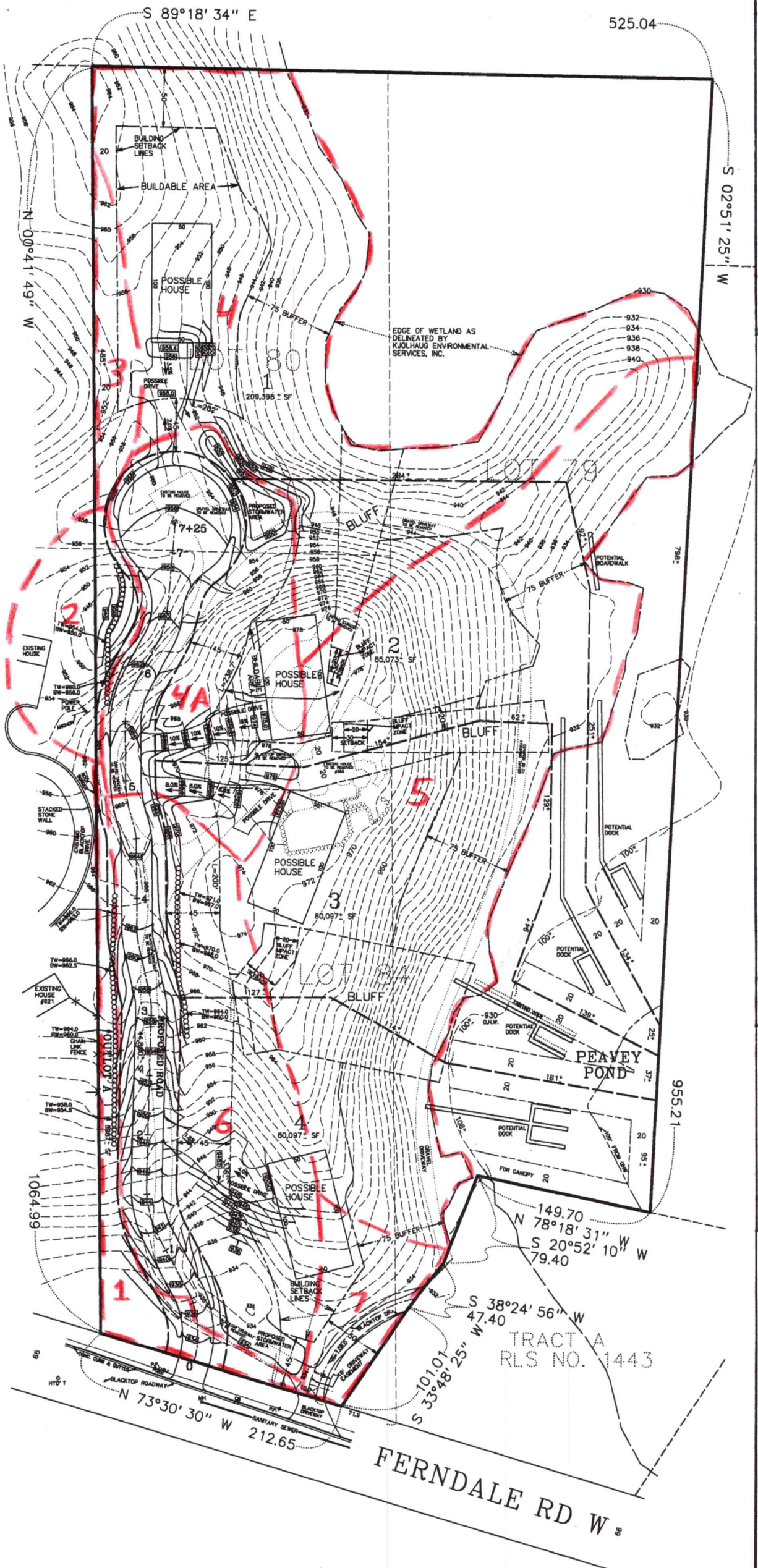
GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4441

PROPOSED DRAINAGE MAP

FERNDALE BLUFF
DOCK AND DRIVEWAY DETAIL FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



- [910.8] : denotes proposed spot elevation
- 917- : denotes existing contour line
- 930- : denotes proposed contour line



2207387DOCKDRIVEA.SCI		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.		PROJECT FERNDALE BLUFF		DATE 8-12-22		GRONBERG & ASSOCIATES, INC.	
DATE	REVISIONS	<i>Mark S. Gronberg</i> Mark S. Gronberg Minnesota License Number 12755		8-12-22		SCALE 1"=100'		CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141	
8-12-22									
8-25-22									
3-28-23	REVISED BLUFF INFORMATION AND BUILDING PADS								
5-3-23	PROPOSED DRIVEWAY CONTOURS ADDED								
8-26-23									

FERNDAL BLUFF DRAINAGE SUMMARY

July 23, 2022

Rev. November 16, 2022

Rev June 26, 2023

1. Areas 1, 2 & 3 drain to the west and south of this property and all 3 areas have been reduced in size and are showing less runoff for the 1, 10 and 100 year storm than the current existing conditions. Also, the low area in Area 2 has slightly reduced water elevation for the 1, 10 and 100 year storms compared to the current existing conditions.
2. Area 4, 5, 6 & 7 drain to the east and the total runoff has also been reduced for the 1, 10 and 100 year storms.

EXISTING RUNOFF

Areas 4, 5, 6 & 7

1 year	=	4.39 CFS
10 year	=	16.54CFS
100 year	=	44.42 CFS

PROPOSED RUNOFF

Areas 4, 4A, 5, 6 & 7

1 year	=	4.28 CFS
10 year	=	14.98 CFS
100 year	=	41.96 CFS

3. The existing impervious surfaces are 0.88 acres which are being removed. The proposed impervious surfaces are 0.645 acres which is a reduction. When the individual homes and driveways are constructed their additional hardcover will be treated on each lot in either an underground stormwater system for both water quantity and water quality or in an onsite rain garden.

GRONBERG & ASSOCIATES, INC.
445 N. WILLOW DR.
LONG LAKE, MN 55356

DATE	REVISIONS	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 Land Surveyor under the laws of the State of Minnesota.  Mark S. Gronberg Minnesota License Number 12755	PROJECT	DATE	 GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141
8-12-22				6-15-22	
8-25-22				SCALE 1"=50'	
				JOB NO 22-073	

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of Wayzata	Address 600 Rice Street East Wayzata, MN 55391
---	--

1. PROJECT INFORMATION

Applicant Name Samantha Capen Muldoon	Project Name 565 Ferndale Road W	Date of Application 10/29/2019	Application Number 2019-03
---	--	--	--------------------------------------

☐ Attach site locator map.

Type of Decision:

☒ Wetland Boundary or Type	☐ No-Loss	☐ Exemption	☐ Sequencing
☐ Replacement Plan	☐ Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

☐ Approve	☐ Approve with conditions	☐ Deny
----------------------------------	--	-------------------------------

Summary (or attach):

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: **12-06-2019**

☒ Approved	☐ Approved with conditions (include below)	☐ Denied
--	---	---------------------------------

LGU Findings and Conclusions (attach additional sheets as necessary):

The Wetland Delineation was reviewed for the above referenced property in the field on November 20, 2019. The wetland delineation report dated , 2019, provided by Kjolhaug Environmental Services Company, Inc., was reviewed on November 20, 2019.

This Notice of Decision represents an approval of the wetland boundary as reviewed in the field on November 20, 2019 and as documented in the attached, revised delineation report, located in Section 1, Township 117 North, Range 23 West in Hennepin County, Minnesota.

This decision is valid for five years from the date of decision shown above.

You are hereby notified that the decision of the Local Government Unit on the above-referenced application was made on the date stated above.

For Replacement Plans using credits from the State Wetland Bank:

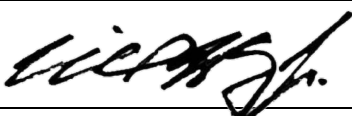
Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
----------------	-------------------	--------	---

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Michael H. Kelly, Jr., P.E.	Title City Engineer/Director of Public Works	
Signature 	Date 12-06-2019	Phone Number and E-mail 952-404-5316 mike@wayzata.org

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☒ Appeal of an LGU staff decision. Send petition and \$100.00 fee (if applicable) to: Michael Kelly, P.E. City of Wayzata 299 Wayzata Blvd W. Wayzata, MN 55391	☐ Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
--	---

4. LIST OF ADDRESSEES

- ☒ SWCD TEP member: **Ms. Stacey Lijewski**
 - ☒ BWSR TEP member: **Mr. Ben Carlson**
 - ☒ LGU TEP member (if different than LGU Contact): **John Smyth, Stantec**
 - ☒ DNR TEP member: **Mr. Jason Spiegel**
 - ☒ DNR Regional Office (if different than DNR TEP member)
 - ☒ WD or WMO (if applicable): **Mr. Tom Dietrich**
 - ☒ Applicant and Landowner (if different)
 - ☒ Members of the public who requested notice:
-
- ☒ Corps of Engineers Project Manager
 - ☐ BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

NW Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	NE Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Central Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Southern Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
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For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

- ☒ **Original Delineation Report**
- ☒ **Revised Figure 2**
- ☒ **Survey**
- ☐
- ☐

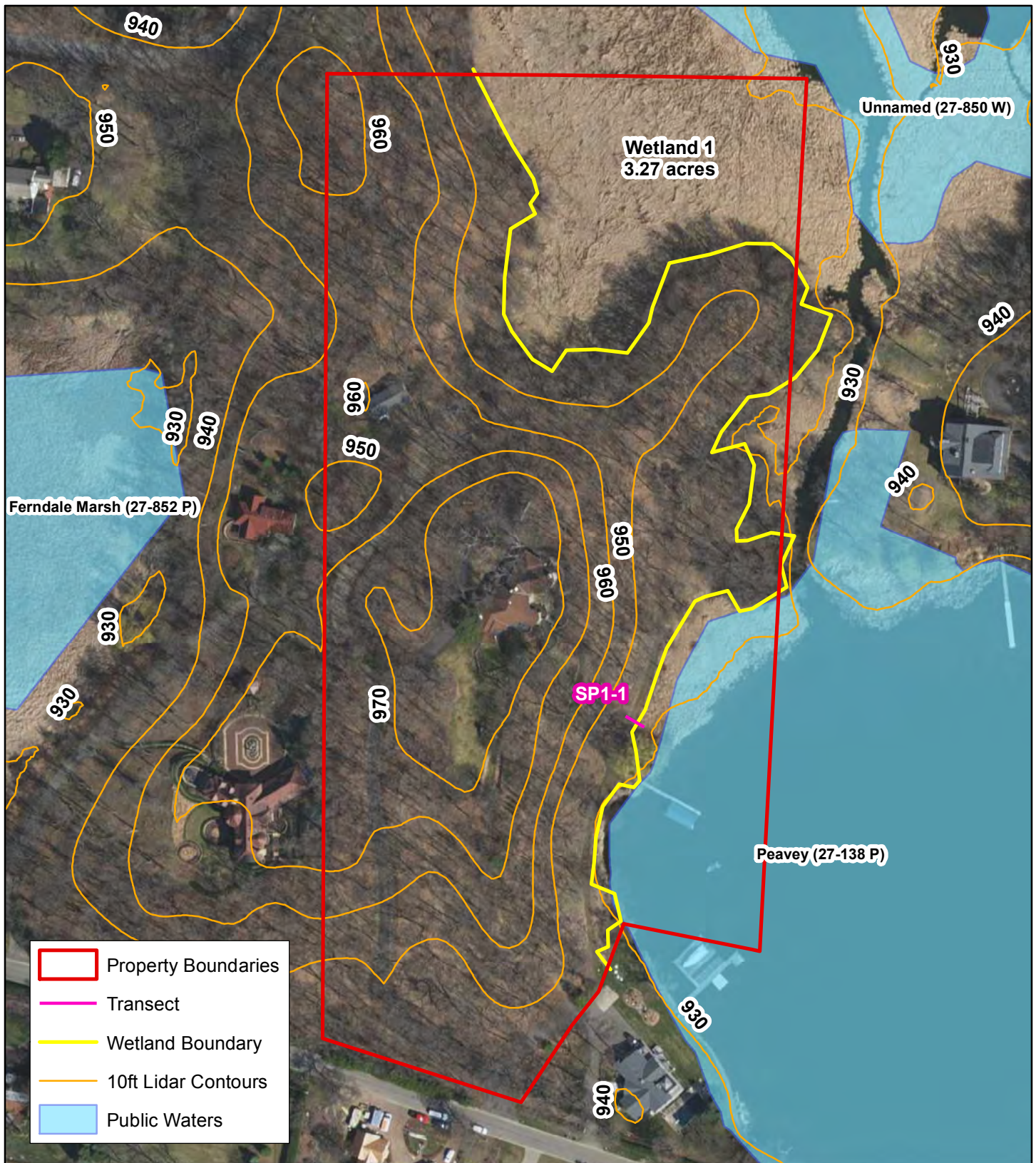


Figure 2 - Existing Conditions



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Source: MNGEO Spatial Commons

N



0 150 Feet



565 Ferndale Rd W (KES 2019-135)
Wayzata, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

(reserved for recording information)

SPECIAL LOT COMBINATION AGREEMENT

THIS INDENTURE is made and entered into this _____ day of _____, 2024, by the **City of Wayzata, Minnesota**, a municipal corporation, its successors and assigns (hereinafter referred to as “City”), and **DRAYCOTT DST A DELAWARE STATUTORY TRUST** (hereinafter referred to as “Owner”).

WITNESSETH:

WHEREAS, Owner is the fee owner of certain real property in the City of Wayzata, Hennepin County, Minnesota, legally described as follows (and hereinafter collectively referred to as the “Properties”):

Lot 4, Ferndale Bluff, Hennepin County, Minnesota (hereinafter described as “Parcel A”);
and

Outlot A, Ferndale Bluff, Hennepin County, Minnesota (hereinafter described as “Parcel B”); and

WHEREAS, Owners intend to apply for a tax parcel combination of the Properties; and

WHEREAS, the City Council has required combination of Parcel A and Parcel B as a condition of its approval of the Ferndale Bluff preliminary plat application; and

WHEREAS, it is the intent of the Owner and the City that Parcel A and Parcel B are and shall henceforth be continued in common ownership by the same person or persons, and further that Parcel A and Parcel B are intended to be used and/or developed in common by Owner as they were in fact one parcel instead of two.

NOW, THEREFORE, for valuable consideration, the sufficiency of which is hereby acknowledged, Owner hereby covenants, grants, gifts, quit claims and conveys to the City the

right to restrict, and Owner hereby agrees to restrict, limit and preclude the ownership, use, improvement and development of the Properties according to and under the conditions and covenants herein contained, as follows:

1. The City and Owner agree that the Properties shall henceforth be contained in common use and ownership even if recorded as a separate lot or parcel, and that the Properties will not be conveyed, sold, leased or otherwise encumbered except together as if they were a single parcel.
2. The City shall not issue any building permits, variances, or conditional use permits for any structure or use on the Properties inconsistent with the covenants contained herein.
3. In addition to any other remedy the City may have, the covenants and restrictions contained herein may be enforced by injunction.
4. The parties may mutually agree that the terms and conditions of this indenture may be modified, amended, or extinguished and thereafter Parcel A and Parcel B may be separated.
5. Owner agrees that recording of this indenture shall not vest any property rights in the Properties and that any zoning of development authorities granted herein or hereinafter because of this indenture shall remain in effect until and unless this indenture is extinguished. The Properties shall be subject to future regulation, modification, and/or limitation by the City or other regulatory bodies in accordance with legally applicable and enforceable zoning or other ordinances of the City.
6. The City does not intend that the public should have any interest in the Properties by virtue of this indenture or otherwise, except as hereinabove set forth.
7. All provisions hereof shall run with the land and shall extend to and bind the heirs, successors, representatives, grantees or assigns of the respective parties hereto.
8. This Agreement may be executed with the use of counterpart signature pages.

_____, as
Trustee of the DRAYCOTT DST A DELAWARE
STATUTORY TRUST

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 202__, by _____, as Trustee of the DRAYCOTT DST A DELAWARE STATUTORY TRUST.

Page 148 of 283

BY: _____
_____, Trustee

STATE OF _____)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 202__, by _____, as Trustee of the DRAYCOTT DST A DELAWARE STATUTORY TRUST.

NOTARY PUBLIC

CITY OF WAYZATA

By: _____
Mayor _____

(SEAL)

By: _____
_____, City Manager

STATE OF MINNESOTA)
 (ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 202____, by _____ and by _____, respectively the Mayor and City Manager of the **City of Wayzata**, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

Notary Public

INSTRUMENT DRAFTED BY:

Malkerson Gunn Martin LLP
5353 Gamble Drive, Suite 225
Minneapolis, MN 55416
(PBS)

FINDINGS OF FACT, CONCLUSIONS, AND RECORD OF DECISION

Ferndale Bluff Residential EAW

For:

City of Wayzata

April 5, 2023

Prepared by:



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APPENDIX A – Comments and Responses

APPENDIX B – Resolution 25-2023

ADMINISTRATIVE BACKGROUND

The City of Wayzata has prepared an Environmental Assessment Worksheet (EAW) for the proposed Ferndale Bluff Residential Development (Project). This Record of Decision addresses the State of Minnesota environmental review requirements as established in Minnesota Rule 4410.1700. Whitten Associates is the project proposer and City of Wayzata is the Responsible Governmental Unit (RGU).

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A Notice of Availability for the EAW was published on the City of Wayzata's proposed development project webpage (<https://www.wayzata.org/844/565-Ferndale-Rd-W---Ferndale-Bluffs>) on February 6, 2023. Physical copies of the EAW were available at Wayzata City Hall. No public hearing was held.

Comments were received through March 13, 2023. Comments were received from the following:

- Minnesota Department of Natural Resources (DNR),
- Metropolitan Council,
- Minnesota State Historical Preservation Office (SHPO), and
- 6 residents of Wayzata.

All comments received were considered in determining the potential for significant environmental impacts. Comments received and the City Wayzata responses to those comments are provided in **Appendix A**.

FINDINGS OF FACT AND CONCLUSIONS

As to the need for an Environmental Impact Statement (EIS) on this project and based on the record in this matter, including the EAW and comments received, the City of Wayzata makes the following Findings of Fact and Conclusions:

PROJECT DESCRIPTION

The proposed Ferndale Bluff Residential project would include subdividing a 11.87-acre parcel located at 565 Ferndale Road West into 4 single family residential lots with each lot having access to Peavey Lake (DNR No. 27-138) and allowing for construction of docks and boat slips by future homeowners, with a total allowance of one watercraft per 50 feet of continuous shoreland for a total of up to 8 boats for the development. One lot would require a future boardwalk to access the dock, which would traverse wetlands adjacent to Peavey Lake. The project would also involve construction of a proposed roadway and stormwater pond and would involve tree removal and grading for lots, roadways, and utilities.

PROJECT HISTORY

- The project was subject to an EAW based on RGU (City of Wayzata) discretion.
- The EAW was distributed to the EQB and to the EQB mailing list on January 31, 2023.
- A public notice containing information about the availability of the EAW for public review was provided on City of Wayzata's [website](#) on February 6, 2023.
- Hard copies of the EAW were provided for public review at Wayzata City Hall. An electronic copy of the EAW was available on the City's website.

- A notice was published for the EAW in the February 7, 2023 *EQB Monitor*. Comments were received through March 13, 2023. Comments were received from the following:
 - Minnesota Department of Natural Resources,
 - Metropolitan Council,
 - Minnesota State Historical Preservation Office, and
 - Six residents of Wayzata

Copies of these comment letters are hereby incorporated for reference and included in **Appendix A**.

CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

Minnesota Rule 4410.1700, subp. 1, states “An EIS [Environmental Impact Statement] shall be ordered for projects that have the potential for significant environmental effects.” In deciding whether a project has the potential for significant environmental effects, the City of Wayzata must consider the four factors set out in Minnesota Rule 4410.1700, subp. 7. With respect to each of these factors, the City of Wayzata finds the following:

1. MINNESOTA RULE 4410.1700, SUBP. 7.A – TYPE, EXTENT, AND REVERSIBILITY OF ENVIRONMENTAL EFFECTS

- a. The type of environmental impacts and mitigation efforts anticipated as part of this project include:

Cover Types:

The project proposes to remove approximately 1.99 acre of wooded area and create approximately 1.88 of impervious surface and 0.11 acres of stormwater best management practices (BMPs). Stormwater and erosion control BMPs would be required and would mitigate risk for significant impacts to cover types.

Zoning and Special Districts:

The project area is currently zoned as R-1A: Low-Density Single-Family Estate District. The land to the east, north, and west of the project is zoned as the same R-1A by the City of Wayzata. The property is guided for Estate Single Family within the Comprehensive Plan which allows a residential density of between 0.25 and 0.5 units/acre. If development is pursued, the City would coordinate with the Metropolitan Council regarding the need for a Comprehensive Plan Amendment.

The project area contains areas within both Zone X (area of minimal flood hazard) and Zone X (0.2 percent annual chance of flood hazard). Most of the property is located within the 500-year flood zone.

The Project site is located within the Shoreland Overlay District and the Wetland Overlay District of the City of Wayzata. The Site also contains a bluff area, and a bluff determination has been accepted and site plans are in accordance with bluff zone and setback requirements. The site is also subject to tree preservation regulations.

The project would not result in significant adverse effects to the land use for the site.

Geology and Soils:

The EAW indicated that based on the preliminary data review the project area is not located in a region that is prone to surface karst feature development. Based up these findings, the potential for geologic conditions to be problematic for future development is low.

Soil disturbance would exceed 1 acre, so the project would require a NPDES permit and erosion related BMPs would be required to comply with the NPDES requirements, including the redundant sediment control measures. Additionally, the project would require a Land Disturbance permit from the City of Wayzata. The Site would comply with the bluff setback requirements and areas that are not bluff but are greater than a 12% grade over a 50-foot horizontal distance meet the steep slope requirement of the City's shoreland regulation. Overall, disturbance of the site's soils is not expected to be problematic if appropriate BMPs are in place.

Water Resources:

The project area contains Peavey Lake (DNR No. 27-138) which has an approved impairment for aquatic life and aquatic recreation and has a Total Maximum Daily Load (TMDL) approved for Chloride and nutrients. Lake Minnetonka-Lower Lake and Tanager Lake are located within one mile of the Project area and have an impairment for aquatic consumption and a TMDL approved for mercury in fish tissue and for aquatic recreation and a TMDL approved for nutrients respectively. Additionally Peavey Lake and Lake Minnetonka are identified as a DNR Infested Waters (AIS) for Eurasian watermilfoil and zebra mussel, with Lake Minnetonka also being infested with flowering rush. Additional construction related BMPs would be required, according to items 23.9 and 23.10 of the NPDES/SDS CSW permit.

The project area contains wetlands. The development may involve future construction of a boardwalk across a wetland, a WCA No Loss determination and a Conditional Use in Flood Envelope permit would be needed and pursued prior to construction of the boardwalk. If project activities are proposed below Peavey Lake OHWL (930.0 ft) a permit from the DNR would be obtained.

Wastewater/Water Supply:

The proposed four homes would connect to the Wayzata municipal collection system and the be conveyed to the Metropolitan Council Environmental Services regional collection and treatment system and ultimately to the Blue Lake Wastewater Treatment Plant (WWTP)in Shakopee, MN. The Blue Lake WWTP has ample residual capacity for the projected wastewater flow.

Stormwater/Water Quality:

The project would have a net increase of approximately 1.88 acres of impervious surface. The runoff from the residential site would be typical of suburban development with the increase in impervious surfaces and maintained lawn/landscape areas. Stormwater would be treated on each lot with an underground stormwater treatment system for both water quantity and water quality or through an onsite rain garden. Runoff from the proposed road would be managed through the construction of a new stormwater pond. Stormwater runoff quality and quantity would be designed to meet the requirements of the City of Wayzata, Minnehaha Creek Watershed District, and the MPCA National Pollutant Discharge Elimination System and State Disposal System (NPDES/SDS) requirements. The project

plans to improve the stormwater treatment through best management practices and a complete list of BMPs would be described in the Storm Water Pollution Prevention Plan (SWPPP) prepared for this project. A SWPPP would be prepared for the grading and construction of the road and lots and each individual lot would also require their own SWPPP as they are constructed.

Contamination/Hazardous Materials/Wastes:

Based on review of the MPCA and Minnesota Department of Agriculture's listings the potential to encounter contaminated soil and/or groundwater at the proposed project area is low.

A Notification of Intent to Perform Demolition form would be provided to MPCA at least 10 days prior to the demolition of structures that exist within the project area. All waste materials would be properly contained and not allowed to be carried by runoff to receiving waters. Hazardous materials used on site would be properly contained in sealed containers. The project would utilize erosion control BMPs throughout construction to limit sediment and erosion from running offsite into Peavey Pond and construction contractors would be required to decontaminate their equipment prior to entering the site.

Fish and Wildlife:

Approximately 1.99 acres of trees are planned to be removed during the construction of the project. There is potentially suitable habitat within the area that provides roosting and nesting habitat for migratory birds and bats. Removal of trees has the potential to impact wildlife, and the developer would incorporate avoidance and minimization measures into the plan. There is suitable game and non-game fish habitat within Peavey Lake; however, impacts to fish habitat from the installation of docks and boat slips are expected to be temporary and minor. The project would coordinate with the resource agencies (City of Wayzata for Wetland Conservation Act, BWSR, USACE, USFWS, and MPCA) as needed.

The pugnose shiner, northern long-eared bat (NLEB), tri-colored bat, bald eagle and rusty patched bumble bee have the potential to be present in the project area. If the project proceeds the applicant would need to incorporate measures to avoid, minimize, or mitigate adverse effects to fish and wildlife, and their habitats. Avoidance measures would include, but are not limited to, tree removal occurring outside of NLEB active season (April 1 – October 31) and peak nesting season under the Migratory Bird Treaty Act (April 1 – June 15) and work within water being avoided from May 1 through July 31 to protect spawning pugnose shiner.

Historic Properties:

A Phase IA Cultural Resources Survey was completed for the project and no previously recorded archaeological sites, historic resources, or previously completed surveys were identified within the proposed project appropriate area of Potential effects (APE). Because of the proximity to Lake Minnetonka and Peavey Lake as well as the project's location on a rise in the landscape there is a high probability of resources within the project area and a Phase I Cultural Resources Assessment would be completed. If a Section 404 permit is required for work within wetlands or Peavey Lake, the applicant would coordinate with the US Army Corps of Engineers and State Historic Preservation Office on Section 106 review requirements.

Visual

No scenic vistas are present at this site. No non-routine visual impacts or nuisances are anticipated. The project would soften visual transitions by providing landscaped area, trees and wetland cover preservation and stormwater pond construction.

Noise:

Construction noise levels and types typical of construction equipment would occur because of this project. Construction noise would be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7030 and Minn. Stat. § 116.07. Construction equipment would be fitted with mufflers that would be maintained throughout the construction process. Overall, permanent noise impacts are not anticipated.

Air:

The project is expected to have a negligible impact on air quality. While increased vehicular emissions from both the construction and operational phases of the project are expected, they do not pose a risk for significant environmental effects.

Transportation:

The project would construct a proposed roadway and cul-de-sac that connects to Ferndale Road W. A variance would be requested to allow for the 725-foot cul-de-sac. The project would have no effect on traffic congestion or impact the regional transportation system.

2. MINNESOTA RULE 4410.1700, SUBP. 7.B – CUMULATIVE POTENTIAL EFFECTS OF RELATED OR ANTICIPATED FUTURE PROJECTS

There are no foreseeable future projects that would interact with this project to result in cumulative potential effects. The project would not cause any known or reasonably expected cumulative potential effects.

3. MINNESOTA RULE 4410.1700, SUBP. 7.C – THE EXTENT TO WHICH ENVIRONMENTAL AFFECTS ARE SUBJECT TO MITIGATION BY ONGOING PUBLIC REGULATORY AUTHORITY

a) The following permits or approvals would be required for the project:

Unit of government	Type of application	Status
Federal		
US Army Corps of Engineers	Section 404 Permit	To be obtained, if needed
US Fish and Wildlife Services	Endangered Species Review	Obtained
State		
Pollution Control Agency	NPDES CSW	To be obtained
	Section 401 Certification	To be obtained, if needed
	Notification of Intent to Perform Demolition	To be obtained
Department of Health	Watermain Plan Review	To be obtained
Department of Labor & Industry	Plumbing Plan Review	To be obtained

Department of Natural Resources	Public Water Permit	To be obtained
Local		
City of Wayzata	Land Disturbance Permit	To be obtained
	Building Permit	To be obtained
	Shoreland Impact Plan/ Conditional Use Permit	To be obtained
	Conditional Use in Flood Envelope Permit	To be obtained
	Shoreland Permit	To be obtained, if needed
	Subdivision (Preliminary Plat and Final Plat)	To be obtained
	Variance	To be obtained
	Wetland Conservation Act Boundary Determination	Obtained
	Wetland Conservation Act No Loss	To be obtained
	Wetland Protection Permit	To be obtained
Lake Minnetonka Conservation District	Annual Permit/License	To be obtained, if needed
Minnehaha Creek Watershed District	Waterbody Crossings & Structures	To be obtained, if needed
	Shoreline and Stream Bank Stabilization	To be obtained, if needed.

- b) The City of Wayzata finds that the potential impacts identified as part of the proposed Ferndale Bluff Residential Development project can be addressed through the subdivision application and design review process and through the regulatory agencies as part of the permitting process.

4. MINNESOTA RULE 4410.1700, SUBP. 7.D – THE EXTENT TO WHICH ENVIRONMENTAL EFFECTS CAN BE ANTICIPATED AND CONTROLLED AS A RESULT OF OTHER AVAILABLE ENVIRONMENTAL STUDIES UNDERTAKEN BY PUBLIC AGENCIES OR THE PROJECT PROPOSER, INCLUDING OTHER EISs.

The City finds:

1. The proposed project would be designed to include various measures to reduce adverse impacts to the environment and existing natural resources.
2. The project is subject to local, regional, state, and federal requirements.
3. The developer would secure all necessary permits and would adhere to all requirements of the permits.
4. Considering the results of environmental review and permitting processes for similar projects, the City of Wayzata finds that the environmental effects of the project can be adequately anticipated, controlled, and mitigated.

RECORD OF DECISION

The Ferndale Bluff Residential EAW and subsequent review identified areas where the potential for environmental effects exist. Appropriate design revisions and resource avoidance and mitigation measures can be incorporated into the project. Where impacts would occur, the required approvals and permits to mitigate these effects would be obtained. The project would comply with all local, county, state, and federal review agency requirements.

Based on the criteria established in Minnesota Rule 4410.1700, and the Findings of Fact and Conclusions, the project does not have the potential for significant environmental effects to trigger the need for an Environmental Impact Statement. Therefore, an EIS is not required for the Ferndale Bluff Residential project. City Council concurrence by Resolution No. 25-2023, declaring a negative need for an Environmental Impact Statement, is included in **Appendix B**.

Pursuant to Minnesota Rules Part 4410.1700, Subpart 5, a copy of this RGU Record of Decision is being provided, within 5 days, to all persons on the MEQB Distribution List, to persons commenting and to persons who requested a copy. This Record of Decision will also be made available on the City of Wayzata's website.

Appendix A

Comments and Responses

Memorandum

To: EQB Agency Distribution List
Members of Public Who Commented on EAW

Copy: Emily Goellner, City of Wayzata

From: Alison Harwood, WSB

Date: April 6, 2023

Re: Ferndale Bluff Residential EAW – Responses to Comments
WSB Project No. 021955-000

The City of Wayzata issued the Draft Ferndale Bluff Residential EAW for review to the EQB's distribution list on February 7, 2023. The comment period ended on March 9, 2023 and the city received comments from the Minnesota State Historical Preservation Office, Minnesota Department of Natural Resources, Metropolitan Council, and six residents regarding the Ferndale Bluff Residential EAW. Each comment, and the city's responses are provided below. All comment letters through March 13, 2023 are attached.

AGENCY COMMENTS

State Historic Preservation Office

Comment 1:

We have reviewed the information provided in the EAW, including the report A Phase Ia Cultural Resource Assessment of the Wayzata Ferndale Road Residential Development Project, Wayzata, Hennepin County, Minnesota, 55391, T117 R23 S1 (January 19, 2022) as prepared by Blondo Consulting. We concur with the consultant's recommendation that a Phase I archaeological survey be completed for this project. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified.

Our records indicate that there are no designated historic properties, meaning those currently listed in either the National or State Registers of Historic Places, that will be affected by the project as it is currently defined in the EAW. However, we note that the Phase Ia Cultural Resource Assessment identified a summer home and cottage (built circa 1914) in the proposed development area. These properties have not been inventoried and there has been no previous determination as to whether these properties meet the criteria for listing in the National Register of Historic Places.

