Attachment 5



Braun Intertec Corporation 11001 Hampshire Avenue S Minneapolis, MN 55438 Phone: 952.995.2000 Fax: 952.995.2020 Web: braunintertec.com

August 9, 2024

Mr. Brian Corcoran Vadnais Lake Watershed Management Organization 800 County Road E East Vadnais Heights, MN 55127 brian.corcoran@vlawmo.org

Re: Response to TEP Comments – Vadnais Heights Apartments Wetland Replacement Plan (LGU file 7.2024) Vadnais Heights, Minnesota

Dear Mr. Corcoran,

On behalf of Rueter Walton, Braun Intertec has responded below to the TEP comments on the Vadnais Heights Apartments Wetland Replacement Plan. Each number in the list below corresponds to the comments received in Findings Regarding the Vadnais Heights Apartments (Replacement Plan) Project, Project No. 7.2024, dated August 1, 2024.

Avoidance:

- 1. The project is achievable with industry accepted engineering controls. Supporting the building on an alternative deep foundation design (rigid inclusion), water proofing of the elevator shaft, drain tile, and providing four feet of low floor building separation from highest observed groundwater elevation are incorporated into the project design.
- The project is consistent with all State of Minnesota building codes and City of Vadnais Heights Planned Unit Development standards, which meets reasonable public health, safety, and welfare requirements. Engineering controls for structurally poor soils and high groundwater (as described in #1) are incorporated into the design.

TEP comments regarding stormwater is inaccurate and misleading. As provided in the application, stormwater management is designed to meet local and state requirements for permanent stormwater management (NPDES Construction Stormwater General Permit and City of Vadnais Heights) while taking into consideration site constraints (existing utility connections and conflicts, high groundwater table, structurally poor soils, flat topography, planning and zoning setbacks). These requirements include existing drainage areas (Figures 6 and 7 of the application), runoff rates (Tables 1.1 and 1.2 in Attachment C of the application), volumes (land cover), and soil types. Existing conditions and proposed conditions dictate the proposed stormwater pond design elements (size, water quality and flood control volumes, rate control). Page 7 ("Minimization") includes a narrative summary of stormwater modeling results for existing and proposed conditions. Visual and quantitative off-site modeling (stormwater run-off) is not required by the regulatory authorities, however, existing on-site conditions include off-site influences (stormwater run-on) which are accounted for in the stormwater modeling.

AA/EOE

3. Landownership and the willingness to sell is the necessary first step in determining if an alternative site can be considered for a potential project. It is not reasonable for the TEP to assume that a property can be a viable alternative if the current owner is not willing to sell. The applicant has provided two alternative sites in the application that would meet the project purpose and need, and demonstrated why these alternative sites did not advance. The two alternative sites and QCT area are illustrated on Figure 5 of the application.

Additional available properties that meet site selection criteria (refer to Attachment C of the application) for undeveloped parcels that are a minimum of 1.5 acres within the QCT are provided below and on the revised Figure 5. These alternative sites are not being marketed for sale. Most are surrounded by industrial uses and have no connection to transit, grocery, and other amenities. Other sites lack access or are City owned sites in which the City is not a willing seller.

