

**City Council Agenda Item #14_
Meeting of August 22, 2016**

- Brief Description** Items concerning construction of that portion of the Southwest Light Rail Transit line located in the City of Minnetonka:
- 1) Wetland rezoning;
 - 2) Wetland and floodplain alteration permit;
 - 3) Wetland replacement plan;
 - 4) Wetland, wetland buffer, and floodplain variances;
 - 5) Conditional use permit for impervious trails within wetland buffers; and
 - 6) Approval of construction on a steep slope development and tree removal.
- Recommendation** Introduce the ordinance and approve the resolutions for the various items

Proposal

MetroTransit submitted a variety of applications and requests associated with construction of the Southwest Light Rail Transit line in the City of Minnetonka. These include:

- **Wetland Rezoning:** By City Code §300.23 Subd.9, wetland area may be removed from wetland overlay zoning district – only by rezoning. Construction of the SWLRT line will require fill of 2.99 acres of wetland.
- **Alteration Permits:** By City Codes §300.23 Subd.10 and §300.24 Subd.9, alteration of wetland and floodplain areas is permitted only upon approval of a wetland and/or floodplain alteration permit. Construction of the SWLRT line will require temporary alteration of 1.24 acres of wetland. It will also result in fill of 1,180 cubic yards of 100-year floodplain and creation of 1,582 cubic yards of 100-year floodplain.
- **Variances:** By City Codes §300.23 Subd.8 and §300.24 Subd.8, transportation routes – driveways, roads, rails, trails – and retaining walls associated with these routes, must maintain certain setbacks from wetlands and floodplains. Similarly, such infrastructure must be located outside of required wetland buffers. The SWLRT line requires variances for the line itself, retaining walls, bridge abutments,

transit power substations and pedestrian trails.

- **Conditional Use Permit:** By City Code §300.23 Subd.7, impervious trails are allowed in wetland buffers only by conditional use permit. Small sections of relocated pedestrian trails throughout the corridor will be located with required wetland buffers.
- **Steep Slopes:** By City Code §300.28 Subd.20, development or construction activities may occur on steep slopes only if certain standards are met. Throughout the corridor there are areas of topography that are considered steep by city code definition. Appropriate best management practices and erosion control is specified in the design plans to minimize additional impacts to the site during construction.
- **Tree Removal:** By City Code §300.28 Subd.19, the city council may approve removal of trees within woodland preservation areas, as well as high-priority and significant trees, if the council finds that the removal is necessary to contribute toward a greater public good. The SWLRT project will result in tree removal within the transit corridor for construction of the rail line and within wetland and floodplain alteration areas.

Planning Commission Hearing

The planning commission considered the various requests on August 4, 2016. Due to the lengthy and dense plans associated with MetroTransit applications, the planning commission report and plans are not attached to this city council report. However, the commission report and plans may be viewed at: <http://tinyurl.com/swlrt-mtka-nr>.

While noting that the SWLRT line will impact natural resources within Minnetonka, staff recommended approval of the various requests. As with any major infrastructure project, impact to natural resources must be weighed against the public good provided. Regional and local policy makers have determined that the SWLRT line will ultimately provide the regional population with a transportation alternative and, as such, contribute toward the greater public good. Further, the project and its alignment have been approved at national, regional, and local levels.

At its meeting, the planning commission opened a public hearing to take public comment; no comments were received. A commissioner asked if there were state regulations requiring tree replacement similar to regulations requiring wetland replacement. Staff indicated that, while there are national and statewide regulations regarding wetland impact, there are no such regulations regarding trees.

Planning Commission Recommendation

On a 6-0 vote, the commission recommended that the city council approve the various requests. Meeting minutes may be found on page A50.

Since Planning Commission Hearing

There have been no changes to the MetroTransit request or other information received since the planning commission hearing.

Staff Recommendation

Staff recommends the city council:

- 1) Introduce the ordinance removing area from the wetland overlay zoning district. The ordinance will be brought back to the council on September 12, 2016 for its adoption. (See page A1–A6.)

Staff recommends the city council adopt the following:

- 1) A resolution approving a wetland and floodplain alteration permit. (See page A7–A24.)
- 2) A resolution approving a wetland replacement plan as regulated by the Wetland Conservation Act for the Southwest Light Rail Transit line. (See page A25–A32.)
- 3) A resolution approving wetland, wetland buffer, and floodplain variances. (See page A33–A39.)
- 4) A resolution approving a conditional use permit for impervious trails within wetland buffers. (See page A40–A46.)
- 5) A resolution approving construction on a steep slope development and tree removal. (See page A47–A49.)

Through: GERALYN BARONE, City Manager
JULIE WISCHNACK, AICP, Community Development Director
LOREN GORDON, AICP, City Planner

Originator: SUSAN THOMAS, AICP, Assistant City Planner

Ordinance No. 2016-

An ordinance removing area from the wetland overlay district to accommodate construction of the Southwest Light Rail Transit line

The City Of Minnetonka Ordains:

Section 1.

- 1.01 2.99 acres of wetland are hereby removed from the wetland overlay zoning district. This action is based on the following findings:
1. The removal of the area from the overlay district is required to accommodate construction of that part of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka.
 2. The removal of the area would not compromise the public health, safety, and welfare.
 3. The removal of area would be consistent with the intent of the code and the comprehensive plan.
 - a) The SWLRT line will provide a transportation alternative to residents, employees, and visitors to the region and, as such, contribute toward the greater public good.
 - b) The area removed from the overlay district will be mitigated through purchase of a compensatory amount and value of wetland banking credits.

Section 2.

- 2.01 The areas to be removed from the overlay district are depicted on Exhibit A of this resolution.

Section 3.

3.01 This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on September 12, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: August 22, 2016
Date of adoption: September 12, 2016
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

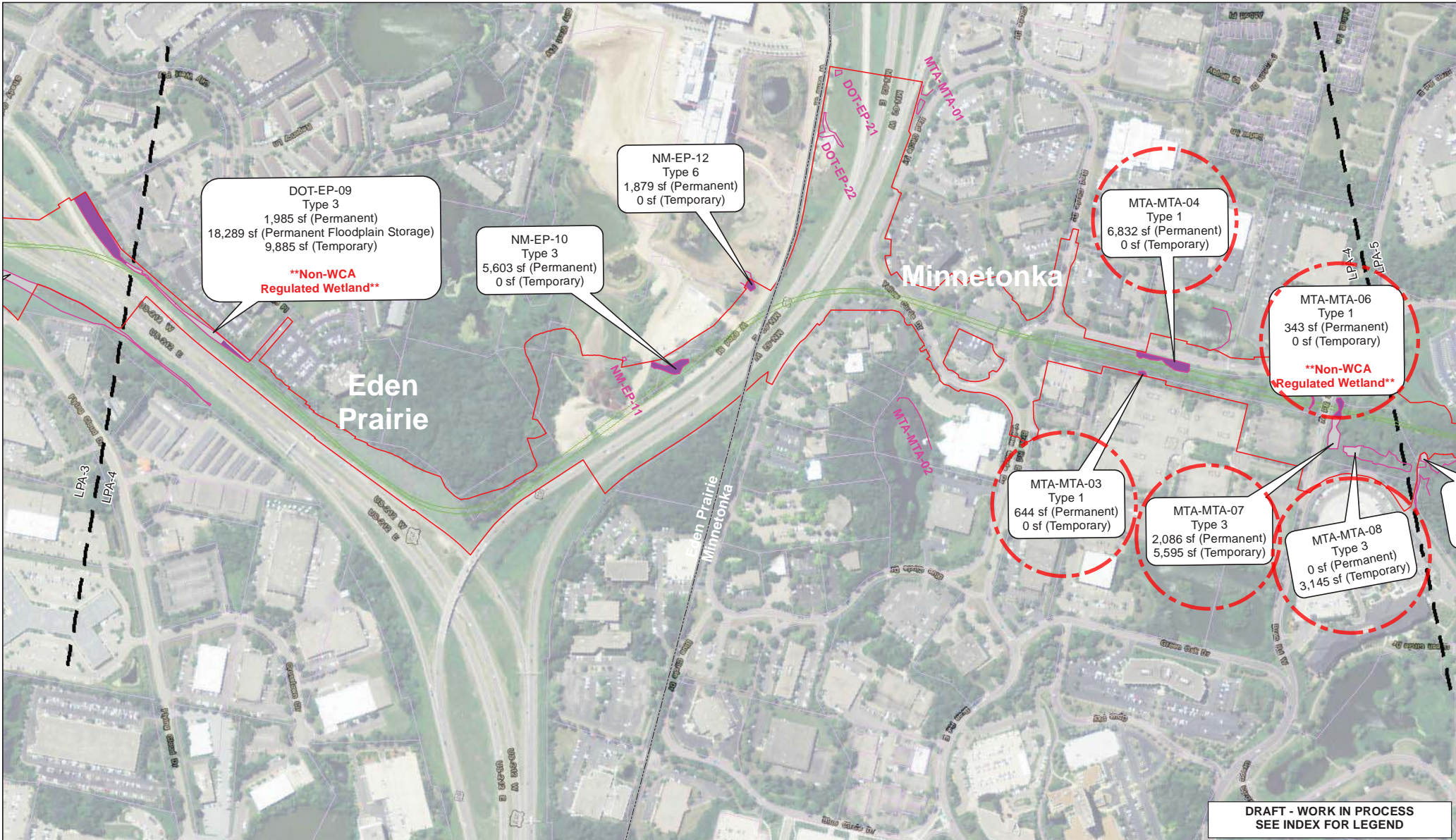
Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on September 12, 2016.

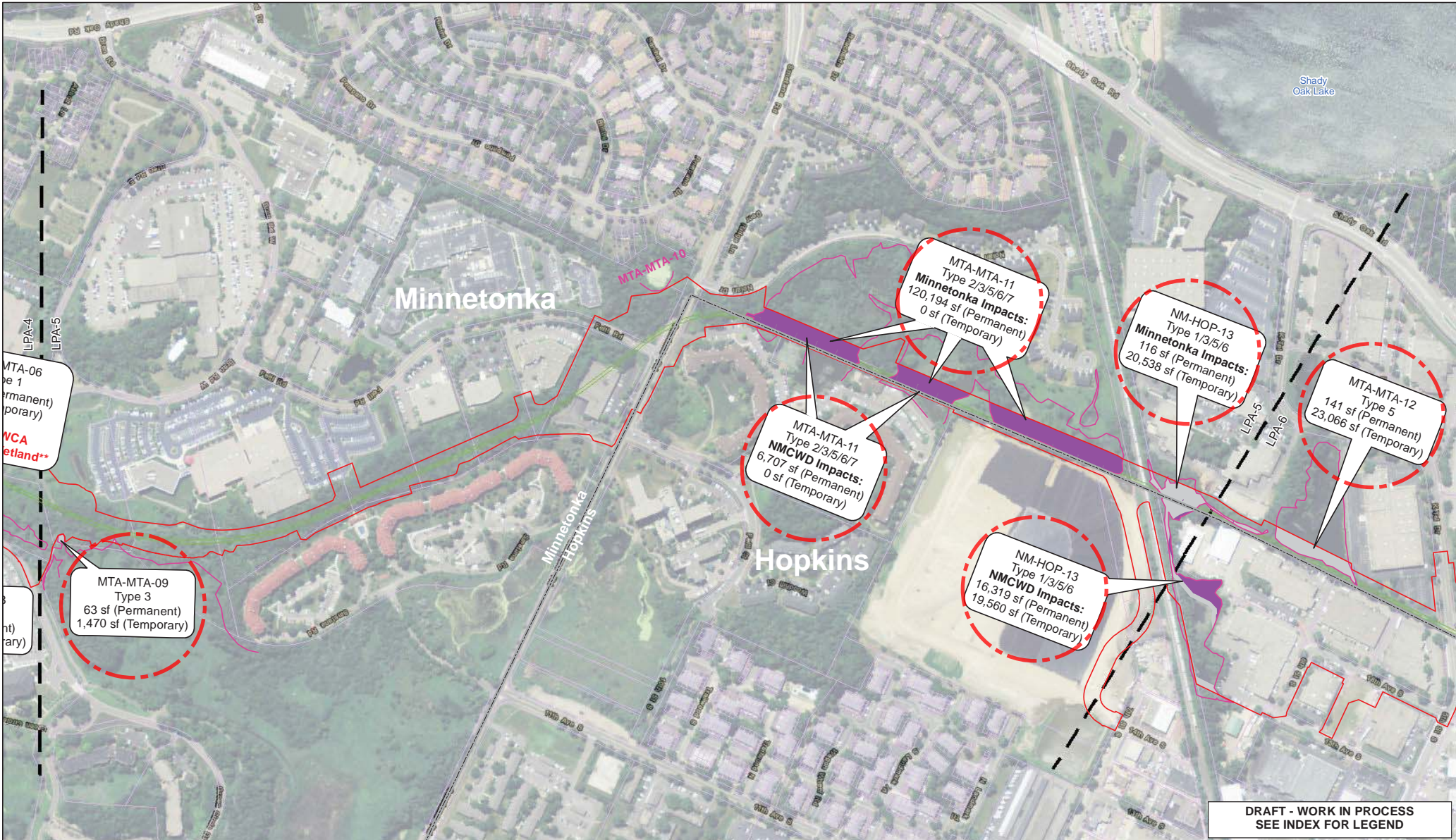
David E. Maeda, City Clerk

Date:

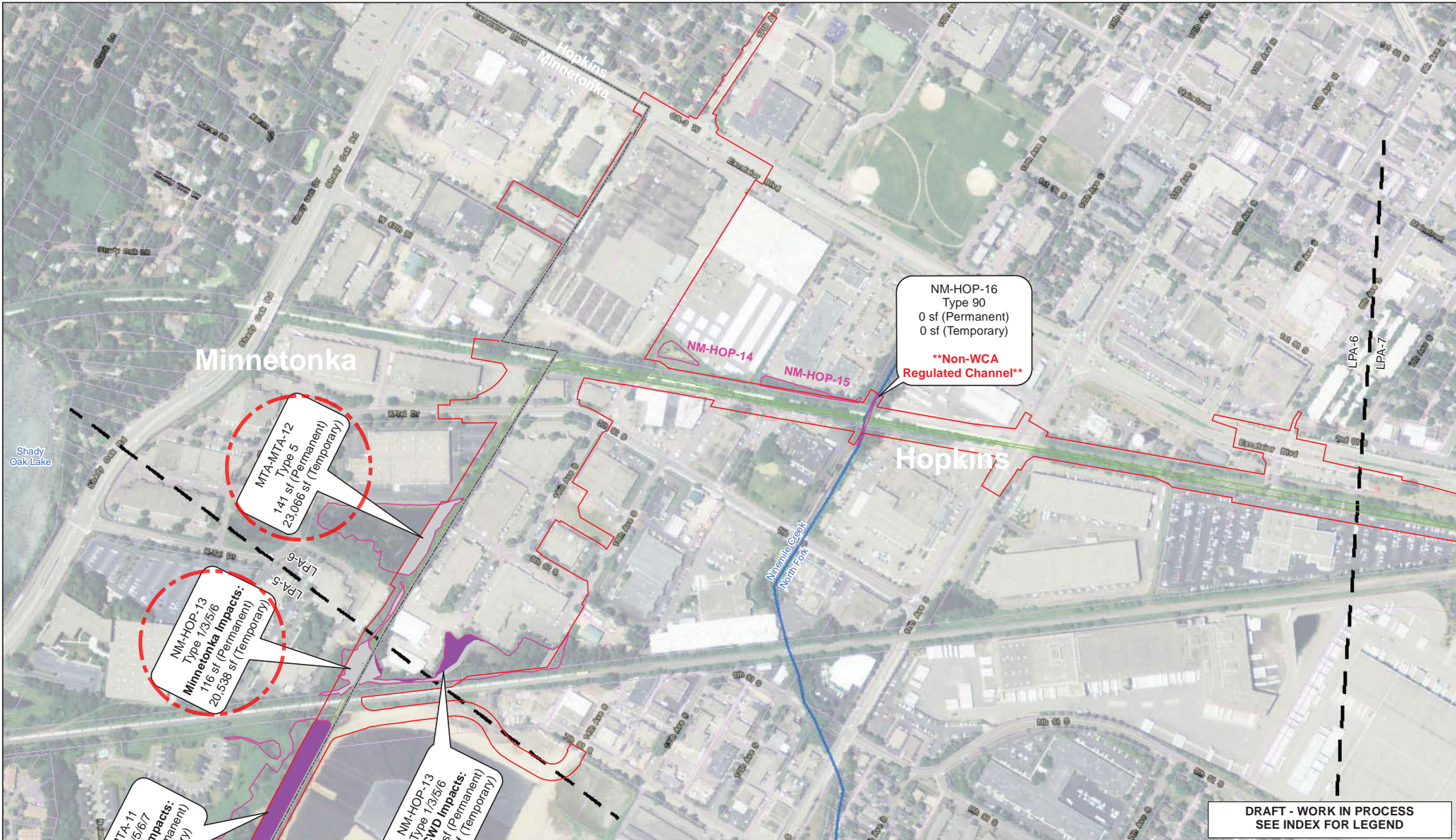
EXHIBIT A



	<h1>SOUTHWEST LRT</h1> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 4 Rev 00.00 4/6/2016 Sheet 4 of 15</p>	<p>Scale</p>	
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	<h2>SOUTHWEST LRT</h2> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 5 Rev 00.00 4/6/2016 Sheet 5 of 15</p>		
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DRAFT - WORK IN PROCESS
SEE INDEX FOR LEGEND

	<h2>SOUTHWEST LRT</h2> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 6 Rev 00.00 4/6/2016 Sheet 6 of 15</p>	<p>Scale</p>	
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Resolution No. 2016-

Resolution approving a wetland and floodplain alteration permit to accommodate construction of the Southwest Light Rail Transit line

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 To accommodate construction of that part of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka, the following alteration will occur:

- Temporary alteration of 1.24 acres of wetland;
- 1,180 cubic yards of 100-year floodplain fill; and
- 1,582 cubic yards of 100-year floodplain excavation/creation.

1.02 The areas to be altered are depicted on Exhibit A of this resolution.

1.03 On August 4, 2016, the planning commission held a hearing on the proposed alteration. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the permit and wetland replacement plan.

Section 2. General Standards.

2.01 By City Code §300.23 Subd.10(c), alteration of land within a wetland overlay district will only be allowed if the wetland and its buffer are provided in an amount compensatory to that being altered and that, unless otherwise approved by the city council, compensatory wetland area and its buffer is provided within the same subwatershed district as the wetland being altered.

2.02 City Code §300.23 Subd.10(d), states that in determining the appropriateness of wetland alteration, the city will consider certain factors

including but not limited to the size of the total watershed district, the magnitude of the area proposed for alteration, the impact on the overall function and value of the wetland and such other factors that provide the maximum feasible protection to wetlands. These factors are incorporated by reference into this resolution.

2.03 City Code §300.24 Subd. 9(c), states that in reviewing floodplain alteration permits, the city will consider whether certain general standards are met. These standards are incorporated by reference into this resolution.

2.04 City Code §300.24 Subd. 9(d), states that an alteration permit will not be granted unless certain specific standards are met. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed wetland alteration would meet the intent of City Code §300.23 Subd.10. Approximately 1.24 acres of wetland will be altered, and per the Minnesota Interagency Water Resource Application dated May 6, 2016, a detailed restoration and monitoring plan for each temporary impact location will be submitted for review and approval of the city prior to construction. This restoration and monitoring plan will ensure that the functions and values of the wetlands will be restored to the pre-project conditions.

3.02 The proposed floodplain alteration would meet the general standards outlined in City Code §300.24 Subd. 9(c):

1. The alteration area would be relatively small given the large floodplain area within the transit corridor.
2. The alteration would not increase buildable area of properties.
3. The alteration would not negatively impact the hydrology of the floodplain, given the small area of fill relative to the larger area.
4. The floodplain mitigation area would not negatively impact adjacent properties.
5. The alteration would meet the intent of the city's water resources management plan and the zoning ordinances.
6. The alteration would not adversely impact governmental facilities, utilities, services or existing or proposed public improvements.

7. The alteration would not have an undue adverse impact on the public health, safety or welfare.
- 3.03 The proposed floodplain alteration would meet the specific standards outlined in City Code §300.24 Subd. 9(d):
1. Adequate water storage would be maintained and provided in an amount at least equal to that filled.
 2. No floodplain would be filled for the purpose of creating buildable area.
- 3.04 A Technical Evaluation Panel (TEP) has evaluated the proposed wetland alterations and the TEP found the temporary impacts and proposed restoration to be acceptable.
- 3.05 The Federal Transit Authority has issued a Record of Decision finding that as designed the SWLRT line complies with all relevant federal environmental requirements.
- Section 4. City Council Action.
- 4.01 The above described wetland and floodplain alteration permit is hereby approved based on the findings outlined in section 3 of this resolution.
- 4.02 Approval is subject to the following conditions:
1. Subject to staff approval, the alteration must occur in substantial conformance with Exhibit A of this resolution and as described in the Minnesota Interagency Water Resource Application dated May 6, 2016.
 2. Metro Transit must provide wetland monitoring reports, annually, for a period of five years or until the city accepts the restored wetlands as complying with the functions and values of pre-project conditions.
 3. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allowed prior to issuance of this permit.
 4. Prior to issuance of a construction permit:
 - a) The SWLRT project must receive funding approval.

- b) Negotiated application fees must be paid.
 - c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure with Minnetonka must be submitted for staff review.
 - d) Formal documentation must be submitted to the city which notes that the Minnesota Department of Natural Resources waives its Wetland Conservation Act authority over wetlands MTA-MTA-07, MTA-MTA-08 and MTA-MTA-09.
5. This approval will expire on December 31, 2017 unless a construction permit has been issued or the city has received and approved a request for extension of this approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 22, 2016.

David E. Maeda, City Clerk

EXHIBIT A

NOTES:

1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPs MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

WETLAND IMPACTS:

MTA-MTA-03:
644 SF (PERMANENT)
0 SF (TEMPORARY)

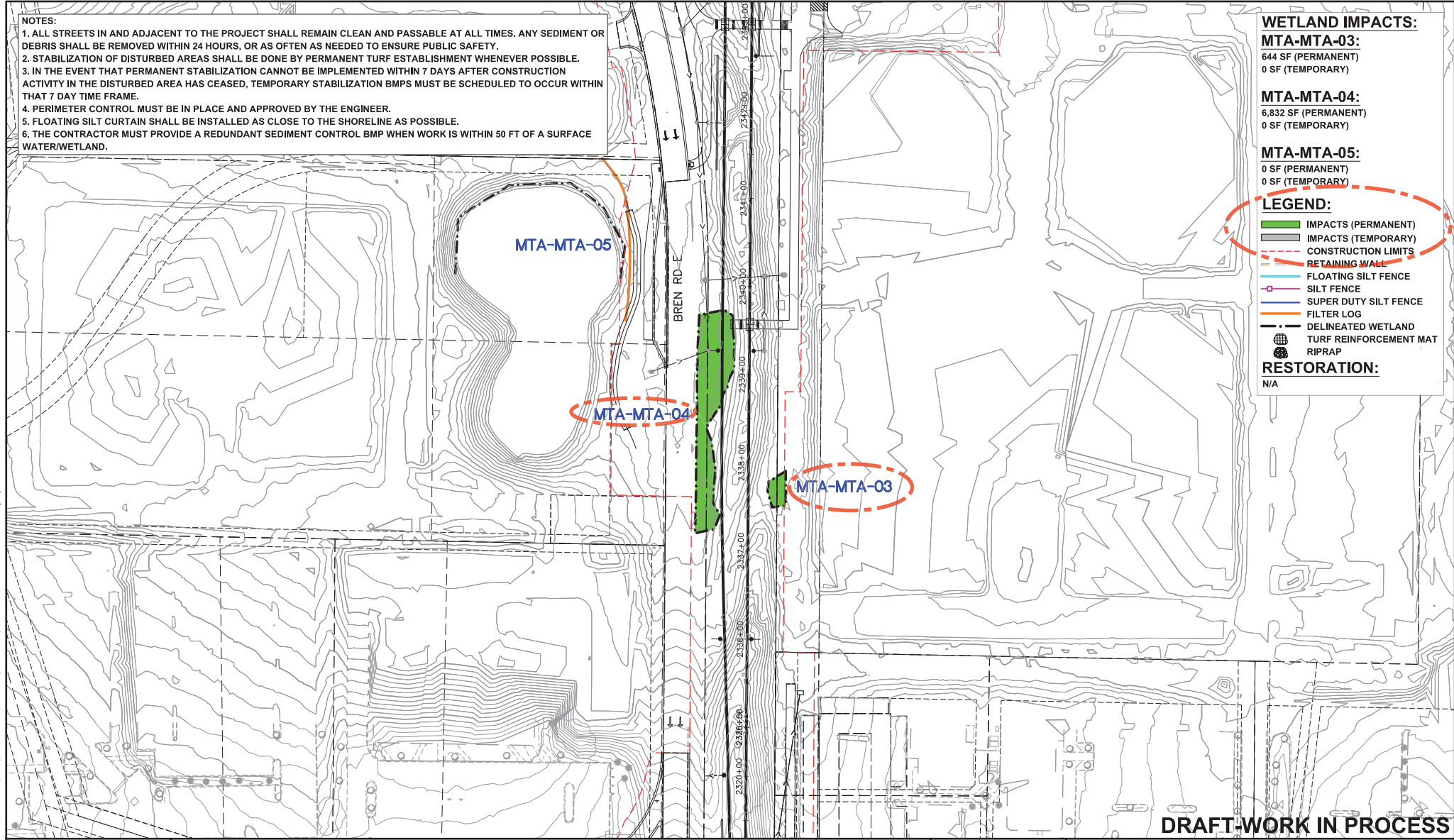
MTA-MTA-04:
6,832 SF (PERMANENT)
0 SF (TEMPORARY)

MTA-MTA-05:
0 SF (PERMANENT)
0 SF (TEMPORARY)

LEGEND:

- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RETAINING WALL
- FLOATING SILT FENCE
- SILT FENCE
- SUPER DUTY SILT FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP

RESTORATION:
N/A

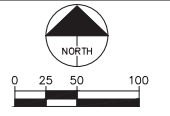


DRAFT WORK IN PROCESS



SOUTHWEST LIGHT RAIL
WETLAND IMPACTS
MTA-MTA-03 AND MTA-MTA-04
SHEET 16 OF 26

REV: 4
DATE: 01/22/2016
ID #: 23



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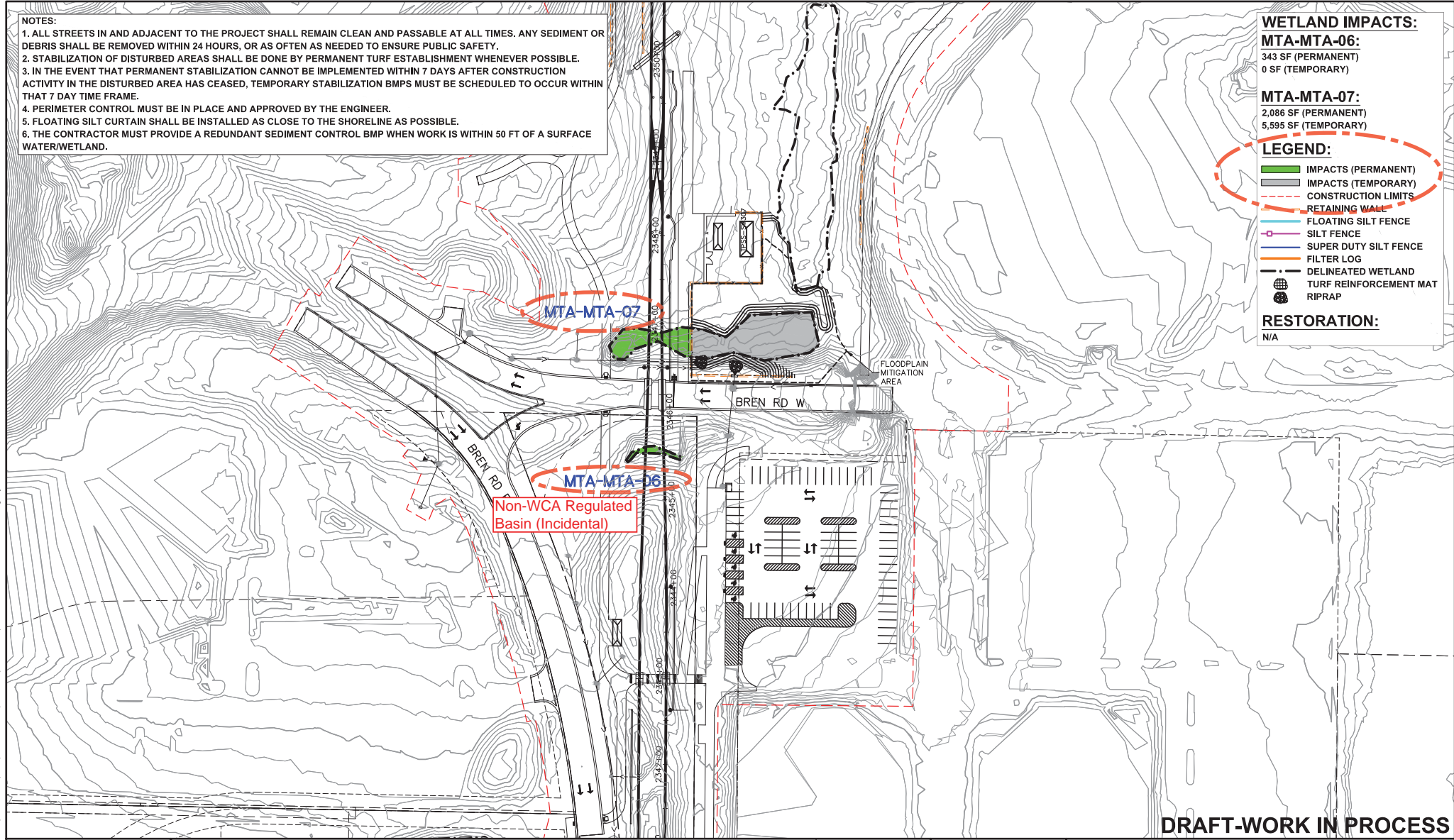
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WETLAND IMPACTS:
MTA-MTA-06:
 343 SF (PERMANENT)
 0 SF (TEMPORARY)

MTA-MTA-07:
 2,086 SF (PERMANENT)
 5,595 SF (TEMPORARY)

- LEGEND:**
- IMPACTS (PERMANENT)
 - IMPACTS (TEMPORARY)
 - CONSTRUCTION LIMITS
 - RETAINING WALL
 - FLOATING SILT FENCE
 - SILT FENCE
 - SUPER DUTY SILT FENCE
 - FILTER LOG
 - DELINEATED WETLAND
 - TURF REINFORCEMENT MAT
 - RIPRAP

RESTORATION:
 N/A



DRAFT-WORK IN PROCESS

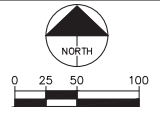


MTA-MTA-06 is not regulated by WCA

SOUTHWEST LIGHT RAIL

WETLAND IMPACTS
 MTA-MTA-06 AND MTA-MTA-07
 SHEET 17 OF 26

REV: 4
 DATE: 01/22/2016
 ID #: 24



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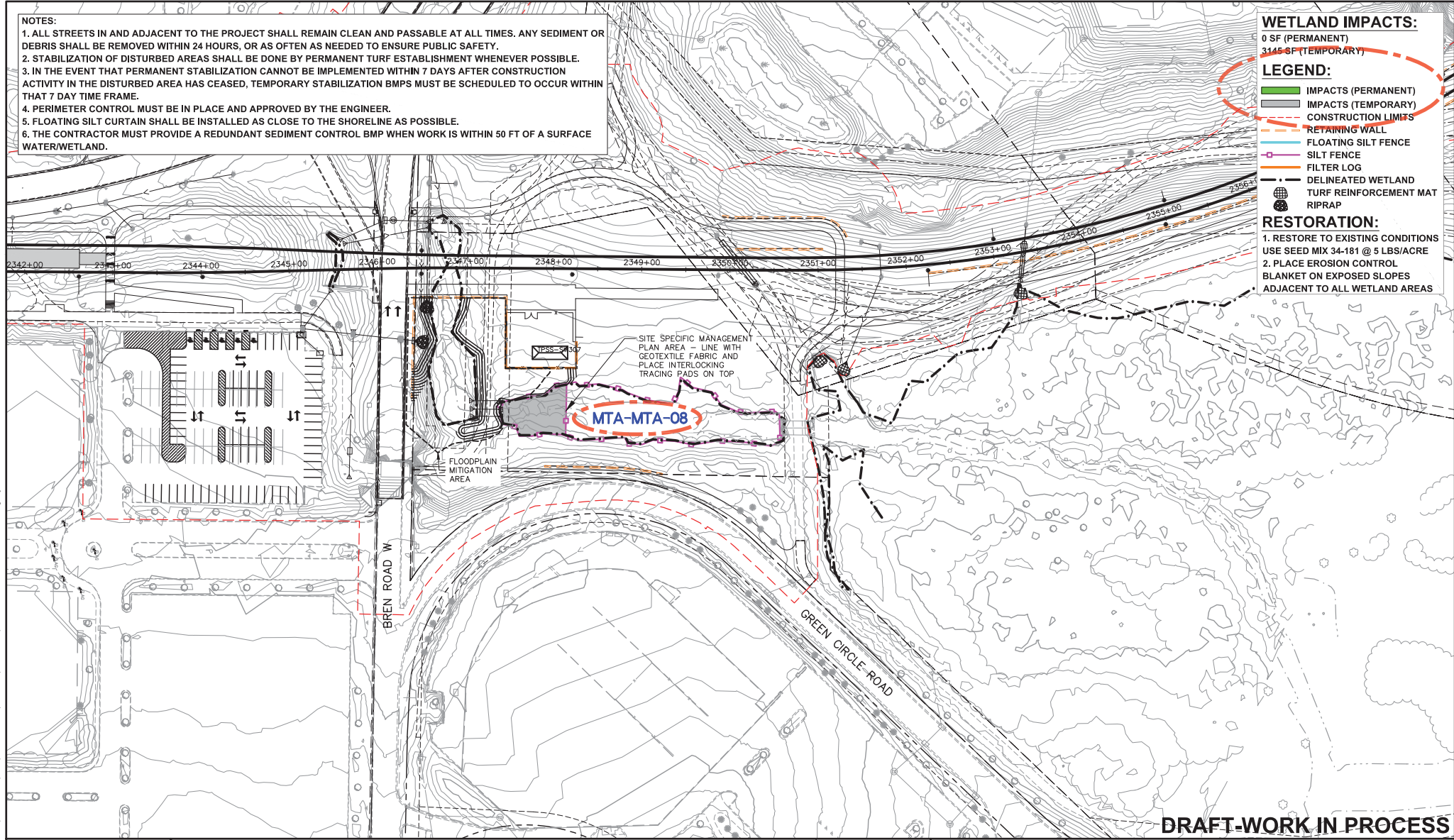
WETLAND IMPACTS:
 0 SF (PERMANENT)
 3145 SF (TEMPORARY)

LEGEND:

- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RETAINING WALL
- FLOATING SILT FENCE
- SILT FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP

RESTORATION:

1. RESTORE TO EXISTING CONDITIONS
2. USE SEED MIX 34-181 @ 5 LBS/ACRE
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES
- ADJACENT TO ALL WETLAND AREAS



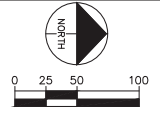
DRAFT-WORK IN PROCESS



SOUTHWEST LIGHT RAIL

WETLAND IMPACT
 MTA-MTA-08
 SHEET 18 OF 26

REV: 4
 DATE: 01/22/2016
 ID #: 25



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- NOTES:**
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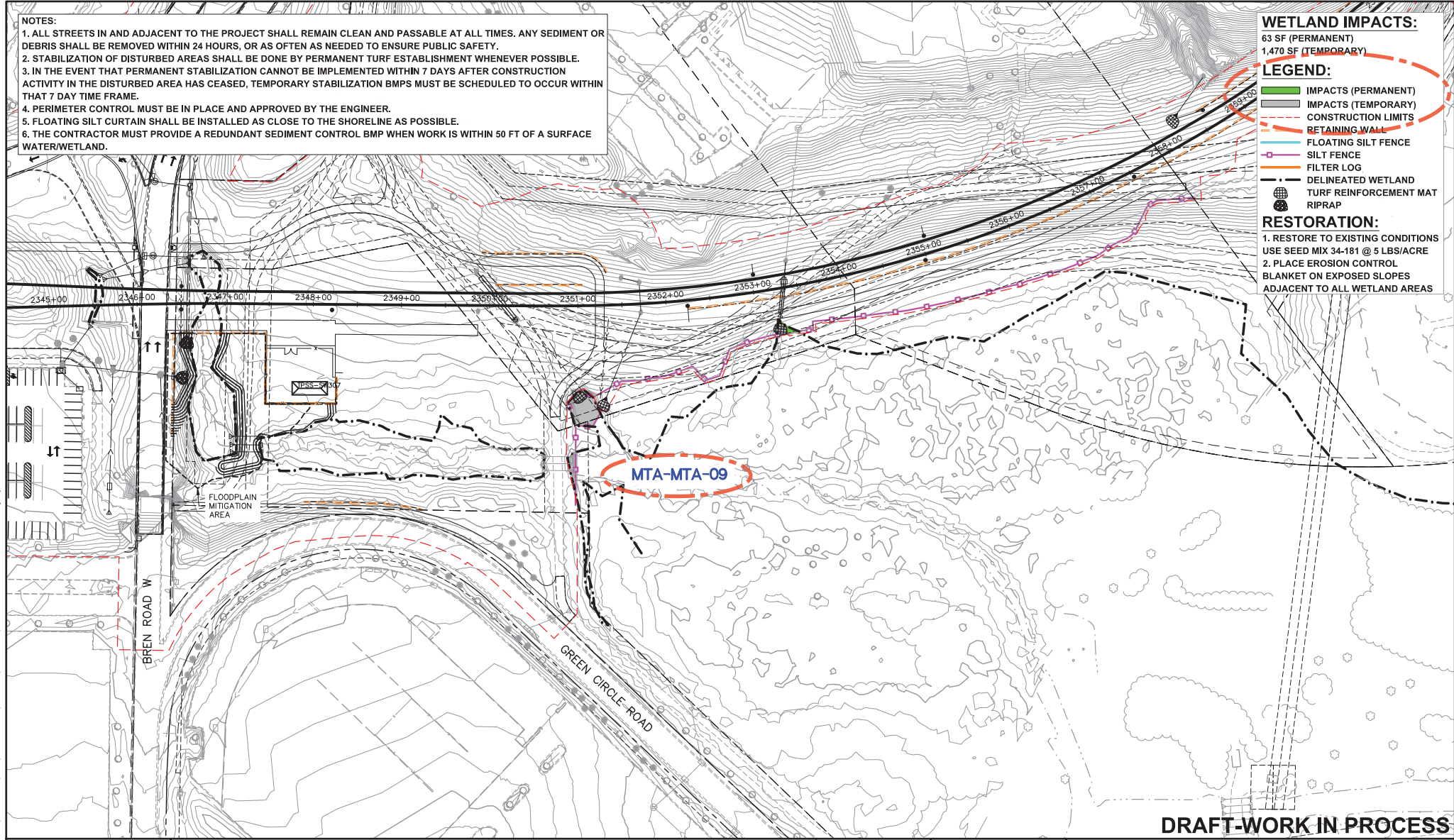
63 SF (PERMANENT)
1,470 SF (TEMPORARY)