If this project is considered for federal financial assistance, or requires a federal permit or license, then the project may be subject to review under Section 106 of the National Historic Preservation Act. If this is the case, additional consultation with the federal agency and the SHPO will be necessary in order to define an appropriate area of potential effects (APE) for the federal undertaking as well as the necessary historic property identification and evaluation efforts required for a federal review. The eligibility of the summer home and cottage, and any other

properties that are identified within the project's APE, may need to be addressed as part of any federal Section 106 review.

As noted above, this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

Response 1:

The applicant will complete a Phase I archeological assessment in spring 2023 and that study will document the home and cottage as well. If fill impacts are proposed to Peavey Lake or the adjacent wetland a Section 404 permit will be required and the applicant will coordinate with the US Army Corps of Engineers on Section 106 review requirements.

Department of Natural Resources

Comment 1:

Page 7, Zoning. The EAW notes the project applicant has not provided a satisfactory bluff determination to the local government. The approximate bluff and setback lines are shown on the proposed site plan (Figure 4) in the EAW. Impacts or avoidance will be confirmed by the local government when a bluff exhibit is provided that complies with the December 9, 2021 DNR guidance. We respectfully request that no Record of Decision be issued until a satisfactory bluff determination is provided, the site plan is updated accordingly, and staff findings confirming impacts or avoidance are prepared for the Record of Decision.

Response 1:

The applicant has submitted a revised bluff determination and the City of Wayzata has determined it compliant with the December 9, 2021 DNR guidance. An updated site plan has been submitted that complies with the bluff impact zone and setbacks. The site plan would be reviewed through the City's subdivision application and plan review process, once that begins.

Comment 2:

Page 9 of the EAW incorrectly notes the Ordinary High-Water Level (OHWL) for Peavey Lake (DNR No. 27-138). The correct OHWL is 930.0 as opposed to the 929.4 printed in the EAW. This comment is intended as an administrative clarification and does not appear to materially affect the EAW content.

Response 2:

Comment noted. If work is proposed below the OWL of 930.0 a permit from the DNR must be obtained.

Comment 3:

Page 8, Soils. Over 70% of the project area is comprised of soils that are susceptible to erosion. A significant amount of grading and earth work is proposed for this development, but it is unclear from the proposed site plan where grading activities will occur in relation to the bluff, and what the new elevations will be after grading. It also does not appear that the possible house locations for

Lot 2 and Lot 4 have sufficient setback from the bluff. Given the potential for soil erosion, it will be important to maintain a sufficient setback from the bluff for grading activities, tree removal, and buildings in order to limit risk to residents as well as Peavey Pond.

Response 3:

The applicant has submitted a revised bluff determination and the City of Wayzata has determined it to comply with the December 9, 2021 DNR guidance. An updated site plan has been submitted that complies with the bluff impact zone and setbacks. The site plan would be reviewed through the City's subdivision application and plan review process, once that begins. Areas that are not bluff but are greater than a 12% grade over a 50-foot horizontal distance, need to meet the steep slope requirement of the City's shoreland regulations, outlined in Chapter 991. The applicant would need to comply with the City's Tree Preservation Ordinance. A variance would be required for tree removal on a bluff. Vegetation removal on a steep slope or within shoreland impact zones would need to meet the City's shoreland regulations.

Comment 4:

Page 13, Stormwater. We recommend that BWSR-approved, weed-free, native seed mixes be used to the greatest degree possible in stormwater features and development landscaping in order to provide pollinator habitat. Native plants also require less irrigation and soil inputs than traditional landscaping.

Response 4:

Comment noted.

Comment 5:

Page 13, Stormwater and Erosion Control BMPs. The EAW states that the entire site will be graded during the summer of 2023, but that it may be a year or more before structures are built. It will be important to stabilize soils at the site after grading in such a way to limit sediment and erosion from running offsite, degrading the bluff, and contaminating Peavey Pond until such time as building begins. Given the proximity to an MBS Site of Biodiversity Significance, as well as Peavey Pond and Lake Minnetonka, seed mixes and materials used for soil stabilization should be weed-free to prevent the spread of invasive species.

Response 5:

Comment noted. Per the NPDES Construction Stormwater Permit, erosion control BMPs would be required throughout construction. The city would evaluate the proposed seed mixes and BMPs to prevent the spread of invasive species during the subdivision application and plan review process.

Comment 6:

Page 18, Rare Features. If rare features are identified within one mile of a project area using a license agreement, then a concurrence and next steps from DNR must be obtained by coordinating through Minnesota Conservation Explorer. Only DNR can make a determination on whether or not a project is likely to impact a state-listed species.

Response 6:

Comment noted.

Comment 7:

Page 18, Rare Features. Lake Minnetonka has been identified as a Lake of High Biological Significance. Lakes of Biological Significance were ranked as Outstanding, High or Moderate based on unique plant and animal presence. This lake has records of rare fish species, the pugnose shiner (*Notropis anogenus*), state-listed as threatened, and least darter (*Etheostoma microperca*), state-listed as a species of special concern. The pugnose shiner prefers clear, low velocity lakes and streams with an abundance of submerged vegetation such as eelgrass, Canadian elodea, pondweed, and muskgrass and has the potential to occur in the project area, since it is connected directly to Lake Minnetonka. This species is vulnerable to the removal of littoral vegetation from lakes, the invasion of Eurasian water milfoil (*Myriophyllum spicatum*), increases in eutrophication from nutrient enrichment, and increases in water turbidity. To protect spawning pugnose shiner, work within the water needs to be avoided from May 1st through July 31st.

Response 7:

Comment noted. If work is proposed within Peavey Pond, a DNR Public Waters Work permit would be required and within the water would not be permitted May 1st through July 31st as a condition of that permit.

Comment 8:

Page 18, Rare Features. There are other natural resource related issues associated with lakeshore developments besides the potential impacts to rare features. These issues include increased nutrients, pollutants, erosion, and sedimentation resulting in decreased water quality and decreased habitat quality for fish and wildlife. Maintaining native vegetation along lakeshores is one way to reduce these negative impacts. The combination of upland, lakeshore, and aquatic plants creates a buffer zone that provides numerous ecological benefits. Lakeshore and upland plants help stabilize banks and protect the shoreline from erosion by absorbing the forces of wind, waves, and boat traffic. They also filter pollutants that would otherwise drain from the watershed into the lake, thereby protecting water quality. Most noticeably, lakeshore and upland plants provide a variety of vital habitat components for fish and wildlife including food, protection from weather and predators, denning sites and nursery areas for young, perching and sunning sites for birds and turtles, and flyways and travel corridors. Aquatic plants produce oxygen, purify lake water by stabilizing bottom sediments and reducing nutrient cycling, and provide underwater cover for fish. As such, if a native vegetation buffer zone is present within the project boundary, we recommend that it be maintained and enhanced. If not, we recommend that one be established.

For additional information on aquatic plants and lakeshore management, please refer *Lakescaping and Natural Buffers & Lakescaping* online resources. The DNR book *Lakescaping for Wildlife and Water Quality* also covers a wide array of topics associated with managing lakeshore property and includes techniques to prevent shoreline erosion and to restore wildlife habitat, wildflowers, and water quality. Another reference is *Restore Your Shore*, an online interactive multimedia program that guides users through the process of protecting a natural shoreline or restoring a degraded shore with a natural buffer zone.

Response 8:

Comment noted. The resources listed have been provided to the developer for their review.

Metropolitan Council

Comment 1:

Item 9 – Land Use (Freya Thamman, 651-602-1750)

The project area was not anticipated for new development or redevelopment as part of the City's 2040 Plan which means that the area is not currently included in the City's net residential density calculation, which is required for consistency with regional land use policies. The City will need to submit a comprehensive plan amendment to include the proposed area as new sewer residential development in current staging. For the amendment, the City may choose to waive the adjacent community review if it meets the distance requirement

<https://metro council.org/Handbook/Review-Process/Amendments.aspx>

Response 1:

The City will coordinate with Metropolitan Council regarding the need for a Comprehensive Plan amendment.

Comment 2:

The submittal is a RGU Discretionary EAW. The EQB now has a new form which includes several new questions on Climate Adaptation and Resilience (#7) and Greenhouse Gas Emission/Carbon Footprint (#18).

Response 2:

Development of the EAW began prior to the new form being available. Several sustainability resources for residents and businesses are available at the City's website:

<https://www.wayzata.org/724/Sustainability-Resources>.

Comment 3:

Sanitary service to the site from the Wayzata municipal collection system was evaluated in the Wayzata 565 Ferndale Road Water and Sewer Analysis Memo dated November 10, 2022, in Appendix C. The site is currently served by sanitary sewer extensions from Wayzata Lift Station LS06 to the southeast along Ferndale Road. The projected average wastewater flow is 200 gallons per day (gpd) per home. Therefore, the net increase from two to four homes is 400 gpd.

The existing LS06 firm capacity of 300 gallons per minute (gpm), to be confirmed with a drawdown test, is more than adequate for its projected total tributary peak hourly flow of 76 gpm. The downstream trunk sanitary sewers also have sufficient capacity as detailed in the Memo, including when LS06 is pumping.

Wastewater from the site will be conveyed by Wayzata's collection system to the Metropolitan Council Environmental Services regional collection and treatment system and ultimately to the Blue Lake Wastewater Treatment Plant (WWTP). The Blue Lake WWTP has ample capacity for the proposed development.

Response 3:

Comment noted.

Comment 4:

Item 11 – Water Resources (Maureen Hoffman, 651-602-8026)

The EAW discussed stormwater best management practices (BMPs), including potential underground tanks and/or rain gardens. Given these properties will be in private ownership, the developer should work with the City, watershed, and other necessary stakeholders, to identify how to ensure the stormwater BMPs are operated and maintained over time.

Response 4:

Comment noted.

PUBLIC COMMENTS

Trish Blake

Comment 1:

I read through the EAW worksheet, and see that this is clearly a low environmental impact, low-density project, consistent with the neighborhood. Specifically, according to the experts who prepared the EAW, the project has been designed with sensitivity to the environment, to minimize grading and tree removals, and should not harm the wetlands, wildlife, or the bluffs. The developer will follow the tree ordinance in the city code. And, in particular, I noted that the EAW stated that the developer's proposed docks are "not expected to result in direct or indirect environmental effects from the physical modification of Peavey Lake," (EAW, pg. 15). I favor this development based on what I have read within the EAW.

Response 1:

Comment noted.

Katharine and Tom Hull

Comment 1:

This report does not fully address the Bluff Protection Guidance set by the state of Minnesota per the DNR. The topography is not "moderate" as stated in the report. The Bluff drops approximately 52 feet. This report does admit that the runoff and soil erosion would be an issue. That runoff would go directly into Peavey Pond, affecting water quality, wildlife and the health of the wetlands.

Response 1:

The applicant has submitted a revised bluff determination and the City of Wayzata has determined it compliant with the December 9, 2021 DNR guidance. An updated site plan has been submitted that complies with the bluff impact zone and setbacks. The site plan would be reviewed through the City's subdivision application and plan review process. As required by the NPDES Construction Stormwater Permit, erosion control best management practices would be in place throughout construction to protect Peavey Pond and associated water quality, wildlife, and wetland health.

Comment 2:

The proposed boardwalk raises many concerns: setback regulations from the property line; coverage and disturbance of the protected wetlands; and the creation of a manmade structure view for east neighbors versus current natural marsh view. In addition, the report states that a variance would need to be granted at time of construction. Planning and building first and asking for a variance after the fact seems risky for future homeowner and neighboring properties.

Response 2:

A boardwalk, if proposed, would need to be permitted through the appropriate regulatory authorities, including the City of Wayzata (for Wetland Conservation Act), US Army Corps of Engineers, Department of Natural Resources, and Watershed District. Review by these regulatory agencies would ensure compliance with all applicable rules and would minimize impacts to the wetland. No variance would be required for the boardwalk. A variance would be required for tree removal on a bluff, which would be required prior to construction, if proposed. Vegetation removal within the shore impact zone or steep slope would need to meet the City's shoreland regulations and Tree Preservation Ordinance.

Comment 3:

Movement of the soil is massive and disruptive to wildlife. With the proposed four homesites, cul-de-sac, boardwalks, and docks the resulting increase in impervious land structure would substantially increase runoff directly into Peavey Pond.

Response 3:

Per the NPDES Construction Stormwater Permit, erosion control best management practices would be in place throughout construction to protect Peavey Pond and associated water quality, wildlife, and wetland health. Runoff from the proposed cul-de-sac would be treated in a new stormwater pond prior to discharge offsite. Runoff from each individual lot would be treated on each lot with an underground stormwater treatment system for both water quantity and water quality or through an onsite rain garden. In addition, the R-1A zoning district limits impervious surface to no more than 20% of the lot area.

Comment 4:

Wildlife in this area is both diverse and extensive. This report minimizes the habitat disruption. Section 13, describing the fish, wildlife and plant communities is understated. We frequently see an abundance of wildlife to include the following:

- wildlife - turkeys, beavers, possums, deer, coyote, silver fox, leopard frogs, toads, tiger salamanders
- birds - loons, eagles, turkeys, warblers, yellow finches, blue birds, Baltimore orioles, woodpeckers (including pileated species), herons, red tail hawks.
- fish - smallmouth bass, largemouth bass, sunfish, crappies, northern pike, walleye pike, perch

Response 4:

Terrestrial species present in this area, including those listed in the comment, are generally tolerant of human presence. Minor, temporary impacts may occur during construction. Wildlife may be temporarily displaced during construction but would be expected to return when construction is complete. Minor, temporary impacts to aquatic species may also occur during dock and boardwalk construction. No significant impacts are expected, and per the NPDES Construction Stormwater Permit best management practices would be in place throughout construction to minimize impacts.

Comment 5:

This proposed subdivision which would allow four lakeshore lots, a series of boardwalks, 4 docks with 8 boat slots would not only alter the wildlife and natural habitat, it would drastically change the character of Peavey Pond. This pond is a peaceful wildlife sanctuary enjoyed by those of us that live there, in addition to fisherman, kayakers, canoeists and paddle boarders that frequent the area.

Response 5:

The proposed dock density is within the density allowed per the Lake Minnetonka Conservation District (one watercraft per 50 feet of continuous shoreland).

Melissa Rappaport Schiffman

Comment 1:

Density. The property is almost 12 acres, and the proposal for four single family lots equates to an average of nearly three acres per lot. That is not high density. (Many sustainability advocates would argue for a much higher density than this!) The proposal is well below the density outlined in the two-acre minimum zoning required for estate properties in this neighborhood.

Response 1:

Comment Noted. The R-1A zoning district has a minimum lot area of 80,000 square feet.

Comment 2:

Existing infrastructure. More sustainable development utilizes existing infrastructure to limit the expansion of homes on undeveloped land that requires more pipes and land disruption. Since building already exist on this property, it makes sense for it to be consistent in its use as residential property. According to the Stantec Analysis, meeting the demand for city water and sewer system will not be a problem.

Response 2:

Comment Noted.

Comment 3:

Wetlands. Wetlands are an important environmental resource to support biodiversity and water quality, among other things. As the Environmental Assessment says, "The project has been designed to avoid wetland impacts." It also actually adds a 0.11 acre stormwater pond to help reduce runoff into Lake Minnetonka.

Response 3:

Comment Noted.

Comment 4:

Minimal tree removal. The property is heavily wooded, which is an environmental asset to the community. From the Environmental Assessment, the proposed project is designed to minimize tree removal and disruption to the land.

Response 4:

Comment noted.

Comment 5:

Minimal to no impact from docks. Again, this is not a high density proposal. Per the EAW, there is sufficient shoreline (100' per lot) for two watercraft per lot, which complies with the Lake Minnetonka Conservation District rules. Additionally, it states the "impacts to fish habitat from the installation of docks and boat slips are expected to be temporary and minor."

Response 5:

Comment noted.

Comment 6:

Residential development around Lake Minnetonka is part of a natural progression of people waiting to live next to such an extraordinary area of beauty as well as access to outdoor recreational activities. IT is rare to see such an environmentally sensitive proposal as the 565 W Ferndale project. It increases density an appropriate amount and would not negatively impact the neighborhood. I support it and urge others to support this development as well.

Response 6:

Comment noted.

Philip Soran

Comment 1:

We are not against development of this parcel. We know development will happen, but would like it to be smart development as opposed to "let's see how many lots we can get the city to approve"

Response 1:

Comment noted.

Comment 2:

The parcel is located on a very sensitive wetland area (2.33 acres) that provides critical watershed flow into Peavy Pond and Lake Minnetonka.

Response 2:

The EAW noted the presence of the lake and wetland and summarized efforts to minimize the potential for impacts. A boardwalk, if proposed would need to be permitted through the appropriate regulatory authorities, including the City of Wayzata (for Wetland Conservation Act), US Army Corps of Engineers, Department of Natural Resources, and Watershed District. Docks within Peavey Pond are regulated by the Department of Natural Resources and would need to comply with their dock standards. Review by these regulatory agencies would ensure compliance with all applicable rules and would minimize impacts to the wetland and Peavey Lake. Stormwater management would comply with the City of Wayzata, Minnehaha Creek Watershed, and MPCA National Pollution Discharge Elimination System and State Disposal System (NPDES/SDS) requirements.

Comment 3:

The parcel is on a large bluff - which will need substantial earth work to develop – which represents major risk for the watershed which will be irreversible once started.

Response 3:

The applicant has submitted a revised bluff determination and the City of Wayzata has determined it compliant with the December 9, 2021 DNR guidance. An updated site plan has been submitted that complies with the bluff impact zone and setbacks. The site plan would be reviewed through the City's subdivision application and plan review process, once that begins. The City regulates grading through City Code Sections 906.04 Grading and Drainage and 991.14 Shoreland Alterations. The project would also require a NPDES Construction Stormwater permit from the MN Pollution Control Agency if ground disturbance exceeds 1 acre.

Comment 4:

The estimates of 3900 cubic yards of "cut" is substantial - could this be conservative? The amount of fill and truck traffic to accomplish this development will have a large environmental impact.

Response 4:

The amount of cut and fill required for develop would be refined throughout the subdivision application and building permit application process, once that begins. The City regulates grading through City Code Sections 906.04 Grading and Drainage and 991.14 Shoreland Alterations. The project would also require a NPDES Construction Stormwater permit from the MN Pollution Control Agency if ground disturbance exceeds 1 acre.

Comment 5:

The estimates indicated 7.1 acres of wooded forest. If you walk the parcel and envision the development of the four home sites - it is obviously going to require the removal of trees well into triple digits. This is mature arbor that will take decades to reforest even if you did plant a similar number of trees. Wayzata recently passed The Tree Preservation Ordinance. We believe this development plan is in direct opposition to this strategy and ordinance.

Response 5:

The plan indicates approximately 2 acres of tree removal. The applicant would need to comply with the City's Tree Preservation Ordinance. A variance would be required for tree removal on a bluff. Variances are granted based on a number of factors which would be evaluated during the time of review. All other areas could be approved through either tree replacement or fee-in-lieu of tree replacement. Vegetation removal within a steep slope or shoreland impact zones would need to meet the City's shoreland regulations.

Comment 6:

This 4 site subdivision will require a new roadway and displace the current driveway. A new roadway will involve significant impervious surface area increase, substantial sewer, infrastructure, and utility work, additional removal of trees and earth, and a significant impact to the character of this unique community.

Response 6:

The increases in impervious surface and stormwater runoff would be in compliance with the city and state's requirements for runoff. The R-1A zoning district limits impervious surface to no more than 20% of the lot area. The existing capacity of the city's wastewater system is able to handle the proposed increase in wastewater from the proposed development. As required by the NPDES Construction Stormwater Permit, erosion control BMPs would be in place throughout construction to minimize potential for impacts from soil disturbance and erosion.

Comment 7:

A development on a bluff is more complex than a flat lot. Combine this with its location on a critical wetland and body of water - we believe this requires a detailed impact study.

Response 7:

The proposed development would go through a subdivision application and plan review process with the City of Wayzata. Several other review and permitting processes would be required as specific elements of the project proceed (e.g., boardwalk, docks). These regulatory processes would ensure that the development minimizes impacts on the environment.

Comment 8:

Adding 4 docks with slips for ?? number of boats on a shallow shoreline of the small Peavy Pond is aggressive. This also should be considered in the impact study.

Response 8:

The proposed dock and boat density is within the density allowed per the Lake Minnetonka Conservation District (one watercraft per 50 feet of continuous shoreland).

Comment 9:

The Blondo Consulting's Assessment highlights the possibility of disturbance on cultural resources and precontact archeological sites on this significant bluff. There have been sites identified within a very short distance of this site.

Response 9:

A Phase I archeological study would be performed on the site to further evaluate the potential for cultural resources. If cultural resources are identified, further study and coordination with the State Historic Preservation Office and Minnesota Office of Archeology would occur.

Daniel Johnson

Comment 1:

Is the lot density with its proposed lakefront (dock/boat) density consistent with the vision that established R-1A Low-Density Single-Family Estate District zoning?

Response 1:

Yes, the proposed lot density complies with the city's zoning. The R-1A zoning district has a minimum lot area of 80,000 square feet. The proposed dock and boat density is within the density allowed per the Lake Minnetonka Conservation District (one watercraft per 50 feet of continuous shoreland).

Comment 2:

Boat slips and boats. The proposed development calls for four lots to be created, with each lot having approximately 100' of lakeshore on Peavey Lake. It further states that each property shall be allowed up to two boat slips for a total of eight boats allowed on slightly more than 400' of lakeshore. This might appear more like a marina than four distinct and separate residential lots. The developer states that this boat density is within current regulations for Lake Minnetonka, which allows for one boat per 50' of lakeshore. By this logic, Peavey Lake should be able to

accommodate 44 boat slips, and 44 boats... This is extremely dense, and is this what the City of Wayzata and its residents want Peavey Lake to become?

Response 2:

As noted, the proposed dock and boat density is within the density allowed per the Lake Minnetonka Conservation District (one watercraft per 50 feet of continuous shoreland).

Comment 3:

The proposed development at 565 Ferndale Rd W is for four lots with approximately 100' of lakeshore each. Will this cause other property owners on Peavey (current or future) to subdivide their lots? Over time, and assuming each subdivided lot has 100' of lakeshore, Peavey might one day have 22 homes on it with a potential 44 boats (up to two boats per 50' of lakeshore). Is this a trend that the City wants to create by approving this development as proposed? This could have a devastating and irreversible effect on Peavey both aesthetically and environmentally.

Response 3:

Subdivision of other lots on Peavey would be allowed per city zoning and would need to meet the standards of the city subdivision and zoning regulations at the time of application. Currently, most other lots on Peavey Pond would not be able to be subdivided without a variance due to road frontage limitations (not lakeshore frontage).

Comment 4:

The City of Wayzata allows property owners with lakeshore property to construct a boathouse on their property, and 25' from the lake. Will each of these four lots be allowed to construct a boathouse?

Response 4:

Structures along the shoreline would be required to meet the Water-Oriented Accessory Structures regulations within City Code Section 991.13.

Comment 5:

The proposed development calls for a boardwalk to be created on lot 4 to allow a pathway across wetland in order to access Peavey Lake. What aesthetic and environmental impact will this boardwalk have on the wetland and wildlife? Also, lots 3 and 4 each appear to require 400' of dock/boardwalk (800' in total) in order to navigate around the bluff and wetland to get to Peavey Lake. What will this look like from the road, or from the lake? What effect will this have on the wetland, bluff and wildlife? One also wonders whether this will create more demand for long boardwalks on other properties within Wayzata in order to access the lake, and is this what City residents want?

Response 5:

A boardwalk, if proposed, would need to be permitted through the appropriate regulatory authorities, including the City of Wayzata (for Wetland Conservation Act), US Army Corps of Engineers, Department of Natural Resources, and Watershed District. Review by these regulatory agencies would ensure compliance with all applicable rules and would minimize impacts to the wetland. Significant visual impacts are not anticipated.

Sue Schwalbach

Comment 1:

It IS ACCEPTABLE and understood that the property at 565 Ferndale Road West can be subdivided. As currently envisioned, this proposed subdivision for four homesites is NOT ACCEPTABLE. It does not adequately consider or respect the massive damage and disruption that will be required to develop this extraordinary hilly, wooded and bluffed landscape. Before there is any further consideration of this proposal it would be prudent and responsible for the City of Wayzata to require an Environmental Impact Study (EIS) based on the information presented in the Environmental Assessment Worksheet (EAW).

Response 1:

The R-1A zoning district has a minimum lot area of 80,000 square feet, which is met with the proposed subdivision. The proposed development would go through a subdivision application and plan review process with the City of Wayzata as well as review through a variety of agencies for specific resources as outlined in the EAW. The EAW identified the resources present or potentially present on site and identified additional study, regulatory review, or mitigations measures necessary. An Environmental Impact Statement would not provide any additional information that has not already been provided or would be provided through additional identified studies or established review processes (e.g., Phase I cultural resource assessment).

Comment 2:

In studying the completed Environmental Assessment Worksheet, the following “estimates” were prepared by the developer when asked to summarize the project. They greatly illuminate the magnitude of this development.

-Of the 11.87-acre parcel, 2.33 acres are stated as wetlands. Subtracting the wetlands from the parcel size indicates that 9.54 acres are not wetlands.

Response 2:

The acreages listed are accurate.

Comment 3:

It is stated by the developer that the impervious surface will increase from 1.34 acres to 3.22 acres, an increase of more than 150% or an additional 1.88 acres of impervious surface beyond the current impervious surface. It does not seem likely that this stated increase in impervious surface also includes the necessary footprints and driveways for the four homes

Response 3:

The estimated impervious outlined in the EAW includes the proposed roadway as well as the homesites. The R-1A zoning district limits impervious surface to no more than 20% of the lot area. Stormwater runoff quality and quantity would be designed to meet the requirements of the City of Wayzata, Minnehaha Creek Watershed District, and the MPCA National Pollutant Discharge Elimination System and State Disposal System (NPDES/SDS) requirements.

Comment 4:

Of the 9.54 acres of land potentially available for development, it is stated that 7.1 acres are currently wooded forest. The developer states that 5.11 acres of the wooded forest will remain after development. That is a LOSS of 2 acres of mature wooded forest. It does not seem likely that this estimate of tree loss accounts for those trees that will be cut down for construction of four homes. The size of the allowable building envelopes for each homesite needs to be explained and understood to estimate additional tree loss.

Response 4:

The estimated loss of wooded forest outlined in the EAW included the proposed roadway as well as the homesites. The applicant would need to comply with the City's Tree Preservation Ordinance or request a variance. A variance would be required for tree removal on a bluff. Variances are evaluated based on the variance criteria listed within the City Code, which would be evaluated during the time of review. All other areas could be approved through either tree replacement or fee-in-lieu of tree replacement. Vegetation removal on steep slopes or within the shoreland impact zones would need to meet the City's shoreland regulations.

Comment 5:

The developer estimates that the initial construction and preparation for development will require tree removal and grading for lots, roadways and utilities. In an effort to understand the cubic yard estimates presented by the developer for grading, fill and material removal, I translated the cubic yards into truckloads. A common 10-ton dump truck used at construction sites holds 10-16 cubic yards, depending on the kind of material it is carrying.

- The developer states that grading will involve approximately 3,900 cu yds of cut. (That is 390-243 truckloads of cut.)
- The developer states that approximately 2,500 cu yds of fill will be required. (That is 250-156 truckloads of fill.)
- The developer states that approximately 1,400 cu yds of excess material will be hauled away. (That is 144-88 truckloads of excess material.)

The total estimated truckloads in and out of this pristine property, presented by the developer, will be 784-487. It seems likely that the actual cubic yardage and truckload equivalents do NOT reflect the additional grading, fill and debris removal that will be required to prepare each of the four lots for the construction of a house. Substantially more truckloads will be required depending on the design of the four homes. This enormous movement of soil, the addition of a large quantity of fill and the extensive removal of stabilizing tree roots warrant an Environmental Impact Study to inform and detail the consequences of such disruption.

Response 5:

The proposed development would go through a subdivision and plan review process with the City of Wayzata as well as review through a variety of agencies for specific resources as outlined in the EAW. The EAW identified the resources present or potentially present on site and identified additional study, regulatory review, or mitigations measures necessary. An Environmental Impact Statement would not provide any additional information that has not already been provided or would be provided through additional identified studies or established review processes (e.g., Phase I cultural resource assessment).

Comment 6:

In an effort to understand the topography and the bluff located on this parcel of land, I looked at Figure 2 "Existing Conditions" in the EAW. The drawing indicates a top lidar contour of the property at 970 ft and a low lidar contour of 930 ft. In reviewing the more detailed, actual surveys prepared by Gronberg and Associates (see two pages included in the Gronberg report), the highest point of the property is actually 978 ft at the doorstep of the current house. This is the same height as the sensitive bluff at its highest point. The lowest point of the property is at 932 ft at Peavey Pond's water's edge. There is a 56 ft difference in height of the bluff from the water at the greatest points. This is far more than the 40 feet differential that might be assumed if just looking at the lidar contours.

Response 6:

Formal land survey data would be utilized for the development plan, which would be reviewed by the City of Wayzata during the subdivision application and plan review process.

Comment 7:

This property contains an undisturbed bluff along the full length of its eastern boundary. The bluff continues circling westward at its northernmost edge. At its greatest dimension, the bluff is 56 feet high. Is it allowable, in any way or with any action, to disturb a bluff for the construction of a house? Or to gain access to a dock? Or for a deck? Or for a patio? How close to the top of a bluff may a structure be built? An Environmental Impact Study would inform and detail the function, purpose and impact of the bluff as it relates eastward to Peavey Pond and to the creek and to the wetlands to the north. Any consequences if the bluff is damaged or disturbed will be revealed.

Response 7:

The applicant has submitted a revised bluff determination and the City of Wayzata has determined it compliant with the December 9, 2021 DNR guidance. An updated site plan has been submitted that complies with the bluff impact zone and setbacks. The site plan would be reviewed through the City's subdivision application and plan review process. Areas that are not bluff, but are greater than a 12% grade over a 50-foot horizontal distance, would need to meet the steep slope requirement of the City's shoreland regulations. Vegetation removal on a steep slope or within shoreland impact zones would need to meet the City's shoreland regulations. The existing regulations and review processes would ensure that the bluff is not significantly impacted by the project. No additional study is necessary.

Comment 8:

Figure 4-Proposed Site Plan, Figure 5-Soils and Slopes and Figure 6-Surface Waters of the EAW, show the Peavey Pond shorelines, the bluff area, wetlands, the creek and four proposed dock locations. An EIS will explore and define rules and any consequences of this development situated at the top of this bluff. Figure 6, in particular, shows that the entire east and north side of this property is adjacent to water and wetlands. The entire shoreline area proposed for docks, as shown in Figure 4, is marshy, shallow and weedy wetlands. The proposed dock and slip length and locations, as drawn, can be viewed only as mere suggestions. The actual necessary length for a dock might need to be longer to reach solid ground. Will resulting docks fit within the allowable area? The western shoreline of Peavey Pond and the pond bottom will need to be carefully examined before docks can be approved. An EIS will present data needed to allow or disallow dock installations. Additionally, the four currently suggested docks, with twenty-foot side setbacks, if installed, will closely mimic a marina which is not in character with docks currently located on the north and east sides of Peavey Pond.

Response 8:

The EAW identified the resources present or potentially present on site and identified additional study, regulatory review, or mitigation measures necessary. The proposed dock and watercraft density is within the density allowed per the Lake Minnetonka Conservation District (one watercraft per 50 feet of continuous shoreland). A boardwalk, if proposed would need to be permitted through the appropriate regulatory authorities, including the City of Wayzata (for Wetland Conservation Act), US Army Corps of Engineers, Department of Natural Resources, and Watershed District. Docks within Peavey Pond are regulated by the Department of Natural Resources and would need to comply with their dock standards. Review by these regulatory

agencies would ensure compliance with all applicable rules and would minimize impacts to the wetland and Peavey Lake.

Comment 9:

Section 6.1 of Blondo Consulting's Phase 1A Cultural Resource Assessment of the EAW states that there is a high probability that this property contains cultural resources.

"The surrounding area of Lake Minnetonka is known to contain deposits of cultural resources and two precontact archeological sites have been previously identified approximately half a mile away from the proposed project area. Due to the proximity to Lake Minnetonka and Peavey Lake as well as the project's location on a rise in the landscape, the APE has a strong probability of containing cultural resources."

"Blondo Consulting recommends a Phase 1 Cultural Resources Survey be completed."

(As information, three years ago a very old millstone was found buried along my side of the Peavey Pond channel.)