- 0 Centerville Road (11.6 acres): No access (landlocked)
- 3291 Labore Road (2.63 Aces): Surrounded by industrial uses, no connection to grocery, transit, other amenities.
- O Labore Road (4.51): Surrounded by industrial uses, no connection to grocery, transit, other amenities.
- 0 Highway 61 N. (1.92 acres): Land used by the State for the freeway.
- 0 Highway 694 (71.91 acres): No Access, land locked, no connection to grocery, transit or other amenities.
- 0 Highway 694 (3.95 acres): No Access, land locked, no connection to grocery, transit or other amenities.
- 0 Highway 61 (100.2 acres): Expansive wetlands and one large contiguous parcel.
- 0 Unassigned Address (2.69 acres): City owned and not interested in selling. Not buildable (existing stormwater pond).
- O Liberty Way (2.71 acres): Long, thin lot between Interstate 694 and single-family homes. Land locked and no access.
- 0 Arcade St (3.16 acres): City owned and not interested in selling.
- 0 Unassigned Address (11.45 acres): City owned and not interested in selling. Not buildable (existing wetlands).
- 0 Vadnais Center Dr (2.54 acres): Surrounded by industrial uses, no connection to grocery, transit, other amenities.
- O Labore Rd (16.11 acres): Surrounded by industrial uses, no connection to grocery, transit, other amenities.
- O Labore Rd (29.53 acres): Surrounded by industrial uses, no connection to grocery, transit, other amenities.
- 4. Modifications to the proposed project for a smaller building footprint entirely within 0.35 acres of upland (Alternative #2 in the application) is not a viable option. Alternative #2 does not provided adequate on-site parking space, upland areas for stormwater management facilities (City of Vadnais Heights and State minimum permit requirements), or meet City planning and zoning setbacks. Building height would also need to be significantly increased to provide minimum total units for the project to be financially feasible. City variance requests would not be supported for no or minimal stormwater management that does not meet city or state permit requirements, significantly less than a 1 to 1 parking stalls per unit ratio, and building heights taller than city code and excessive (4-6)

units per floor, 10-15 level tower for 58 units) to surrounding existing structures. Alternative #2 is not a reasonable or justifiable option based on the unachievable items mentioned above.

5. The location of the property within the Qualified Census Tract (QCT), a Housing and Urban Development (HUD) identified area in high need of affordable housing, provides additional equity as a source to build the project, which is the intent of the program, to provide affordable housing within areas of highest need. The approximate total development cost of the project is \$20,500,000. By being located within a QCT, the project is able to generate approximately \$2,000,000 more in HUD project sources to pay for the development compared to if the project was outside of the QCT. The project must be in a QCT to financially be viable and to meet the project goal to provide affordable housing within an area of high need.

Site constraints are one factor of financial feasibility however others include things such as land price, marketability of the site to prospective tenants, connections to public transit and area amenities, connection to utilities, etc. The applicant is a very experienced developer of affordable housing and has extensive experience in assessing all of these factors together to determine if a site is financially viable.

The applicant accommodated and removed site constraints by utilizing a Planned Unit Development approach which reduced setbacks to 10 feet from Arcade Street through rezoning, applied the minimum 24-foot width to interior roads, eliminated 21 surface parking stalls, used 9' x 19' parking stall dimensions, and steepened side slopes to 3 to 1 to reduce wetland fill.

The TEP comment of "Other sites with fewer constraints and more upland acreage would be more economically feasible" is a broad assumptive comment based on no supporting evidence. Sites with more upland acreage may have increased construction costs for earthwork corrections and export, higher land prices, and utility connection issues.

6. Duplicative stormwater comment (refer to comment response #2). Public value of stormwater management for existing conditions (untreated stormwater runoff draining into the wetland) is maintained in the proposed permanent stormwater management design.

The site is assumed to have been used for mitigation for wetland impacts associated with the construction of local roads based on a SEH drawing from the 1990's. There is no restriction, covenants, easement, or other documentation recorded on the property to indicate the wetland is mitigation.

Minimization:

- 7. Visual representation of the minimization efforts (Attachment C of the application) is attached as Sheet C3-1 Grading Plan.
- TEP comment is subjective. Site selection was based on several factors (as outlined in Attachment C of the application). Net acres of developable land (≥1.5 acres) is one parcel (or contiguous adjacent parcels) that meet the minimum site selection criteria for the project to be feasible. The location of existing structural and natural features (site constraints) are documented and explained in the application (Attachment C).