LEGEND:

- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RETAINING WALL
- FLOATING SILT FENCE
- SILT FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP

RESTORATION:

1. RESTORE TO EXISTING CONDITIONS
USE SEED MIX 34-181 @ 5 LBS/ACRE
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES
ADJACENT TO ALL WETLAND AREAS



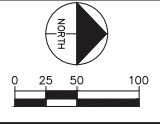
DRAFT-WORK IN PROCESS



SOUTHWEST LIGHT RAIL

WETLAND IMPACT
MTA-MTA-09
SHEET 19 OF 26

REV: 4
DATE: 01/22/2016
ID #: 26



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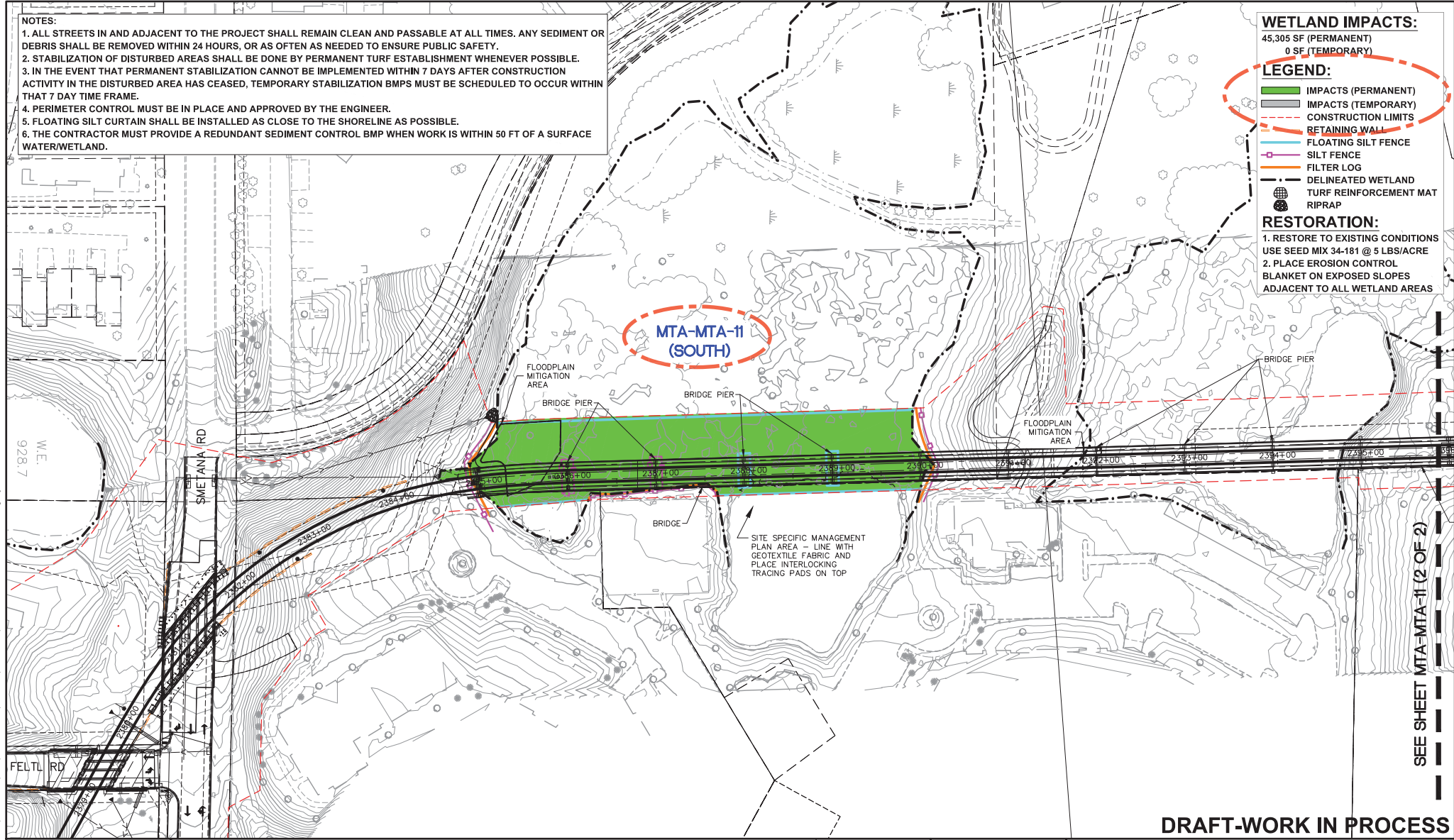
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WETLAND IMPACTS:
 45,305 SF (PERMANENT)
 0 SF (TEMPORARY)

- LEGEND:**
- IMPACTS (PERMANENT)
 - IMPACTS (TEMPORARY)
 - CONSTRUCTION LIMITS
 - RETAINING WALL
 - FLOATING SILT FENCE
 - SILT FENCE
 - FILTER LOG
 - DELINEATED WETLAND
 - TURF REINFORCEMENT MAT
 - RIPRAP

- RESTORATION:**
1. RESTORE TO EXISTING CONDITIONS
 USE SEED MIX 34-181 @ 5 LBS/ACRE
 2. PLACE EROSION CONTROL
 BLANKET ON EXPOSED SLOPES
 ADJACENT TO ALL WETLAND AREAS



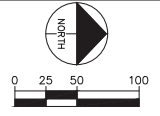
SEE SHEET MTA-MTA-11 (2 OF 2)

DRAFT-WORK IN PROCESS

SOUTHWEST LIGHT RAIL

WETLAND IMPACT
 MTA-MTA-11 (1 OF 2)
 SHEET 20 OF 26

REV: 4
 DATE: 01/22/2016
 ID #: 27



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- NOTES:**
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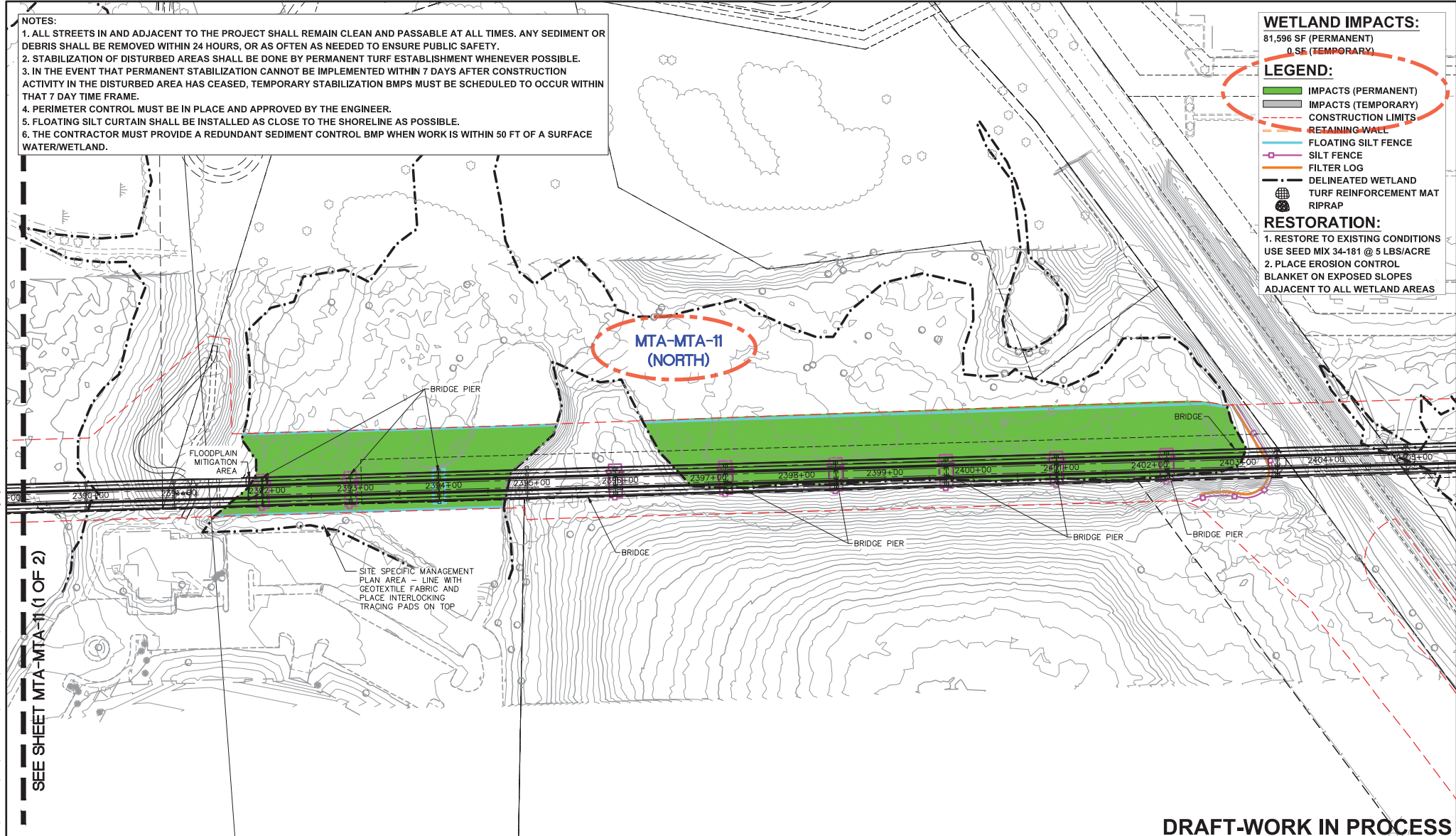
WETLAND IMPACTS:
 81,596 SF (PERMANENT)
 0 SF (TEMPORARY)

LEGEND:

- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RETAINING WALL
- FLOATING SILT FENCE
- SILT FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP

RESTORATION:

1. RESTORE TO EXISTING CONDITIONS
USE SEED MIX 34-181 @ 5 LBS/ACRE
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS



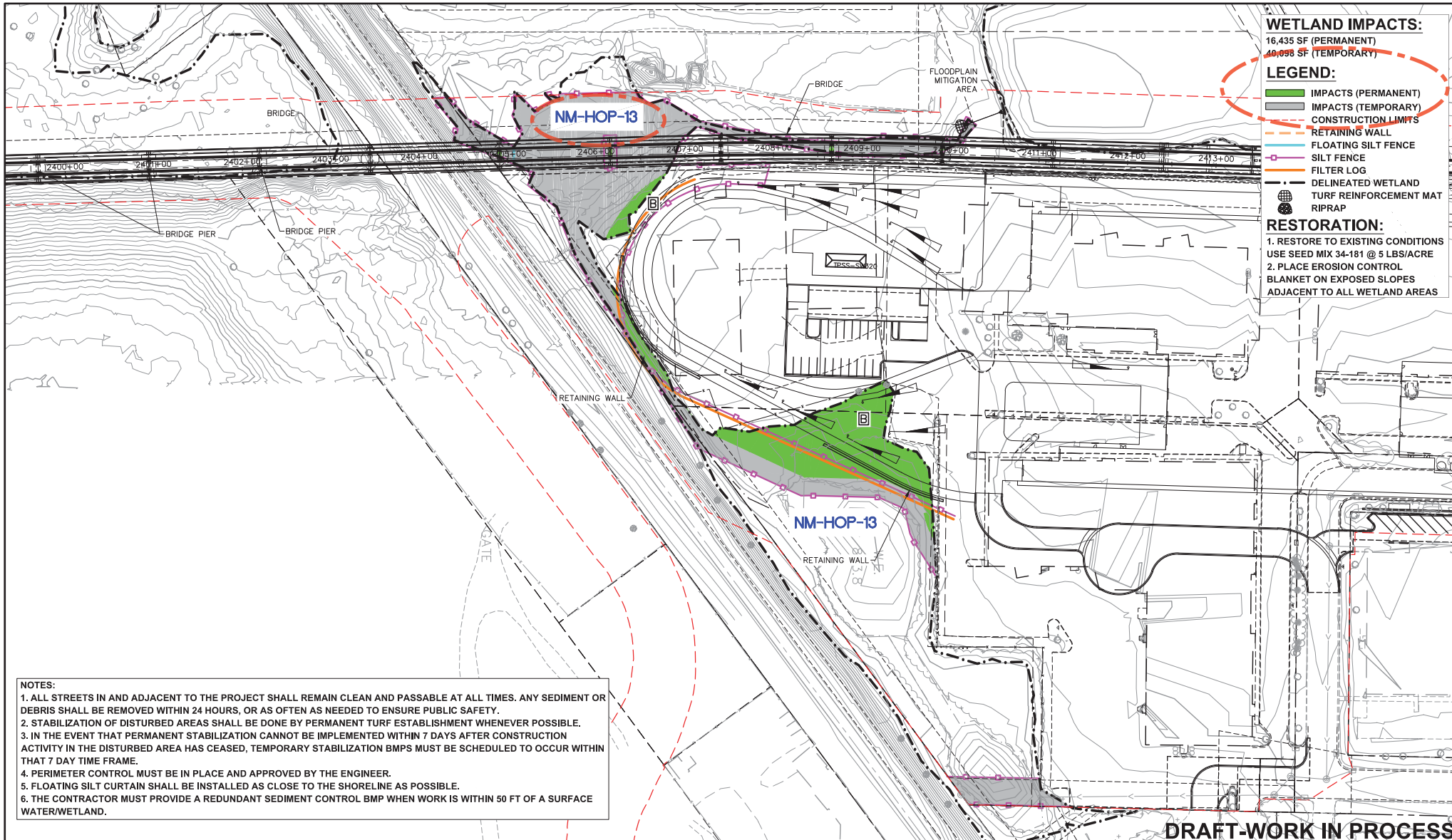
SEE SHEET MTA-MTA-11 (1 OF 2)