Response 9:

A Phase I archeological study would be performed on the site to further evaluate the potential for cultural resources. If cultural resources are identified, further study and coordination with the State Historic Preservation Office and Minnesota Office of Archeology would occur.

Comment 10:

The property at 565 Ferndale Road West is among the highest properties in Wayzata. Its substantial canopy of trees is exactly what Wayzata has finally passed rules to protect! The massive rearrangement, grading, addition and removal of soil, of vegetation and of trees to accommodate a road and a cul de sac, sewer and water lines, utilities, proper drainage, a holding pond plus four homesites and their necessary driveways will have an impact that cannot possibly be explained in mere words. An Environmental Impact Study is imperative!

Response 10:

The proposed development would go through a subdivision application and plan review process with the City of Wayzata as well as review through a variety of agencies for specific resources as outlined in the EAW. The EAW identified the resources present or potentially present on site and identified additional study, regulatory review, or mitigations measures necessary. An Environmental Impact Statement would not provide any additional information that has not already been provided or would be provided through additional identified studies or established review processes (e.g., Phase I cultural resource assessment).

Comment 11:

One needs only to look at the Google Earth image on page 15 of the Blondo Consulting report to recognize the tree cover that will be lost if this subdivision is allowed to proceed as presented. Google Earth also offers an aerial view of the home density of neighboring properties on the other side of Peavey Pond, in Ferndale Woods, Highcroft and westward along Ferndale Road. This view illustrates the resulting misfit of four homes tightly placed on this property.

Response 11:

The proposed lot area complies with the R-1A zoning district, which has a minimum lot area of 80,000 square feet. Regarding tree removal, the applicant would need to comply with the City's Tree Preservation Ordinance. A variance would be required for tree removal on a bluff. Variances are granted based on a number of factors which would be evaluated during the time of review. All

other areas could be approved through either tree replacement or fee-in-lieu of tree replacement. Vegetation removal on a steep slope or within the shoreland impact zones would need to meet the City's shoreland regulations.

Comment 12:

It is my hope that the staff, planning commission and city council of Wayzata will remember that they have only once chance to confidently address the subdivision of this extraordinarily pristine parcel of land. Thank you for considering and then engaging all the possible due diligence that will be presented in an Environmental Impact Study.

Response 12:

The EAW is not intended to approve or deny a proposed project. The proposed development would go through a subdivision application and plan review process with the City of Wayzata, including staff, planning commission and City Council.

This concludes the responses to comments on the EAW. If you have questions, please contact me at 612.360.1320 or aharwood@wsbeng.com.

Appendix B

Resolution 25-2023

**CITY OF WAYZATA
RESOLUTION NO. 25-2023**

**RESOLUTION ISSUING A NEGATIVE DECLARATION OF NEED FOR AN
ENVIRONMENTAL IMPACT STATEMENT FOR THE FERNDAL BLUFFS
RESIDENTIAL PROJECT AT 565 FERNDAL ROAD WEST**

WHEREAS, the City of Wayzata (the "City") is the Responsible Government Unit (RGU) under Minnesota Environmental Quality Rules, Chapter 4410;

WHEREAS, an application was submitted for a subdivision of the 11.87 acre lot at 565 Ferndale Road West into 4 single family residential lots and construction of a new roadway to serve such lots (the "Ferndale Bluffs Residential Project" or the "Project");

WHEREAS, the City determined that because of the location of the Project, there was the potential for significant environmental effects and ordered a discretionary Environmental Assessment Worksheet (EAW) for the Project;

WHEREAS, an EAW was completed for the Project on January 31, 2023, and the City provided public notice on February 6, 2023 of its completion and availability for review and public comment on the Project website;

WHEREAS, the EAW was distributed by February 7, 2023 to all persons and agencies on the official Environmental Quality Board (EQB) distribution list for the required 30-day comment period;

WHEREAS, the 30-day comment period ended March 9, 2023, and the City accepted and responded to all written comments received up to that date;

WHEREAS, the preparation of the EAW and comments received on the EAW have generated information adequate to determine whether the Project has the potential for significant environmental impacts;

WHEREAS, the EAW has identified areas where the potential for significant environmental effects exists but that appropriate measures have or will be incorporated into the Project plan and/or permits to reasonably mitigate these impacts;

WHEREAS, the Project is expected to comply with all applicable City of Wayzata and agency standards;

WHEREAS, based on the criteria of Minnesota Rules 4410.1700, the Project does not have the potential for significant environmental impacts; and

WHEREAS, based on the Findings of Fact and Conclusions hereof, the Project does not have the potential for significant environmental impacts.

NOW, THEREFORE BE IT RESOLVED, by the City Council of Wayzata, Minnesota that an Environmental Impact Statement (EIS) for the Project is not needed or required.

Adopted by the Wayzata City Council this 18th day of April 2023.

Johanna Mouton

Johanna Mouton, Mayor

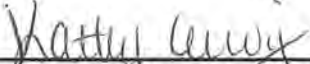
Attest: Jeffrey Dahl

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption: Parkhill
Seconded by: Plechash
Voted in favor of: Iverson, MacDonald, Mouton, Parkhill, Plechash
Voted against:
Abstained:
Absent:
Resolution Adopted: April 18, 2023

I hereby certify that the foregoing is a true and correct copy of Resolution No. 25-2023 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on April 18, 2023.



Kathy Leervig, City Clerk

SEAL

Signature: 
Jeffrey Dahl (Apr 26, 2023 13:52 CDT)
Email: jdahl@wayzata.org

Signature: 
Johanna Mouton (Apr 26, 2023 14:00 CDT)
Email: johannamouton@wayzata.org

Resolution 25-2023

Final Audit Report

2023-04-26

Created:	2023-04-24
By:	Kathy Leervig (kleervig@wayzata.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGN0Y5gmKzZPbzFF7J-xNhwIT2-zYiJmB

"Resolution 25-2023" History

-  Document created by Kathy Leervig (kleervig@wayzata.org)
2023-04-24 - 9:16:18 PM GMT- IP address: 192.119.239.138
-  Document emailed to Jeffrey Dahl (jdahl@wayzata.org) for signature
2023-04-24 - 9:16:46 PM GMT
-  Email viewed by Jeffrey Dahl (jdahl@wayzata.org)
2023-04-26 - 6:52:19 PM GMT- IP address: 192.119.239.138
-  Document e-signed by Jeffrey Dahl (jdahl@wayzata.org)
Signature Date: 2023-04-26 - 6:52:34 PM GMT - Time Source: server- IP address: 192.119.239.138
-  Document emailed to Johanna Mouton (johannamouton@wayzata.org) for signature
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2023-04-26 - 7:00:02 PM GMT- IP address: 174.199.97.95
-  Document e-signed by Johanna Mouton (johannamouton@wayzata.org)
Signature Date: 2023-04-26 - 7:00:30 PM GMT - Time Source: server- IP address: 174.199.97.95
-  Agreement completed.
2023-04-26 - 7:00:30 PM GMT



Adobe Acrobat Sign

Memorandum

To: Emily Goellner, City of Wayzata

From: Alison Harwood, WSB

Date: June 27, 2023

Re: Environmental Commitments to Incorporate into Land Use Entitlements and Permit Review and Issuance for Ferndale Bluffs project at 565 Ferndale Road West

WSB Project No. 21955

Purpose of this Memorandum

This document is to be utilized as a checklist for addressing the results of the Environmental Assessment Worksheet that was completed for the Ferndale Bluffs project in 2023 as the project progresses through land use entitlement and permit applications with the City of Wayzata.

Land Use Entitlements

The following environmental commitments and/or permits should be incorporated into the land use entitlement process, which is anticipated to include a subdivision request and potentially other requests, for the Ferndale Bluff project.

Land Use

- ✓ Bluff Exhibit that Complies with December 9, 2021 DNR
- ✓ Setbacks comply with bluff, bluff impact zone, and shoreline
- ✓ Compliance with shoreland regulations
 - o Vegetation removal in compliance with City Code and shoreland impact zone
- ✓ Cul-de-sac length variance
- ✓ Tree Preservation Plan
- ✓ If tree removal on a bluff proposed, a variance from Chapter 991.14 is required

No vegetation removal is proposed within the shore or bluff impact zones. Any vegetation removal for construction of road that is on steep slopes will be completed through proper permitting approvals as required by code

None proposed.

Water Resources

- ✓ Approved wetland delineation
- ✓ Stormwater Management Plan Approval
- ✓ Conditional Use in Flood Envelope permit

Preliminary SWMP materials provided.
No work proposed in Flood Envelope

Wildlife/Habitat

- ✓ Native, weed-free, seed mixes recommended by the Minnesota Department of Natural Resources (DNR) for permanent stabilization/re-vegetation
- ✓ Indicate location of eagle nests on site, if any (conduct a nest survey to determine if a bald eagle nest is located within the project area or within 660-feet of the project area since appropriate measures must be followed to avoid, minimize, or compensate for impacts to the nest or its occupants). Identify avoidance and minimization measures if necessary.

To be part of final construction plans for street/stormwater improvements.

See Exhibit 8 - provided by EOR

Water/Wastewater

- ☒ Confirm proposed watermain extension at 8-inch diameter for fire flow

Cultural Resources

See Exhibit 7

- ☒ Complete Phase I cultural resources survey
- ☒ Provide documentation from State Historic Preservation Office and MN Office of State Archeology on findings/concurrence
- ☒ Recommend consulting with Minnesota Indian Affairs Council (MIAC) on findings if applicable
- ☒ If fill impacts are proposed to Peavey Lake or the adjacent wetlands, coordinate with the US Army Corps of Engineers on Section 100 review requirements

No impacts to PWI or Wetlands

Grading and Shoreland Permit to Construct Subdivision Infrastructure

The following environmental commitments and/or permits should be incorporated into the grading and shoreland permits plan review and permit issuance for the Ferndale Bluff project, which is anticipated only if land use entitlements are received.

Water Resources

- ☐ Shoreland Permit

Soil/Grading

- ☐ MPCA NPDES permit for disturbance >1 acre
- ☐ Wayzata Land Disturbance Permit
- ☐ SWPPP and Erosion Control Plan approval
- ☐ Erosion Control BMPs installed prior to and maintained throughout construction
 - ☐ Silt fence
 - ☐ Erosion control blanket
 - ☐ Inlet protection
 - ☐ Street sweeping
 - ☐ Invasive species prevention plan (statement in the SWPPP regarding cleaning equipment before bringing in or out of the site)

Wildlife/Habitat

- ☐ Tree removal should occur between November 1 – March 30. If unable to remove during this time:
 - ☐ Identify northern long eared bat avoidance and minimization measures and/or results of coordination with USFWS
 - ☐ Perform migratory bird nest surveys within 5 days of tree removal if removal is between May 1 to August 31
- ☐ If grading/tree removal proposed after March 2024, review rusty-patched bumblebee High Potential Zone boundaries during plan review. Identify avoidance and minimization measures if project is in High Potential Zone.
 - ☐ A new map is anticipated to be published in March 2024. Currently, the project is in low potential zone so no additional BMPs needed.

Work below the Ordinary High Water Elevation of Peavey Lake (930.0 feet) needs to be avoided from May 1 through July 31

Water/Wastewater

- ☐ MN Department of Health – Watermain Plan Review
- ☐ Minnesota Pollution Control Agency (MPCA) Sanitary Sewer Permit

Demolition

- ☐ Regulated Materials Survey
- ☐ Notification of Intent to Perform Demolition form will be provided to MPCA at least 10 days prior to demolition of buildings on site
- ☐ Construction demolition materials disposed of properly (no burial on site)
- ☐ Secondary containment for hazardous materials
- ☐ No degreasing or washout allowed onsite

Building Permit Review and Issuance

The following environmental commitments and/or permits should be incorporated into the building permit plan review and permit issuance for single-family home construction on each individual lot within the Ferndale Bluff project area, which is anticipated only if land use entitlements are received.

Water Resources

- ☐ DNR permits for dock installation
- ☐ USACE Section 404 permit for boardwalk and dock installation
- ☐ MPCA Section 401 Certification for boardwalk and dock installation
- ☐ Wetland Conservation Act approval for boardwalk
- ☐ Lake Minnetonka Conservation District Annual Permit/License (if needed for docks)
- ☐ Minnehaha Creek Watershed District permit
- ☐ Wayzata Shoreland Impact Plan/Conditional Use Permit if the impervious surface is over 75% or the building is over 3 stories or 35 feet.

Soil/Grading

- ☐ MPCA NPDES permit for disturbance >1 acre
- ☐ Wayzata Land Disturbance Permit
- ☐ SWPPP for disturbance >1 acre
- ☐ Erosion Control Plan approval
- ☐ Erosion Control BMPs installed prior to and maintained throughout construction
 - o Silt fence
 - o Erosion control blanket
 - o Inlet protection
 - o Street sweeping
 - o Invasive species prevention plan (statement in the SWPPP regarding cleaning equipment before bringing in or out of the site)

Wildlife/Habitat

- ☐ Tree removal should occur between November 1 – March 30. If unable to remove during this time:
 - o Identify northern long eared bat avoidance and minimization measures and/or results of coordination with USFWS
 - o Perform migratory bird nest surveys within 5 days of tree removal if removal is between May 1 to August 31
- ☐ If grading/tree removal proposed after March 2024, review rusty-patched bumblebee High Potential Zone boundaries during plan review. Identify avoidance and minimization measures if project is in High Potential Zone.
 - o A new map is anticipated to be published in March 2024. Currently, the project is in low potential zone so no additional BMPs needed.

- ☐ No work in Peavey Lake between May 1 – July 31

Construction

- ☐ No washout allowed onsite

Building

- ☐ MN Department of Labor & Industry Plumbing Plan Review
- ☐ Wayzata Building Permit approval

ENVIRONMENTAL ASSESSMENT WORKSHEET

This Environmental Assessment Worksheet (EAW) form and EAW Guidelines are available at the Environmental Quality Board's website at:

<http://www.eqb.state.mn.us/EnvRevGuidanceDocuments.htm>. The EAW form provides information about a project that may have the potential for significant environmental effects. The EAW Guidelines provide additional detail and resources for completing the EAW form.

Cumulative potential effects can either be addressed under each applicable EAW Item, or can be addresses collectively under EAW Item 19.

Note to reviewers: Comments must be submitted to the RGU during the 30-day comment period following notice of the EAW in the *EQB Monitor*. Comments should address the accuracy and completeness of information, potential impacts that warrant further investigation and the need for an EIS.

1. Project title: Ferndale Bluff Residential

2. Proposer: Whitten Associates

Contact person: Tim Whitten
Title: Principal
Address: 4159 Heather Place
City, State, ZIP: Minnetonka, MN 55345
Phone: 612-747-0771
Fax:
Email: tim@whittenassociates.com

3. RGU: City of Wayzata

Contact person: Emily Goellner
Title: Community Development Director
Address: 600 Rice Street E
City, State, ZIP: Wayzata, MN 55391
Phone: 952-404-5312
Fax:
Email: egoellner@wayzata.org

4. Reason for EAW Preparation: (check one)

Required:

- ☐ EIS Scoping
- ☐ Mandatory EAW

Discretionary:

- ☐ Citizen petition
- ☒ X RGU discretion
- ☐ Proposer initiated

If EAW or EIS is mandatory give EQB rule category subpart number(s) and name(s):

5. Project Location:

County: Hennepin
City/Township: Wayzata
PLS Location (1/4, 1/4, Section, Township, Range): Section 1, Township 117N, Range 23W
Watershed (81 major watershed scale): Watershed 20
GPS Coordinates: 44.965649, -93.537742
Tax Parcel Number: 0111723330026

At a minimum attach each of the following to the EAW:

- **Figure 1** County map showing the general location of the project;
- **Figure 2** U.S. Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries (photocopy acceptable); and
- Site plans showing all significant project and natural features. Pre-construction site plan (**Figure 3**) and post-construction site plan (**Figure 4**).

6. Project Description:

- a. Provide the brief project summary to be published in the *EQB Monitor*, (approximately 50 words).

The proposed project will subdivide the 11.87-acre parcel into 4 single family residential lots. Each lot will have access to Peavey Lake (DNR No. 27-138) and provide docks and boat slips for up to 8 boats. The project will also involve construction of a proposed roadway and boardwalks to access the docks, which will traverse bluffs, steep slopes, and wetlands adjacent to Lake Minnetonka.

- b. Give a complete description of the proposed project and related new construction, including infrastructure needs. If the project is an expansion include a description of the existing facility. Emphasize: 1) construction, operation methods and features that will cause physical manipulation of the environment or will produce wastes, 2) modifications to existing equipment or industrial processes, 3) significant demolition, removal or remodeling of existing structures, and 4) timing and duration of construction activities.

The proposed project will subdivide the 11.87-acre parcel into 4 single family residential lots. Each lot will have access to Peavey Lake (DNR No. 27-138) and provide docks and boat slips for up to 8 boats. The project will also involve construction of a proposed roadway and boardwalks to access the docks, which will traverse bluffs, steep slopes, and wetlands adjacent to Lake Minnetonka.

Construction will involve tree removal and grading for lots, roadways, and utilities. Construction will be completed using equipment typical of residential development including excavators, graders, and bulldozers. Initial grading will involve approximately 3,900 cubic yards of cut and 2,500 cubic yards of fill. Approximately 1,500 cubic yards of excess material will be hauled offsite.

Three structures currently exist on the property and will be removed with the initial grading. These structures will be inspected prior to demolition and any regulated materials will be disposed of properly. A bituminous driveway will also be removed.

It is anticipated that construction of the road, cul-de-sac, stormwater pond, and utilities will be completed within one construction season, starting in Summer 2023. Grading for the lots will also occur during this time though construction of the residential homes may occur over multiple years.

c. Project magnitude:

Total Project Acreage	11.87 acres
Linear project length	725 feet
Number and type of residential units	4 single family residential units
Commercial building area (in square feet)	N/A
Industrial building area (in square feet)	N/A
Institutional building area (in square feet)	N/A
Other uses – specify (in square feet)	8 boat slips
Structure height(s)	2 stories

d. Explain the project purpose; if the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries.

The purpose of the project is to subdivide the property into 4 single family residential lots. Each lot will have access to Peavey Lake (DNR No. 27-138) and provide docks and boat slips for up to 8 boats.

e. Are future stages of this development including development on any other property planned or likely to happen? ☐ Yes ☒ No

If yes, briefly describe future stages, relationship to present project, timeline and plans for environmental review.

f. Is this project a subsequent stage of an earlier project? ☐ Yes ☒ No

If yes, briefly describe the past development, timeline and any past environmental review.

7. **Cover types:** Estimate the acreage of the site with each of the following cover types before and after development:

	Before	After		Before	After
Wetlands	2.33	2.33	Impervious surface	1.34	3.22
Wooded/forest	7.1	5.11	Stormwater Pond	0	0.11
Open Water/ deep streams	1.10	1.10			
			TOTAL	11.87	11.87

- 8. Permits and approvals required:** List all known local, state and federal permits, approvals, certifications and financial assistance for the project. Include modifications of any existing permits, governmental review of plans and all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing and infrastructure. *All of these final decisions are prohibited until all appropriate environmental review has been completed. See Minnesota Rules, Chapter 4410.3100.*

Unit of government	Type of Application	Status
Federal		
US Army Corps of Engineers	Section 404 Permit	To be applied for, if needed
US Fish and Wildlife Services	Endangered Species Review	
State		
MN Pollution Control Agency	NPDES Construction Stormwater Permit	To be applied for
	Section 401 Permit	To be applied for, if needed
	Notification of Intent to Perform Demolition	To be applied for
MN Department of Health	Watermain Plan Review	To be applied for
MN Department of Labor & Industry	Plumbing Plan Review	To be applied for
MN Department of Natural Resources	Public Water Permit	To be applied for, if needed
Local		
City of Wayzata	Land Disturbance Permit	To be applied for
	Building Permit	To be applied for
	Shoreland Impact Plan/Conditional Use Permit	To be applied for, if needed
	Conditional Use in Flood Envelope permit	To be applied for,
	Shoreland Permit	To be applied for, if needed
	Subdivision (Preliminary Plat and Final Plat)	To be applied for
	Variance	To be applied for
	Wetland Conservation Act Boundary Determination	Received
	Wetland Conservation Act No Loss	To be applied for
	Wetland Protection Permit	To be applied for, if needed
Lake Minnetonka Conservation District	Annual Permit/License	To be applied for, if needed
Minnehaha Creek Watershed District	Waterbody Crossings & Structures	To be applied for, if needed
	Shoreline and Stream Bank Stabilization	To be applied for, if needed

Cumulative potential effects may be considered and addressed in response to individual EAW Item Nos. 9-18, or the RGU can address all cumulative potential effects in response to EAW Item No. 19. If addressing cumulative effect under individual items, make sure to include information requested in EAW Item No. 19

9. Land use:

a. Describe:

- i. Existing land use of the site as well as areas adjacent to and near the site, including parks, trails, prime or unique farmlands.

The existing parcel is developed with a single family residential, a guest house, a detached garage, and a dock onto Peavey Lake (DNR No. 27-138). The property is guided for Estate Single Family within the Comprehensive Plan and zoned R-1A, Low-Density Single-Family Estate District. Within the R-1A district, the single family residence is a permitted use, the detached garage and dock are accessory uses, and the guest house is a conditional use.

The properties to the north, east, and west have the same comprehensive plan guiding and zoning as this property. The property to the south (across Ferndale Road West) is guided One Acre Single Family and zoned R-1 Low Density Single Family Residential District. The Dakota Rail Regional Trail is located about ¼ mile north of the site and the nearest Wayzata park is Shaver Park located about ¾ miles to the northeast.

- ii. Plans. Describe planned land use as identified in comprehensive plan (if available) and any other applicable plan for land use, water, or resources management by a local, regional, state, or federal agency.

The property is guided for Estate Single Family within the Comprehensive Plan which allows a residential density of between 0.25 and 0.5 units/acre. Peavey Lake (DNR No. 27-138) is regulated by the Lake Minnetonka Conservation District and the Minnehaha Creek Watershed District.

- iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.

The property is zoned R-1A, Low Density Single Family Estate District, which has a minimum lot area of 80,000 square feet, a minimum lot depth of 200 feet, and a minimum lot width of 200 feet. The parcel is within 1,000 feet of both Peavey Lake (DNR No. 27-138) and Lake Minnetonka and therefore is within the Shoreland Overlay District. The parcel contains a wetland(s) and therefore is subject to the Wetland Overlay District. The existing trees on the site are subject to the City's Tree Preservation regulations. The parcel contains areas within both Zone X (Area of Minimal Flood Hazard) and Zone X (0.2 Percent Annual Chance Flood Hazard) and therefore is not subject to the Floodplain Overlay District.

- b. Discuss the project's compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.

The project proposes to subdivide the parcel into four lots that vary in size from 80,097 to 209,398 square feet. The existing single-family residence, detached garage, and guest house are proposed to be removed, as well as an existing gravel driveway along the Peavey Lake (DNR No. 27-138) shoreline. The lots all have a minimum width of 200 feet (as defined by the City Code), a minimum depth 200 feet, a minimum of 100 feet of shoreline, and a shoreline width of 75 feet. The proposed house pads included are proposed to be located at least 75 feet from Peavey Lake (DNR No. 27-138). Each lot is proposed to have its own dock onto Peavey Lake (DNR No. 27-138) and the Lake Minnetonka Conservation District would allow one watercraft per 50 feet of continuous shoreland, for a total of 8 boats. The northernmost lot proposes a boardwalk to access their dock onto Peavey Lake (DNR No. 27-138). The applicant has not provided a bluff determination that complies with the December 9, 2021 DNR bluff determination guidance and therefore it cannot be determined if the proposed house pads are outside of the required bluff impact zone.

The project proposes a cul-de-sac with a length of 725 feet to serve the four lots. This cul-de-sac is over the maximum length of 600 feet requirement of the Subdivision Ordinance and therefore will require a variance to allow for the 725-foot cul-de-sac. The proposed cul-de-sac will remove a 29-inch heritage tree and therefore 58 caliper inches of replacement trees will need to be installed or pay a fee-in-lieu of replacement. Any tree removal during the construction of the homes will also need to comply with the City's Tree Preservation regulations. The cul-de-sac does not impact the existing wetland(s) but the installation of the proposed boardwalks to access the docks on Peavey Lake (DNR No. 27-138) will require the approval of a Wetland Conservation Act (WCA) No Loss application. It does not appear that the construction cul-de-sac will impact the existing bluff(s) or bluff impact zone(s), but that will be confirmed when a bluff exhibit is provided that complies with the December 9, 2021 DNR guidance.

- c. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.

The project proposer will provide the following to mitigate for the land use incompatibilities:

- Provision of a bluff exhibit that complies with the December 9, 2021 DNR guidance.
- WCA No Loss application approval for the proposed boardwalk on the northern most lot.
- Approval of a Subdivision application.
- Approval of a cul-de-sac length variance application.
- Tree replacement in compliance with the City's Tree Preservation regulations.

10. Geology, soils and topography/land forms:

- a. Geology - Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.

According to the 2018 Minnesota Geologic Survey maps, bedrock depth varies at the site between 251 and 400 feet below grade and consists of the Jordan Sandstone central within the project area and Prairie du Chien Group, Oneota Dolomite in the northwestern and eastern portion of the project area. The Jordan sandstone consist of medium to coarse grained friable, quartzose sandstone and the Prairie du Chien Group, Oneota Dolomite consists of medium to thick bedded dolostone that, except in its lowermost part, generally lacks sedimentary features. The Geologic Atlas of Hennepin County shows the surficial geology consist of till associated with the New Ulm Formation and fill associated with lake sediment (MGS, 2021).

The Minnesota DNR Aggregate Resource Web Map did not identify any gravel pits, quarries or prospects existing within the project area. A potential secondary source for sand and gravel is 170 feet east of the project area. According to the Minnesota Karst Land Map, the project area is not within an area prone to surface karst features development.

There are no known geologic hazards, sinkholes or other conditions that would require mitigation measures on the project area.

- b. Soils and topography - Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability or other soils limitations, such as steep slopes, highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.

Soils

The site's soil information was retrieved from the U.S Department of Agriculture's Web Soil Survey database. The soils within the project area are found in hills and beaches on ground moraines, depressions and moraines. Soil map units within the project area are predominantly fine, ranging from loam to loamy fine sand and muck. Approximately 71.3 percent of the soils within the site are non-hydric. Hydric soils occupy 22.4 percent of the site and water comprises 6.3 percent. The Web Soil Survey indicates that site K factor (erosion factor) ranges between 0.15 and 0.32 for the map units that possesses a K rating within the project area, indicating that site erodibility factors range from low to moderate.

Map unit Symbol and Name	Hydric Rating	Acres	Percent of Site	K Factor (Whole Soil) ¹	Hydrologic Group ²
L22C2: Lester loam, 6 to 10 percent slopes, moderately eroded	2	2.71	22.8	.32	C
L41D2: Lester-Kilkenny complex, 10 to 16 percent slopes, moderately eroded	5	5.75	48.4	.32	C

L50A: Muskego and Houghton soils, 0 to 1 percent slopes	100	2.30	19.4	-	C/D
L64A: Tadkee-Tadkee, depressional, complex, 0 to 2 percent slopes	92	0.36	3.0	.15	B/D
W: Water	0	0.75	6.3	-	-
¹ K Factor indicates the susceptibility of a soil to sheet and rill erosion by water. Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptibility the soil is to erosion. ² A = high infiltration rate, low runoff potential; B = moderate infiltration rate; C = slow infiltration rate; and D = very slow infiltration rate, high runoff potential. Only the soils that in their natural condition are in group D are assigned to dual classes. If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas.					

Topography

The topography onsite has a moderate slope, with peak elevation at the center of the site. The existing site elevation ranges from 926 to 978 feet. Generally, from the peak elevation in the center of the site the northern half of the project area slopes east and the southern half slopes to the east, towards the wetland and waterbody complex at the northeastern and southeastern portion of the project area.

Special Site Conditions

The entire site is within a shoreland district, and a bluff has been identified within the site. The approximate bluff is west and south of the delineated wetland within the site. The bluff slope drains toward Peavey Lake (DNR No. 27-138) and rises at least 25 feet above the lake's Ordinary High-Water Level (929.4 feet). The approximate bluff, buffer and building setback lines are shown on **Figure 4**. The entire site is also within the City's Wetland Overlay District and subject to tree preservation regulations as described in Chapter 992 and 936 in the City's Code of Ordinances.

Site Excavation and/or Grading

It is anticipated that construction will entail 3,900 cubic yards of cut and 2,500 cubic yards of fill. Approximately 1,500 cubic yards of excess material will be hauled offsite. The total disturbed area will be approximately 2.81 acres. Soil will be graded for residences, driveways, a roadway and stormwater features. Because the project will involve disturbance of more than one acre of land, application for coverage under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Permit will be submitted to the MPCA prior to initiating earthwork on the site. This permit is required for discharge of stormwater during construction activity and requires that Best Management Practices (BMPs) be implemented. Additionally, The City of Wayzata requires a Land Disturbance permit for any excavation of 50 cubic yards or more of earth, or alteration of 5,000 square feet or more of surface area or vegetation. Erosion and sedimentation control BMPs related to stormwater runoff are discussed in greater detail within Item 11.b.ii.

NOTE: For silica sand projects, the EAW must include a hydrogeologic investigation assessing the potential groundwater and surface water effects and geologic conditions that could create an increased risk of potentially significant effects on groundwater and surface water. Descriptions of water

resources and potential effects from the project in EAW Item 11 must be consistent with the geology, soils and topography/landforms and potential effects described in EAW Item 10.

11. Water resources:

- a. Describe surface water and groundwater features on or near the site in a.i. and a.ii. below.
 - i. Surface water - lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within 1 mile of the project. Include DNR Public Waters Inventory number(s), if any.

A review of Minnesota DNR geospatial data shows there are no trout streams or trout lakes, wildlife lakes, migratory waterfowl feeding/resting lakes within the project area boundaries. Review of the Minnesota DNR Public Waters Inventory (PWI) showed that the project area contains one DNR public water, Peavey Lake (DNR No. 27-138), **Figure 6**. An Unnamed Public Water Wetland (DNR PWI No. 850W) and a non-DNR stream are immediately northeast and east outside of the project area. The project is in the Mississippi River watershed (Major watershed No. 20) and Peavey Lake (DNR No. 27-138) discharges into Lake Minnetonka-Lower Lake (DNR PWI No. 133P). Hennepin County GIS data indicated there are no county ditches in the project area or vicinity. Peavey Lake (DNR No. 27-138) is identified as a DNR Infested Water (AIS) for Eurasian watermilfoil and zebra mussel and Lake Minnetonka is also identified for Eurasian watermilfoil, zebra mussel and flowering rush.

The National Wetland Inventory (NWI) mapped two wetland complexes in the northeast and southeast portions of the project area. The project area was delineated using the onsite methods outlined in the U.S. Army Corps of Engineers 1987 Manual. Field work was completed in September 2019 and one large wet meadow, shallow marsh and open water wetland complex that corresponds with the NWI wetlands was delineated (**Figure 6**). The Notice of Decision approving the wetland boundary is attached (**Appendix B**).

According to the MPCA 303d Impaired Waters Map, Peavey Lake (DNR No. 27-138) has an approved impairment for aquatic life and aquatic recreation and has a Total Maximum Daily Load (TMDL) approved for Chloride and nutrients. Lake Minnetonka-Lower Lake is about 0.04 miles south of the project and has an impairment for aquatic consumption and a TMDL approved for mercury in fish tissue. Tanager Lake is about 1 mile southwest of the project location and has an impairment for aquatic recreation and a TMDL approved for nutrients.

- ii. Groundwater – aquifers, springs, seeps. Include: 1) depth to groundwater; 2) if project is within a MDH wellhead protection area; 3) identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.

Based on the Minnesota Hydrogeology Atlas, the depth to groundwater within the site varies from 0 to 30 feet deep, with most of the site in the 0 to 10 feet depth range.

Based on the Minnesota Department of Health (MDH) Source Water Protection Web Map Viewer, the site is located within the Moderate Vulnerability portion of the Wayzata Drinking Water Supply Management Area (DWSMA), within which residential land use is acceptable.

Based on the MDH Minnesota Well Index, there are no known on-site or nearby wells, with the nearest well approximately 175 feet north of the northwest corner of the site.

- b. Describe effects from project activities on water resources and measures to minimize or mitigate the effects in Item b.i. through Item b.iv. below.

- i. Wastewater - For each of the following, describe the sources, quantities and composition of all sanitary, municipal/domestic and industrial wastewater produced or treated at the site.

- 1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.