- 9. Duplicative alternative site layouts comment (refer to comment response #4).
- 10. Duplicative comment (refer to comment responses #6). Project-specific onsite mitigation is not feasible due to a lack of available mitigation area from on-site utility conflicts (adjacent to Arcade Street, southwest and northeast portions of the site), proximity to parcel boundaries for meeting minimum and average buffer widths (MN Rules 8420.0522 Subp. 6 Replacement Standards and VLAWMO buffer requirements), and the proximity to these features that would be needed for grading slopes and elevations to sustain hydrology connections (2-4 foot excavations and minimum replacement wetland construction standards per MN Rules 8420.0528).
- 11. Duplicative stormwater comment (refer to comment response #2).
- 12. The proposed stormwater pond outlet elevation and normal water elevation is 906.75' MSL (5.75 feet deep) with a high water elevation of 909.10' MSL (refer to Sheets C3-1 Grading Plan and C4-2 Storm Sewer Plan in Appendix B of the application). The delineated wetland elevations range from approximately 910.89' to 913' MSL with an existing outlet elevation of 910.20' MSL (as shown on the new attached Sheet C1-1 Site Demolition Plan). Wetland A hydrology for the 0.08 acres remaining will be sustained by existing ground water (approximately 906 909.5' MSL) and increased volume of treated surface water runoff from land cover changes (0.346 acre-feet from existing pervious surfaces conversion to 0.459 acre-feet impervious surface post-construction for the 10-year storm event). The proposed condition results in a decrease of site runoff rates for the 1, 2, 10, and 100 year storm events (Tables 1.1 and 1.2 in Attachment C of the application).
- Duplicative alternative site layouts and design comment (refer to comment response #4). The location and types of site constraints are documented and explained in the application (Attachment C).

Proposed wetland impacts are located in the northwest and southeast fringes of Wetland A. Relocating the proposed stormwater pond further northwest (adjacent to the drive aisles) would increase proposed wetland impacts by approximately 0.013 acres due to additional stormwater pond excavation that would be within wetland (currently proposed within upland).

- 14. Comment does not appear to be related to TEP comment #6. Comment is assumed to be a duplicative No-Loss related comment to TEP comment #12 (refer to comment response #12).
- 15. No-Loss related comment (refer to comment response #12). The potential for lateral effect to partially or effectively drain the 0.08 remnant wetland is significantly reduced by the proposed use of a clay liner (or alternative) within the proposed stormwater pond. The liner will restrict lateral groundwater flows from adjacent areas into the pond.
- 16. Application has demonstrated reasonable avoidance measures (two alternatives that avoid wetland impacts and off-site alternatives), incorporated minimization measures to reduce unavoidable wetland impacts (rezoning for shorter setbacks, steeper side slopes on proposed wetland fill areas, reduced number of surface parking stalls, minimum road widths, and minimum stormwater pond sizing), and rectification for 0.08 acres of temporary wetland impacts (No-Loss). All aspects of MN

Rules 8420.0520 have been met and fulfilled, with no feasible and prudent alternative that would avoid impacts to wetlands.

We appreciate your comments on the Vadnais Heights Apartments Wetland Replacement Plan. If you have any additional questions or would to like to discuss these responses, please contact Travis Fristed at 952.995.2027/ tfristed@braunintertec.com.

Sincerely,

BRAUN INTERTEC CORPORATION

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Travis Fristed, PWS, CMWP Senior Manager, Principal Scientist

Attachments: Figure 5. Off-site Alternatives Sheet C3-1 Grading Plan Sheet C1-1 Site Demolition Plan

Figure 5. Off-Site Alternatives







GRADING, DRAINAGE & EROSION CONTROL NOTES 1. SPOT ELEVATIONS REPRESENT FINISHED SURFACE GRADES, GUTTER/FLOW LINE, FACE OF BUILDING, OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.