DRAFT-WORK IN PROCESS

 <p>SOUTHWEST LIGHT RAIL</p>	<p>WETLAND IMPACT MTA-MTA-11 (2 OF 2) SHEET 21 OF 26</p>	<p>REV: 4 DATE: 01/22/2016 ID #: 28</p>		
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Mar, 23 2016 01:09 pm V:\3400_ADC\CAD\SEGMENT W3\EXHIBITS\WETLANDS\EXHIBIT-03--WETLAND IMPACTS.dwg By: V-BUEC

Mar, 23 2016 01:09 pm V:\3400_ADC\CAD\SEGMENT W3\EXHIBITS\WETLANDS\EXHIBIT-03--WETLAND IMPACTS.dwg By: V-BUEIC



NOTES:

- ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
- STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
- IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPs MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
- PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
- FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
- THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

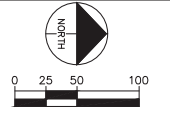
DRAFT-WORK IN PROCESS



SOUTHWEST LIGHT RAIL

WETLAND IMPACT
 NM-HOP-13
 SHEET 22 OF 26

REV: 4
 DATE: 01/22/2016
 ID #: 30

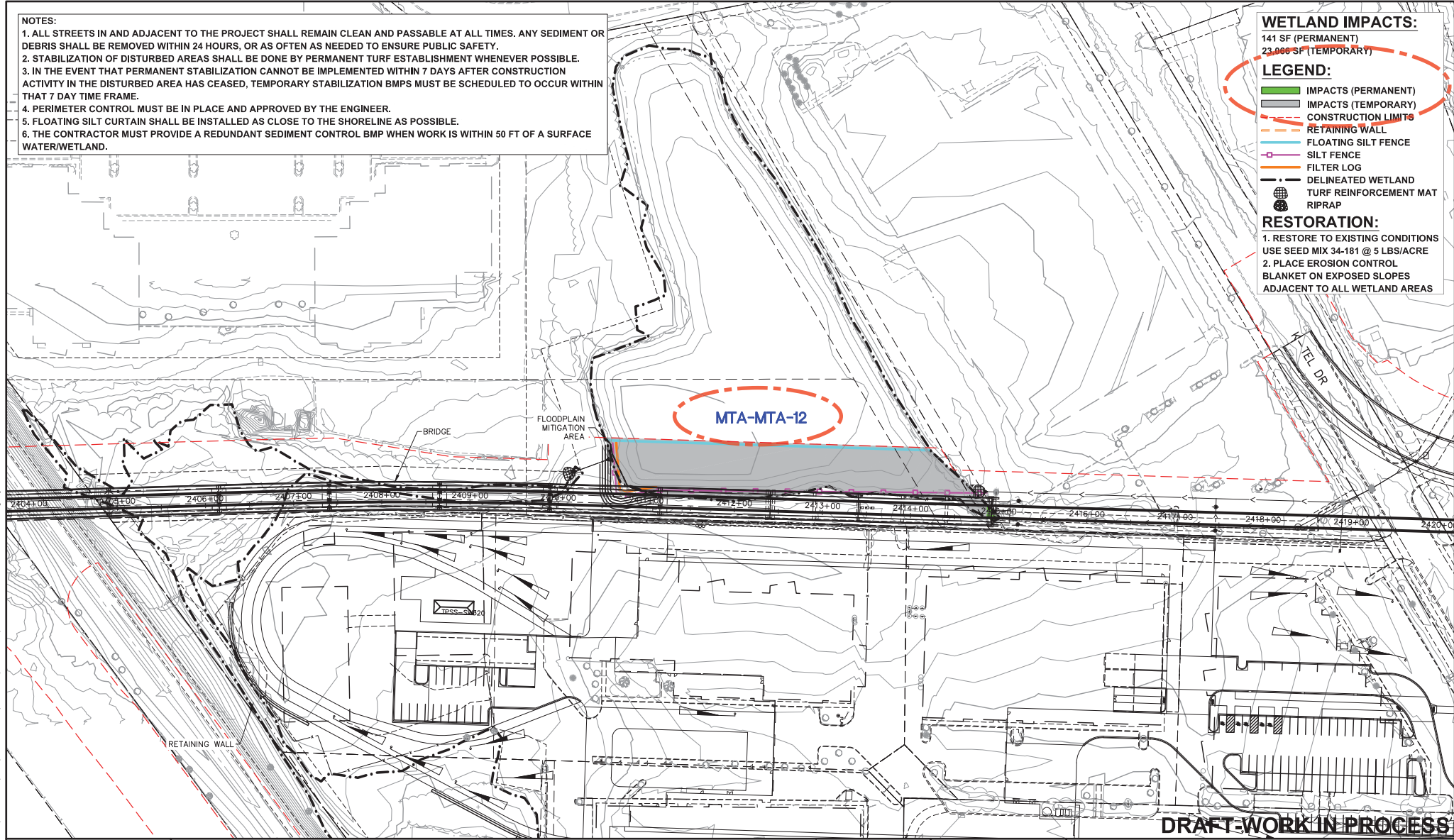


- NOTES:**
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
 2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
 3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPs MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
 4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
 5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
 6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

WETLAND IMPACTS:
 141 SF (PERMANENT)
 23,000 SF (TEMPORARY)

- LEGEND:**
- IMPACTS (PERMANENT)
 - IMPACTS (TEMPORARY)
 - CONSTRUCTION LIMITS
 - RETAINING WALL
 - FLOATING SILT FENCE
 - SILT FENCE
 - FILTER LOG
 - DELINEATED WETLAND
 - TURF REINFORCEMENT MAT
 - RIPRAP

- RESTORATION:**
1. RESTORE TO EXISTING CONDITIONS
 - USE SEED MIX 34-181 @ 5 LBS/ACRE
 - PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES
 - ADJACENT TO ALL WETLAND AREAS



MTA-MTA-12

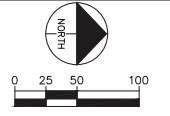
DRAFT - WORK IN PROCESS



SOUTHWEST LIGHT RAIL

WETLAND IMPACT
 MTA-MTA-12
 SHEET 23 OF 26

REV: 4
 DATE: 01/22/2016
 ID #: 29



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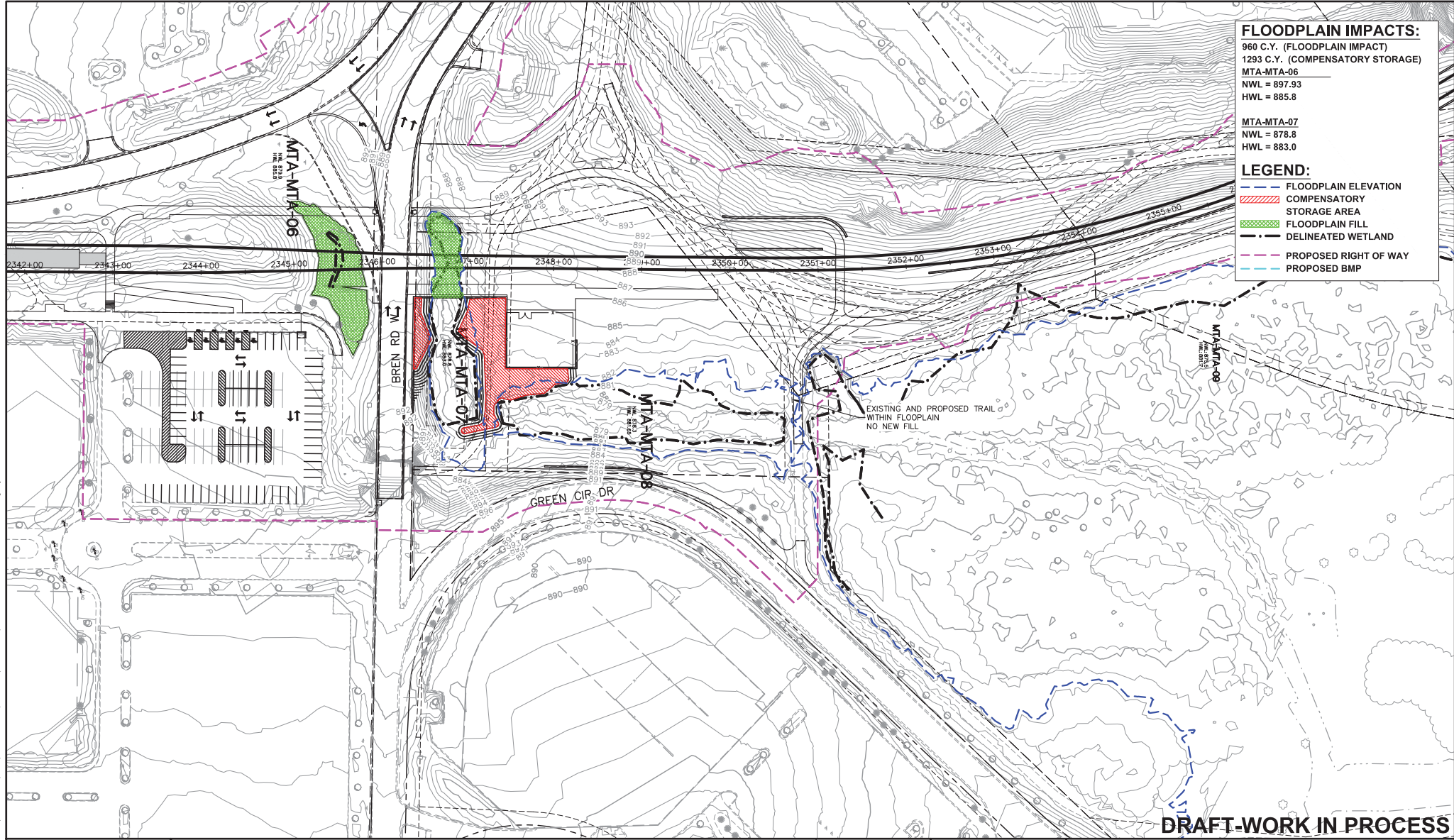
FLOODPLAIN IMPACTS:
 960 C.Y. (FLOODPLAIN IMPACT)
 1293 C.Y. (COMPENSATORY STORAGE)

MTA-MTA-06
 NWL = 897.93
 HWL = 885.8

MTA-MTA-07
 NWL = 878.8
 HWL = 883.0

LEGEND:

- FLOODPLAIN ELEVATION
- COMPENSATORY STORAGE AREA
- FLOODPLAIN FILL
- DELINEATED WETLAND
- PROPOSED RIGHT OF WAY
- PROPOSED BMP