Sanitary service to the site from the Wayzata municipal collection system was evaluated in the Wayzata 565 Ferndale Road Water and Sewer Analysis Memo (Memo) dated November 10, 2022 (**Appendix C**). The site is currently served by sanitary sewer extensions from Wayzata Lift Station LS06 to the southeast along Ferndale Road. The projected average wastewater flow is 200 gallons per day (gpd) per home. Therefore, the net increase from two to four homes is 400 gpd.

The existing LS06 firm capacity of 300 gallons per minute (gpm), to be confirmed with a drawdown test, is more than adequate for its projected total tributary peak hourly flow of 76 gpm. The downstream trunk sanitary sewers also have sufficient capacity as detailed in the Memo, including when LS06 is pumping.

Wastewater from the site will be conveyed by Wayzata's collection system to the Metropolitan Council Environmental Services (MCES) regional collection and treatment system and ultimately to the Blue Lake Wastewater Treatment Plant (WWTP). The Blue Lake WWTP has a capacity of 42 million gallons per day (MGD) and receives 24 MGD as of November 2022. Therefore, it has ample capacity for the proposed development.

Wastewater from the site will be of domestic strength and character, and no pretreatment measures will be necessary.

- 2) If the wastewater discharge is to a subsurface sewage treatment system (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system.
N/A

- 3) If the wastewater discharge is to surface water, identify the wastewater treatment methods and identify discharge points and proposed effluent limitations to mitigate impacts. Discuss any effects to surface or groundwater from wastewater discharges.
N/A
- ii. Stormwater - Describe the quantity and quality of stormwater runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from stormwater discharges. Describe stormwater pollution prevention plans including temporary and permanent runoff controls and potential BMP site locations to manage or treat stormwater runoff. Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.

Pre-Construction Site Runoff

The existing runoff from the project area likely contains sediments, fertilizers, and other nutrients from the existing residential property. There are seven (7) drainage areas, as shown in the attached drainage summary (**Appendix D**). Areas 1, 2, & 3 drain to the west and south of this property. Drainage area 2 drains to an existing depression. Areas 4, 5, 6, and 7 drain to the east towards Peavey Lake (DNR No. 27-138). Drainage area 6 drains to an existing depression.

Post-Construction Site Runoff

The land use of the project area will not change. It is currently residential and will remain residential. There will remain to be seven (7) proposed drainage areas post-construction. Drainage area 4 and 6 are proposed to discharge to ponds and Drainage area 2 will continue to drain to an existing depression.

During construction, there will likely be an increase in runoff from suspended solids, heavy metals, and oil/grease. After construction, the runoff from the residential site will be typical of suburban development with the increase in impervious surfaces and maintained lawn/landscape areas. It is anticipated that stormwater will be treated on each lot with an underground stormwater treatment system for both water quantity and water quality or through an onsite rain garden. Runoff from the proposed road/cul-de-sac will be managed through the construction of a new pond in Drainage area 6.

Stormwater runoff quality and quantity will be designed to meet the requirements of the City of Wayzata, Minnehaha Creek Watershed District, and the MPCA National Pollutant Discharge Elimination System and State Disposal System (NPDES/SDS) requirements.

In addition, the City of Wayzata has stormwater management requirements in the Municipal Code, Chapter 991 which regulates activities in the S. Shoreland Overlay District and will be adhered to:

1. City of Wayzata Municipal Code, Chapter 991 S. Shoreland Overlay District, Section 991.11 Impervious Surface Coverage to ensure the lots meet the allowable coverage requirements.

2. City of Wayzata Municipal Code, Chapter 991 S. Shoreland Overlay District, Section 991.14 Shoreland Alterations to ensure consistency with the stormwater standards.

3. City of Wayzata Municipal Code, Chapter 991 S. Shoreland Overlay District, Section 991.19 SIP/CUP

Stormwater and Erosion Control BMPs

Prior to construction, the project proponent will be required to submit an application to the MPCA for coverage under the NPDES/SDS General Permit since the project will involve the disturbance of more than one acre of land. In addition, the City of Wayzata and Minnehaha Creek Watershed District will review and accept these plans prior to the start of construction. Best management practices (BMPs) will be installed during construction to reduce erosion and sediment loading into stormwater runoff. This will ensure that potential adverse effects from construction-related sediment and erosion will be reduced in the surrounding area. To confirm that the BMPs are effectively reducing erosion and sediment loading, the BMPs will be inspected once a week or within 24 hours after each rainfall event that exceeds 0.5 inches. Some of the main BMPs that will be implemented on the construction site include:

- Installation of silt fence and other perimeter controls prior to initiation of earthwork and maintenance of these controls until ground cover has been established on exposed areas.
- Construction of temporary sediment basins in areas proposed for stormwater ponds. The development of these basins for permanent use will follow construction.
- Periodic street cleaning and installation of a rock construction entrance to reduce tracking of dirt onto public streets.
- Stabilization of exposed soils within the time limits specified in the General NPDES permit
- Inlet protection around any stormwater inlets on site
- Energy dissipation, such as riprap, installed at storm sewer outfalls
- Use of cover crops, native seed mixes, sod, and landscaping to stabilize exposed surface soils after final grading.

A complete list of BMPs will be described in the Storm Water Pollution Prevention Plan (SWPPP) prepared for this project. A SWPPP will be prepared for the construction of the cul-de-sac and each individual lot will also require their own SWPPP as they are constructed.

- iii. Water appropriation - Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including

an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.

Water service to the site from the Wayzata municipal water system was evaluated in the Wayzata 565 Ferndale Road Water and Sewer Analysis Memo (Memo) dated November 10, 2022 (**Appendix C**). The existing and proposed water service to the site is from the existing watermain in Ferndale Road. The projected water demand for the four proposed single-family homes is 900 gallons per day (gpd).

As described in the Memo, based on computer modeling of the distribution system using the City's WaterCAD model, domestic demand is satisfied. However, the model indicates that the proposed watermain extension will need to be 8-inch diameter to achieve an available fire flow of at least 1,000 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch (psi). The needed fire flow should be confirmed during design.

The Wayzata water system will not require additional supply, treatment, storage, or distribution improvements because of the proposed development.

iv. Surface Waters

- a) Wetlands - Describe any anticipated physical effects or alterations to wetland features such as draining, filling, permanent inundation, dredging and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed and identify those probable locations.

The project has been designed to avoid wetland impacts; therefore, no alternatives were considered, and compensatory mitigation is not required. Because the applicant is proposing construction of new boardwalks, a WCA No Loss determination and a Conditional Use in Flood Envelope permit will be needed and pursued for the boardwalk prior to construction.

Water resources within the project area will be regulated under:

- The Minnesota Wetland Conservation Act of 1991, as amended, administered in this area by the City of Wayzata,
- Chapter 409, Section 409.05, Land Disturbance, of the Wayzata City Code as administered by the City of Wayzata
- Chapter 409, Section 409.14, Erosion and Sediment Control of the Wayzata City Code as administered by the City of Wayzata
- Chapter 992, Section 992.06, Conditional Uses in Flood Envelope of the Wayzata City Code as administered by the City of Wayzata
- Section 404 and 401 of the Federal Clean Water Act administered by the U.S. Army Corps of Engineers and the Minnesota Pollution Control Agency

- b) Other surface waters- Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.

The current property is allowed four watercrafts based on lot size and the proposed project will increase the number of watercrafts on Peavey Lake (DNR No. 27-138). The proposed project allows for up to 8 watercrafts (1 per 50 feet of continuous shoreland) which complies with the Lake Minnetonka Conservation District rules. The increase in the number of watercrafts of Peavey Lake (DNR No. 27-138) is not expected to result in direct or indirect environmental effects from the physical modification of Peavey Lake (DNR No. 27-138). The proposed project may require an annual license depending upon the type and construction of the docks.

In-water Best Management Practices to avoid or minimize turbidity/sedimentation while constructing the boardwalk (such as silt fence, bio rolls and silt booms) will be described in the project SWPPP and deployed as needed.

12. Contamination/Hazardous Materials/Wastes:

- a. Pre-project site conditions - Describe existing contamination or potential environmental hazards on or in close proximity to the project site such as soil or ground water contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.

Public database information was reviewed to identify sites that pose a contamination risk to the project area. The Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Agriculture (MDA) What is in My Neighborhood (WIMN) online databases were reviewed on December 28, 2022. The purpose of the MPCA/MDA WIMN database review was to determine if the project area, adjacent sites, or surrounding area sites (within 500 feet) were listed in a leak or spills database or other known databases indicating the presence of contamination.

No listings indicating a hazardous material spill or release were identified at the project area or within 500 feet of the project area.

- b. Project related generation/storage of solid wastes - Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage and disposal. Identify measures to

avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.

During construction, solid waste and construction debris typical of a construction site may be produced. All waste and unused material will be properly disposed of off-site and not allowed to be carried by runoff to a receiving channel or storm sewer system.

Three structures currently exist on the property and will be removed with the initial grading. These structures will be inspected prior to demolition and any regulated materials will be disposed of properly. A Notification of Intent to Perform Demolition form will be provided to MPCA at least 10 days prior to demolition. If asbestos is discovered in either structure, it will be abated and disposed of per MPCA regulations. A bituminous driveway will also be removed, and materials disposed of appropriately.

Upon completion of the project solid waste typical of residential homes is expected. Solid wastes (garbage, recycling, and organics) will be disposed of using the city's current garbage contractor.

- c. Project related use/storage of hazardous materials - Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spill or release of hazardous materials. Identify measures to avoid, minimize or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.

During construction, hazardous waste typical of construction sites (e.g., fuel oil) will be present. Minimal amounts of gasoline may be stored on site, in approved containers with secondary leak protection. The potential for contamination is low and no toxic or hazardous materials will be present after construction. Fuel trucks and any other hazardous materials will be locked when not in use to avoid vandalism. Degreasing and washing of construction equipment onsite are prohibited by the city's standard construction specifications.

- d. Project related generation/storage of hazardous wastes - Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of hazardous waste including source reduction and recycling.

Construction of the project will not involve the generation of a significant amount of hazardous waste.

Upon completion, the project use and storage of typical household hazardous materials is expected. Household hazardous wastes, such as paint and motor oil, is expected to be disposed of at licensed facilities, such as Hennepin Transfer & Recycling Center.

13. Fish, wildlife, plant communities, and sensitive ecological resources (rare features):

- a. Describe fish and wildlife resources as well as habitats and vegetation on or in near the site.

Fish habitat available within and near the project area include Peavey Lake, wetlands, and an unnamed stream that are connected to Lake Minnetonka. As these features are directly connected to Lake Minnetonka, they likely provide habitat for a variety of game and non-game fish species such as bluegill (*Lepomis macrochirus*), northern pike (*Esox lucius*), yellow perch (*Perca flavescens*), bowfin (*Amia calva*), and white sucker (*Catostomus commersonii*).

Terrestrial habitats within the project area includes woodlands and developed areas (i.e., residences). The terrestrial habitats within the project area likely provide habitat for species that are tolerant of human presence such as the gray squirrel (*Sciurus carolinensis*), raccoon (*Procyon lotor*), red fox (*Vulpes vulpes*), American robin (*Turdus migratorius*), black-capped chickadee (*Poecile atricapillus*), and downy woodpecker (*Picoides pubescens*).

- b. Describe rare features such as state-listed (endangered, threatened or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number (LA-1003) and/or correspondence number (ERDB _____) from which the data were obtained and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe the results.

There are no MNDNR Regionally Significant Ecological Areas, MNDNR Native Plant Communities, or Minnesota Biological Survey (MBS) Railroad Rights-of-Way Prairies within the project area or within one mile of the project area. No MBS Sites of Biodiversity Significance were identified within the project area. Ferndale Marsh, an MBS Site of Moderate Biodiversity Significance, is 0.2 miles west of the project area. Based on the MNDNR Natural Heritage database (LA-1003), there are records of a state watchlist invertebrate species, the rusty patched bumble bee (*Bombus affinis*), within the project area and within one mile of the project area. There are also records of a state threatened pugnose shiner (*Notropis anogenus*) within one mile of the project area.

Based on the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC), the federally endangered northern long-eared bat (*Myotis septentrionalis*), proposed federally endangered tri-colored bat (*Perimyotis subflavus*), and monarch butterfly (*Danaus plexippus*) a candidate for federal listing have the potential to occur within or near the project area. The northern long-eared bat and tri-colored bat are also considered special concern species at the state level but have not been identified in or near the project area. There are no known northern long-eared bat maternity roost trees or hibernacula within the project area. There are no known maternity roost trees in Hennepin County. The nearest known hibernaculum is more than 15 miles southeast of the project area. Also, although not identified in the USFWS IPaC, the entire project area is within the federally endangered and state watchlist rusty patched bumble bee USFWS Low Potential Zone. Also, the federally protected bald eagle (*Haliaeetus leucocephalus*) may occur within or near the project area.

No additional habitat or species survey work has been completed for the project area.

- c. Discuss how the identified fish, wildlife, plant communities, rare features and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.

No MBS sites of biodiversity significance, MNDNR native plant communities, MBS railroad rights-of-way prairies, or MNDNR RSEAs were identified within the project area or immediately adjacent to the project area. No impacts to these ecological resources are expected to occur from project construction.

There is suitable game and non-game fish habitat within the project area. In-water impacts will occur from the installation of up to four docks and associated boat slips. Impacts to fish habitat from the installation of docks and boat slips are expected to be temporary and minor. No impacts to the pugnose shiner are expected.

There is potentially suitable northern long-eared bat and tri-colored bat roosting habitat (i.e., trees) within the project area and surrounding region. The tri-colored bat is not currently afforded legal protection. Tree removal should follow guidelines to minimize or avoid impacting these species.

There does not appear to be suitable monarch butterfly habitat within the project area. Monarch butterflies are not currently afforded legal protection. No impacts to monarch butterflies are expected to occur from project construction.

There is potentially suitable bald eagle nesting habitat within or near (i.e., within 660-feet) the project area. Avoidance or minimization practices during project construction should be used if a bald eagle nest is within the project area or within 660-feet of the project area.

Although there appears to be rusty patched bumble bee overwintering habitat within the project area, the entire project area occurs within the Low Potential Zone. As such, impacts to rusty patched bumble bees are not expected from project construction.

The project proposer will implement measures to avoid or minimize the introduction or spread of invasive plant species from project construction and operation. The project proposer will control the spread or introduction of invasive plant species in accordance with local and state invasive and noxious weed regulations, as appropriate. Any invasive plants that are established within the project area prior to the proposed action may be excluded from the invasive species control plan.

- d. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.

The following measures will be used to avoid, minimize, or mitigate adverse effects to fish and wildlife, and their habitats.

- Any tree removal should occur outside of the northern long-eared bat active season (April 1 to October 31). Also, the new northern long-eared bat determination key should be used to determine if further coordination with the USFWS is required. The new northern long-eared bat determination key is expected to be released in early 2023.

- If the tri-colored bat status changes before project construction of either the roadway and cul-de-sac or individual lots (decision expected Fall 2023 or Spring 2024), all appropriate avoidance and minimization measures will be followed.
- The removal of trees will occur outside of the peak nesting season for birds protected by the Migratory Bird Treaty Act (May 1 to August 31).
- If a bald eagle nest is located within the project area or within 660-feet of the project area, appropriate measures will be followed to avoid, minimize, or mitigate disturbance of the nest or its occupants.
- Tree replacement will comply with the City's tree preservation regulations. If the project is unable to meet the City's tree preservation requirements, a variance will be required.
- Water contamination (i.e., fish habitat contamination) is expected to be limited or avoided due to the implementation of in-water, erosion, and run-off best management practices. All waste and unused material will be properly disposed of off-site and not allowed to be carried by runoff to a receiving channel or storm sewer system. In-water BMPs will be implemented to avoid or minimize turbidity/sedimentation while constructing the boardwalk. In-water BMPs may include silt fence, bio rolls, or silt booms.
- If the rusty patched bumble bee High Potential Zone boundaries change (e.g., expand to include part or all the project area) before the project is constructed, appropriate avoidance and minimization measures will be implemented, if suitable overwintering habitat is proposed to be impacted.
- The project was designed to avoid wetland impacts.

14. Historic properties:

Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include: 1) historic designations, 2) known artifact areas, and 3) architectural features. Attach letter received from the State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.

A Phase IA Cultural Resources Survey was completed for the project (**Appendix E**). A one-mile radius was reviewed for previously recorded archaeological sites and completed surveys and a half mile radius was reviewed for inventoried historical resources. The Phase IA found four previously recorded archaeological sites including two cemeteries and two shipwrecks and two previously completed surveys within the one-mile research radius. Additionally, one previously inventoried historic resource, Bridge No. L8855, was identified within the half mile research radius of the proposed project area. This bridge was replaced in 2015/2016 by the city.

No previously recorded archaeological sites, historic resources, or previously completed surveys were identified within the proposed project APE. The buildings currently present within the project area are over 50 years old, with the main home being built in 1914 and one accessory structure also likely being built around the same timeframe. Although there are no previously recorded sites within the project area, because of the proximity to Lake Minnetonka and Peavey Lake as well as the project's location on a rise in the landscape there is a high probability of resources within the project area and a Phase I Cultural Resources Assessment will be completed.

15. Visual:

Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.

There are no scenic views or vistas on or near the project area, and no non-routine impacts or visual nuisances are anticipated. During construction, the surrounding residential and industrial properties will experience temporary visual impacts because of tree removal and construction. The proposed project is consistent with established uses in the area, and therefore will not create a significant change in visual aesthetics.

Measures to soften visual transitions include providing landscaped areas, preservation of tree and wetland cover in the eastern and northeastern portion of the parcel, constructing new boardwalks, and constructing a stormwater pond.

16. Air:

- a. Stationary source emissions - Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria. Include a discussion of any methods used assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.

The project will not include stationary source emissions that exceed the mandatory EAW thresholds identified in Minnesota Rules Part 4410.4300, Subp. 15 or thresholds requiring an air permit from the Minnesota Pollution Control Agency (MPCA). Greenhouse gas emissions from this project, while unquantified, are not expected to cause potential for significant environmental effects.

The project will have air emissions that are common to nearly all single-family residential developments that could include sources such as natural gas and oil powered equipment, fertilizer and product use, carbon storage in housing materials, heating and cooling systems, and air conditioner and refrigerator leakage. These sources are generally considered conditionally insignificant activities and conditionally exempt stationary sources and will not require permitting.

Measures that could minimize the impacts of emissions may include using energy efficient building materials that reduce needs for home heating and cooling and using industry-standard insulating materials.

- b. Vehicle emissions - Describe the effect of the project's traffic generation on air emissions. Discuss the project's vehicle-related emissions effect on air quality. Identify measures (e.g. traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.

Increased traffic will generate a relatively small corresponding increase in carbon monoxide levels and other vehicle-related air emissions. The project is expected to have a negligible impact on air quality. While increased vehicular emissions from both the construction and operational phases of the project are expected, they do not pose a risk for significant environmental effects, and therefore no measures to mitigate or monitor air quality impacts have been considered at this time.

- c. Dust and odors - Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.

The project will not generate significant dust or odors during construction or operation. Minor odors generated during construction will be typical of those associated with residential development processes, such as exhaust from diesel and gasoline powered construction equipment. Odors generated during construction will be mitigated by maintenance of the construction equipment to the manufacturers' specifications and by using appropriate fuel additives when necessary. BMPs and other standard construction methods will be used to reduce construction impacts such as intermittent applications of water to exposed soils as needed to reduce dust during dry weather.

17. Noise

Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.

The existing noise sources and levels near the project area are typical of residential areas. The nearest and most sensitive noise receptors of the construction activity are the residential properties adjacent the project area. Noise levels will temporarily increase during construction depending on the pieces of construction equipment being operated simultaneously, the percent of time in operation, and the distance from the equipment to the receptors. Construction equipment will be fitted with mufflers that would be maintained throughout the construction process. It is anticipated that noise levels will temporarily increase locally during project construction but are expected to return to intensities consistent with existing levels and sources following construction completion. All noises emanating during construction will be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7030 and Minn. Stat. § 116.07.

18. Transportation

- a. Describe traffic-related aspects of project construction and operation. Include: 1) existing and proposed additional parking spaces, 2) estimated total average daily traffic generated, 3) estimated maximum peak hour traffic generated and time of occurrence, 4) indicate source of trip generation rates used in the estimates, and 5) availability of transit and/or other alternative transportation modes.

The proposed project is not expected to generate traffic during construction of the residential dwelling units, so no traffic studies have been completed to determine total average daily traffic or maximum peak hour traffic. Minor, temporary impacts to traffic are expected due to construction vehicles arriving at and leaving the site and after construction due to resident travels. The project will construct a proposed cul-de-sac road that connects to Ferndale Road W. The length of the proposed cul-de-sac road is longer than the allowed 600 ft; therefore, a variance will be applied for as explained in EAW Item No. 9b. Construction-related traffic will utilize Ferndale Road and may cause minor traffic inconveniences to roadway users but will have no effect on traffic congestion or impact the regional transportation system. Following construction, traffic from the area will not significantly impact the local or regional transportation system. The project will not impact public transit and no operational or queuing issues are expected.

- b. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system. *If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW.* Use the format and procedures described in the Minnesota Department of Transportation's Access Management Manual, Chapter 5 (available at: <http://www.dot.state.mn.us/accessmanagement/resources.html>) or a similar local guidance.

The construction traffic is not expected to exceed 250 trips during peak traffic hours or 2,500 total daily trips. The project construction may cause minor traffic inconveniences to roadway users on Ferndale Rd W but will have no effect on traffic congestion or impact the regional transportation system.

- c. Identify measures that will be taken to minimize or mitigate project related transportation effects.

No project related transportation effects are expected.

19. Cumulative potential effects: (Preparers can leave this item blank if cumulative potential effects are addressed under the applicable EAW Items)

- a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.

The project includes the subdivision of the 11.87-acre parcel into 4 single family residential lots. The project will also involve construction of a proposed roadway and boardwalks and will provide 4 docks and boat slips for up to 8 boats. The proposed development is consistent with City land use plans and zoning for development in this area.

It is anticipated that construction of the road, cul-de-sac, stormwater pond, and utilities will be completed within one construction season, starting in Summer 2023. Grading for the lots will also occur during this time though construction of the residential homes may occur over multiple years.

- b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.

The project proposer does not currently own or have options on adjacent or nearby lands. There are no foreseeable future projects that will interact with this project to produce cumulative potential effects.

- c. Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.

Temporary impacts to wildlife and fish may occur because of construction activities but are not expected to combine with other projects to create a significant impact. Minimization measures will be incorporated into the project plan.

Impacts from erosion may occur but will be minimized by utilizing erosion control BMPs

20. Other potential environmental effects: If the project may cause any additional environmental effects not addressed by items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

No other potential environmental effects exist.

RGU CERTIFICATION. *(The Environmental Quality Board will only accept **SIGNED** Environmental Assessment Worksheets for public notice in the EQB Monitor.)*

I hereby certify that:

- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.
- Copies of this EAW are being sent to the entire EQB distribution list.

Signature _____

Date _____

Title _____

Appendix A

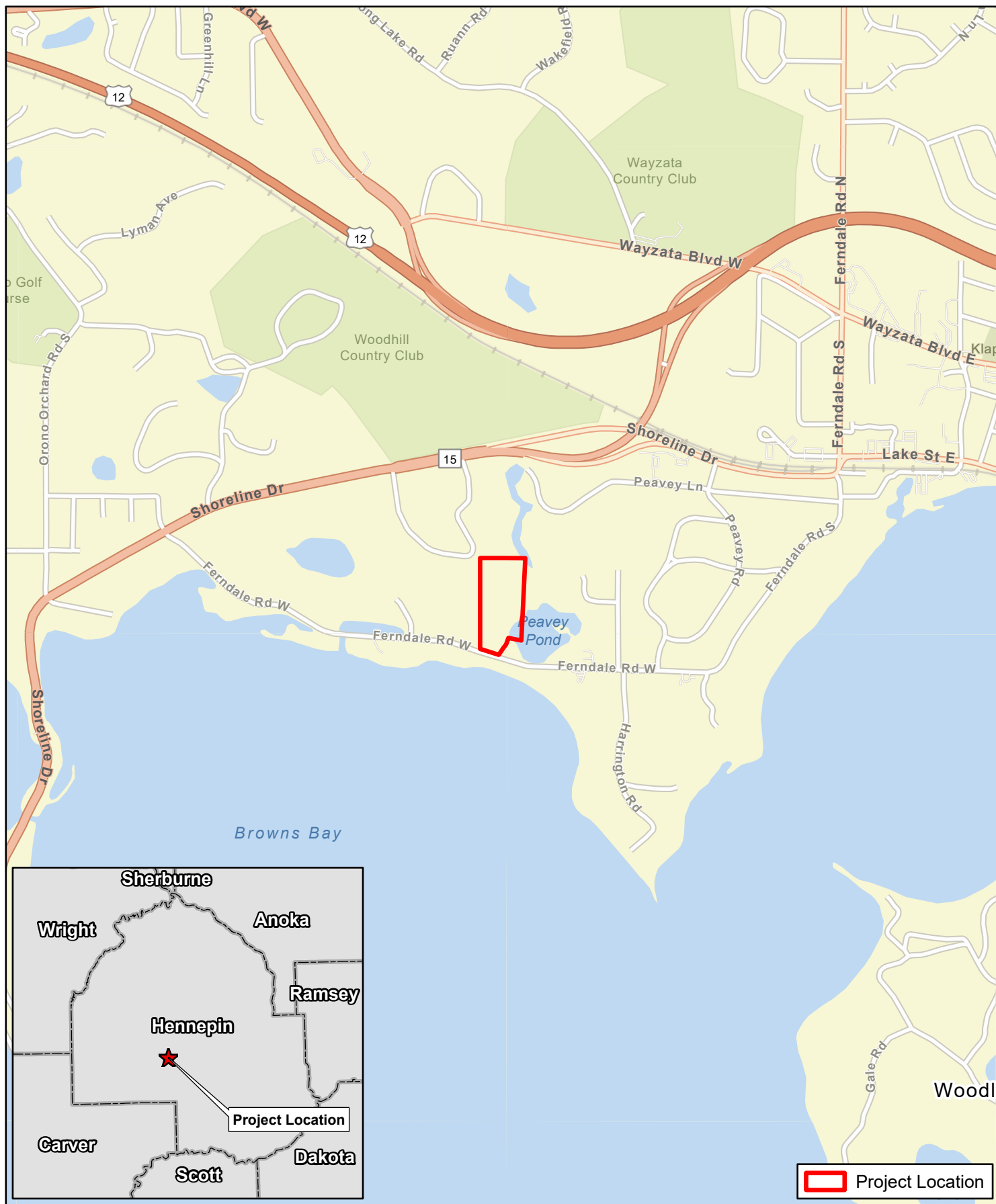


Figure 1 - Project Location

Ferndale Bluff EAW
Wayzata, MN



0 1,500
Feet
1 inch = 1,500 feet





Figure 2 - USGS

Ferndale Bluff EAW
Wayzata, MN



0 400
Feet
1 inch = 400 feet





Figure 3 - Aerial

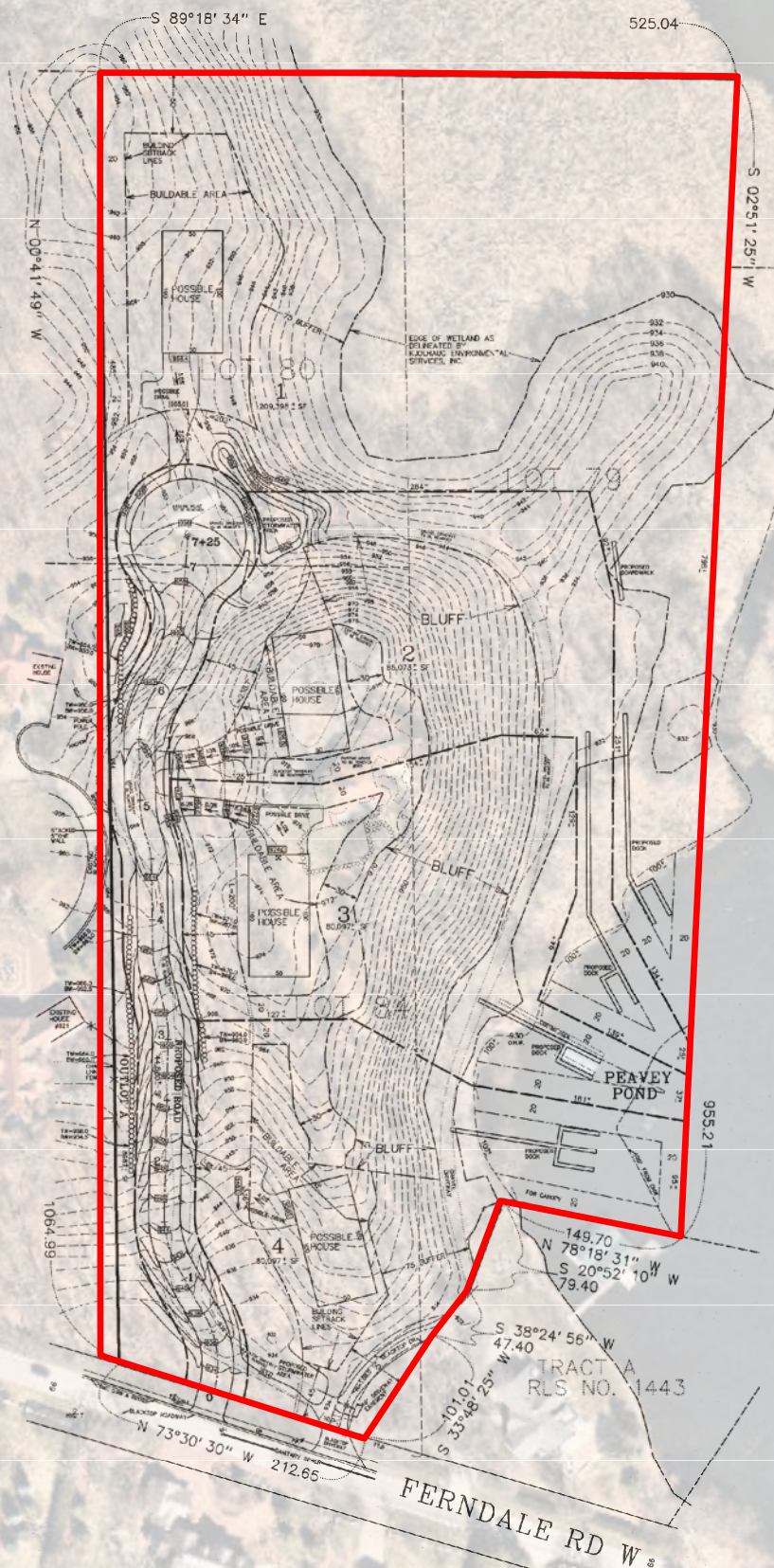
Ferndale Bluff EAW
Wayzata, MN



0 400
Feet
1 inch = 400 feet



LE BLUFF
VIEWWAY DETAIL FOR
COTT DST
84, AUD. SUB. NO. 184
DUNTY, MINNESOTA



 Project Location

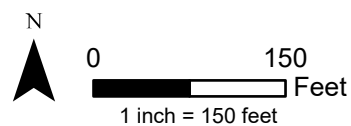


Peavey Pond



Figure 4 - Proposed Site Plan

Ferndale Bluff EAW
Wayzata, MN





MUSYM	MAP UNIT NAME
L22C2	Lester loam, morainic, 6 to 12 percent slopes, eroded
L41D2	Lester-Kilkenny complex, 12 to 18 percent slopes, eroded
L50A	Houghton and Muskego soils, depressional, 0 to 1 percent slopes
L64A	Tadkee-Tadkee, depressional, complex, 0 to 2 percent slopes
W	Water

	Project Location
	City Boundary
	Soils Boundary
	Bluff Area
	Bluff Under 25ft from OHWL



Figure 5 - Soils and Slopes

Ferndale Bluff EAW
Wayzata, MN



0 400
Feet
1 inch = 400 feet



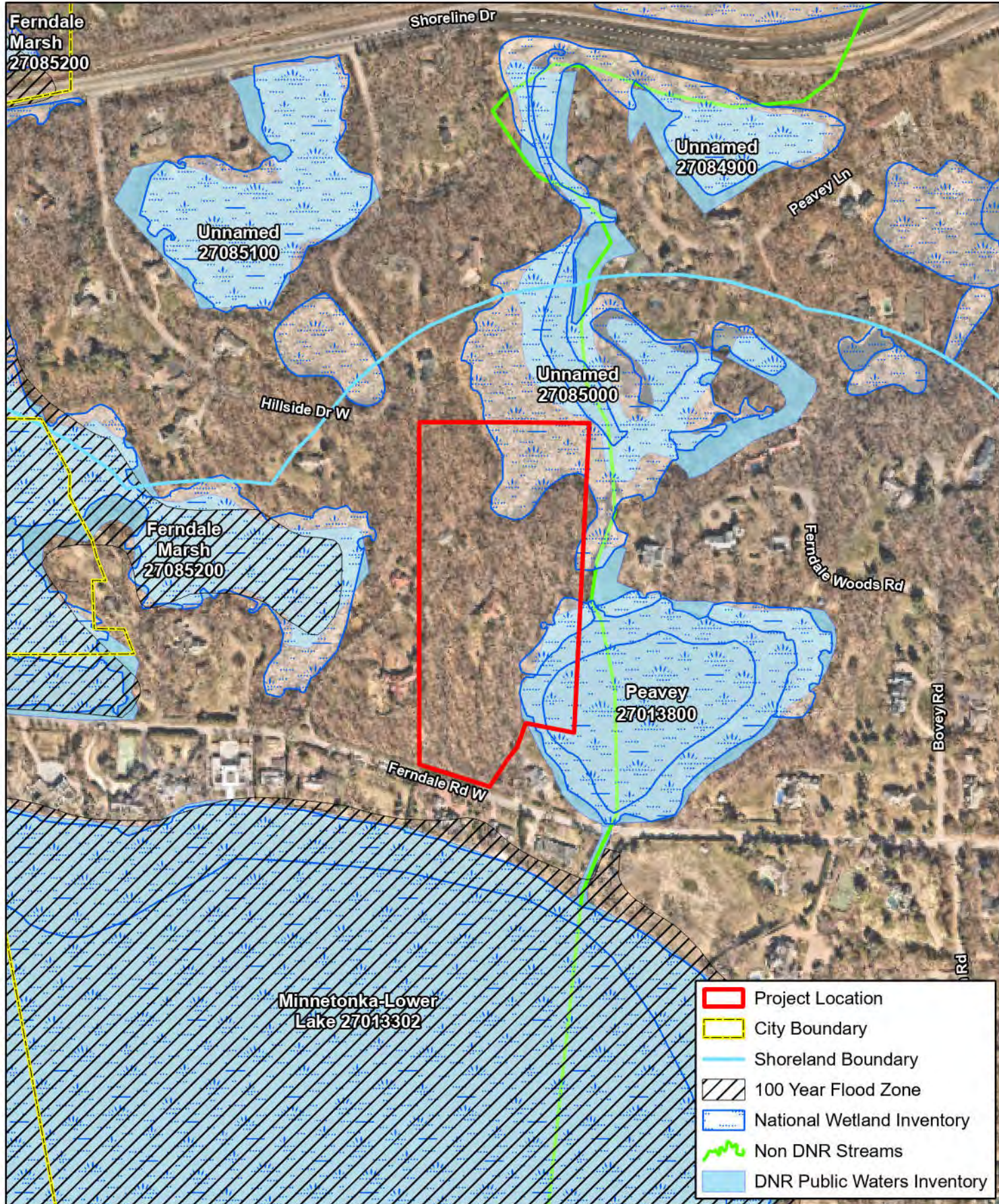


Figure 6 - Surface Waters

Ferndale Bluff EAW
Wayzata, MN



0 400
Feet
1 inch = 400 feet



Appendix B

Minnesota Wetland Conservation Act

Notice of Decision

Local Government Unit (LGU) City of Wayzata	Address 600 Rice Street East Wayzata, MN 55391
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1. PROJECT INFORMATION

Applicant Name Samantha Capen Muldoon	Project Name 565 Ferndale Road W	Date of Application 10/29/2019	Application Number 2019-03
☐ Attach site locator map.			