- 2. ALL ACCESSIBLE ROUTES SHALL BE CONSTRUCTED WITH A CROSS SLOPE NOT EXCEEDING 2% AND A RUNNING SLOPE NOT EXCEEDING 5%.
- 3. AT TURNING POINTS ALONG THE ACCESSIBLE ROUTE THE PAVEMENT SHALL NOT EXCEED 2% IN ANY DIRECTION FOR AN AREA 60" IN DIAMETER.
- 4. ALL PUBLIC SIDEWALKS SHALL BE CONSTRUCTED WITH A CROSS SLOPE NOT EXCEEDING 2% AND A
- RUNNING SLOPE NOT EXCEEDING 5%.
- 5. CATCH BASINS AND MANHOLES IN PAVED AREAS SHALL BE SUMPED 0.04 FEET. ALL CATCH BASINS IN GUTTERS SHALL BE SUMPED 0.16 FEET. RIM ELEVATIONS SHOWN ON PLANS DO NOT REFLECT SUMPED ELEVATIONS.
- 6. REFER TO GEOTECHNICAL EVALUATION REPORT PREPARED BY BRAUN INTERTEC FOR AN EXISTING SUBSURFACE SITE CONDITION ANALYSIS AND CONSTRUCTION RECOMMENDATIONS INCLUDING BUT NOT LIMITED TO:
- A. REUSE OF ON-SITE SOILS
- B. GROUNDWATER AND RECOMMENDATIONS FOR EXCAVATION DEWATERING. C. SITE GRADING AND SUBGRADE PREPARATION.
- D. PAVEMENTS AND EXTERIOR SLABS. TRENCH EXCAVATION AND BACKFILL.
- EXTERIOR UTILITY SUPPORTS. G. FROST PROTECTION.
- 7. CITY AND WATERSHED SHALL BE NOTIFIED AT LEAST 24 HOURS PRIOR TO CONSTRUCTION OF STORMWATER BMPS.
- 8. ALL DISTURBED UNPAVED AREAS ARE TO RECEIVE MINIMUM OF 4 INCHES OF TOP SOIL AND SEED/MULCH OR SOD. THESE AREAS SHALL BE WATERED/MAINTAINED BY THE CONTRACTOR UNTIL VEGETATION IS ESTABLISHED. REFER TO THE LANDSCAPE PLANS, DETAILS AND SPECIFICATIONS FOR FINAL SITE STABILIZATION.
- 9. FOR SITE RETAINING WALLS "TW" EQUALS SURFACE GRADE AT TOP FACE OF WALL (NOT TOP OF WALL), "GW" EQUALS SURFACE GRADE AT WALL GRADE TRANSITION, AND "BW" EQUALS SURFACE GRADE AT BOTTOM FACE OF WALL (NOT BOTTOM OF BURIED WALL COURSES).
- 10. STREETS MUST BE CLEANED AND SWEPT WHENEVER TRACKING OF SEDIMENTS OCCURS AND BEFORE SITES ARE LEFT IDLE FOR WEEKENDS AND HOLIDAYS. A REGULAR SWEEPING SCHEDULE MUST BE ESTABLISHED.
- 11. DUST MUST BE ADEQUATELY CONTROLLED.
- 12. SEE SWPPP FOR ADDITIONAL EROSION CONTROL NOTES AND REQUIREMENTS.
- 13. SEE UTILITY PLAN FOR WATERMAIN, STORM SEWER, AND SANITARY SEWER INFORMATION.
- 14. SEE SITE PLAN FOR CURB AND BITUMINOUS TAPER LOCATIONS.
- 15. REFERENCE ARCHITECTURAL AND STRUCTURAL DRAWINGS FOR BUILDING ELEVATIONS.
- 16. THE CONTRACTOR ALONG WITH THE OWNER SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM GOVERNING AUTHORITIES, INCLUDING ANY CITY PERMITS AND THE NPDES PERMIT.
- 17. INSTALL EROSION CONTROL AND TREE PROTECTION MEASURES BEFORE BEGINNING SITE GRADING ACTIVITIES. SOME EROSION CONTROLS SUCH AS BALE CHECKS AND TEMPORARY SILT PONDS MAY BE INSTALLED AS GRADING OCCURS IN SPECIFIC AREAS. MAINTAIN EROSION CONTROLS THROUGHOUT THE GRADING PROCESS AND REMOVE WHEN TURF HAS BEEN ESTABLISHED.
- 18. CONTRACTOR SHALL PROVIDE AS-BUILT INFORMATION OF GRADING ACTIVITIES AS NEEDED PER APPLICABLE PERMIT REQUIREMENTS AND/OR DEVELOPMENT AGREEMENTS.