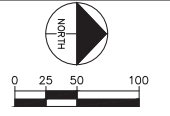


DRAFT-WORK IN PROCESS



SOUTHWEST LIGHT RAIL
 FLOOD MITIGATION AREA
 MTA-MTA-06 & MTA-MTA-07

REV: 1
 DATE: 01/11/2016
 ID #: 25

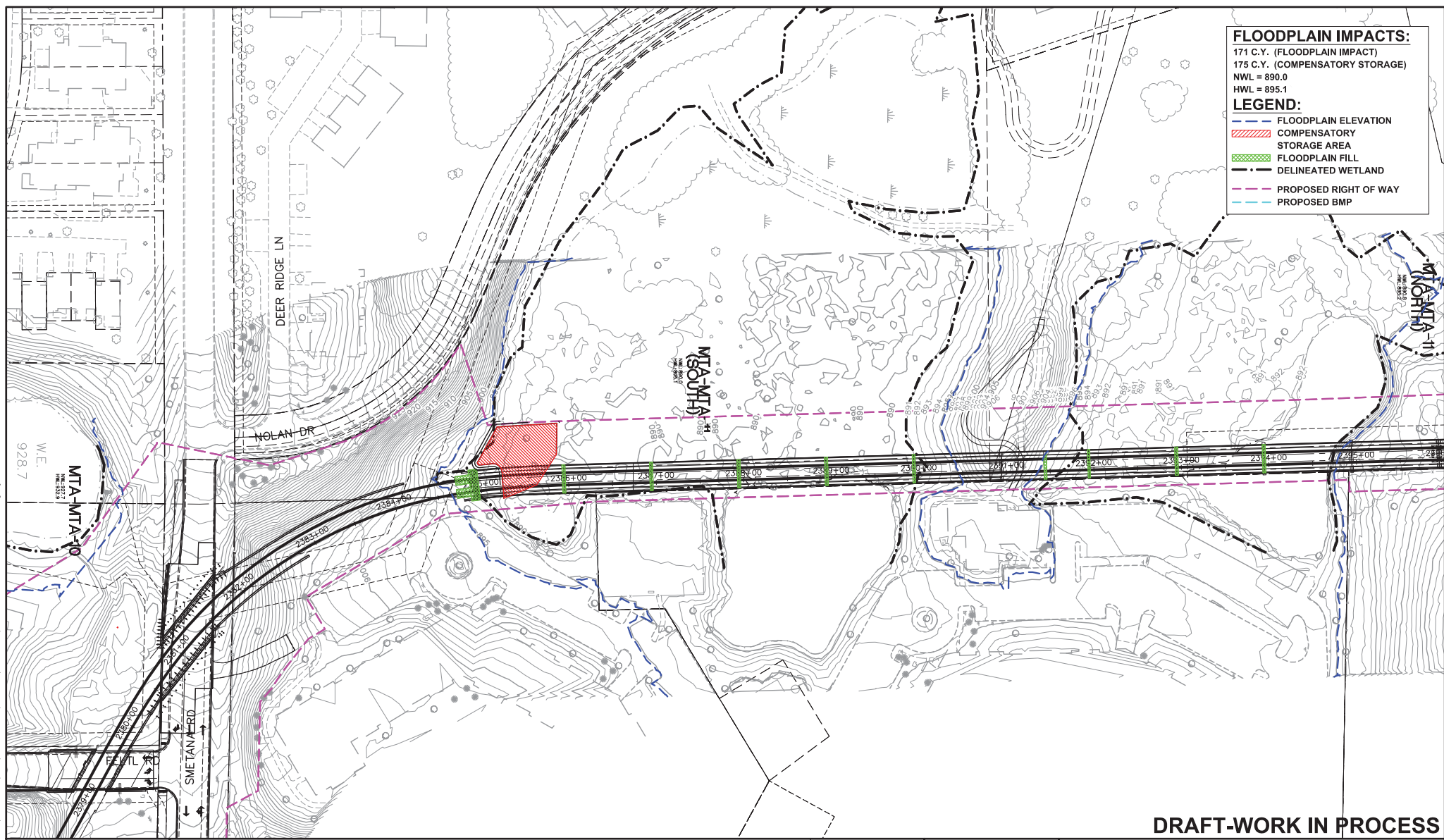


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FLOODPLAIN IMPACTS:
 171 C.Y. (FLOODPLAIN IMPACT)
 175 C.Y. (COMPENSATORY STORAGE)
 NWL = 890.0
 HWL = 895.1

LEGEND:

- FLOODPLAIN ELEVATION
- COMPENSATORY STORAGE AREA
- FLOODPLAIN FILL
- DELINEATED WETLAND
- PROPOSED RIGHT OF WAY
- PROPOSED BMP

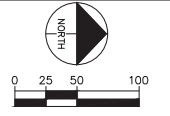


DRAFT-WORK IN PROCESS



SOUTHWEST LIGHT RAIL
 WETLAND MITIGATION
 MTA-MTA-11 (1 OF 2)

REV: 0
 DATE: 01/11/2016
 ID #: 27

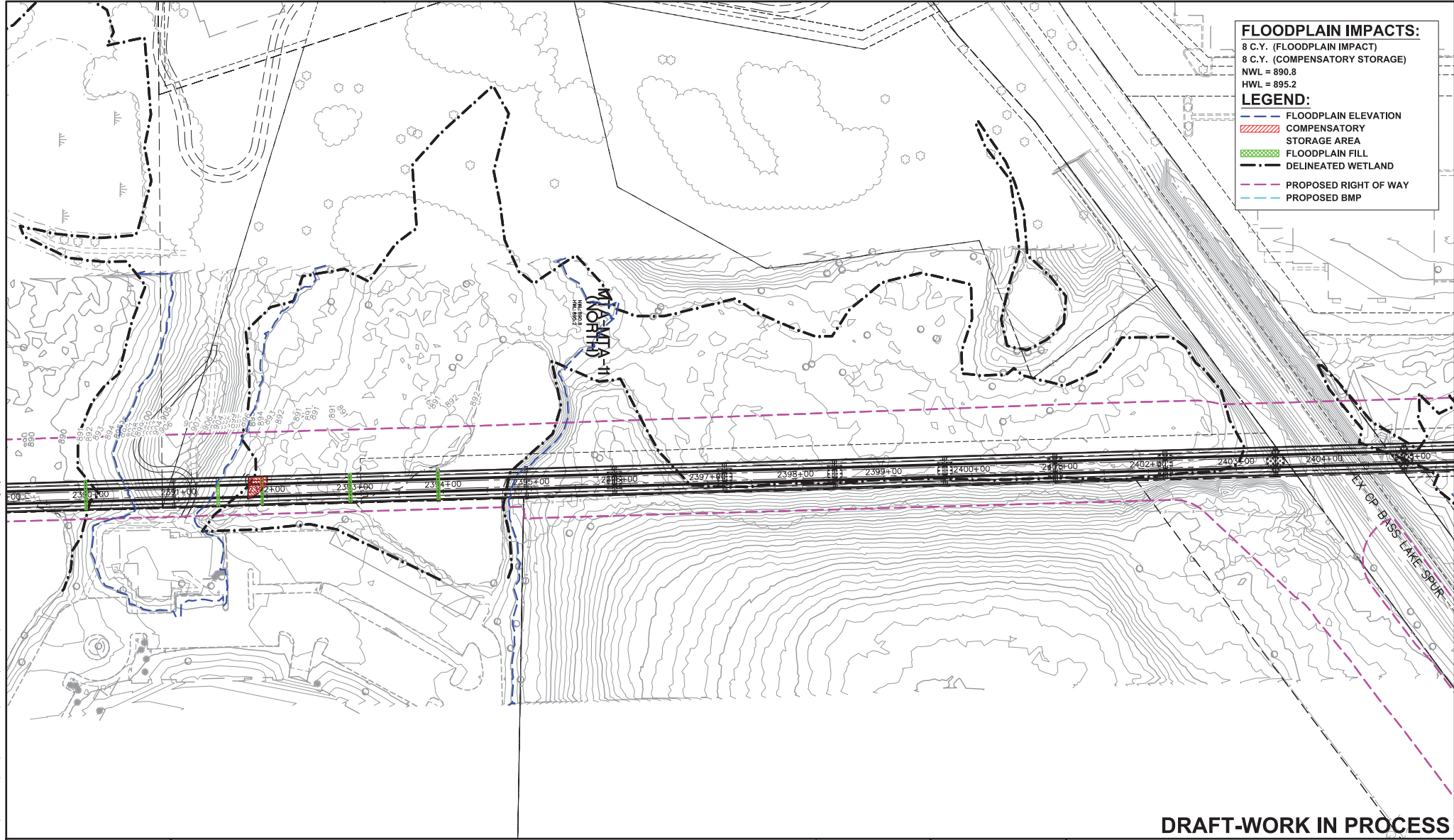


Feb. 05 2016 06:54 pm V:\3400_ADC_CAD_SEGMENT_WS\EXHIBITS\WETLANDS\EXHIBIT-03-WETLAND MITIGATION.dwg Bx: V-BUREC

FLOODPLAIN IMPACTS:
 8 C.Y. (FLOODPLAIN IMPACT)
 8 C.Y. (COMPENSATORY STORAGE)
 NWL = 890.8
 HWL = 895.2

LEGEND:

- FLOODPLAIN ELEVATION
- COMPENSATORY STORAGE AREA
- FLOODPLAIN FILL
- DELINEATED WETLAND
- PROPOSED RIGHT OF WAY
- PROPOSED BMP

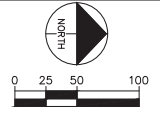


DRAFT-WORK IN PROCESS



SOUTHWEST LIGHT RAIL
 WETLAND IMPACT
 MTA-MTA-11 (2 OF 2)

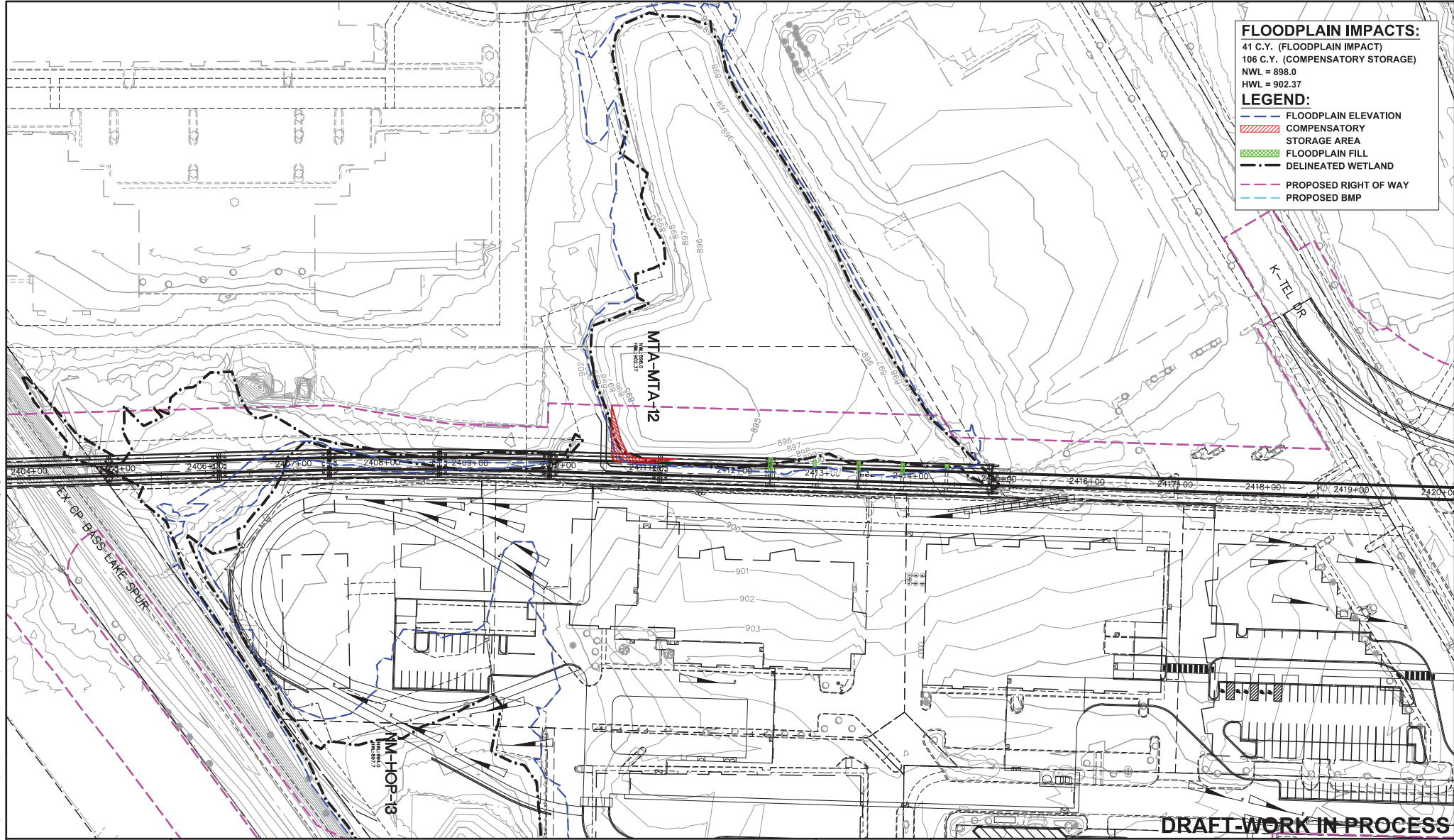
REV: 3
 DATE: 01/11/2016
 ID #: 28



Feb. 08 2016 06:54 pm V:\3400_ADC\CAD\SEGMENT M3\EXHIBITS\WETLANDS\EXHIBIT-03--WETLAND MITIGATION.dwg Bx: V-BUREC

FLOODPLAIN IMPACTS:
 41 C.Y. (FLOODPLAIN IMPACT)
 106 C.Y. (COMPENSATORY STORAGE)
 NWL = 898.0
 HWL = 902.37

LEGEND:
 - - - FLOODPLAIN ELEVATION
 [Red Hatched Box] COMPENSATORY STORAGE AREA
 [Green Hatched Box] FLOODPLAIN FILL
 - · - · - DELINEATED WETLAND
 - - - PROPOSED RIGHT OF WAY
 - - - PROPOSED BMP

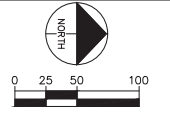


DRAFT-WORK IN PROCESS



SOUTHWEST LIGHT RAIL
 FLOOD MITIGATION AREA
 MTA-MTA-12

REV: 1
 DATE: 04/12/2016
 ID #: 29



May, 05 2016 12:27 pm V:\3400_ADC_CAD_SEGMENT\W3\EXHIBITS\WETLANDS\EXHIBIT-03--WETLAND MITIGATION.dwg Bx: V-BUREC

Resolution No. 2016-

Resolution approving a wetland replacement plan as regulated by the Wetland Conservation Act for the Southwest Light Rail Transit Line

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

- 1.01 To accommodate construction of that part of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka, 2.99 acres, or 130,076 square feet, of permanent wetland fill will occur in seven different wetland basins. These areas are generally illustrated on EXHIBIT A of this resolution.
- 1.02 On July 15, 2016, the Federal Transit Administration issued a formal “record of decision” that indicates that SWLRT line, as designed, complies with all relevant federal environmental requirements.
- 1.03 On August 4, 2016, the planning commission held a hearing on the proposed rail line construction. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve various applications and request to allow for construction of the line.
- 1.04 On August 22, 2016, the city council reviewed the wetland replacement plan for the Southwest Light Rail Transit line.