Type of Decision:

☒ Wetland Boundary or Type	☐ No-Loss	☐ Exemption	☐ Sequencing
☐ Replacement Plan	☐ Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

☐ Approve	☐ Approve with conditions	☐ Deny
Summary (or attach):		

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: 12-06-2019		
☒ Approved	☐ Approved with conditions (include below)	☐ Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The Wetland Delineation was reviewed for the above referenced property in the field on November 20, 2019. The wetland delineation report dated , 2019, provided by Kjolhaug Environmental Services Company, Inc., was reviewed on November 20, 2019. This Notice of Decision represents an approval of the wetland boundary as reviewed in the field on November 20, 2019 and as documented in the attached, revised delineation report, located in Section 1, Township 117 North, Range 23 West in Hennepin County, Minnesota. This decision is valid for five years from the date of decision shown above. You are hereby notified that the decision of the Local Government Unit on the above-referenced application was made on the date stated above.
--

For Replacement Plans using credits from the State Wetland Bank:

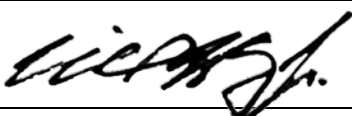
Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Michael H. Kelly, Jr., P.E.	Title City Engineer/Director of Public Works	
Signature 	Date 12-06-2019	Phone Number and E-mail 952-404-5316 mike@wayzata.org

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☒ Appeal of an LGU staff decision. Send petition and \$100.00 fee (if applicable) to: Michael Kelly, P.E. City of Wayzata 299 Wayzata Blvd W. Wayzata, MN 55391	☐ Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
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4. LIST OF ADDRESSEES

- ☒ SWCD TEP member: **Ms. Stacey Lijewski**
- ☒ BWSR TEP member: **Mr. Ben Carlson**
- ☒ LGU TEP member (if different than LGU Contact): **John Smyth, Stantec**
- ☒ DNR TEP member: **Mr. Jason Spiegel**
- ☒ DNR Regional Office (if different than DNR TEP member)
- ☒ WD or WMO (if applicable): **Mr. Tom Dietrich**
- ☒ Applicant and Landowner (if different)
- ☒ Members of the public who requested notice:

- ☒ Corps of Engineers Project Manager
- ☐ BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687
or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

- ☒ **Original Delineation Report**
- ☒ **Revised Figure 2**
- ☒ **Survey**
- ☐
- ☐

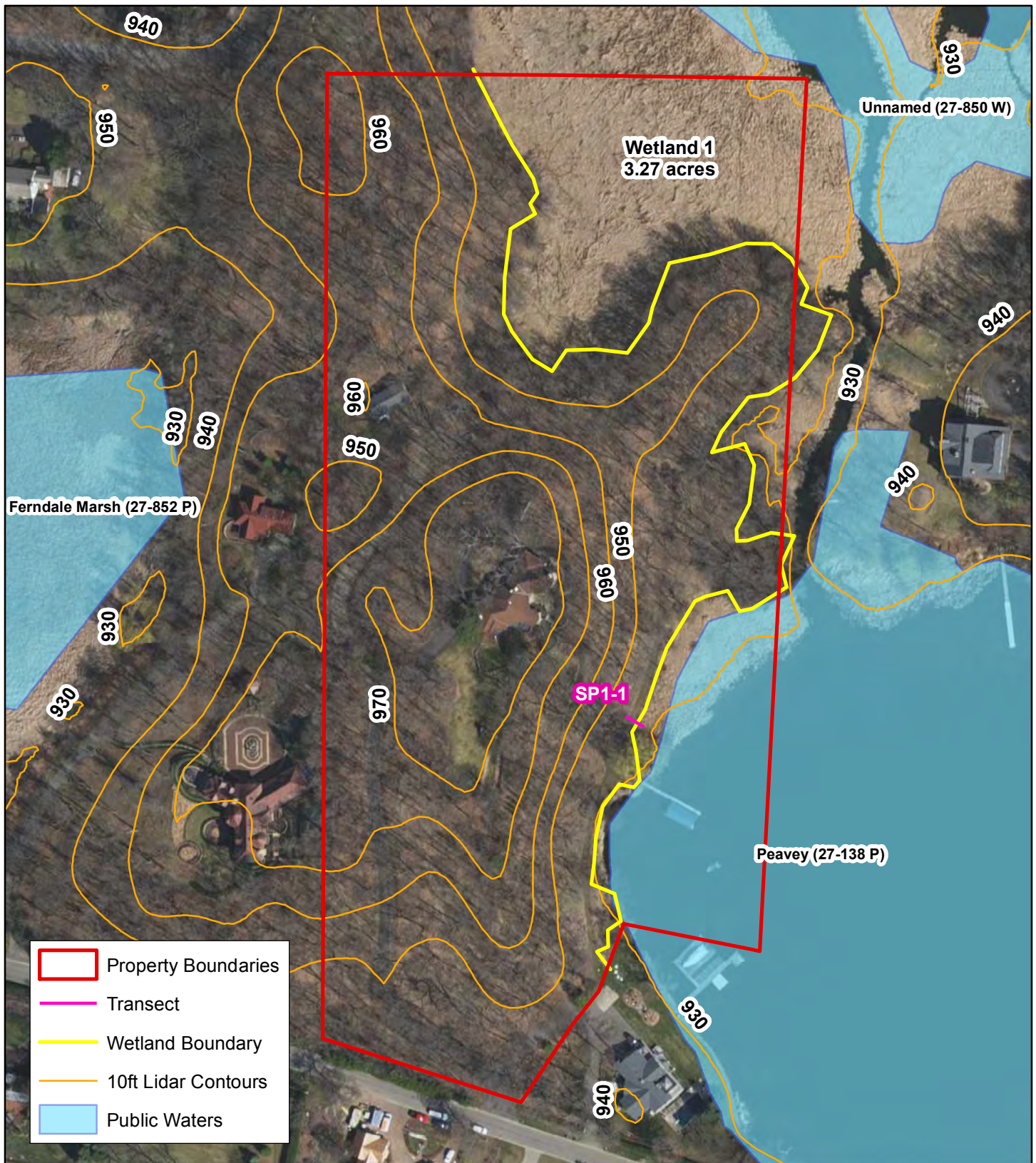


Figure 2 - Existing Conditions



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Source: MNGEO Spatial Commons

N



0 150 Feet



565 Ferndale Rd W (KES 2019-135)
Wayzata, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

Appendix C

To:	Mike Kelly	From:	Dan Edgerton
	City of Wayzata		Minneapolis
Project/File:	Wayzata 565 Ferndale Road Water and Sewer Analysis, 193805933	Date:	November 10, 2022

Reference: Wayzata 565 Ferndale Road Water and Sewer Analysis

The following memo presents a summary of the water and sewer analysis for the 565 Ferndale Road redevelopment in Wayzata.

Background

The project site is on 565 Ferndale Road, Wayzata, MN (see Figure 1). The 11.87-acre site is an existing area with two single-family homes that will be redeveloped as four single-family homes. Water for this site is fed from a distribution main on the south side of the parcel along Ferndale Road. Wastewater for the site is currently conveyed via lift station and an existing lateral to the existing City trunk line at Ferndale Road and Bovey Road (see Figure 2). An analysis was performed to determine if the existing City water and sewer infrastructure is adequate to handle this redevelopment.

Water System Analysis

The City's existing WaterCAD model was used to analyze the water system for the 565 Ferndale Road redevelopment. Based on four proposed single-family homes, it is estimated that the development will create an average day demand of 900 gallons per day (gpd). We modeled and reviewed maximum day static pressures assuming all units will be constructed in the future. The domestic demand for the redevelopment will not be a problem for the City water system to deliver to this point.

The more critical aspect for the water system will be the fire flow requirements. Generally, for low density residential areas, a minimum available fire flow of 1,000 gallons per minute (gpm) is recommended. For the purposes of this analysis, we therefore analyzed how much flow could be delivered to the two proposed hydrants shown on the developer's drawings, with approximately 800 feet of 6-inch watermain along the proposed road alignment and connected to the existing 8-inch watermain at Ferndale Road.

Our analysis indicated that a flow of 1,100 gpm could be delivered to the first fire hydrant at 20 pounds per square inch (psi) residual pressure.

Fire flow at the second hydrant will not meet fire flow recommendations, however. The model indicated that there will be less than 1,000 gpm available (940 gpm) at the end of the 6-inch pipe. The fire flow for both hydrants is expected to improve to 1,200 gpm if the proposed pipe size is increased from 6 inches to 8 inches.

Reference: Wayzata Boulevard Water and Sewer Analysis

Sanitary Sewer System Analysis

A sanitary sewer model was developed for the City's Comprehensive Sewer Plan. The model was updated to reflect the increase from two to four single-family homes. Results from the updated modeling show that the average flows created from the proposed sites would increase from the existing 0.0182 million gallons per day (MGD) to 0.0186 MGD for the four single-family homes. This change creates a design flow of 0.074 MGD to trunk line 1.3 under proposed conditions, which is an increase from 0.072 MGD under existing conditions. The proposed total design flows and existing pipe capacities are presented below. The existing trunk sewer capacities are sufficient to handle the proposed redevelopment at 565 Ferndale Road.

From Point	To Point	Proposed Total Average Flow (MGD)	Proposed Design Flow (MGD)	Existing Capacity (MGD)
1.3	1.2	0.0186	0.074	0.834
1.2	1.1	0.0550	0.220	0.919
1.1	MCES 1	0.0940	0.376	0.857

The model was also used to verify the downstream capacity of the gravity trunk lines when Lift Station No. 6 (LS06) is operating. The model showed that there is sufficient capacity in the trunk sewer system to convey sewer flows when LS06 is running.

Lift Station Analysis

Wastewater from the new development flows to LS06, which pumps to trunk line 1.3 and eventually flows to a lift station operated by the MCES along Lake Street.

The existing LS06 has a design capacity of 300 gpm at 70' TDH. Two 10 HP Flygt model CP 3127 pumps have been installed in a 10' diameter wet well, which had previously been converted from a wet well/dry well station. The 10' diameter structure exceeds the diameter required to provide adequate cycle times for these 10 HP pumps. The pumps currently run less than one hour per day.

Existing maximum day flows to LS06 are approximately 27,000 gpd, resulting in an average station flow of 18.75 gpm. Using a peak flow factor of 4 for this flow results in an existing design flow of 75 gpm.

The additional flow to this station has been calculated at 0.0004 MGD based on the sanitary sewer calculation above. This results in an additional design flow of 0.3 gpm. Using a peak flow factor of four, the required increase in design flow is 1.2 gpm, which increases the required design flow to 76 gpm.

Each pump in the lift station should produce 300 gpm, which exceeds the revised design flow of 76 gpm, and the station has sufficient capacity for the additional development. It is recommended that a drawdown test be conducted to verify that the current pumps are producing the design flow. The pump curve was

Reference: Wayzata Boulevard Water and Sewer Analysis

reviewed against the system curve. The actual flow produced by these pumps may be slightly lower than 300 gpm but is still adequate for this additional flow.

Summary

An analysis was performed to determine the adequacy of existing Wayzata water and sewer infrastructure to serve a proposed redevelopment of two single-family homes at 565 Ferndale Road to four single-family homes. The results are as follows.

- Water System:
 - o The increased domestic demand for the proposed redevelopment of the site will not be a problem for the City water system to deliver to this point.
 - o Fire flow at the furthest hydrant of the redevelopment will not meet fire flow recommendation of 1,000 gpm (only 940 gpm is available). The available fire flow can be improved to 1,200 gpm if the proposed pipe diameter is increased **from 6 inches to 8 inches.**
- Sewer System:
 - o There is sufficient capacity in the trunk sewer system to meet sewer needs of the proposed redevelopment of the site.
- Lift Station No. 6:
 - o The lift station should have sufficient capacity for the proposed redevelopment of the site.
 - o It is recommended that a drawdown test be run to make sure that the lift station still produces the design capacity of 300 gpm.

Please let Dan Edgerton or Louis Sigtermans know if you have questions about the analysis and results.

Thank you,

Stantec Consulting Services Inc.



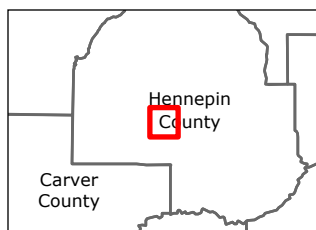
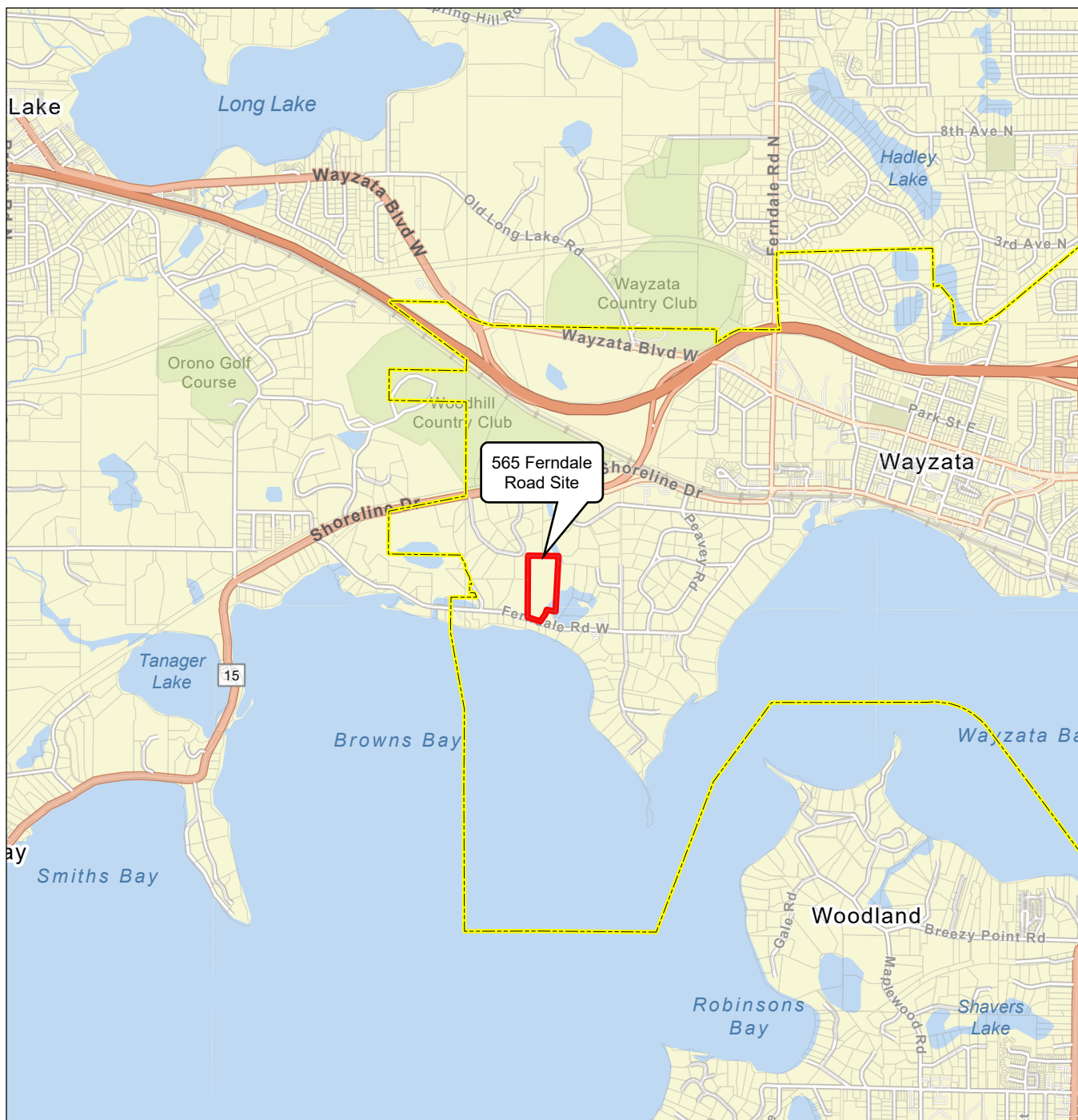
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dan.edgerton@stantec.com



Louis Sigtermans PE
Environmental Engineer
Phone: (612) 895-5022
Mobile: (952) 378-0040
Louis.sigtermans@stantec.com

Attachments: Figure 1 Location Map, Figure 2 Project Site

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- Legend
- Wayzata Municipal Boundary
 - County Parcels

0 0.25 0.5 Miles
(At original document size of 8.5x11)
1:31,680



Project Location
Wayzata, Hennepin Co., MN

Prepared by BS on 2022-10-26

Client/Project
City of Wayzata
565 Ferndale Road Site
Water and Sewer Analysis

193805933

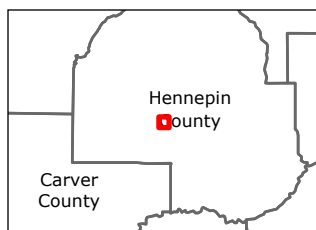
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Title
Location Map

Page 1 of 1

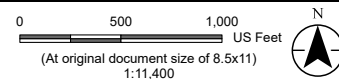
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Notes
1. Coordinate System: NAD 1983 UTM Zone 15N
2. Data Sources: Hennepin County
3. Background: Hennepin County 2020 Aerial Photograph

- Legend**
- 900 Wayzata Boulevard Site
 - Wayzata Municipal Boundary
 - County Parcels
 - LS Lift Station
 - Trunk Sewer Nodes
 - Trunk Sewer
 - Watermain
 - Hydrant



Project Location
Wayzata, Hennepin Co., MN

Prepared by BS on 2022-10-26

Client/Project
City of Wayzata
565 Ferndale Road Site
Water and Sewer Analysis

193805933

Figure No.
2

Title
Project Site

Appendix D

FERNDALE BLUFF DRAINAGE SUMMARY

July 23, 2022

Rev. November 16, 2022

1. Areas 1, 2 & 3 drain to the west and south of this property and all 3 areas have been reduced in size and are showing less runoff for the 1, 10 and 100 year storm than the current existing conditions. Also, the low area in Area 2 has slightly reduced water elevation for the 1, 10 and 100 year storms compared to the current existing conditions.
2. Area 4, 5, 6 & 7 drain to the east and the total runoff has also been reduced for the 1, 10 and 100 year storms.

EXISTING RUNOFF

Areas 4, 5, 6 & 7

1 year	=	4.39 CFS
10 year	=	16.54CFS
100 year	=	44.42 CFS

PROPOSED RUNOFF

Areas 4, 4A, 5, 6 & 7

1 year	=	4.26 CFS
10 year	=	14.93 CFS
100 year	=	41.88 CFS

3. The existing imperious surfaces are 0.88 acres which are being removed. The proposed imperious surfaces are 0.645 acres which is a reduction. When the individual homes and driveways are constructed their additional hardcover will be treated on each lot in either an underground stormwater system for both water quantity and water quality or in an onsite rain garden.

GRONBERG & ASSOCIATES, INC.
445 N. WILLOW DR.
LONG LAKE, MN 55356

FERNDAL BLUFF DRAINAGE CALCULATIONS

July 23, 2022

Rev. November 16, 2022

EXISTING CONDITIONS

AREA 1

Drainage area = 0.60± AC.

Runoff CN no. = 76

Time of conc. = 12 min.

Q1 = 0.55 CFS

Q10 = 1.67 CFS

Q100 = 3.89 CFS

AREA 2

Drainage area = 1.00± AC.

Runoff CN no. = 73

Time of conc. = 7 min.

Q1 = 0.91 CFS, Elev = 947.8

Q10 = 3.04 CFS, Elev = 949.23

Q100 = 7.42 CFS, Elev = 951.07

AREA 3

Drainage area = 0.19± AC.

Runoff CN no. = 70

Time of conc. = 5 min.

Q1 = 0.15 CFS

Q10 = 0.56 CFS

Q100 = 1.43 CFS

AREA 4

Drainage area = 2.45± AC.

Runoff CN no. = 72

Time of conc. = 9 min.

Q1 = 1.83 CFS

Q10 = 6.53 CFS

Q100 = 16.36 CFS

AREA 5

Drainage area = 2.73± AC.

Runoff CN no. = 73

Time of conc. = 9 min

Q1 = 2.24 CFS

Q10 = 7.62 CFS

Q100 = 18.69 CFS

AREA 6

Drainage area = 1.31± AC.

Runoff CN no. = 75

Time of conc. = 16 min.

AREA 7

Drainage area = 0.25± AC.

Runoff CN no. = 76

Time of conc. = 5 min

AFTER PONDING

Q1 = 0.96 CFS → 0.00 CFS, Elev = 934.41

Q10 = 3.03 CFS → 1.44 CFS, Elev = 934.76

Q100 = 7.25 CFS → 7.21 CFS, Elev = 934.88

Q1 = 0.32 CFS

Q10 = 0.95 CFS

Q100 = 2.16 CFS

GRONBERG & ASSOCIATES, INC.
445 N. WILLOW DR.
LONG LAKE, MN 55356

FERNDAL BLUFF DRAINAGE CALCULATIONS

July 23, 2022

Rev. November 16, 2022

PROPOSED CONDITIONS

AREA 1

Drainage area = 0.33± AC.

Runoff CN no. = 72

Time of conc. = 12 min.

Q1 = 0.21 CFS

Q10 = 0.77 CFS

Q100 = 1.95 CFS

AREA 2

Drainage area = 0.46± AC.

Runoff CN no. = 74

Time of conc. = 5 min.

Q1 = 0.47 CFS, Elev = 947.8

Q10 = 1.54 CFS, Elev = 949.21

Q100 = 3.72 CFS, Elev = 950.78

AREA 3

Drainage area = 0.17± AC.

Runoff CN no. = 70

Time of conc. = 5 min.

Q1 = 0.13 CFS

Q10 = 0.50 CFS

Q100 = 1.28 CFS

AREA 4

Drainage area = 2.24± AC.

Runoff CN no. = 70

Time of conc. = 8 min.

Q1 = 1.43 CFS

Q10 = 5.65 CFS

Q100 = 14.74 CFS

AREA 4A

Drainage area = 0.94± AC.

Runoff CN no. = 81

Time of conc. = 7 min.

AFTER PONDING

Q1 = 1.54 CFS → 0.84 CFS, Elev = 949.71

Q10 = 3.89 CFS → 1.49 CFS, Elev = 950.63

Q100 = 8.23 CFS → 2.18 CFS, Elev = 952.16

AREA 5

Drainage area = 2.76± AC.

Runoff CN no. = 70

Time of conc. = 9 min

Q1 = 1.67 CFS

Q10 = 6.68. CFS

Q100 = 17.50 CFS

AREA 6

Drainage area = 1.38± AC.

Runoff CN no. = 77

Time of conc. = 13 min.

AFTER PONDING

Q1 = 1.32 CFS → 0.00 CFS, Elev = 933.97

Q10 = 3.86 CFS → 0.16 CFS, Elev = 934.85

Q100 = 8.83 CFS → 5.30 CFS, Elev = 935.34

AREA 7

Drainage area = 0.25± AC.

Runoff CN no. = 76

Time of conc. = 5 min

Q1 = 0.32 CFS

Q10 = 0.95 CFS

Q100 = 2.16 CFS

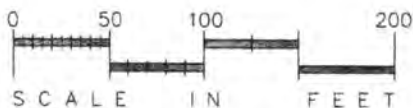
EXISTING DRAINAGE MAP

FERNDALE BLUFF

CERTIFICATE OF SURVEY &
EXISTING CONDITIONS FOR

DRAYCOTT DST

IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA



LOT 81

LOT 80

LOT 79

LOT 7

FERNDALE WOODS
LOT 6

LOT 83

LOT 84

PEAVEY
POND

LEGAL DESCRIPTION OF PREMISES :

Lots 79 and 84 except that part thereof described as follows: Commencing at the point of intersection of the Northerly line of Wayzata and Spring Park Road with the Easterly line of Lot 79; thence Northwestly along the Northerly line of said road 216.3 feet to a point 5.3 feet Northwestly from the intersection of the Northerly line of said Road with the East line of Lot 84; thence Northwestly making an angle of 99 degrees 04 minutes to the right from said last described course a distance of 40.8 feet; thence Northeastly making an angle of 10 degrees 01 minute to the right from last said described course, a distance of 42.7 feet; thence Northeastly making an angle of 21 degrees 06 minutes to the left from said last described course, a distance of 157.93 feet to a point in the Easterly line of Lot 79; thence Southerly along said Easterly line 222.22 feet to the point of beginning and except that part thereof described as follows: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road 20 feet; thence Northerly deflecting to the left at an angle of 80 degrees 56 minutes from said last named dividing line, a distance of 40.8 feet; thence Northeastly deflecting to the right at an angle of 10 degrees 01 minutes from last described course a distance of 42.7 feet; thence Northerly deflecting to the left at an angle of 21 degrees 06 minutes from last described course a distance of 60 feet; thence Southwesterly deflecting to the left 150 degrees 54 minutes from last described course a distance of 51.5 feet; thence Southwesterly in a straight line a distance of 96 feet to the point of beginning, except that part of said Lots embraced within Registered Land Survey No. 1443;

Lot 80;
Auditor's Subdivision No. 184, Hennepin County, Minn.

The Southwest corner of Lot 80 and the West line of Lot 84 have been marked with Judicial Landmarks set pursuant to Order in CV Case No. 545170 (See Order Doc No T621485);

Subject to an easement for driveway purposes in common with the owners of the remaining part of said Lots 79 and 84 over a strip of land 16 feet in width being 8 feet at right angles to the following described center line, to-wit: Beginning at a point on the line dividing said Lot 84 from the Wayzata and Spring Park Road, distant 71.9 feet northwesterly, measured along said dividing line from its intersection with the line dividing said Lots 84 and 79; thence at right angles Northwestly a distance of 10 feet; thence Northeastly on a tangential curve to the right with a radius of 108 feet, a distance of 131.15 feet, more or less, to the Northwestly line of the tract of land hereinabove excepted, and there terminating. The Northerly line of said driveway easement shall be extended easterly a sufficient distance to intersect the Northwestly line of the tract of land hereinabove excepted as shown in deeds Doc. Nos. 324793 & 324795;

Together with certain rights and covenants as contained in deeds Doc. Nos. 158936, 324793 and 324795.