CALL BEFORE YOU DIG! Gopher State One Cal TWIN CITY AREA: 651-454-0002 TOLL FREE: 1-800-252-1166

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



OWNER: FINNRENT COTTAGES 915.66 I LLC PID: 333022230033

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CIVIL ENGINEERING LAND SURVEYING LANDSCAPE ARCHITECTURE ENVIRONMENTAL 7200 Hemlock Lane, Suite 300 Maple Grove, MN 55369 763.424.5505

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SUBMITTAL/REVISIONS
06/27/24 CITY SUBMITTAL 07/19/24 WETLAND COMMENTS

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C2-1 C3-1 C3-2 C3-3 C4-1 SANITARY C4-2 ST C8-1 C8-2 L1-1	SWPPP NOTES AND WATERMAIN ORM SEWER PLAN CIVIL DETAILS





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POLLUTION PREVENTION PLAN (SWPPP) / GRADING & EROSION CONTROL PLAN. 3. CONTRACTOR SHALL PROTECT SURFACE AND SUBSURFACE FEATURES NOT NOTED FOR REMOVAL.

MEASURES SHALL BE IMMEDIATELY ESTABLISHED UPON REMOVAL. SEE THE STORMWATER

- CONTRACTOR TO NOTIFY ENGINEER WITH ANY CONFLICTS OR PLAN DISCREPANCIES. 4. CONTRACTOR TO SCHEDULE PRE-CONSTRUCTION MEETING(S) WITH UTILITY OWNER(S) TO
- DISCUSS DISCONNECTIONS AND/OR RELOCATIONS. 5. REFER TO TREE INVENTORY, TREE PRESERVATION, AND TREE REPLACEMENT PLAN FOR REMOVAL AND REPLACEMENT OF ON SITE TREES.
- 6. CONTRACTOR TO VERIFY LOCATION OF SEPTIC FIELD(S) & WELL(S) ON SITE. COORDINATE REMOVALS AND/OR ABANDONMENT WITH THE APPLICABLE GOVERNING AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING APPLICABLE PERMITS. WELLS ON THE PROPERTY SHALL BE SEALED BY A MINNESOTA DEPARTMENT OF HEALTH (MDH) LICENSED CONTRACTOR.
- 7. BITUMINOUS PAVEMENT REMOVALS ARE TO BE MADE TO A VERTICAL SAW CUT OR TO A NEAT MILLED EDGE.
- 8. CONCRETE PAVEMENT, SIDEWALK, CURB & GUTTER AND OTHER POURED CONCRETE ITEMS ARE TO BE REMOVED TO AN EXISTING EXPANSION OR CONTRACTION JOINT. SAW CUT AS NECESSARY FOR A NEAT EDGE OF REMOVAL.
- 9. ANY DAMAGE TO ITEMS NOT NOTED TO BE REMOVED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE REPAIRED OR REPLACED TO ORIGINAL CONDITION WITH NO ADDITIONAL COMPENSATION. 10. CONTRACTOR SHALL COORDINATE ALL WORK WITHIN THE PUBLIC RIGHT OF WAY WITH THE
- APPLICABLE GOVERNING AGENCIES. ALL WORK SHALL BE PERFORMED PER THE REQUIREMENTS OF THE APPLICABLE GOVERNING AGENCIES. 11. CONTRACTOR TO COORDINATE ALL WORK WITHIN THE ADJACENT PROPERTIES WITH THE OWNER
- AND ADJACENT PROPERTY OWNER. 12. CONTRACTOR TO COORDINATE DEMOLITION PHASING WITH ALL DISCIPLINES INCLUDING BUT
- NOT LIMITED TO ARCHITECTURAL, STRUCTURAL, ELECTRICAL, MECHANICAL, & OWNER. 13. REFER TO THE GEOTECHNICAL REPORT PREPARED BY XXX, DATED XX, XXXX FOR INFORMATION INCLUDING BUT NOT LIMITED TO GROUNDWATER CONDITIONS AND RECOMMENDATIONS FOR EXCAVATION DEWATERING.
- 14. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER FOR ANY REPAIRS TO THE IRRIGATION SYSTEM THAT IS AFFECTED DURING CONSTRUCTION.