Section 2. General Standards.

- 2.01 By City Code §300.23, the purpose of the wetland ordinance is to recognize, preserve and protect the environmental, aesthetic and hydrologic functions of the city's wetlands to the maximum extent possible while allowing a reasonable use of property.
- 2.02 By City Code §300.23 Subd.9(a), wetland rezoning, or wetland fill and

mitigation, must be consistent with the purpose of city code, the city's water resources management plan and the goals and policies of the comprehensive plan. In determining the appropriateness of a rezoning request, the city council will consider the size of the wetland overlay district, the magnitude of the area proposed for removal, the overall impact on the function and value of the wetland, the hydrological and ecological effects and the type and function of wetlands involved in order to provide the maximum feasible protection.

2.03 By City Code §300.23 Subd.9(b), wetlands within an overlay district may only be removed according to Wetland Conservation Act (WCA) rules and only if at least an equal area of new wetland is created to compensate for the wetland being filled. Unless otherwise approved by the city council, compensatory wetland area must be provided within the same subwatershed district as the wetland being altered, it must be located outside of any public easement and it must not result in the loss of regulated trees.

2.04 WCA requires the city to consider the overall wetland impact and the loss of function and value to determine if the wetland replacement plan meets its standards.

Section 3. Findings.

3.01 The Federal Transit Authority has issued a Record of Decision finding that as designed the SWLRT line complies with all relevant federal environmental requirements.

3.02 The city participated in monthly Technical Evaluation Panel (TEP) meetings beginning on July 2, 2013 to consider the wetland impacts of construction of the transit line and to review areas for possible wetland replacement. Staff of the Southwest Light Rail Project office considered over 500 potential mitigation sites within the city, county, and watershed district. Due to numerous issues relating to these sites, the TEP accepted that the purchase of wetland bank credits was the most satisfactory way to acquire and achieve the function and values of the wetlands to be lost while at the same time meeting WCA standards. The TEP recommended the approval of the wetland replacement plan using the purchase of wetland banking credits.

3.02 The wetland replacement plan outlines mitigation through the purchase of 5.97 acres or 260,152 square feet or wetland bank credits within major watershed 33/ Bank Service Area 9, Scott County. This plan would meet the intent of City Code §300.23 Subd.9.

Section 4. City Council Action.

- 4.01 The above-described wetland replacement plan is approved. Approval of the wetland replacement plan is subject to the following conditions:
1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Minnesota Interagency Water Resource Application (MN Wetland Conservation Act Wetland Replacement Plan) dated May 6, 2016
 - Southwest Light Rail Transit Line package submittal for the City of Minnetonka dated May 6, 2016.
 2. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allow prior to issuance of this permit.
 3. Prior to issuance of a construction permit:
 - a) The SWLRT project must receive funding approval.
 - b) Negotiated application fees must be paid.
 - c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure with Minnetonka must be submitted for staff review.
 - d) The Metropolitan Council must submit a copy of the wetland bank purchase agreement. The agreement must indicate the mutually agreed upon closing date for the credit purchase. The purchase agreement will confirm the final quantity of wetland credits. This must be provided to the TEP prior to construction.
 - e) The Board of Water and Soil Resources approved wetland bank withdrawal form must be submitted to the city.
 - f) Formal documentation must be submitted to the city which notes that the Minnesota Department of Natural Resources waives its Wetland Conservation Act authority over wetlands MTA-MTA-07, MTA-MTA-08 and MTA-MTA-09.

4. Permits may be required from outside agencies including the Nine Mile Creek Watershed District and the Army Corps of Engineers. It is the Metropolitan Council's responsibility to obtain any necessary permits prior to the start of work.
5. Obtain approval and comply with the requirements of the Minnesota Interagency Water Resource Application (MN Wetland Conservation Act Wetland Replacement Plan) dated May 6, 2016.
6. All regulations and minimum standards as outlined in the Wetland Conservation Act must be followed.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by: t

Voted in favor of:

Voted against:

Abstained:

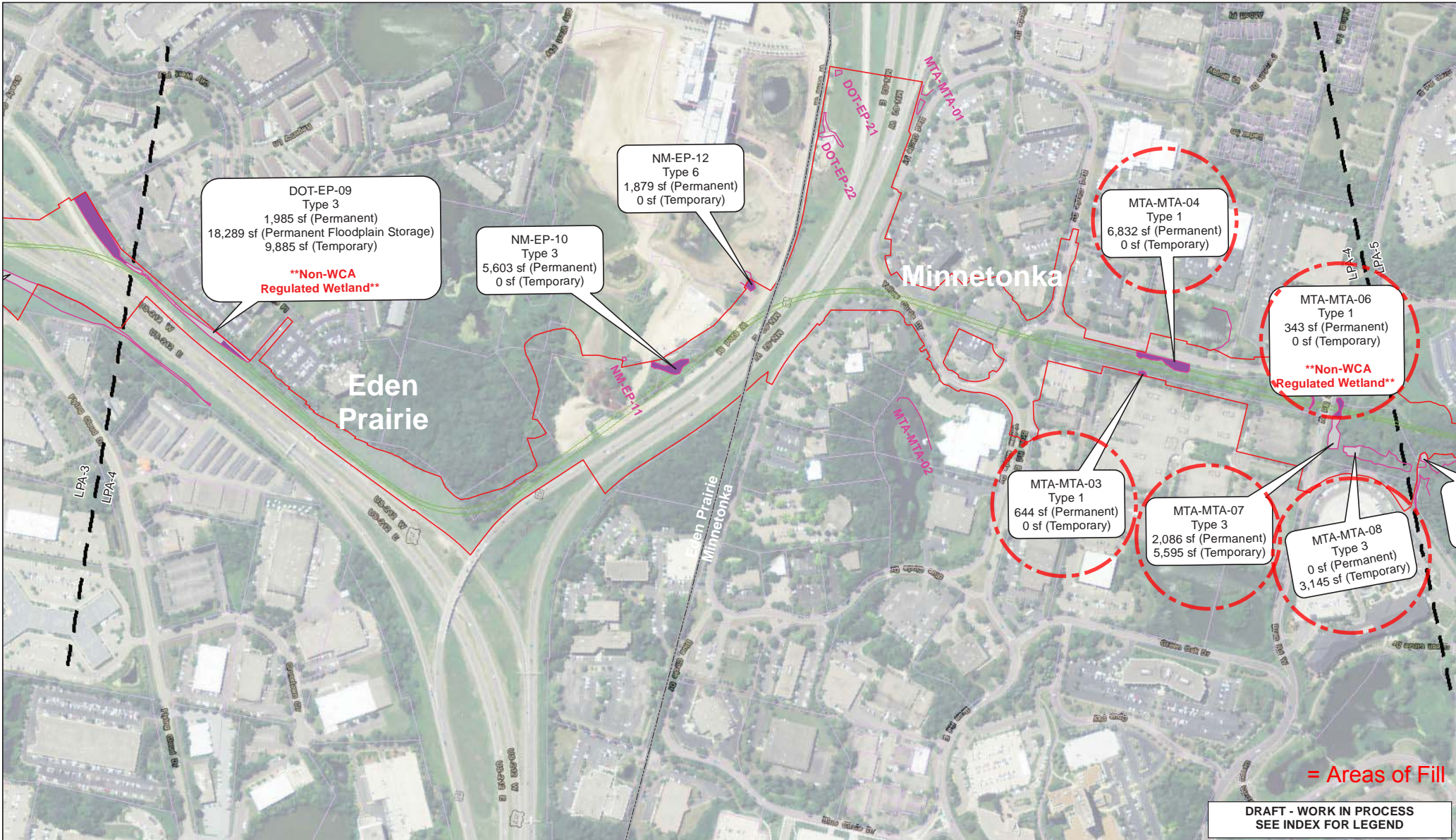
Absent: Wagner

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 22, 2016.