2207352X(2)COND.SCU

DATE	REVISIONS
8-12-22	
8-20-22	

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 Land Surveyor under the laws of the State of Minnesota.
Mark S. Gronberg
Mark S. Gronberg Minnesota License Number 12755

PROJECT
FERNDALE
BLUFF

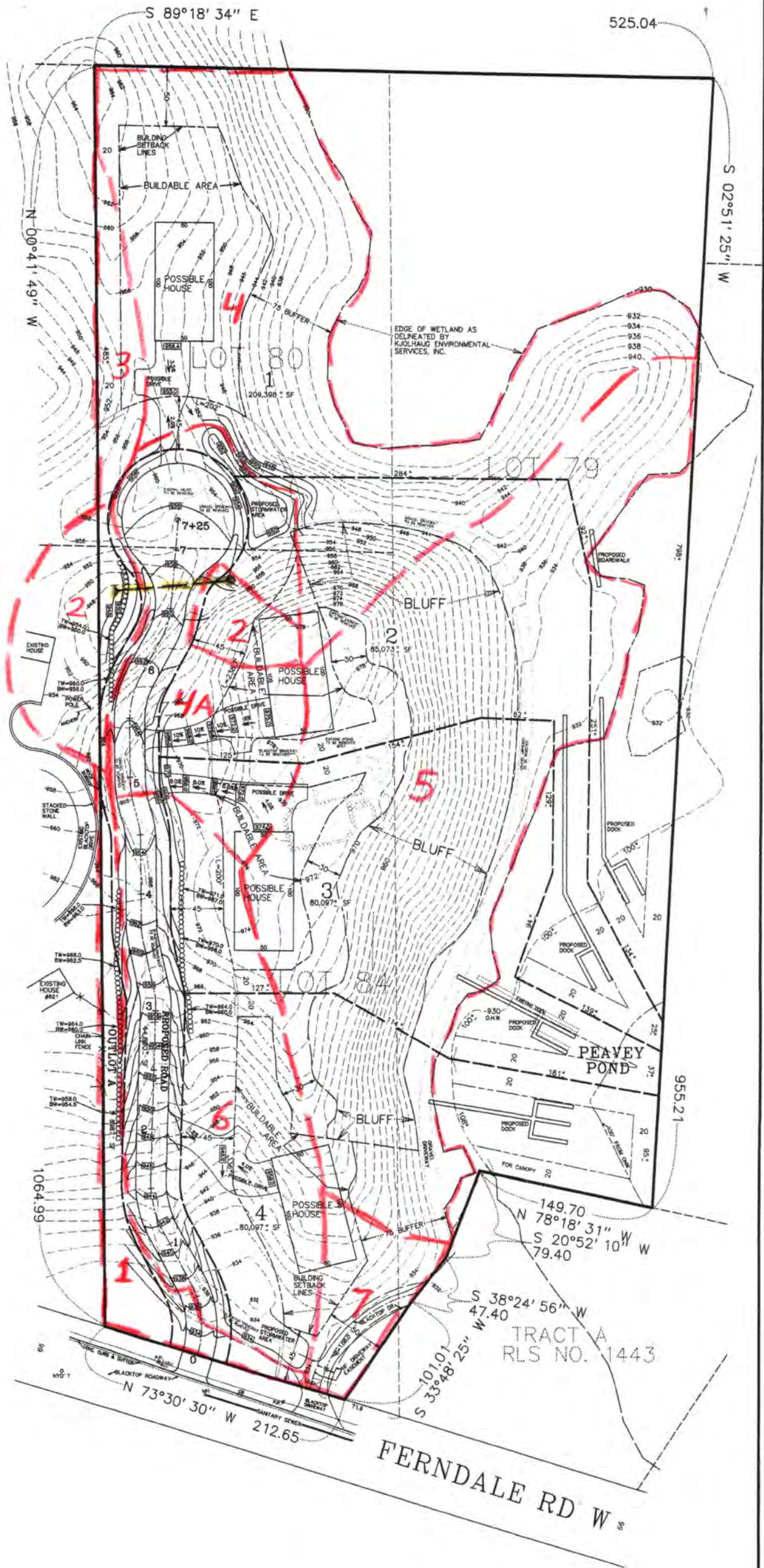
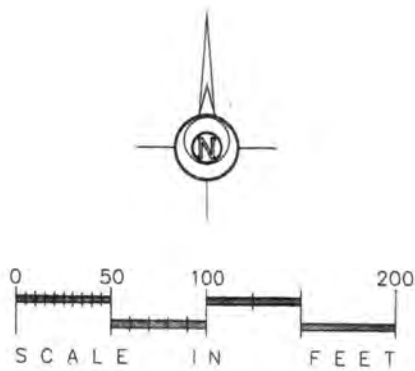
DATE
7-23-22
SCALE
1"=100'
JOB NO.
22-073



GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 NORTH WILLOW DRIVE LONG LAKE, MN 55356
952-473-4141

FERNDALE BLUFF
DOCK AND DRIVEWAY DETAIL FOR
DRAYCOTT DST
IN LOTS 79, 80 & 84, AUD. SUB. NO. 184
HENNEPIN COUNTY, MINNESOTA

PROPOSED DRAINAGE MAP



2

DATE		REVISIONS		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. <i>Mark S. Gronberg</i> Mark S. Gronberg Minnesota License Number 12755	PROJECT FERNDALE BLUFF	DATE 8-12-22 SCALE 1"=50' JOB NO. 22-073		GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141
8-12-22								
8-25-22								

Appendix E

**A Phase Ia Cultural Resource Assessment
of the Wayzata Ferndale Road Residential Development Project
Wayzata, Hennepin County, Minnesota, 55319
Township 117N Range 23W Section 1**

BC Project Number: 2022-105

**by
Kelly Wolf, MA, RPA
Principal Investigator,
and
Hannah Hensley-Lichter
Blondo Consulting, LLC**

**January 19, 2022
FINAL REPORT**



STEVEN J. BLONDO, MA
3939 SAND HILL RD., KETTLE RIVER, MN 55757
218-273-0074 • STEVEN@BLONDOCONSULTING.COM
WWW.BLONDOCONSULTING.COM

Management Summary/Abstract

Blondo Consulting, LLC (Blondo Consulting) was retained by WSB and Associates Inc. (WSB) to complete a Phase Ia Cultural Resource Assessment of the proposed Wayzata Ferndale Road Residential Development Project in Wayzata, Hennepin County, Minnesota. This project involves a residential development near Peavey Lake and Lake Minnetonka. The proposed project is within an approximately 12-acre parcel, located in Section 1 of Township 117 North, Range 23 West. The project site is currently a wooded residential area in Minnesota SHPO Archaeological Region 4: Central Lakes Deciduous. The Area of Potential Effect (APE) is defined as the geographic area where an undertaking may directly or indirectly alter the character or use of existing historic properties. For the current project, the APE was defined as the approximately 12-acre parcel.

The proposed project is being reviewed as part of an Environmental Assessment Worksheet (EAW) by the Minnesota Environmental Quality Board (EQB) and requires compliance with state laws pertaining to cultural resources. The Minnesota State Historic Preservation Office (SHPO) reviews and comments on proposed projects as part of the process. The proposed project may be subject to review under Minnesota State Statute 138, the Historic Sites Act (138.66) and the Field Archaeology Act (138.40), depending on land ownership, permitting, and funding sources. Section 106 of the National Historic Preservation Act may also be triggered should any federal agency become involved with the proposed project through land ownership, permitting, and funding sources. Additional studies may be required to comply with state or federal laws. Kelly Wolf, MA, RPA was the Principal Investigator for the project. She meets the requirements of a qualified professional archaeologist under the Secretary of the Interior Standards and Qualifications, and as defined by Minnesota Statute 138.31, subd. 10.

Background research was completed through the Minnesota State Historic Preservation Office (SHPO) Inventory and Reports Database through an emailed request to the Survey and Inventory Coordinator and through the Office of the State Archaeologist (OSA) Online Portal. A one-mile radius for previously recorded archaeological sites and completed surveys and a half mile radius for inventoried historical resources were addressed during this search to assist in developing a site context to better understand the prehistory and history of the area. The background search concluded in the finding of four previously recorded archaeological sites and two previously completed surveys within the one-mile research radius. Additionally, one previously inventoried historic resource was identified within the half mile research radius of the proposed project area. No previously recorded archaeological sites, historic resources, or previously completed surveys were identified within the proposed project APE. Additional desktop review of historic maps, aerial images, and online records demonstrate the potential for the proposed project area to have a high probability for cultural resources.

As there is a high probability for intact cultural resources including buildings older than 50 years old within the project APE, Blondo Consulting recommends a Phase I Cultural Resources Survey be completed. Throughout the development of the proposed project, continued consultation with the Minnesota State Historic Preservation Office and the Office of the State Archaeologist is recommended.

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1.0 INTRODUCTION

Blondo Consulting, LLC (Blondo Consulting) was retained by WSB & Associates (WSB) to complete an assessment of potential cultural resources within the proposed Wayzata Ferndale Road Residential Development Project. The proposed project involves a residential development of a 12-acre parcel. The City of Wayzata called for a discretionary Environmental Assessment Worksheet (EAW) to be completed. As part of the EAW, WSB requested a Phase Ia Cultural Resource Assessment. The results of the assessment and recommendations are included in this report.

2.0 COMPLIANCE AND PROJECT REVIEW

The current proposed project is being reviewed as part of an EAW by the Minnesota Environmental Quality Board (EQB) and requires compliance with state laws pertaining to cultural resources. The Minnesota State Historic Preservation Office (SHPO) reviews and comments on proposed projects as part of the process. The proposed project may be subject to review under Minnesota State Statute 138, the Historic Sites Act (138.66) and the Field Archaeology Act (138.40), depending on land ownership, permitting, and funding sources. Section 106 of the National Historic Preservation Act may also be triggered should any federal agency become involved with the proposed project through land ownership, permitting, and funding sources. Additional studies may be required to comply with state or federal law.

Kelly Wolf, MA, RPA was the Principal Investigator for the project. She meets the requirements of a qualified professional archaeologist as defined by Minnesota Statute 138.231, subd. 10 and meets the Secretary of the Interior's Professional Qualifications Standards. This Phase Ia Cultural Resource Assessment involved a background literature search including a review of known archaeological sites and historic resources. The results are included in this report.

3.0 PROJECT DESCRIPTION AND AREA OF POTENTIAL EFFECT

The proposed project is located in a wooded residential setting in Section 1 of Township 117 North, Range 23 West, Wayzata, Hennepin County, Minnesota. The proposed project involves the residential development of a 12-acre parcel west of Peavey Lake and north of Lake Minnetonka.

The Area of Potential Effect (APE) is defined as, "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist" (36 CFR 800.16 (d)). The APE consists of the approximately 12-acre parcel (see Attachment 1: Maps). A one-mile radius for previously recorded archaeological sites and previously completed surveys and a half mile radius for previously inventoried historical resources were addressed during this search to assist in developing a site context to better understand the prehistory and history of the area.

4.0 ENVIRONMENTAL SETTING

The project area lies within Minnesota SHPO Archaeological Region 4: Central Lakes Deciduous. Dr. Scott Anfinson (1990) first described these archaeological regions which help to better understand the prehistoric environment and where archaeological sites may be located. Archaeological Region 4: Central Lakes Deciduous is located in central and east central Minnesota. Its topography consists of a patchwork of moraines, till plains, and outwash plains (Anfinson, 1990; Gibbon et al., 2002). Within Region 4: Central Lakes Deciduous, archaeological sites are commonly found concentrated around major lakes and rivers. The surrounding area of Lake Minnetonka is known to contain deposits of cultural resources. Due to the proximity to Lake Minnetonka and Peavey Lake as well as the project's location on a rise in the landscape, the APE has a high probability of containing cultural resources.

4.1 Soils

Within Archaeological Region 4, Soils reflect a diverse glacial and vegetational history. Most soils in this region range from medium to coarse textures with prairie soils in the south and west, and forest soils in the north and east (Anfinson, 1990; Gibbon et al., 2002). Soils in the project area include the Lester loam and Lester-Kilkenny complexes. The Lester loam complex is typically found on 6 to 10 percent slopes on ground moraines and hillslopes. The parent material consists of fine-loamy till. A typical soil profile includes a loam Ap horizon from 0 to 6 inches, a clay loam Bt horizon from 6 to 38 inches, and a loam C horizon from 38 to 79 inches. These soils are well drained and can reach depths of more than 80 inches where a restrictive feature is located. The Lester-Kilkenny complex is typically found on hillslopes and ground moraines at 10 to 16 percent slopes. These soils are comprised of fine-loamy till parent material. A typical soil profile consists of a loam Ap horizon 0 to 6 inches, a clay loam Bt horizon from 6 to 38 inches, and a loam C horizon from 38 to 79 inches. These soils are well drained and can reach depths of more than 80 inches where the water table is located (USDA, 2022).

4.2 Environmental Landscape

The project area is located in the Big Woods (222Mb) subsection of the Minnesota and Northeast Iowa Morainal Section (222M). The Minnesota and Northeast Iowa Morainal Section consists of long bands of deciduous forest, woodland, and prairie. A large portion of this section consists of hummocky moraines that were deposited during the last glaciation along the eastern margin of the Des Moines ice lobe. Additional portions of this section consist of rolling or basal till that were deposited as drumlins with sand plains located within the moraines. These changes in landform directly affected the vegetation with sandy flat areas dominated by prairie, savanna, and oak/aspen woodlands; while hummocky moraines were dominated by mesic forests including sugar maple, basswood, American elm, and northern red oak (DNR, n.d.).

4.3 Geological Background

H.E. Wright identifies the physiographic regions overlaying the state. Overlaying the project area is the Owatonna Moraine Area (19) (Wright, 1972). Wright describes this area as extending southward from Minneapolis through the Iowa border. The eastern edge is bounded by the

Rochester till plain and the western edge is bounded by the Blue Earth till plain. He describes, “the northern part of the section carries a peninsula of the Big Woods southward into prairie” (Wright, 1972, pg. 573).

4.4 Prehistoric Flora and Fauna

Early prehistoric subsistence resources in the area may have included tundra species such as musk ox, and barren ground caribou. Over time the area was covered by pine forests, large herds of megafauna were rare. As prairies began to enter the southeastern portion of the region, large bison herds followed. Bison were common in all but the northeastern third of the region by about 7,000 years ago (Anfinson, 1990; Gibbon et al., 2002). As prairie retreated in the late Middle Prehistoric, faunal resources including beaver, moose, and black bear became abundant. Also, fish and waterfowl became common in the region’s numerous lakes and rivers. Wild Rice was an important food and economic resource during the Late Prehistoric and Early Historic periods (Anfinson, 1990; Gibbon et al., 2002).

5.0 CULTURAL HISTORY

Statewide contexts have been developed by the Minnesota SHPO, which examines Minnesota’s recent Pre-contact through Historic past. These contexts are based on archaeological and historical research. They describe the history of the state and assist in predicting where specific types of sites may occur both geographically and temporally. Contexts allow us to identify property types and understand how to evaluate historic resources.

5.1 Pre-Contact Period

Native American contexts are commonly divided into three major traditions: Paleoindian, Archaic, and Woodland based on significant changes in how these communities lived and in what they ate. Historic contexts are generally divided into Contact and Post-Contact periods. The Contact period begins with early European exploration of the state and continues through the Post-Contact period including settlement and statehood.

5.1.1 Paleoindian Tradition (12,000 to 8,000 Before Present [B.P.]

The Paleoindian Tradition begins at the close of the Pleistocene era and beginning of the Holocene era. Native American Communities are small, mobile, and focused on hunting. During this period, the glacial ice retreats, Lake Agassiz (located on the edge of Traverse County, Minnesota) drains, and prairie vegetation advances into western Minnesota. Archaeological evidence from Paleoindian sites in Minnesota includes the Browns Valley Site, 21TR0005. They reflect the same general characteristics and patterns noted for Paleoindian sites throughout the central United States and Canada. Based on the small number of artifacts recovered from these sites, it can be assumed that these communities hunted a limited number of large animals, mainly mammoth and mastodons. As the Pleistocene era ended and the Holocene era began, these mega fauna gradually died out. Ancient species of bison followed the advance of prairie vegetation, giving Paleoindian peoples a new species to hunt. In addition to hunting large and small game, it is likely that gathering wild plant foods supplemented the diet of Paleoindian peoples.

Paleoindian peoples are known for their distinctive stone tools. Projectile points of this period show advanced craftsmanship and include large lanceolate projectile points. Because Paleoindian communities were small and nomadic, archaeologists have found only sparse, scattered evidence of Paleoindian peoples throughout the region.

5.1.2 Archaic Tradition (8,000 to 2,800 B.P.)

The beginning of the Archaic period is marked by a shift in diet and settlement patterns that represent an adaptation to environmental changes. Archaic peoples begin to use more diverse plant and animal resources. A broader range of tools including new projectile point forms, copper tools, and ground and pecked stone tools appear. Archaeological research does not present a clear picture of community size during this time. Research suggests both that community size increased and remained small with day-to-day activities taking place at a series of seasonal camps (Anfinson, 1987; 1997). Bison hunting remained an integral part of life for Archaic peoples. As with known Paleoindian sites, Archaic sites are relatively small and sparse.

5.1.3 Woodland Tradition (2,800 B.P. to European Contact)

In the Midwest region, archaeologists tend to divide the Woodland Tradition into three periods: Early, Middle, and Late. However, Anfinson (1987) suggests that in Minnesota it is more appropriate to divide the era into Initial and Terminal Woodland periods. Manufacturing ceramic vessels, utilizing bows and arrows, building burial mounds, and cultivating specific plant species, all mark the transition from the Archaic to the Woodland Tradition. Overall, subsistence during the Woodland Tradition remained similar to that of the Archaic period with communities dependent upon a diverse, seasonal resource base of plants and animals (Johnson, 1988; Anfinson, 1987).

Although community sizes have many similarities between the Early Woodland and Late Archaic period, by the Late Woodland period, populations are on the rise. This may be due to increased efficiency in food acquisition. Woodland period sites include burial mounds, small, limited-use sites, and large village and habitation sites. Sites are located either in areas where a community could focus on a specific resource or in environments capable of sustaining larger communities over longer periods of time.

5.1.4 Plains Village & Mississippian/Oneota Traditions (1,100 B.P. to European Contact)

Terminal Woodland period sites in Minnesota exhibit significant changes in subsistence and settlement patterns. Ceramic vessels with different form and decoration, settlement patterns shifting to larger and more permanent villages (usually near river settings) mark the change archaeologists refer to as the Plains Village and Mississippian/Oneota Traditions. Archaeological evidence indicates that both the Plains Village and Mississippian complexes relied heavily on bison hunting and intensive corn horticulture.

Archaeologists are unsure how the Oneota complexes developed. There are two common theories. The first suggests that groups migrating into the Upper Midwest brought with them new cultural traditions. The second theory proposes that people already living in the area began to adopt cultural changes different from groups around them.

Plains Village and Oneota site types are similar to those associated with the Woodland Tradition. The archaeological remains of these complexes range from burial mounds to small, limited-use sites and extensive habitation sites. Site location remains consistent with the Woodland Period.

5.2 Contact/Post-Contact Period (1630 to Present)

This period generally refers to the span of time extending from the first European explorations until intensive Euro-American settlement of the region. Minnesota's historical period began in 1673 when French explorers Marquette and Joliet discovered the upper portion of the Mississippi River. Ten years later, Catholic Missionary Father Louis Hennepin told his story of exploring Minnesota and being held captive by the Dakota Indians in the first book written about Minnesota, *Description de la Louisiane*.

The territory containing modern-day Minnesota was claimed by Spain, France, Great Britain, and the United States. Lieutenant Zebulon Montgomery Pike led the first United States expedition through Minnesota in 1805. Fort St. Anthony (later Ft. Snelling) was completed between 1819 and 1824, and in 1836 the Wisconsin Territory including a portion of Minnesota, was formed. Minnesota became a territory in 1849 and achieved statehood on May 11, 1858.

The fur trade drove much of the European exploration and settlement in Minnesota through the mid-1800s. While the fur trade impacted the Native American communities throughout all of Minnesota, the heaviest impacts came with European settlement after the 1860s. At that time, intensive settlement and agriculture dramatically transformed the landscape, displacing a large number of Native Americans. In 1862 tensions between white settlers and Native Americans resulted in the U.S. Dakota War. Ultimately, this war left 462 whites and "an unknown but substantial number" of Native Americans dead (Anderson and Woolworth, 1988). This conflict concluded with the hanging of 38 Dakota Indians in Mankato and the deportation of many others to Santee, Nebraska.

As white settlers made Minnesota their home, farming became the predominant industry. Wheat was the cash crop, and mills sprang up along major waterways across the state, notably in Minneapolis. Minnesota dominated the world in wheat processing until the 1930s.

In addition to milling, Minnesota was also a leader in lumbering and iron mining. Lumbering played a significant role in the development of northern Minnesota, with the industry peaking between 1899 and 1905. Iron mining began affecting the state's economy in 1884, when the Soudan Mine began shipping ore. The development of the Soudan Mine opened the Vermilion Iron Range, one of Minnesota's three iron ranges. Over the next two decades, mines sprang up across northern

and central portions of the state. The Mesabi, Cuyuna, and Vermilion Iron Ranges employed thousands of people and brought millions of dollars into Minnesota's economy. The rapid growth of mining cities such as Eveleth, Chisholm, Virginia, and Hibbing, as well as the port cities of Duluth, Minnesota and Superior, Wisconsin, were spurred by Minnesota's mining industry (Minnesota State University-Mankato, 2007).

Native American archaeological site types associated with this period are generally consistent with those of earlier periods, but European and Euro-American traders, missionaries, settlers, and industries affect the locations of these sites. This period also includes Euro-American immigrant settlement patterns, subsistence activities, and economic strategies. Sites associated with Euro-American immigrants appear in the mid-nineteenth century. Associated archaeological and historic site types categorized in the Contact/Post-Contact period include standing structures as well as archaeological sites. A number of these sites can be found near the project area and include schools and farms.

5.3 Local History

Euro-American settlement around Lake Minnetonka occurred after the 1851 Treaty of Mendota, that removed Dakota from land west of the Mississippi River, opening the area for Euro-American settlement. Oscar E. Garrison first platted Wayzata in 1854. By 1855, settlement increased bringing along businesses to the town. Many settlers grew corn and wheat for income until a devastating grasshopper infestation occurred in 1857. Soon after, ginseng was found in the surrounding forests. Ginseng root was in high demand in China and reinvigorated the local economy. The first railroad to reach Wayzata was the Saint Paul and Pacific Railroad in 1867 providing settlers with access to new markets for their products. Additionally, the railroad through Wayzata was the first to reach Lake Minnetonka. As Lake Minnetonka became accessible by train, it soon became a popular tourist destination and many hotels emerged in the late 1860s and early 1870s.

In 1883, Wayzata was incorporated as a village. By the 1890s, tourism had declined in the area. Wayzata soon became a popular location to construct summer homes for people living in the Twin Cities metropolitan area. These summer homes varied from modest cottages to grand estates owned by notable wealthy families. The population of permanent residents hardly increased during this time. However, the construction of a new train depot by the Saint Paul, Minneapolis, and Manitoba Railway became the catalyst to developing a downtown in Wayzata. The population of Wayzata grew as new transportation systems increased, such as steam-powered streetcar boats which extended the Twin City streetcar system. Expanded transportation systems allowed travel across Lake Minnetonka and connected to multiple railroads. Streetcar boats ran until 1926 due to a decline in riders. Wayzata continued to be a popular place for boating as motor boating became popular in the 1920s.

When Wayzata was incorporated as a charter city in 1929, its population began to increase rapidly. Its first mayor, Rufus Rand, implemented public works projects including constructing

water and sewer systems throughout the city, installing streetlights, paving roads, and opening a public beach and park. Many summer homes were converted to year-round residences after World War II. Additionally, there was an influx of new construction of single-family homes. Highway systems serving the city grew and by the 1950s, Wayzata was considered a suburb of the Twin Cities metropolitan area. By the 1970s, shopping centers, condominiums, and office buildings joined the landscape of Wayzata (Wayzata Historical Society, n.d.).

6.0 BACKGROUND RESEARCH

A literature search through the SHPO database and through the OSA online portal was completed January 3, 2023 by Blondo Consulting staff member Hannah Hensley-Lichter. The National Historic Landmark Database was also consulted. To complete the background research and develop historic context of the project area two research radii were used; a one-mile radius was used for archaeological sites and a half-mile radius was used for historic resources.

Additionally, an assessment of historic aerial photographs was completed. Aerial photographs were retrieved from the University of Minnesota's John R. Borchert Map Library. In an aerial photograph from 1940, the project APE appears heavily wooded, as it is today. One house is present along with another building to the northwest. Driveways pass through the APE as well. Several houses are seen in the surrounding area, especially along Lake Minnetonka. Several roads pass through the area and appear to be on the same or similar alignments to roads seen in 2022 Google Earth aerial imagery. Aerial photography from 1956 shows the same two buildings within the APE but a different driveway alignment. In the surrounding area, more residential development has occurred away from Lake Minnetonka. By 1971, no change was observed in the project APE. The surrounding area shows further residential development, especially east of Peavey Lake (MHAPO, 2015).

Modern aerial imagery shows the house and building in the same location as originally observed in the 1940 aerial photograph. Hennepin County property records state the house was constructed in 1914 and is currently used as a summer home. (Hennepin County, 2023). The current summer home is approximately 7,600 square feet according to real estate records (Edina Realty, n.d.). The additional building is located approximately 225 feet northwest of the house. According to real estate records, the building was built as a caretaker cottage (Edina Realty, n.d.). Based on historic aerial photography, the cottage was built prior to 1940 and is likely circa 1914 like the main house. The cottage appears to be the same building that appears in the 1940 historic aerial photograph. See Attachment I: Maps for the historical aerial photography.

In the 1900s to 1910s, elaborate summer homes on the Ferndale Peninsula between Brown's Bay and Wayzata Bay were constructed and the area became a wealthy summer home locale. The APE is located on the northwestern side of the peninsula. Several architectural styles can be seen in the Ferndale Peninsula including Victorian, Queen Anne, Eastlake, Period Revivals, Craftsman, and Prairie. A typical estate on the Ferndale Peninsula consisted of the main home and with small cottages for staff, surrounded by trees and shrubbery (Vogel, 2002). The summer home was built

during a period where many summer homes were being constructed in the surrounding area. This trend of summer home construction and lake living may be associated with the house and cottage within the proposed project APE.

6.1 Archaeological Sites

During the current search, four archaeological sites were identified within a one-mile radius of the proposed APE (Table I). *SHPO Manual for Archaeological Projects in Minnesota states,*

Literature searches are performed prior to undertaking fieldwork. Literature searches are used to: assess the need for field survey, determine known sites within a project area, develop site locational models, determine areas of previous terrain disturbance to guide survey, provide historic context background to help evaluate significance, provide background information for developing survey research designs and data recovery plans, and to provide sufficient background information for National Register nominations (Anfinson, 2005, pg. 25).

Table I. Previously Recorded Archaeological Sites Within One Mile					
Site Number	Site Name	Cultural Affiliation	Description	NR Status	Distance
21HE0029	Wyman/Harrington	Pre-Contact: Woodland	Earthwork, Cemetery	Unevaluated	0.45 miles
21HE0098	McMillan	Pre-Contact: Woodland/Kathio	Cemetery, Lithic Scatter	Unevaluated	0.60 miles
21HE0416	Wayzata Bay Motorized Ice Boat Wreck	Post-Contact: Tourism and Recreation; Post-Contact: Urban Centers	Shipwreck	Unevaluated	0.98 miles
21HE0417	Wayzata Bay Rowboat Wreck	Post-Contact: Tourism and Recreation; Post-Contact: Urban Centers	Shipwreck	Unevaluated	0.93 miles

Within Region 4: Central Lakes Deciduous, archaeological sites are commonly found concentrated around major lakes and rivers. The surrounding area of Lake Minnetonka is known to contain deposits of cultural resources and two precontact archaeological sites have been previously identified approximately half a mile away from the proposed project area. Due to the proximity to Lake Minnetonka and Peavey Lake as well as the project's location on a rise in the landscape, the APE has a high probability of containing cultural resources.

6.2 Historic Resources

The Minnesota Historical Society *Historic and Architectural Survey Manual*, revised June 2017, describes the purpose of background research. Background research is performed to locate historic properties and requires a literature search, survey fieldwork, and research of any

identified properties. This is important to establish a historic context to the area and aids in analysis (MNHS, 2017).

During the current search, one historic resource was identified within a half-mile radius of the proposed APE (Table 2).

Table 2. Previously Inventoried Historic Resources within a Half Mile				
Site Number	Site Name	Description/Address	NR Status	Distance
HE-WZC-031	Bridge No. L8855	Carries W. Ferndale Rd. over the channel connecting Peavey Lake with Browns Bay	Non-extant	0.06 miles

6.3 Previously Completed Surveys

During the current search, two surveys were completed within one mile of the proposed APE (Table 3). No previously completed surveys cross the APE.

Table 3. Previously Completed Reports			
Report Number	Date Published	Author	Report Title
HE-2003-9H	2003	Heritage Preservation Board Wayzata Historical Society	Historical and Architectural Resources of Wayzata, Minnesota
---	2012	Merriman, Ann and Christopher Olsen	Lake Minnetonka Survey I

7.0 RECOMMENDATIONS AND CONCLUSION

WSB retained Blondo Consulting to complete a Phase Ia Cultural Resource Assessment for the proposed Wayzata Ferndale Road Residential Development Project in Wayzata, Hennepin County, Minnesota. A literature search through the Minnesota SHPO and through the OSA online Portal concluded in the finding of four previously recorded archaeological sites and two previously completed surveys within one mile of the project area and one previously inventoried historic resource within a half mile of the proposed project area. No previously recorded archaeological sites or historic resources are previously recorded within the project APE.

The proposed project will take place within a 12-acre parcel in Minnesota SHPO Archaeological Region 4: Central Lakes Deciduous. Archaeological sites within this region are commonly concentrated around major lakes and rivers. The areas surrounding Lake Minnetonka are known to contain many cultural resources. Due to the proximity to Lake Minnetonka and Peavey Lake as well as the project's location on a rise in the landscape, the APE has a high probability of containing cultural resources. Through a desktop review of the proposed project area, the APE

currently contains two buildings, a summer home and cottage, which were build circa 1914. The summer home and cottage may need to be evaluated for National Register of Historic Places Eligibility as it fits within the timeline of summer home development of the Ferndale Peninsula.

As there is a high probability for intact cultural resources and the presence of buildings older than 50 years old within the APE, Blondo Consulting recommends a Phase I Cultural Resources Survey be completed. Throughout the development of the proposed project, continued consultation with the Minnesota State Historic Preservation Office and the Office of the State Archaeologist is recommended.

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July 26, 2023

Emily Goellner
Community Development Director
City of Wayzata
600 Rice Street E
Wayzata, MN 55391

RE: EAW - Ferndale Bluff Residential
T117 R23 S1, Wayzata, Hennepin
SHPO Number: 2023-1012

Dear Emily Goellner:

Thank you for continuing consultation on the above referenced project. We previously provided comments on this project in a letter dated March 4, 2023, agreeing that a Phase I archaeological survey should be completed for this project.

We have reviewed the submitted report: *A Phase I Cultural Resources Survey for the Proposed Wayzata Ferndale Road Residential Development Project, Wayzata, Hennepin County, Minnesota, Township 117N, Range 23W, Section 1* (June 7, 2023) as prepared by Blondo Consulting. This was an excellent report, and we appreciated the history of the project area that was included in the report based on interviews with the current landowner.

Based on the results of the investigations, we conclude that there are **no properties** listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson, Environmental Review Program Specialist, at (651) 201-3285 or kelly.graggjohnson@state.mn.us.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

Date: June 7, 2023

RE: Phase I Archaeological Study - Ferndale Bluff Residential – T117 R23 S1 (565 Ferndale Road West, City of Wayzata, Minnesota | Hennepin County)

- SHPO Review and Compliance Number: 2023-1012
- Minnesota Office of State Archeology
- Minnesota Indian Affairs Council

At the request of the City of Wayzata, a discretionary EAW was completed in the Spring of 2023 for a property located at **565 Ferndale Road West in the City of Wayzata**. SHPO reviewed a draft of the EAW and issued a response on March 4, 2023 (SHPO Review and Compliance Number: 2023-1012) and concurred with its findings. A Phase 1a Cultural Resource Assessment completed as part of the EAW, recommended a Phase I archeological survey be completed. Blondo Consulting, LLC was selected to complete this study which is attached for your formal review and response.

The Wayzata City Council (the RGU) passed resolution 25-2023 issuing a negative declaration of the need for an EIS for the subject property and proposed subdivision of 11.87 acres into four residential lots. The RGU's finding was published in the EQB Monitor on May 16, 2023.

The City of Wayzata is requiring documentation be provided from SHPO, the MN Office of State Archeology, and requests documentation from the Minnesota Indian Affairs Council (MIAC), on findings/concurrence with the attached report prior to allowing the proposed development project to proceed with the entitlement process.

We respectfully request that each of the three entities, SHPO, the Minnesota Office of State Archeology, and the Minnesota Indian Affairs Council review the attached Phase I report and provide a written response.

We appreciate your timely attention to this request.

Sincerely,



Samantha Capen Muldoon
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Long Lake, MN
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312-560-7952

**A Phase I Cultural Resources Survey for the Proposed Wayzata
Ferndale Road Residential Development Project,
Wayzata, Hennepin County, Minnesota
Township 117N, Range 23W, Section 1**

**BC Project Number: 2023-007
SHPO Review and Compliance Number: 2023-1012**

**by
Kelly Wolf, MA, RPA
Principal Investigator,
and
Hannah Hensley-Lichter
Blondo Consulting, LLC**

**June 7, 2023
FINAL REPORT**



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Management Summary/Abstract

WSB & Associates (WSB) recommended Blondo Consulting, LLC (Blondo Consulting) to Samantha Capen Muldoon as Cultural Heritage Consultants. Samantha Capen Muldoon retained Blondo Consulting to complete a Phase I Cultural Resources Survey for the proposed Wayzata Ferndale Road Residential Development Project in Wayzata, Hennepin County, Minnesota. Township 117N, Range 23W, Section 1. The proposed project involves the subdivision of a 12-acre parcel into four lots for residential development. The project area is located in a wooded residential setting within Archaeological Region 4: Central Lakes Deciduous.

The proposed project was submitted to the Minnesota State Historic Preservation Office (SHPO) as part of an Environmental Assessment Worksheet (EAW). Blondo Consulting completed a Phase Ia Cultural Resources Assessment for the project in January 2023 and recommended a Phase I Cultural Resources Survey be completed due to the high probability of cultural resources in the area. SHPO concurred with Blondo Consulting's recommendation for the completion of a Phase I Cultural Resources Survey. Kelly Wolf, MA, RPA was the Principal Investigator for the project. Wolf meets the requirements of a qualified professional archaeologist as defined by Minnesota Statute 138.31, subd. 10 and the Secretary of the Interior Standards.

The cultural resources survey consisted of background literature search including a review of known archaeological sites and historic resources, previously completed surveys, and Phase I fieldwork. The SHPO Inventory and Reports Database was accessed through an emailed request to the Survey and Inventory Coordinator, while the Office of the State Archaeologist's (OSA) records were reviewed via the OSA Online Portal. Four archaeological sites were identified within a one-mile research radius of the proposed project. Additionally, there is one non-extant historic resource located within a half-mile research radius of the proposed project.

The Area of Potential Effect (APE) was defined as the area where ground disturbing activities may occur. Due to the nature of the proposed project, the APE consists of the 12-acre parcel (See Attachment 1: Maps).