DEMOLITION LEGEND

REMOVE EXISTING BITUMINOUS PAVING

· · · · · · · · · · · · · · · · · · ·	REMOVE EXISTING CONCRETE PAVING, SIDEWALKS, ETC.
	REMOVE EXISTING CURB & GUTTER, RETAINING WALLS, FENCE, ETC.
\bigotimes	REMOVE EXISTING MANHOLES, POWER POLES, LIGHT POLES, BOLLARDS, PARKING METERS, SIGNS, ETC.
×	REMOVE EXISTING TREES
<u>-x-x-x-x-x-x-x-</u>	TREE PROTECTION FENCE

EXISTING TREE LIST (FROM ALLIANT ALTA)

Tag #	DBH	Species	Tag #	DBH	Species
310	12	White Spruce	351	7	Silver Maple
311	12	White Spruce	352	8	Silver Maple
312	11	White Spruce	353	8	Silver Maple
313	10	Siberian Elm	354	13	Silver Maple
314	9	White Spruce	355	6	Eastern Cottonwood
315	9	White Spruce	356	25	Eastern Cottonwood
316	15	White Spruce	357	22	Eastern Cottonwood
317	21	Black Willow	358	11	Black Willow
318	7	Eastern Cottonwood	359	14	Silver Maple
319	15	Black Willow	360	16	Eastern Cottonwood
320	8	Eastern Cottonwood	361	8	Silver Maple
321	22	Black Willow	362	18	Silver Maple
322	7	Black Willow	363	7	Eastern Cottonwood
323	25	Siberian Elm	364	9	Silver Maple
324	24	Siberian Elm	365	10	Silver Maple
325	11	Black Willow	366	8	Green Ash
326	15	Black Willow	367	10	Green Ash
327	16	Black Willow	368	9	Green Ash
328	12	Black Willow	369	9	Black Walnut
329	6	Green Ash	370	8	Green Ash
330	35	Eastern Cottonwood	371	8	Green Ash
331	48	Eastern Cottonwood	372	7	Black Willow
332	12	American Elm	373	14	Black Willow
333	8	Silver Maple	374	23	Eastern Cottonwood
334	20	Silver Maple	375	7	Green Ash
335	28	Silver Maple	376	6	Green Ash
336	8	Silver Maple	377	15	Black Willow
337	7	Eastern Cottonwood	378	13	Colorado Blue Spruce
338	7	Silver Maple	379	12	Colorado Blue Spruce
339	8	Eastern Cottonwood	380	11	Colorado Blue Spruce
340	9	Eastern Cottonwood	381	11	Colorado Blue Spruce
341	10	Silver Maple	382	12	Colorado Blue Spruce
342	7	Bigtooth Aspen	383	12	Colorado Blue Spruce
343	10	Bigtooth Aspen	384	12	Colorado Blue Spruce
344	8	Silver Maple	385	16	Eastern Cottonwood
345	14	Silver Maple	386	9	Eastern Cottonwood
346	8	Boxelder	387	24	Eastern Cottonwood
347	9	Green Ash	388	30	Silver Maple
348	18	Silver Maple	389	6	Quaking Aspen
349	11	Silver Maple	390	9	Eastern Cottonwood
350	8	Silver Maple	391	23	Eastern Cottonwood

TREE DATA: Total trees surveyed: TOTAL TREES REMOVED: TOTAL TREES SAVED:

116 TREES 113 TREES 3 TREES

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PLANNING

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SUBMITTAL/REVISIONS			
06/27/24 CITY SUBMITTAL 07/19/24 WETLAND COMMENTS			

Species
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