Fieldwork was completed on April 27, 2023, and consisted of pedestrian survey at a five-meter interval and intuitive shovel testing within the APE. Fieldwork techniques were based on the *SHPO Manual for Archaeological Projects in Minnesota*. The *SHPO Manual for Archaeological Projects in Minnesota* provides guidance on field survey techniques, however, there is no "hard and fast standard" for shovel test placements. Instead, best practices for shovel testing are described as testing the project area to a point where it is adequately sampled per the judgement of the Principal Investigator (Anfinson, 2005). Shovel tests were intuitively placed primarily within buildable lots that did not have existing improvements, paved surfaces, buried utilities, slope greater than 20 percent, or within wetlands. The proposed project is located on a blufftop with many existing improvements, paved surfaces, steep slopes, and wetlands present. Therefore, intuitive shovel testing was the best approach to test the project area.

A total of 19 shovel tests were completed, 5 of which contained modern artifacts. These artifacts included glass, whiteware, terracotta, and metal and reflect the historic and modern residential development of the project area. All soils appeared to be disturbed, as they were inconsistent with the expected soil profile as described by the Natural Resources Conservation Service's (NRCS) *Web Soil Survey*. All cultural materials found were not historically significant and were not collected. No new archaeological sites were identified during this survey.

Although the existing house and caretaker's cottage within the project area were constructed circa 1914, they have undergone extensive modern improvements and alterations. They no longer resemble buildings built in their time period. A pump house and other historic features are present within the project area; however, they do not have enough significance on their own for National Register of Historic Places eligibility.

Based on these results, Blondo Consulting recommends No Historic Properties and no further cultural resources work is recommended. Should modifications to the current project plans be made, a reassessment of these recommendations may be required. Should buried artifacts, human remains, cultural sites, or ground features be unexpectedly unearthed during ground disturbing activities, all construction should immediately cease, and the resources be examined by a professional archaeologist. Additionally, appropriate authorities, including the pertinent tribal entities and SHPO and OSA, should be notified per Minnesota State Statute 138 the Historic Sites Act (138.66) and the Field Archaeology Act (138.40), the Minnesota Private Cemeteries Act (307), and Section 106 of the National Historic Preservation Act.

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1.0 INTRODUCTION

WSB & Associates (WSB) recommended Blondo Consulting, LLC (Blondo Consulting) to Samantha Capen Muldoon as Cultural Heritage Consultants. Samantha Capen Muldoon retained Blondo Consulting to complete a Phase I Cultural Resources Survey for the proposed Wayzata Ferndale Road Residential Development Project in Wayzata, Hennepin County, Minnesota, Township 117N, Range 23W, Section 1. The proposed project is located in Section 1 of Township 117N, Range 23 in Archaeological Region 4: Central Lakes Deciduous.

2.0 COMPLIANCE AND PROJECT REVIEW

In January 2023, Blondo Consulting completed a Phase Ia Cultural Resources Assessment as part of an Environmental Assessment Worksheet (EAW). The Phase Ia Cultural Resources Assessment recommended a Phase I Cultural Resources Reconnaissance Survey be completed due to the high probability of cultural resources in the area. The EAW was submitted to the State Historic Preservation Office (SHPO) for review. Sarah Beimers, SHPO Environmental Review Program Manager, responded March 4, 2023, concurring with Blondo Consulting's recommendation for the completion of a Phase I archaeological survey.

Currently, the project is being completed as a follow-up to the recommendations provided during the EAW process. There are no known compliance requirements at the state or federal level at this time. If landownership changes, permits are needed, or public funding is obtained, then the proposed project may be subject to review under Minnesota State Statute 138, the Historic Sites Act (138.66) and the Field Archaeology Act (138.40). Section 106 of the National Historic Preservation Act may also be triggered should any federal agency become involved through land ownership, permitting, or funding sources. Additional studies may be required to comply with state or federal law.

Kelly Wolf, MA, RPA was the Principal Investigator for the project. Wolf meets the requirements of a qualified professional archaeologist as defined by Minnesota Statute 138.231, subd. 10 and meets the Secretary of the Interior's Professional Qualifications Standards. This Phase I Cultural Resources Reconnaissance Survey involved a background literature search, pedestrian survey, and shovel testing. The results are included in this report.

3.0 PROJECT DESCRIPTION AND AREA OF POTENTIAL EFFECT

The proposed project is located in a wooded residential setting within Section 1 of Township 117 North, Range 23 West, Wayzata, Hennepin County, Minnesota. The proposed project involves the residential development of a 12-acre parcel west of Peavey Lake and north of Lake Minnetonka. The development will involve dividing the 12-acre parcel into four lots.

The Area of Potential Effect (APE) is defined as, "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character of use of historic properties, if any such properties exist" (36 CFR 800.16 (d)). The APE consists of the 12-acre parcel. Four buildable lots will be established within the 12-acre parcel. As part of the proposed

project, the existing house, detached garage, and caretaker's cottage will be removed. Potential water access to Peavey Lake will include four docks. Additionally, a new road and cul-de-sac following the existing driveway will be constructed connecting to each lot. Construction of the proposed cul-de-sac will involve minimal tree removal and grading (See Attachment I: Maps for project plans).

4.0 ENVIRONMENTAL SETTING

The project area lies within Minnesota SHPO Archaeological Region 4: Central Lakes Deciduous. Dr. Scott Anfinson (1990) first described these archaeological regions which help to better understand the prehistoric environment and where archaeological sites may be located. Archaeological Region 4: Central Lakes Deciduous is located in central and east central Minnesota. Its topography consists of a patchwork of moraines, till plains, and outwash plains (Anfinson, 1990; Gibbon et al., 2002). Within Region 4: Central Lakes Deciduous, archaeological sites are commonly found concentrated around major lakes and rivers.

4.1 Soils

Within Archaeological Region 4, Soils reflect a diverse glacial and vegetational history. Most soils in this region range from medium to coarse textures with prairie soils in the south and west, and forest soils in the north and east (Anfinson, 1990; Gibbon et al., 2002). Soils in the project area include the Lester loam and Lester-Kilkenny complexes. The Lester loam complex is typically found on 6 to 10 percent slopes on ground moraines and hillslopes. The parent material consists of fine-loamy till. A typical soil profile includes a loam Ap horizon from 0 to 6 inches, a clay loam Bt horizon from 6 to 38 inches, and a loam C horizon from 38 to 79 inches. These soils are well drained and can reach depths of more than 80 inches where a restrictive feature is located. The Lester-Kilkenny complex is typically found on hillslopes and ground moraines at 10 to 16 percent slopes. These soils are comprised of fine-loamy till parent material. A typical soil profile consists of a loam Ap horizon 0 to 6 inches, a clay loam Bt horizon from 6 to 38 inches, and a loam C horizon from 38 to 79 inches. These soils are well drained and can reach depths of more than 80 inches where the water table is located (USDA, 2022).

4.2 Environmental Landscape

The project area is located in the Big Woods (222Mb) subsection of the Minnesota and Northeast Iowa Morainal Section (222M). The Minnesota and Northeast Iowa Morainal Section consists of long bands of deciduous forest, woodland, and prairie. A large portion of this section consists of hummocky moraines that were deposited during the last glaciation along the eastern margin of the Des Moines ice lobe. Additional portions of this section consist of rolling or basal till that were deposited as drumlins with sand plains located within the moraines. These changes in landform directly affected the vegetation with sandy flat areas dominated by prairie, savanna, and oak/aspen woodlands; while hummocky moraines were dominated by mesic forests including sugar maple, basswood, American elm, and northern red oak (DNR, n.d.).

4.3 Geological Background

H.E. Wright identifies the physiographic regions overlaying the state. Overlaying the project area is the Owatonna Moraine Area (19) (Wright, 1972). Wright describes this area as extending southward from Minneapolis through the Iowa border. The eastern edge is bounded by the Rochester till plain and the western edge is bounded by the Blue Earth till plain. He describes, “the northern part of the section carries a peninsula of the Big Woods southward into prairie” (Wright, 1972, pg. 573).

4.4 Prehistoric Flora and Fauna

Early prehistoric subsistence resources in the area may have included tundra species such as musk ox, and barren ground caribou. Over time the area was covered by pine forests, large herds of megafauna were rare. As prairies began to enter the southeastern portion of the region, large bison herds followed. Bison were common in all but the northeastern third of the region by about 7,000 years ago (Anfinson, 1990; Gibbon et al., 2002). As prairie retreated in the late Middle Prehistoric, faunal resources including beaver, moose, and black bear became abundant. Also, fish and waterfowl became common in the region’s numerous lakes and rivers. Wild Rice was an important food and economic resource during the Late Prehistoric and Early Historic periods (Anfinson, 1990; Gibbon et al., 2002).

5.0 CULTURAL HISTORY

Archaeologists use historic contexts to interpret and understand past cultures and groups who lived in a specific region. These contexts are based on artifacts and supplemented with primary and secondary sources. Historic contexts can reflect differing lifeways, resulting in variation of the cultural materials groups leave behind. Archaeological eras are divided into the precontact, contact, and post-contact periods. Evidence of Minnesota’s first known residents appeared approximately 11,200 Before Common Era (BCE). Since then, the environment and landscape of the state has continued to change, influencing the lifeways of the people who inhabit the land. Minnesota archaeologists consider those lifeways to have changed significantly after European contact around 1650 Common Era (CE) (Gibbon, 2012).

5.1 Pre-Contact Period

Prior to European contact, Native American historic contexts are organized temporally into four major archaeological designations: the Paleoindian period, the Archaic period, the Woodland period, and Mississippian adaptations. Based on different cultural materials, archaeologists further divide these designations with what was preserved in the ground, most notably stone (lithic) tool types and ceramic types, unique to each cultural adaptation.

5.1.1 Paleoindian Period (11,200 to 7,500 BCE)

The Paleoindian period is comprised of Early and Late Paleoindian designations. Minnesota’s earliest known residents, the Early Paleoindians, were small groups of highly mobile big game hunters who followed migrating megafauna (i.e., mastodon and woolly mammoth) into the state’s glacially dominated landscape. Minnesota’s Early Paleoindian sites range in date from 11,200 to

10,500 BCE and are found in areas that were not underwater or glaciated, such as lake edges and rivers. These sites contain stone projectile points with fluted bases that could be hafted to spear shafts for big game hunting.

Over time, the warming climate changed the environment and influenced Paleoindian technology. Archaeologically, these changes are demonstrated by the replacement of fluted points with stemmed projectile points and the utilization of new raw materials. The new materials and point types mark the transition to Minnesota's Late Paleoindian period, ranging from 10,500 to 7,500 BCE (Gibbon, 2012). This tool technology transition is represented by the Browns Valley site (21TR0005), located in west-central Minnesota. This site contained the remains of one individual in association with a lanceolate point (blade) with radiocarbon dates clustering around 7,500 BCE (Johnson, 1970). People's lifeways started to change as the climate shifted (Gibbon, 2012).

5.1.2 Archaic Period (10,500 to 500 BCE)

Minnesota's Archaic period is comprised of three designations, the Eastern Early Archaic, Middle Archaic, and Late Archaic periods. The transition between Late Paleoindian and the Early Eastern Archaic periods begins around 12,700 years ago. It coincides with major climate and vegetation shifts in the post-glacial landscape, resulting in dominant deciduous forests to the south and coniferous forests to the north. In the archaeological record of Minnesota's Upper Mississippi River Valley, the transition into the Early Eastern Archaic period is seen through lanceolate projectile points with concave bases and occasional fluting. This blends Late Paleoindian point types with new technological developments. Around 10,000 years ago, tallgrass prairie began spreading across the state from the southwest towards the northeast. During this time, populations in the emerging prairie regions began hunting bison herds that had migrated there. Groups of people that lived during this period were sparse, highly mobile hunters. Later adaptations in technology of the Early Eastern Archaic included stemmed and notched projectile points. Gibbon notes "most of these tools seem a technological elaboration for woodworking in forested environments" (Gibbon, 2012, p. 55). Minnesota's Early Eastern Archaic period is likely the time when the spear thrower, or atlatl was implemented. Atlatls are tools to project spears, making hunting safer and more effective. They are thought to appear during this time and are associated with notched projectile points and weighted stones (bannerstones) (Marrow, n.d.). Minnesota's Early Eastern Archaic sites have been radiocarbon dated from 10,500 to 7,500 BCE (Gibbon, 2012). An example from southcentral Minnesota is the Goodrich site (21FA0036), which is located on the bottom of the dry lakebed of former Lake Oza Tanka. This site contained a cache of stone tools (OSA site files, n.d.).

Minnesota's Middle Archaic period (7,500 to 3,000 BCE) coincided with a fluctuating climate, resulting in a changing prairie habitat over time. The shifting landscape is reflected in the Middle Archaic archaeological record by adaptations in subsistence hunting. Small game subsistence hunters thrived in the northern and southern portions of the state, while southwestern populations continued exploiting migrating bison herds in prairie habitats (Gibbon, 2012). The Itasca Bison site (21CE0001) in northwest Minnesota is an example of an Archaic period bison

kill site. It is a bison kill site that contained remains of the extinct bison species *B. occidentalis*, which has radiocarbon dates clustering around 6,000 BCE (Shay, 1963).

During the Late Archaic period (3,000 to 500 BCE), Minnesota's climate shifted from the post-glacial landscape towards the environment encountered by Europeans in the 1600s. The more stable climate allowed for groups to have defined home ranges, resulting in horticulturalist practices and the increased use of secondary resources (such as wild rice which require additional processing). Populations in the northern coniferous forests exploited secondary resources, while populations in the western prairie regions continued to hunt bison and gather food resources. Specialized resource extraction like wild rice harvesting would have resulted in variation of social structure among Late Archaic populations, which is reflected by the changing artifact types. Late Archaic groups in southern Minnesota domesticated sunflower, amaranth, and squash (Gibbon, 2012). The defining trait of the Late Archaic period archaeological assemblage is the presence of new artifact types, such as large stone blades, exotic (not found in the area) raw lithic materials, and marine shell. Other characteristics of Minnesota's Late Archaic period include the presence of communal burial sites, as well as an increased use of cold hammered copper and ground stone technologies. Archaeologists theorize that Late Archaic hunters lived in small groups within defined home ranges. The King Coulee site (21WB0056) in southeast Minnesota is an example of Late Archaic horticultural village. This site contained domesticated squash remains with radiocarbon dates clustering between circa 1,500 BCE and 750 CE (Streiff, 1970).

The archaeological record suggests rapid population growth which placed pressure on Minnesota's Late Archaic populations, leading to resource intensification. As groups began specializing in the available resources in the area, social structures accommodated for different classes. Around 500 BCE, ceramics appeared in Minnesota's archaeological record, which archaeologists define as the beginning of the Woodland period (Gibbon, 2012).

5.1.3 Woodland Period (500 BCE to 1750 CE)

The Woodland period is divided into the Initial and Terminal Woodland eras. The Woodland period in Minnesota is thought to coincide with growing populations leading to the need for secondary food exploitation, further stratifying social roles. Minnesota's Woodland period marks the first appearance of ceramics and burial mounds in the archaeological record. In Western Minnesota, populations continued to practice bison hunting and subsistence gathering, resulting in a more gradual transition from Archaic to Woodland.

Initial Woodland sites are associated with straight-stemmed projectile points and thick-walled ceramic vessels. Southern Minnesota Initial Woodland sites usually date between 500 BCE to 500 CE (Gibbon, 2012). An example is the LaMoille Rockshelter site (21WN0001). At this site the ceramics are thick and feature vertical to oblique exterior cordmarking and horizontal to oblique interior cordmarking. These ceramics are often found with straight stemmed projectile points (Gibbon, 2012). The Initial Woodland period in central Minnesota dates between 500 BCE and 200 CE and includes sites with thick-walled grit tempered ceramics and burial mounds. Central

Minnesota Initial Woodland sites have lithic materials not naturally found in the region, suggesting trade. Initial Woodland sites in Northern Minnesota are found in the Rainy River Region of Northwestern Minnesota. These sites are related to the widespread Laurel culture. Archaeologically, these groups were known to have constructed thick-walled/straight-rimmed grit tempered jars with rounded bases and buried their dead in conical earthworks. The National Register listed Grand Mound site (21KC0003) is an example in northern Minnesota where Laurel ceramics and earthworks are found (Gibbon, 2012; NRHP, n.d.). This is the largest earthworks site in the state.

Later Woodland adaptations in Minnesota (referred to as the Terminal Woodland) are thought to be a reaction to the appearance of large-scale agricultural societies in bordering states. Archaeologically, Terminal Woodland in Minnesota is represented by new stone tool and ceramic technologies, such as true arrow points for bow and arrow technology and thinner/finer tempered ceramics. These adaptations reached southern Minnesota between 700 to 1100 CE. During this time, agricultural societies with large, defended villages occur. By 700 CE burial mounds become widespread in southwestern Minnesota. These burial mound sites had small groups of circular burial mounds usually associated with lakes and smoothed, grit tempered ceramics and side-notched projectile points were present (Gibbon, 2012). For example, the Pedersen site (21LN0002) radiocarbon dates to around 1245 CE and contained Onamia ceramics. These are described as finely grit-tempered vessels with cord-impressed decorations and other surface treatments (Hudak, 1976).

The Terminal Woodland period in northern and central Minnesota occurs circa 500 to 1750 CE. This period is influenced by a substantial increase in population and newly emerging palisaded villages (though some areas remained largely unchanged) (Gibbon, 2012). The Hannaford site (21KC0025) is an example in northern Minnesota, with radiocarbon dates clustering between 690 and 1000 CE. The Hannaford site assemblage includes a sequence of early, middle, and late Blackduck series ceramics, which are described as globular in shape and feature rim alterations (Mulholland and Rapp, 1996; Gibbon, 2012).

Population growth in southern Minnesota during the Terminal Woodland period resulted in an increased need for agricultural production. Agricultural intensification in this region created the need for specialized classes, causing variation in roles and skill sets. These new lifeways resulted in new sets of tools, which archaeologists define as Mississippian (Gibbon, 2012).

5.1.4 Mississippian Adaptations (950- 1700 CE)

Mississippian cultural adaptations are often subdivided spatially and temporally; for the sake of simplification, we will use “Mississippian adaptations” as an umbrella term. Maize agricultural societies with large, defended villages and new sets of ceramic and stone tool types occurred, marking a shift from Woodland to Mississippian lifeways. Terminal Woodland groups in northern Minnesota transitioned into tribal societies prior to European contact. Southern Minnesota’s Terminal Woodland transitioned into the Mississippian lifeways between 950 to 1100 CE.

Whereas Woodland ceramics were commonly grit and grog tempered with decorated rims, cordmarked exterior surfaces, and collared necks, Mississippian ceramics tend to be shell tempered, with handles, decorated shoulders, and smoother exteriors. Mississippian stone tools were smaller, and typically notched or triangular, whereas straight stemmed points were more common in later Woodland assemblages. The use of tools associated with Mississippian adaptations continued through European contact (Gibbon, 2012).

Early Mississippian sites, dating from 950 to 1100 CE, occurred along small streams and lakes within Southwestern Minnesota, as well as along the Minnesota River. These sites are recognized archaeologically by their ceramics which have fine grit or grog-tempered globular jars with rounded shoulders and bottoms (Gibbon, 2012). The Great Oasis site (21MU0002) has examples of these ceramics with radiocarbon dates clustering around 960 CE (OSA site files, n.d.; Gibbon, 2012). Subsequent Mississippian adaptations included sites along the Minnesota River dating from 1000 to 1200 CE (Gibbon, 2012). The Cambria/Jones Village site (21BE0002) contains radiocarbon dates clustering between 1000 to 1150 CE. These sites are associated with earthen burial mounds and grit tempered globular jars with constricted necks and smooth surfaces (OSA site files, n.d.). Mississippian sites near the head of the Minnesota River which date between 1200 to 1300 CE are known for their fortified villages and high percentages of North Dakota sourced Knife River Flint (Gibbon 2012).

Around 1225 CE, the Oneota (a culture within Mississippian adaptations) appear in Minnesota. Oneota village sites dating between 1225 and 1500 CE are recognized archaeologically by their ceramics. Additionally, expedient stone tools (such as Madison triangular points and scrappers) were common among Oneota sites. Settlement sites consisted of open village farming communities which primarily grew maize, beans, and squash but also hunted and gathered (Gibbon, 2012). An early Oneota example is the Fort Ridgley site (21NL0008), with radiocarbon dates between 1220 to 1350 CE. Site 21NL0008 is in south-central Minnesota along the Minnesota River associated with shell-tempered ceramics in the shape of round bottom globular jars (OSA site files, n.d.). Oneota sites dating between 1600 to 1700 CE occurred during the era of European contact within the Mille Lacs Region and along Riceford Creek. Contact era Oneota sites are distinguished by the presence of shell-tempered, globular jars with stop handles, interspersed with European trade goods such as glass beads, iron knives, and brass ornaments (Gibbon, 2012).

5.2 Contact/Post-Contact Period (1650 CE to Present)

By about 1650 CE, European contact in Minnesota completely changed the lifeways of Native American populations. Archaeologists define this as the contact period followed by the post-contact period. Early European influence can be identified through the introduction and use of trade goods. As diseases were introduced, native populations saw unprecedented losses. Despite its name, the early contact era was defined by a series of indirect events leading to early European exploration and changes to a native lifestyle thousands of years in the making (Gibbon, 2012).

5.2.1 Before Contact

The land containing modern day Minnesota has been an important part of the tribal histories of the Dakota, Ojibwe, Ho-Chunk, Cheyenne, Oto, Iowa, and the Sac and Fox tribes (MNHS, n.d.-c). The Dakota and Ojibwe were the primary groups living in Minnesota by the 1600s. Within this context, Dakota language spellings come from the language dictionary mobile app, *Dakhód lápi Wičhóie Wówapi*, made by the nonprofit organization, Dakhóta lápi Okhódakičhiye.

Dakota creation stories are centered in Mnísoṭa (Minnesota). The lifestyles of the Dakota changed with the seasons, and they moved between summer and winter camps. The spring and summers were spent gathering natural foods and medicines, processing maple sugar, farming, and fishing. By the fall, they moved to hunting grounds to gather meat and fish for the following winter. The Dakota's lifestyle was formed around a communal kinship structure (Gibbon, 2003). Around 1,500 years ago, the Ojibwe came to Minnesota from northeastern North America following prophecies advising them to head west to where food grows on water. As they found wild rice, many bands of Ojibwe settled in Minnesota. Hunting, fishing, maple sugar processing, and wild rice harvesting were important to their lifeways and were done seasonally. Travel between communities was done primarily in birch bark canoes. Ojibwe communities were differentiated into clans, with each clan having its own role to serve the community. This mutual assistance was integral in Ojibwe culture (Wingerd, 2010; MNHS, n.d.-c).

5.2.2 Early Exploration and Treaties

Lands containing modern-day Minnesota were claimed at times by France (1663), Spain (1763), Great Britain (1763), and the United States (1795) (Wingerd, 2010). The first European explorers reached Minnesota in 1656 when Frenchmen Pierre-Espirit Radisson and Medard Chouart entered the Lake Superior region. Likewise, Father Louis Hennepin, a French Catholic priest and explorer, was the first European to publish a description of Southern Minnesota, after exploring the Mississippi River in the 1660s. Daniel Greysolon, Sieur du Lhut, followed suit in 1679, where he claimed lands along Lake Superior for the French, and established the first permanent trade posts. This was the beginning of the French fur trade (Gibbon, 2003). The Grand Portage National Monument site (21CK0006) was a North West Company fur post along the Minnesota/Canadian border in the 1700s, which allowed for trade between regions. Grand Portage National Monument was designated as a historic site in 1936 and listed in the National Register in 1966. The monument consists of Fort Charlotte, the 8.5 mile long Grand Portage Trail complex (multiple structures), and a variety of pre-contact artifact scatters (Birk, 2005).

The fur trade drove much of the European exploration and settlement in Minnesota through the mid-1800s. Lieutenant Zebulon Montgomery Pike lead the first United States expedition through Minnesota in 1805. Pike Island, at the confluence of the Mississippi and Minnesota Rivers, was chosen as a treaty site to purchase several hundred acres of land from the Dakota where Fort Snelling would be built between 1819 and 1824 (Wingerd, 2010). Minnesota became a territory in 1849 and became a state in 1858. As the fur trade declined, worldwide missionary work in the first half of the 19th century (1830s and 1850s) boomed with missions reaching Asia, Africa, and

Native American communities in North America. In 1834, Samuel and Gideon Pond arrived at Fort Snelling, later setting up a mission at Mapiya Wičhásta's (Cloudman's) village, Heyáta Othúnwe (the Village Set Back from the Mississippi River), at Bdé Makhá Ská. Samuel and Gideon Pond entered missionary work with the Dakota with a greater appreciation for the culture and lived twenty years among them. In 1835, Dr. Thomas Williamson arrived in Minnesota and set up a mission in Lac qui Parle. Jedediah D. Stevens also arrived in 1835 and settled a mile from the Ponds' mission site. By 1837, Stephen R. Riggs, who would later publish the first Dakota dictionary, joined Williamson at Lac qui Parle. The Ponds left their original mission site in 1839 and Gideon established a second mission at Oak Grove, in current Bloomington, in 1842 (Pond, 1986; Wingerd, 2010). Gideon Pond's house (National Register listed in 1970) was recorded as a multicomponent archaeological site (21HE0244) with pre-contact artifacts and historic artifacts associated with Pond (OSA files, n.d.; NPS, 2014).

In 1827, United States government officials met with Ojibwe and Dakota in Prairie du Chien, Wisconsin to negotiate a treaty dividing land in the Upper Mississippi region. The treaty divided the Dakota to the south and Ojibwe to the north. In 1837, treaties were signed by the Ojibwe, Dakota, and Ho Chunk which ceded all land east of the Mississippi River (Gibbon, 2003). By the 1850s, intensive Euro-American settlement and agriculture dramatically transformed the landscape, displacing many Dakota and Ojibwe. Former fur traders were hired as government agents to negotiate land cessions. Several treaties were signed in the 1850s leading to the removal of the Dakota and Ojibwe people from most of the Minnesota territory (Wingerd, 2010).

Due to the overhunting of bison by white settlers, groups of Dakota struggled to survive, and some saw the need for land cession to gain vital resources needed to sustain themselves. The Treaty of Traverse des Sioux of July 1851 promised payments that would provide a way to rebuild native communities. The treaty involved the surrender of most of the southern and western portion of Minnesota, the formation of a Dakota reservation of land along the Minnesota River, and the payment to the Sisseton and Wahpeton bands for the ceded land. While the treaty had been read to the Dakota leaders signing it, an additional document that had not been properly explained was also signed. This additional document prioritized government payments to traders to pay off debts over payments to the Dakota (Wingerd, 2010).

The Treaty of Mendota of August 1851 occurred between the United States government and the Mdewakanton and Wahpekute Dakota bands. This involved the relocation of the bands to the Lower Sioux Agency and ceding much of the remaining Dakota territory in southwestern Minnesota. Additionally, the bands were to receive payment for agricultural implements, provisions, education, and annuities. The treaty was ratified by Congress, but the United States did not fulfill payments. The Treaty of Mendota and the Treaty of Traverse des Sioux opened twenty-four million acres of land for settler-colonists which led to over 100,000 white settlers to move to Minnesota (MNHS, n.d.-d).

White settlers preferred to reside in the river valleys and plains regions in southern Minnesota. Additional, treaties took place in the Ojibwe territories to the north in the 1850s focused on gaining resource rights to timber and mineral deposits. In 1854, a group of Ojibwe people met at La Pointe, Wisconsin to receive annuity payments from a prior treaty where they were met with a proposition to cede land north and west of Lake Superior where mineral deposits were located. The treaty included a reservation within the ceded land that could not be intruded on as well as hunting, fishing, and gathering rights. Expansive lumbering operations followed the treaty destroying wild rice crops as dams were built and logs were floated down river. Dwindling resources and increased tensions caused Minnesota lawmakers to push for the surrender of Ojibwe land to accommodate the growing lumber industry (Wingerd, 2010).

On June 19th, 1858, the Dakota Indian Treaty relinquished half of the established Dakota reservation land, which included a large portion of hunting land. White settlers soon moved into these lands which drove away the remaining game. As a result, many Dakota shifted to a Euro-American style of farming, which did not align with their traditional ways of life. Government agents began rewarding those who farmed and assimilated to a western lifestyle. Some Dakota men retaliated by trampling fields and killing livestock of white settlers. As the U.S. government failed to fulfill treaty obligations, tensions between white settlers and the Dakota escalated, resulting in the U.S. Dakota War of 1862 (August 1862 to December 1862). The Dakota surrendered at Camp Release on September 26, 1862, which was followed by military trials (DeCarlo, 2022). This concluded with the hanging of 38 Dakota in Mankato, and the incarceration of many Dakota people at Fort Snelling. Congress abolished the Dakota, as well as the Ho-Chunk, who were not involved in the war, and nullified land treaties, causing Native Americans to be exiled (DeCarlo, 2022).

5.2.3 Reservation Establishment

By 1863, all remaining Dakota land was taken by the United States with the Forfeiture Act of 1863. Some Dakota were allowed to remain in the state but due to fear of retribution, few remained. The Dakota ultimately returned to Minnesota in the 1870s. Government programs purchased parcels of land or allocated lands for purchase to exiled Dakota returning to Minnesota which became tribal land (MIAC, n.d.). Between 1863 and 1867, the Ojibwe ceded much of their remaining land in northern Minnesota (MNHS, n.d.-b). By the mid 1880s, the majority of the Dakota and Ojibwe in Minnesota had been displaced from their ancestral homelands and living on reservations established through treaties. Today, there are eleven federally recognized Native American tribes which are independent governments within the state (MIAC, n.d.).

5.2.4 Minnesota Statehood and Industry Development

Following the Homestead Act of 1862, European immigrants began settling in Minnesota to join the growing lumber, farming, and mining industries. Americans of British descent were the first to reach Minnesota in the 1850s, followed by Swedish, Norwegian, and German immigrants in the 1860s and 1870s. Ethnic communities arose as immigrants moved to areas where others from their homeland had settled. Minnesota's population by the 1890s was 40 percent of people born

outside the U.S., much higher than the overall U.S. population. Minnesota's ethnic diversity was not limited to European immigrants. In the 1880s, Chinese immigration rose in Minnesota, as they moved away from racial hostility on the West Coast and many opened small businesses. Latinx people immigrated to Minnesota in the early 1900s in hopes of financial opportunities, commonly in sugar beet farming in the Red River and Minnesota River Valleys (Granger and Kelly, 2005).

Farming became the predominate industry in Minnesota with wheat being the dominant cash crop until the 1930s. Mills sprang up along major waterways across the state, notably in Minneapolis. Industrial archaeology in Minneapolis is exhibited within the St. Anthony Falls Historic District which includes eight archaeological sites consisting of mill ruins, canals, and railroad trestles (OSA files, n.d.). In addition to milling, Minnesota was also a leader in lumbering and iron mining. Lumbering played a significant role in the development of northern Minnesota, with the industry peaking between 1899 and 1905. Multiple short-use lumber camps, lumber mills, and railroad stations were established during this time across northern Minnesota (Birk, 1998). Over the next two decades, mines sprang up across the northern and central portions of the state centralized in the Cuyuna, Mesabi, and Vermillion iron ranges (MN DNR, n.d.).

The growing railroad system in the mid 1800s allowed Minnesota based industries to sell goods across the country and granted residents access to travel, mail, and commodities produced outside of their vicinity. Minnesota's first railroad was constructed in 1862 by the St. Paul and Pacific Railroad Company which was purchased by James J. Hill in 1878. By the late 1870s, railroad lines had connected most of the state (Schmidt, Vermeer, and Pratt, 2013). James J. Hill, sometimes referred to as "The Empire Builder", led many efforts in railroad expansion in the late nineteenth century. Throughout the next decade, Hill extended railroad lines to the Pacific Ocean and created a network throughout the Northwest. In 1890, Hill's lines were merged into the Great Northern Railway Company (McKithan, 1977). James J. Hill's mansion in St. Paul was listed in the National Register in 1961 (NPS, 2014). The mansion is also an archaeological site, 21RA0021, which includes the backyard garden (OSA files, n.d; NPS, 2014.).

Tourism became the third major industry in Minnesota. The Lake Minnetonka region developed in the 1870s as a major tourist destination resulting in resort towns with grand hotels and plenty of recreational activities. Northern Minnesota followed, with a growing tourism industry in the early twentieth century from anglers and outdoor enthusiasts. The growth of tourism was associated with a growing infrastructure network within the state, first with the development and expansion of railroads, then through the advancement of the automobile and highway network (Sanford and Graves, 1999). Site 21CR0164, Coney Island of the West, exemplifies the impact railroad and highway expansion had on tourism. Coney Island of the West was a resort complex developed in the 1880s as railroads reached Lake Waconia. The resort had accommodations including fine dining, concerts, and a bowling alley, attracting tourists for the following seven decades (OSA files, n.d.). The site was listed in the National Register in 1976 (NPS, 2014). Tourism in Minnesota continues to thrive with outdoor destinations including the Boundary

Waters Canoe Area, Lake Superior, and 66 state parks. Additionally, Minnesota today hosts many museums, fine arts theaters, and historic and heritage sites (Explore Minnesota Tourism, n.d.).

5.2.5 The Great Depression and World War II

Following the stock market crash of 1929, the average American household income dropped by a third. By 1933, unemployment rates reached an average of twenty-five percent in Minnesota with some areas reaching as high as seventy percent. Soon after, with President Franklin Delano Roosevelt taking office in 1933, federal programs, known as the New Deal, were introduced to boost the economy. These included the Works Progress Administration (WPA) and the Civilian Conservation Corps (CCC) (MNHS, n.d.-a). A total of 666 public works projects were completed by the WPA and CCC across the state with many of them listed on the National Register (Granger, et. al., 2001).

The United States entered World War II after the invasion of Pearl Harbor in December 1941. At the time, the United States was still recovering from the Great Depression with federal programs still in place. Soon after Fort Snelling transitioned to the state's largest army recruitment center. Munition plants and other factories related to war industry took a strong hold over the economy. The United States involvement in European and Pacific conflict ceased in 1945. Upon their release from American concentration camps, many Japanese Americans were resettled in Minnesota in 1942. In 1948, the United States increased resources and assistance available to immigrants and refugees with the Displaced Persons Act of 1948 (MNHS, n.d.-a).

5.2.6 Post-War Economic Boom and Social Change

After World War II, Minnesotans experienced an economic boost, and the population of Minnesota began to grow rapidly along with suburban communities. The economy in Minnesota was dominated by tourism and industrial activities. This supplied working class families with the opportunity to own a home, automobile, and have vacation time. Social politics were not in favor of racial minorities, however, furthering the economic gap between white and non-white Minnesotans. Following the Korean War, Korean adoption rose in the mid 1950s. Between the 1950s and 1970s, Minnesota experienced a huge influx of Black families fleeing Jim Crow era laws in the southern part of the U.S. During this time, the Civil Rights Movement began to spread throughout communities of color as Minnesotans rallied for equal economic and social rights, which were not legally recognized until the passing of the Civil Rights Act in 1964 (MNHS, n.d.-a).

Although the Fourteenth Amendment, signed in 1868, defined anyone born in the U.S. as a citizen, Native Americans were excluded from citizenship until 1924 with the passing of the Indian Citizenship Act. The right to vote for Native Americans however was not legally recognized until 1965 with the passing of the Voting Rights Act. The twentieth century Civil Rights movement sparked the rally for social equity. The American Indian Movement (AIM) was founded in Minneapolis by Russell Means and Dennis Banks (Lakota) and Vernon and Clyde Bellecourt (Ojibwe) in 1968. Throughout the 1970s AIM was centered in Minnesota, inspiring the rest of

the country to call for equal rights for indigenous peoples. Minnesota continues to be a center for social change highlighted by recent environmental protection and racial justice movements (Gibbon, 2003).

5.2.7 Minnesota Today

As a result of employment opportunities, Minnesota's population has continued to grow. Mining, lumber, agriculture, and food production industries form the backbone of today's state economy. These original industries have been joined by new sectors that reach national and international markets. Major retailers including Target Corporation and Best Buy are both based in Minnesota. Technology and manufacturing boomed with companies such as 3M, IBM, and Medtronic. Mayo Clinic in Rochester, which is known for their world-renowned medical care and is a major Minnesota employer. As of 2020, the population has reached over 5.7 million concentrated in the Twin Cities and Duluth (United States Census Bureau, 2021).

5.3 Local History

Euro-American settlement around Lake Minnetonka occurred after the 1851 Treaty of Mendota, that removed Dakota from land west of the Mississippi River, opening the area for Euro-American settlement. Oscar E. Garrison first platted Wayzata in 1854. By 1855, settlement increased bringing along businesses to the town. Many settlers grew corn and wheat for income until a devastating grasshopper infestation occurred in 1857. Soon after, ginseng was found in the surrounding forests. Ginseng root was in high demand in China and reinvigorated the local economy. The first railroad to reach Wayzata was the Saint Paul and Pacific Railroad in 1867 providing settlers with access to new markets for their products. Additionally, the railroad through Wayzata was the first to reach Lake Minnetonka. As Lake Minnetonka became accessible by train, it soon became a popular tourist destination and many hotels emerged in the late 1860s and early 1870s.

In 1883, Wayzata was incorporated as a village. By the 1890s, tourism had declined in the area. Wayzata soon became a popular location to construct summer homes for people living in the Twin Cities metropolitan area. These summer homes varied from modest cottages to grand estates owned by notable wealthy families. The population of permanent residents hardly increased during this time. However, the construction of a new train depot by the Saint Paul, Minneapolis, and Manitoba Railway became the catalyst to developing a downtown in Wayzata. The population of Wayzata grew as new transportation systems increased, such as steam-powered streetcar boats which extended the Twin City streetcar system. Expanded transportation systems allowed travel across Lake Minnetonka and connected to multiple railroads. Streetcar boats ran until 1926, ending due to a decline in riders. Wayzata continued to be a popular place for boating as motor boating became popular in the 1920s.

When Wayzata was incorporated as a charter city in 1929, its population began to increase rapidly. Its first mayor, Rufus Rand, implemented public works projects including constructing water and sewer systems throughout the city, installing streetlights, paving roads, and opening a

public beach and park. Many summer homes were converted to year-round residences after World War II. Additionally, there was an influx of new construction of single-family homes. Highway systems serving the city grew and by the 1950s, Wayzata was considered a suburb of the Twin Cities metropolitan area. By the 1970s, shopping centers, condominiums, and office buildings joined the landscape of Wayzata (Wayzata Historical Society, n.d.).

6.0 BACKGROUND RESEARCH

A literature search through SHPO and the OSA online portal was completed January 3, 2023, by Hannah Hensley-Lichter. The National Historic Landmark Database was also consulted. To complete the background research and develop historic context of the project area two research radii were used; a one-mile radius was used for archaeological sites and a half-mile radius was used for historic resources.

6.1 Archaeological Sites

During the current search, four archaeological sites were identified within a one-mile radius of the proposed APE (Table I). *SHPO Manual for Archaeological Projects in Minnesota states,*

Literature searches are performed prior to undertaking fieldwork. Literature searches are used to: assess the need for field survey, determine known sites within a project area, develop site locational models, determine areas of previous terrain disturbance to guide survey, provide historic context background to help evaluate significance, provide background information for developing survey research designs and data recovery plans, and to provide sufficient background information for National Register nominations (Anfinson, 2005, pg. 25).

Table I. Previously Recorded Archaeological Sites Within One Mile					
Site Number	Site Name	Cultural Affiliation	Description	NR Status	Distance
21HE0029	Wyman/Harrington	Pre-Contact: Woodland	Earthwork, Cemetery	Unevaluated	0.45 miles
21HE0098	McMillan	Pre-Contact: Woodland/Kathio	Cemetery, Lithic Scatter	Unevaluated	0.60 miles
21HE0416	Wayzata Bay Motorized Ice Boat Wreck	Post-Contact: Tourism and Recreation; Post-Contact: Urban Centers	Shipwreck	Unevaluated	0.98 miles
21HE0417	Wayzata Bay Rowboat Wreck	Post-Contact: Tourism and Recreation; Post-Contact: Urban Centers	Shipwreck	Unevaluated	0.93 miles

6.2 Historic Resources

The Minnesota Historical Society *Historic and Architectural Survey Manual*, revised June 2017, describes the purpose of background research. Background research is performed to locate

historic properties and requires a literature search, survey fieldwork, and research of any identified properties. This is important to establish a historic context to the area and aids in analysis (MNHS, 2017).

During the current search, one historic resource was identified within a half-mile radius of the proposed APE (Table 2).

Table 2. Previously Inventoried Historic Resources within a Half Mile				
Site Number	Site Name	Description/Address	NR Status	Distance
HE-WZC-031	Bridge No. L8855	Carries W. Ferndale Rd. over the channel connecting Peavey Lake with Browns Bay	Non-extant	0.06 miles

6.3 Previously Completed Surveys

During the current search, two surveys were completed within one mile of the proposed APE (Table 3). No previously completed surveys cross the APE.

Table 3. Previously Completed Reports			
Report Number	Date Published	Author	Report Title
HE-2003-9H	2003	Heritage Preservation Board Wayzata Historical Society	Historical and Architectural Resources of Wayzata, Minnesota
---	2012	Merriman, Ann and Christopher Olsen	Lake Minnetonka Survey I

6.3.1 Heritage Preservation Board Wayzata Historical Society 2003

A reconnaissance survey of historic buildings and sites in Wayzata was completed between 2001 and 2002. As part of the project, local historic contexts were created. For the Ferndale Peninsula, the historic context describes the architecture as dating to the 1900s to 1910s. During this time elaborate summer homes on the Ferndale Peninsula, between Brown's Bay and Wayzata Bay, were constructed and the area became a wealthy summer home locale. Several architectural styles can be seen in the Ferndale Peninsula including Victorian, Queen Anne, Eastlake, Period Revivals, Craftsman, and Prairie. A typical estate on the Ferndale Peninsula consisted of the main home and with small cottages for staff, surrounded by trees and shrubbery (HPB WHS, 2003). The currently proposed APE is located on the northwestern side of the peninsula. The house and caretaker's cottage within the APE were built during this period and may be associated with the trend, although the 2003 report did not address the current property specifically.

7.0 SURVEY METHODS AND RESULTS

On April 27, 2023, Blondo Consulting Principal Investigator Kelly Wolf, MA, RPA assisted by Blondo Consulting staff Andrew Domine and Hannah Hensley-Lichter, conducted a Phase I Cultural Resources Survey. They were joined onsite by the landowner, Samantha Capen Muldoon. This included a Phase I Archaeological Reconnaissance Survey, where field survey techniques were based on the *SHPO Manual for Archaeological Projects in Minnesota*, which states “Phase I surveys attempt to identify the presence or absence of sites and initially define site limits so the field methods must reasonably maximize the vertical and horizontal sampling of the project area” (Anfinson, 2005, p. 9). It also included a Phase I Reconnaissance Level Survey, where field survey techniques were based on the *Historic and Architectural Survey Manual*, which states, “The intention of a reconnaissance level survey, sometimes called a windshield survey, is to collect enough data to provide a general understanding of the built environment of an area and to answer any questions posed in the survey scope of work or research design” (HPD, 2017, p. 9).

7.1 Archaeological Reconnaissance Survey

Research designs for a Phase I Archaeological Reconnaissance Survey consist of a literature search (previously discussed), field procedures, and reporting. The most common field methods include, but are not limited to, surface reconnaissance and shovel tests. *SHPO Manual for Archaeological Projects in Minnesota* provides the following guidelines for these methods. Surface Reconnaissance (i.e., pedestrian survey) is an attempt to locate exposed artifacts and surface features. Transects should scan any exposed surfaces. Transects spaced at 5-meter intervals are recommended for high potential areas with limited visibility, while 10 to 15 meters is appropriate for low probability areas. Shovel tests are often used when the soil exposure is less than 25% or when there is a high potential for archaeological remains. Shovel tests include digging a 30- to 40-centimeter-wide hole with vertical sides. The depth varies but should pass post-glacial soil. Shovel tests are usually spaced between 5 and 15 meters apart. Other, less common, Phase I methods include deep testing, remote sensing, and underwater surveys. Ultimately, it is up to the Principal Investigator to determine the methods used and “reasonably ensure that sites were not missed” (Anfinson, 2005, p. 28).

The survey began with a tour of the project area by the current landowner, Samantha Capen Muldoon. Muldoon provided information about the project area and described where prior disturbances to the parcel have occurred, such as gardens, landscaping, a children’s playset, and seating area. The Capen family have owned this property since the 1960s.

A pedestrian survey was completed at a systematic 5-meter interval, as recommended by the *SHPO Guidelines for Archaeological Projects in Minnesota* for areas with high potential for cultural resources. Ground surface visibility was less than 20 percent in most areas due to leaf and vegetation cover. The topography within the project area is generally hilly and slopes down towards Peavey Lake on the eastern side. The existing paved driveway was observed to have been artificially built up above the natural landscape and heavily sloped on each side. A buried gas line was observed to the east of the driveway and water and sprinkler systems are located

throughout the property. In the southern portion of the APE, terraced stone stairs leading north from a former vegetable garden ran up to the back of the house. Paving stones were observed near the southern end of the stairs where the garden was located. Landscaping edging and other garden modifications were observed along the perimeter of the existing house. Terraced into a slope, a stone stairway is present from the western side of the driveway to a gravel roadway which leads east to the caretaker's cottage. A large concrete pad is located to the southeast of the cottage and was once used as boat storage and campfire spot (personal communications with Samantha Capen Muldoon, 2023). Additional landscaping edging and garden modifications were observed south of the caretaker's cottage. Non-native plant species were observed throughout the project area because of the former landscaping. From the cottage, the gravel roadway leads south along Peavey Lake and the wetlands. Along the gravel roadway, a steep set of stone stairs on the eastern bluff run to the house from the existing dock. The gravel roadway continues until it meets the southern end of the paved driveway.

As archaeological projects differ greatly from one another, the *SHPO Manual for Archaeological Projects in Minnesota* does not provide a "hard and fast standard" for the placing of shovel test locations (Anfinson, 2005). Alternatively, it describes best practices for shovel testing as adequately sampling the project area per the judgement and expertise of the Principal Investigator. An intuitive shovel testing technique was utilized concentrating within the four buildable lots identified on the draft plat and in areas with appropriate conditions. Shovel testing was not completed in areas that had existing improvements, existing paved surfaces, existing buried utilities, slope greater than 20 percent, or within wetlands. As the proposed project is located on a blufftop with many existing improvements, paved surfaces, and wetlands present, intuitive shovel testing was the best approach to testing the project area.

A total of 19 shovel tests were completed. Soil profiles slightly varied across the project area. According to the Natural Resource Conservation Service's (NRCS) *Web Soil Survey*, an expected soil profile within the project area would consist of loam, clay loam, followed by loam. Shovel Tests 1 through 11 were completed in the northern buildable lot (Lot 1) immediately north of the existing caretaker's cottage. Soils generally consisted of a silt loam followed by a sandy or silt clay. Shovel Tests 7 revealed terracotta sherds and a piece of clinker was identified in Shovel Test 8. Identified within disturbed soils, these cultural materials are likely a result of historic residential use of the project area. Shovel Test 19 was completed in the north-central buildable lot (Lot 2) in a small greenspace within the existing driveway. Due to impassible roots, Shovel Test 19 was unable to reach any subsoil and did not reveal cultural materials. In the south-central buildable lot (Lot 3), Shovel Tests 16 through 18 were completed. Shovel Test 18 uncovered metal fragments and is located adjacent to the stone walled patio of the existing house and near existing water and sprinkler systems. The soil profile of Shovel Test 18 included gravelly and mottled soils indicating previous disturbances. Shovel Tests 14 and 15 were completed in the southern buildable lot (Lot 4). A glass sherd was identified in Shovel Test 14. Soils in Lot 4 were also inconsistent with the NRCS expected profile. Additionally, Shovel Tests 12 and 13 were completed east of the proposed road and within a proposed stormwater area. A whiteware

sherd, glass sherd, nail, and metal fragment were recovered from Shovel Test 12. Shovel Tests 12 and 13 contained sand and sandy clay soils and the disturbances are likely a result of the construction of the existing driveway. Additional testing along the proposed roadway was not completed due to existing paved surfaces, landscape improvements, and untestable slope. Shovel Test 20 was completed along the lower terrace near the wetland delineation and potential dock locations. This test contained disturbed soils from an existing gravel roadway and did not reveal any cultural material. See Attachment I: Maps for the locations of the shovel tests.

Cultural materials identified during the survey were not diagnostic therefore they were photographed and discarded. All shovel tests revealed disturbed soils as a result of modern residential development of the project area. No diagnostic or historically significant artifacts were identified. All the material observed reflected a modern, 20th century use of the project area. As no significant cultural material was identified, the project area was not recorded as an archaeological site. Photographs were taken of the APE.

Table 4. Shovel Test Results				
Shovel Test	Width (cm)	Depth (cmbs)	Soil Description	Results
1	40	0-21	10YR2/2 loamy clay	No cultural material
		21+	Impassible roots and rock	
2	40	0-26	10YR3/1 silt loam	No cultural material
		26-43	10YR4/4 sandy clay	
3	40	0-24	10YR2/2 silt loam	No cultural materials
		24-43	10YR4/2 silty clay	
4	40	0-35	10YR3/1 silt loam	No cultural material
		35-44	10YR4/4 sandy clay	
5	40	0-28	10YR2/2 silt loam	No cultural materials
		28-42	10YR4/2 silty clay	
6	40	0-29	10YR3/1 silt loam	No cultural materials
		29-40	10YR4/2 silty clay	
7	40	0-17	10YR2/2 silt loam	No cultural materials
		17-30	10YR4/2 silty clay, gravelly	
8	40	0-26	10YR3/1 silt loam	1 clinker fragment at 0-26 cmbs
		26-41	10YR4/2 sandy clay	No cultural materials
9	40	0-29	10YR2/1 silt loam	No cultural materials
		29-37	10YR3/2 mottled silty clay	
		37-46	10YR4/3 clay	
10	40	0-21	10YR2/2 silt loam	No cultural materials
		21-32	10YR4/2 silty clay	
11	40	0-23	10YR3/1 silt loam	No cultural materials
		23-44	10YR4/2 sandy clay	
12	40	0-30	10YR3/1 sandy clay	2 whiteware sherds, 1 nail, 1 metal fragment, and 1 glass sherd

Table 4. Shovel Test Results				
Shovel Test	Width (cm)	Depth (cmbs)	Soil Description	Results
		30-42	10YR4/1 sandy clay, wet	No cultural materials
13	40	0-17	10YR3/1 sandy clay	No cultural materials
		17-34	10YR4/3 sand	
		34-43	10YR3/1 sandy clay	
14	40	0-26	10YR2/2 clay loam	1 glass sherd
		26-37	10YR3/6 sandy clay	No cultural materials
15	40	0-22	10YR2/2 silt loam	No cultural materials
		22-34	10YR4/3 silty clay	
16	40	0-23	10YR2/2 silt loam	No cultural materials
		23-36	10YR4/3 silty clay	
17	Not dug due to existing buried utilities			
18	40	0-23	10YR2/1 clay loam	5 metal fragments
		23-30	10YR5/4 gravelly clay	No cultural materials
		30-39	10YR3/2 mottled sandy clay	
		39-50	10YR5/4 sandy clay	
19	40	0-5	10YR2/2 silt loam	No cultural materials
		5+	Impassible roots	
20	40	0-26	10YR2/2 silt loam	No cultural materials
		26-34	10YR4/4 silty clay	

7.2 Historical Reconnaissance Level Survey

A Phase I Reconnaissance Level Survey is used to identify and gather data on historic resources within an area. It includes “the physical search for and recording of historic resources on the ground” as well as planning and research prior to fieldwork to identify any possible standing structures or other non-archaeological historic resources (Historic Preservation Department, 2017, p. 9). To do that, modern and historic aerial images, topographic, and other maps were consulted. This research adds further context to the area and our understanding of how the landscape and/or environment has changed over time. All historic resources encountered were photographed during the survey.

Historic images such as maps, and aerial photos provide a means of identifying cultural materials within a project area and building context. A side-by-side comparison of historic and modern images helps identify previous land use of the project area. This comparison can be taken a step further by georeferencing historic images so that they align with the current landscape and APE. However, the process is never perfect. Georeferencing historic images involves linking distinguishable features visible in the historic images with the coordinates of the same feature on a modern image. For example, the corner of a historic structure offers a specific point visible across time that can be used to set the coordinates of a historic image. Generally, the more features linked the better the results. Common problems that make this a less than perfect process include a lack of distinguishable features due to change over time, imperfections in the scale of historic maps, or distortion caused by the angle at which an aerial photo was taken.

Regardless of imperfections, this process is fairly accurate and helps guide archaeologists by illustrating the general sense of the land. Thus, the archaeologist obtains a better sense of land use and identifies potential finds within the project area.

A review of historical aerial photography was completed. Aerial photographs were retrieved from the University of Minnesota's John R. Borchert Map Library. In an aerial photograph from 1940, the project APE appears heavily wooded, as it is today. A house is present along with the caretaker's cottage to the northwest. Driveways pass through the APE as well. Several houses are seen in the surrounding area, especially along Lake Minnetonka. Several roads pass through the area and appear to be on the same or similar alignments to roads seen in Google Earth aerial imagery from 2022. Aerial photography from 1956 shows a different driveway alignment. In the surrounding area, more residential development has occurred away from Lake Minnetonka. By 1971, no change was observed in the project APE. The surrounding area shows further residential development, especially east of Peavey Lake (MHAPO, 2015).

Modern aerial imagery shows the house and caretaker's cottage in the same location as originally observed in the 1940 aerial photograph. Hennepin County property records state the house was constructed in 1914 (Hennepin County, 2023). The current house is approximately 9,600 square feet according to floor plans provided by the client. The caretaker's cottage is located approximately 225 feet northwest of the house. Based on personal communication with Samantha Capen Muldoon, the caretaker's cottage was likely constructed circa 1914 like the main house. See Attachment I: Maps for the historical aerial photography.

Although the house was constructed circa 1914, there have been heavy modifications. A house fire in the 1970s resulted in major reconstruction of portions of the house (personal communications with Samantha Capen Muldoon, 2023). In the mid 1980s, a family room was added to the house and resulted in changes in several other rooms (personal communications with Allison Capen, 2023). Modifications to the caretaker's cottage including modern shingles and garage doors have been completed. As a result of alterations to the house and caretaker's cottage, they no longer have the significant characteristics of the time period they were built. Historic features including stone stairs and a pump house are located within the project area. However, these features alone do not have sufficient cultural significance.

8.0 RECOMMENDATIONS AND CONCLUSIONS

WSB & Associates (WSB) recommended Blondo Consulting, LLC (Blondo Consulting) to Samantha Capen Muldoon as Cultural Heritage Consultants. Samantha Capen Muldoon retained Blondo Consulting to complete a Phase I Cultural Resources Survey for the proposed Wayzata Ferndale Road Residential Development Project in Wayzata, Hennepin County, Minnesota, Township 117N, Range 23W, Section 1. The proposed project involves the subdivision of a 12-acre parcel into four lots for residential development.

The proposed project is being reviewed as part of an EAW. The APE was defined as the area where ground disturbing activities may occur (See Attachment I: Maps). The Phase I included background research, and a field survey. Blondo Consulting Principal Investigator for this project was Kelly Wolf, MA, RPA.

To establish site context and identify previously recorded sites, background research was done through an online request for SHPO files and through the OSA Online Portal. Four archaeological sites were identified within a one-mile radius of the proposed project. Additionally, one historic resource that is non-extant was identified within a half-mile radius. Background research was completed to establish a brief historical context for the area.

Fieldwork was completed on April 27, 2023, by Blondo Consulting Principal Investigator Kelly Wolf, MA, RPA along with Blondo Consulting staff Hannah Hensley-Lichter and Andrew Domine. Pedestrian survey at five-meter intervals and intuitive shovel testing were completed based on techniques outlined in the *SHPO Manual for Archaeological Projects in Minnesota*. The *SHPO Manual for Archaeological Projects in Minnesota* provides guidance on field survey techniques, however, there is no “hard and fast standard” for shovel test placements. Instead, it describes best practices for shovel testing as adequately sampling the project area and per the judgement of the Principal Investigator. The proposed project is located on a blufftop with many existing improvements, paved surfaces, buried utilities, steep slopes, and wetlands present, making some areas unsuitable for shovel testing. Therefore, intuitive shovel testing was the best approach to test the project area.

Soils identified during the shovel testing were inconsistent with the predicted soil profiles identified with the NRCS *Web Soil Survey*. The project area has been disturbed by the residential use of the project area including the construction of the existing house and other buildings, installation of utilities, and landscaping and gardening. Shovel Tests 7, 8, 12, 14, and 18 revealed historic debris related to the residential use of the project area. Cultural materials recovered include glass, ceramic fragments (whiteware and terracotta), clinker, and metal. These cultural materials were noted, but not collected as they lack historical significance. No new archaeological sites were recorded.

Although the existing house and caretaker’s cottage were constructed circa 1914, extensive modern renovations and alterations have been completed on them. As a result, they do not retain historical significance and do not resemble buildings constructed in the 1910s. Historic features are present within the APE, including a pump house, however; these features alone are not historically significant.

Based on these results, Blondo Consulting recommends a finding of No Historic Properties and no further cultural resources work be completed for this project. Should modifications to the current project plans be made, a reassessment of these recommendations may be required. Should buried artifacts, human remains, cultural sites, or

ground features be unexpectedly unearthed during ground disturbing activities, all construction should immediately cease, and the resources be examined by a professional archaeologist. Additionally, appropriate authorities, including the pertinent tribal entities and SHPO and OSA, should be notified per Minnesota State Statute 138 the Historic Sites Act (138.66) and the Field Archaeology Act (138.40), the Minnesota Private Cemeteries Act (307), and Section 106 of the National Historic Preservation Act.

Wayzata Planning Commission and City Council

This letter is written to express our serious concerns about the proposed Subdivision development at 565 Ferndale Rd West. We do not oppose development, but the proposed application and design of the Subdivision causes great concern.

The proposal does not fit the character of the neighborhood. It also poses serious safety concerns for us as we live across the street. From the attached picture you can see the large subdivision road drives right into our driveway!



Areas that we would request the Commission and Council to deliberate on include:

1. The “subdivision” requires a road. This proposed road is wider (28 feet with curbs) than the busy Ferndale Rd West. The proposed variance is for 128 foot road, and these numbers do not include the final stretch of the cul de sac which will increase the variance length. Can we limit the number of houses and eliminate the need for a large road?

2. Environment – we estimate from the application that the initial infrastructure and road work will require the removal of 80-90 trees. Four house developments are planned for the future– they will require the removal of many more trees in the future. We have seen how this type of development has turned out in Orono at the Jacobs property. Is this what we want in Wayzata. Does this pass Wayzata's intent with our tree ordinance?
3. We are looking at years of development right in our front yard – could there be a more elegant solution? Envision the picture above with 4 house developments, road construction and a storm water pond in place of this unique property.
4. We are concerned about lot 4 – which will require a lot of earth movement. We recently found out their will be a storm pond built right across the street from our front yard. We ask that you consider the impact of neighbors like us in your deliberation.

There are other concerns with the plan – but the above are the primary concerns. We would prefer to see a less extensive development plan.

Respectfully

Phil and Margie Soran
532 Ferndale Road West

May 16, 2024

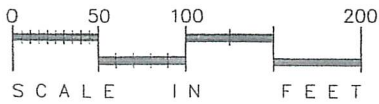
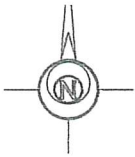
Wayzata City Planning Commissioners and City Council
Regarding the Capen Property Subdivision application

Each of you is responsible for making decisions about development of properties in Wayzata. Your decisions have permanent outcomes and “forever” ramifications. My sincere hope and desire are that you recommend denial of this proposed application and do not recommend granting a variance for the length of the road.

1. As noted in my letter regarding the EAW, dated March 3, 2024, this parcel is 11.87 acres. 2.33 acres are wetlands. I do not know the acreage of the bluffs.
2. At that time the developer stated that grading will involve 3900 cu. yds. of cut (243-390 10-ton dump truck loads depending on the material.)
3. At that time the developer stated approximately 2500 cu yds of fill will be required (156-250 10-ton dump truck loads.)
4. At that time the developer stated that approximately 1400 cu yds of excess material will be hauled away. (88-144 10-ton truckloads.)
5. Installation of sewer, water and other utilities will be additionally disruptive.
6. The proposed 26 foot wide city road that is 725 feet long, plus the addition of the cul de sac will be 44, 800 square feet of hard cover. That is more than one acre. (One acre is 43, 560 square feet.)
7. To build this proposed city road and mitigate the steep natural slope, approximately half of the road requires retaining walls on one or both sides.
8. Hard cover will be greater when driveways, patios, etc. are factored into home designs
9. The accompanying site plan is colored to show the massive area of disruption that will occur amidst this thick forest, extreme slopes in small areas, sensitive bluffs and marshes. The homes might well be even larger within the building envelope than what is shown by the simple rectangle drawn on the plan.
10. Wayzata spent several years creating an appropriate tree ordinance that must be rigidly applied to this property and not be compromised with simple “payment” for lost trees.
11. The League of Minnesota Cities says the following about variances:
“A variance is generally for a dimensional standard (such as setbacks or height limits).”
“A city may grant a variance if enforcement of a zoning ordinance provision would cause the landowner “practical difficulties” or “undue hardship.”
“Is the variance in harmony with the purpose and intent of the ordinance?”
“Is the variance consistent with the comprehensive plan?”
“Does the proposal put the property to use in a reasonable manner?”
“Does the variance alter the essential character of the locality?”

I would assert that there is no hardship at all for development of this property that should convince a planning commission or a city council to grant a variance for an additional 125+ feet to 600 feet already allowable by city code. The Capen property has much potential for a lovely development without additional square feet of hardcover, disruption to the landscape, extraordinary tree loss, alteration to the landscape and high home density.

Thank you,
Ane Achwalbsch 510 Ferndale Road West



- 910.8 : denotes proposed spot elevation
-917- denotes existing contour line
-930- denotes proposed contour line

- BLUFF & DOCK
- POSSIBLE HOUSE
- BUILDING ENVELOPE
- ROAD





City of Wayzata Planning Commission Agenda Report

MEETING DATE: May 20, 2024	AGENDA ITEM: 6.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The 2024 City Calendar and City Council Liaison Schedule are attached. The next Planning Commission meeting is scheduled for June 3. The next City Council meeting is scheduled for May 21.

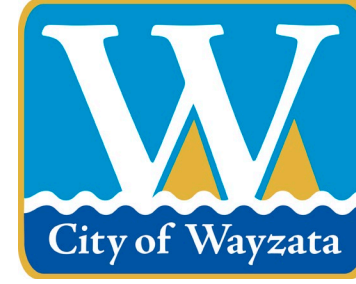
ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2024 Wayzata City Calendar
2. 2024 City Council Liaison Schedule - updated May 2024

City of Wayzata 2024 Meeting Calendar



January 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March 2024						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2024						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2024						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2024						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2024						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2024						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2024						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Energy & Environment 5:00 PM
- Planning Commission - 6:30 PM
- City Council - 7:00 PM
- Charter Commission - 9:00 AM
- Lake Minnetonka Conservation District (LMCD)
- Heritage Preservation Board (HPB) - 11:30 AM
- Housing & Redevelopment Authority (HRA) - 7:30 AM
- Parks & Trails Board - 6:00 PM
- Elections (see below)
- Night to Unite

Meeting dates and times are subject to change. Dates can be confirmed by calling City Hall.

Holiday Observed
City Offices Closed

2024 Election Dates

February 27—Precinct Caucus
March 5—Presidential Nomination Primary
April 30—Special Primary Election (Hennepin Co Commissioner)
May 14, 2024—Special Election (Hennepin Co Commissioner)
August 13—State General Primary Election
November 5—State General Election

Revised
10/24/2023

2024 Planning Commission Assignments at Council Meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 9	Peggy Douglas
Tuesday	January 23	Adam Elg
Tuesday	February 6	Chris Plantan
Tuesday	February 20	Bonnie Schwalbe
Tuesday	March 12	Jen Severson
Tuesday	March 26	Ken Sorensen
Tuesday	April 9	Larissa Stockton
Tuesday	April 23	Peggy Douglas
Tuesday	May 7	Adam Elg
Tuesday	May 21	Chris Plantan
Tuesday	June 4	Bonnie Schwalbe
Tuesday	June 18	Jen Severson
Tuesday	July 9	Ken Sorensen
Tuesday	July 23	Larissa Stockton
Wednesday	August 7	TBD
Tuesday	August 20	Adam Elg
Tuesday	September 3	Chris Plantan
Tuesday	September 17	Bonnie Schwalbe
Tuesday	October 8	Jen Severson
Tuesday	October 22	Ken Sorensen
Tuesday	November 12	Larissa Stockton
N/A	No meeting November 26th	
Tuesday	December 3	TBD
Tuesday	December 17	Adam Elg