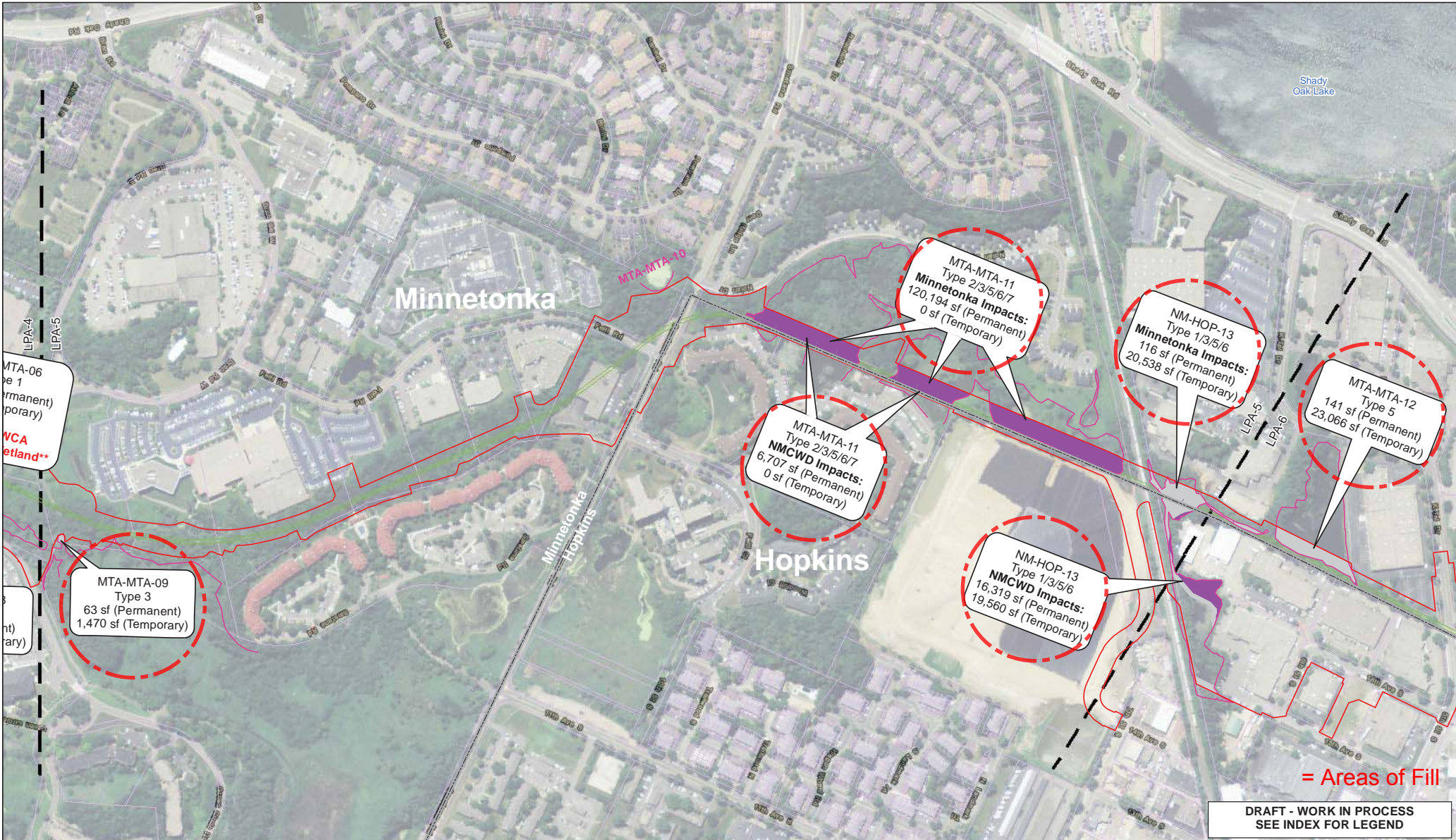
David E. Maeda, City Clerk

EXHIBIT A

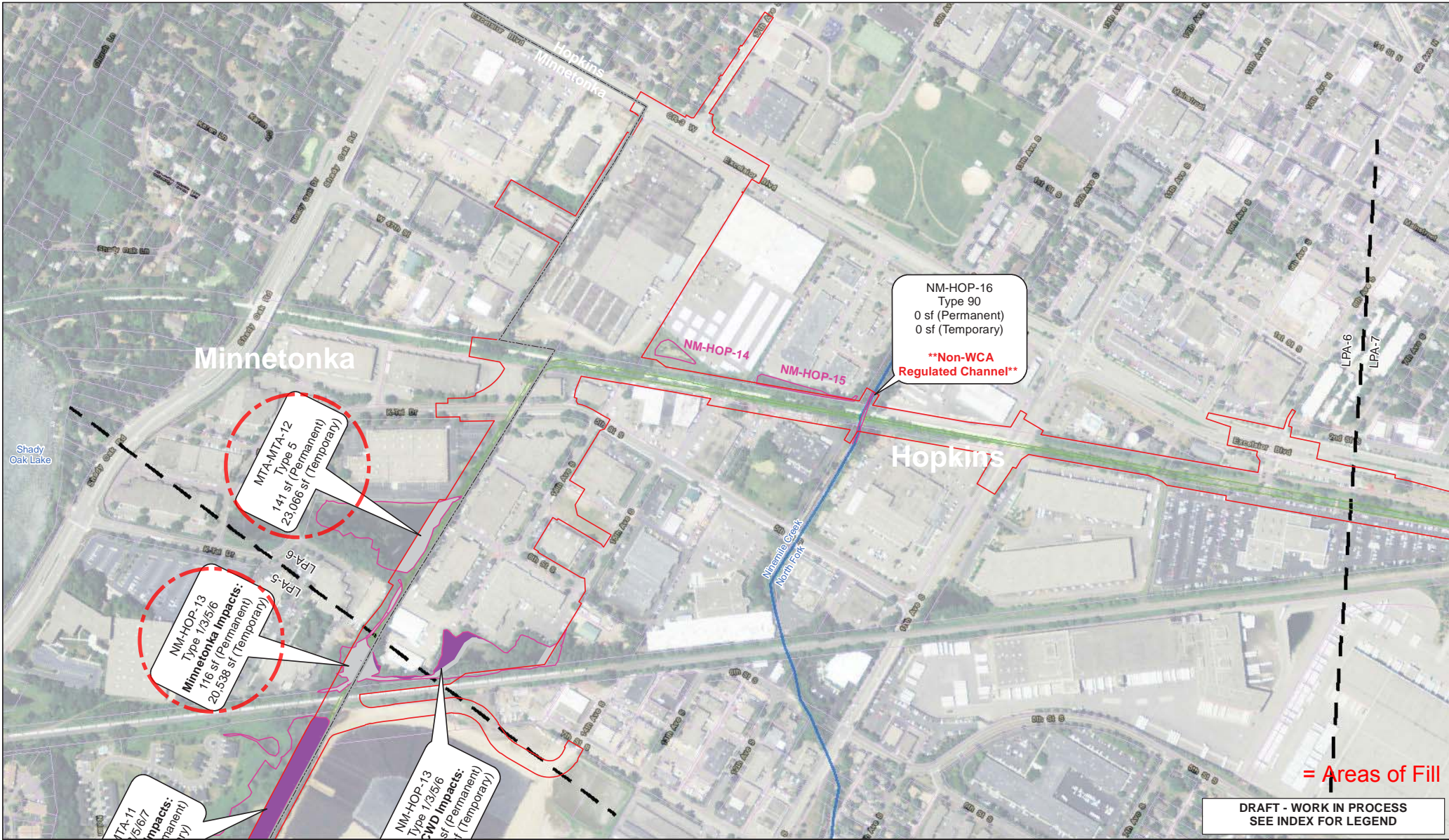


DRAFT - WORK IN PROCESS
SEE INDEX FOR LEGEND

	<h1>SOUTHWEST LRT</h1> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 4 Rev 00.00 4/6/2016 Sheet 4 of 15</p>	<p>Scale</p>	
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	<h1>SOUTHWEST LRT</h1> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 5 Rev 00.00 4/6/2016 Sheet 5 of 15</p>		
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DRAFT - WORK IN PROCESS
SEE INDEX FOR LEGEND

	<h1>SOUTHWEST LRT</h1> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 6 Rev 00.00 4/6/2016 Sheet 6 of 15</p>	<p>Scale</p>	
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Resolution No. 2016-

Resolution approving wetland, wetland buffer, and floodplain variances to accommodate construction of the Southwest Light Rail Transit line

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 To accommodate construction of that part of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka, the following variances are required:

	Item Requiring a Variance	Required	Proposed**
Wetland	Rail Line	25 foot setback	1 foot
	Bridge Abutments	35 foot setback	1 foot
	Transit Power Substation	35 foot setback	15 feet
	Trails	25 foot setback	2 feet
Wetland Buffer	Rail Line	25 foot buffer	5 feet
	Bridge Abutments	25 foot buffer	1 foot
	Transit Power Substation	25 foot buffer	15 feet
	Trails	25 foot buffer	11 feet
Floodplain	Rail Line	10 foot horizontal setback 1 foot vertical separation	0 feet
	Bridge Abutments	10 foot setback	0 feet

** Varies within the corridor. Proposed numbers are minimums

1.02 The areas requiring variances are generally illustrated on EXHIBIT A of this resolution.

1.03 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the city to grant variances.

1.03 On August 4, 2016, the planning commission held a hearing on the proposal. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the variances.

Section 2. Standards.

2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings

3.01 The variances associated with construction of the SWLRT line would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. Purpose and Intent of the Ordinance. The intent of wetland, wetland buffer, and floodplain standards is to recognize, preserve and protect the city's water resources to the maximum extent possible while allowing reasonable use of property. The proposed variances meet this intent. The area of variances would be relatively small given the large areas of water resources within the transit corridor and the variances would not negatively impact the hydrology of the resources.
2. Consistency with the Comprehensive Plan. One of the primary transportation goals of the comprehensive plans to provide and promote convenient and accessible transportation systems to residents and employees of Minnetonka business. The proposed variances are consistent with this goal, as they would allow for construction of a regional transit line.
3. Practical Difficulties: There are practical difficulties in complying with the ordinance:

- a) Reasonableness and Unique Circumstances: The proposed variances are required to accommodate a regional transit line. Given the amount and location of wetlands and floodplain areas in Minnetonka, it is unlikely that a transit line could be constructed that both meets the community's locational preferences and all wetland and floodplain standards. Given this unique circumstance, the requested variances are reasonable.
- b) Character of Locality: While construction and operation of the SWLRT line will have some impact on areas surrounding the transit corridor, the requested variances themselves will not.

Section 4. City Council Action.

4.01 The above-described variances are hereby approved, subject to the following conditions:

1. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allowed prior to issuance of this permit.
2. Prior to issuance of a construction permit:
 - a) The SWLRT project must receive funding approval.
 - b) Negotiated application fees must be paid.
 - c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure with Minnetonka must be submitted for staff review.
3. This approval will expire on December 31, 2017 unless a construction permit has been issued or the city has received and approved a request for extension of this approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

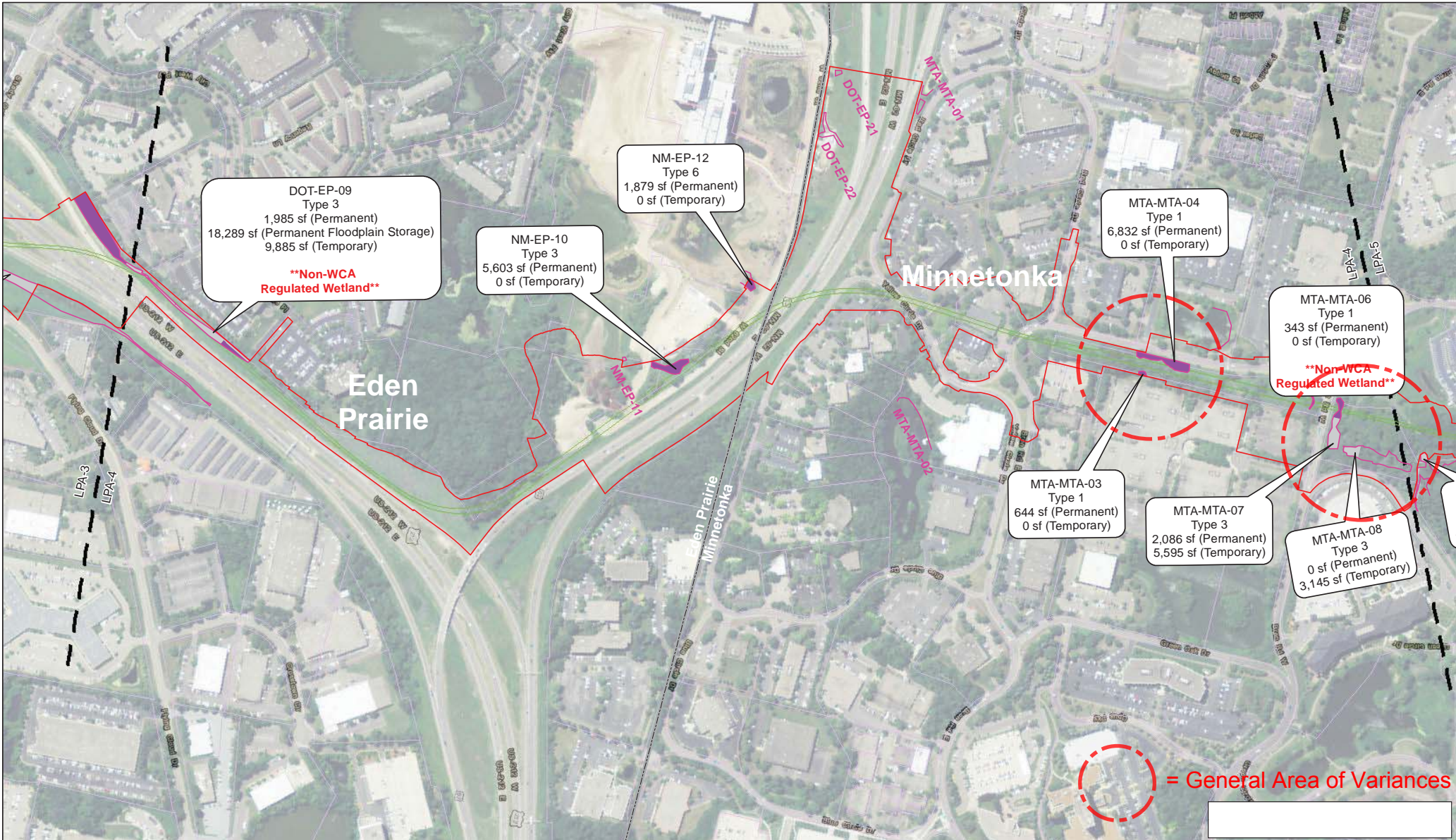
Abstained:

Absent:

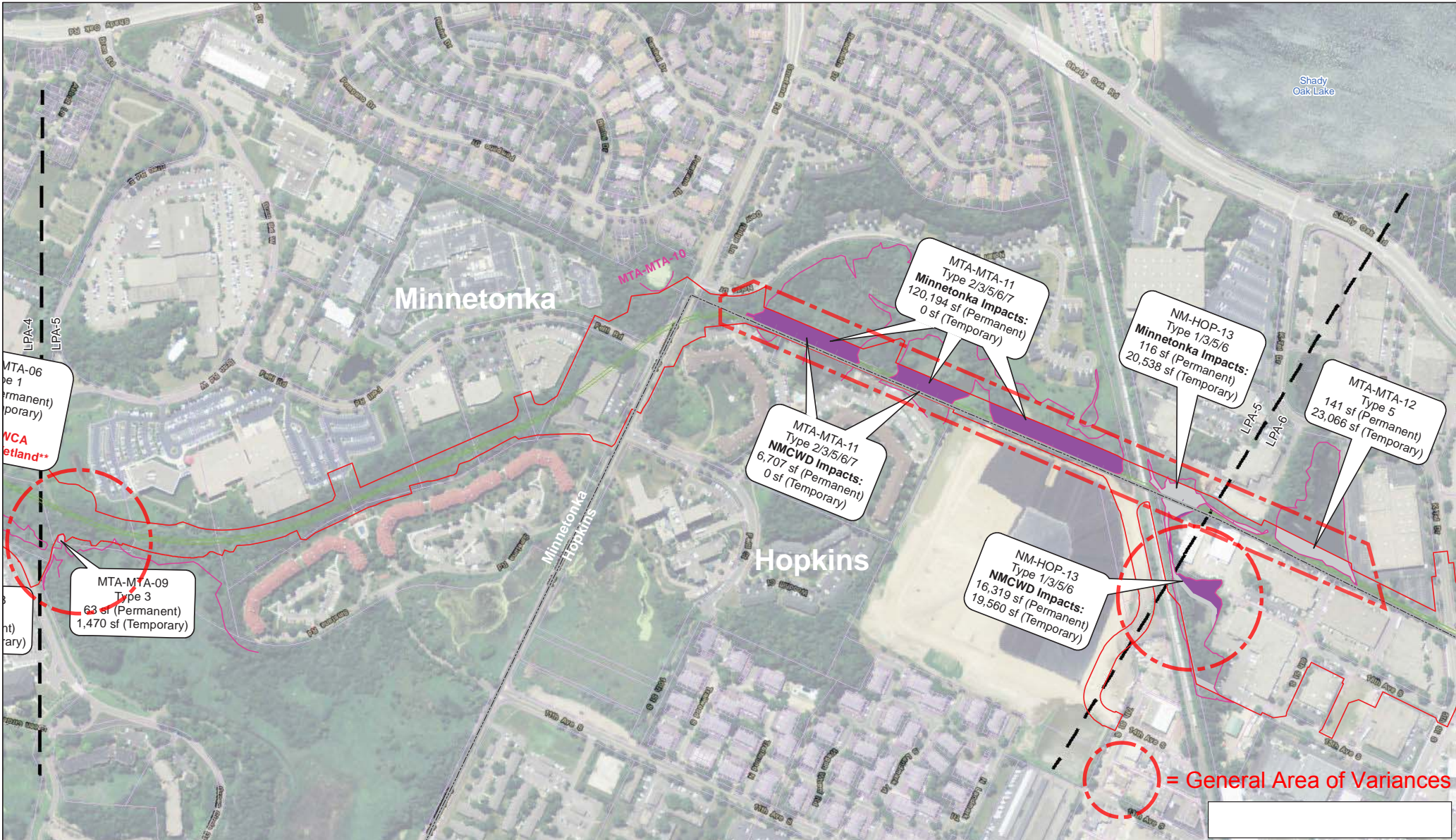
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on August 22, 2016.

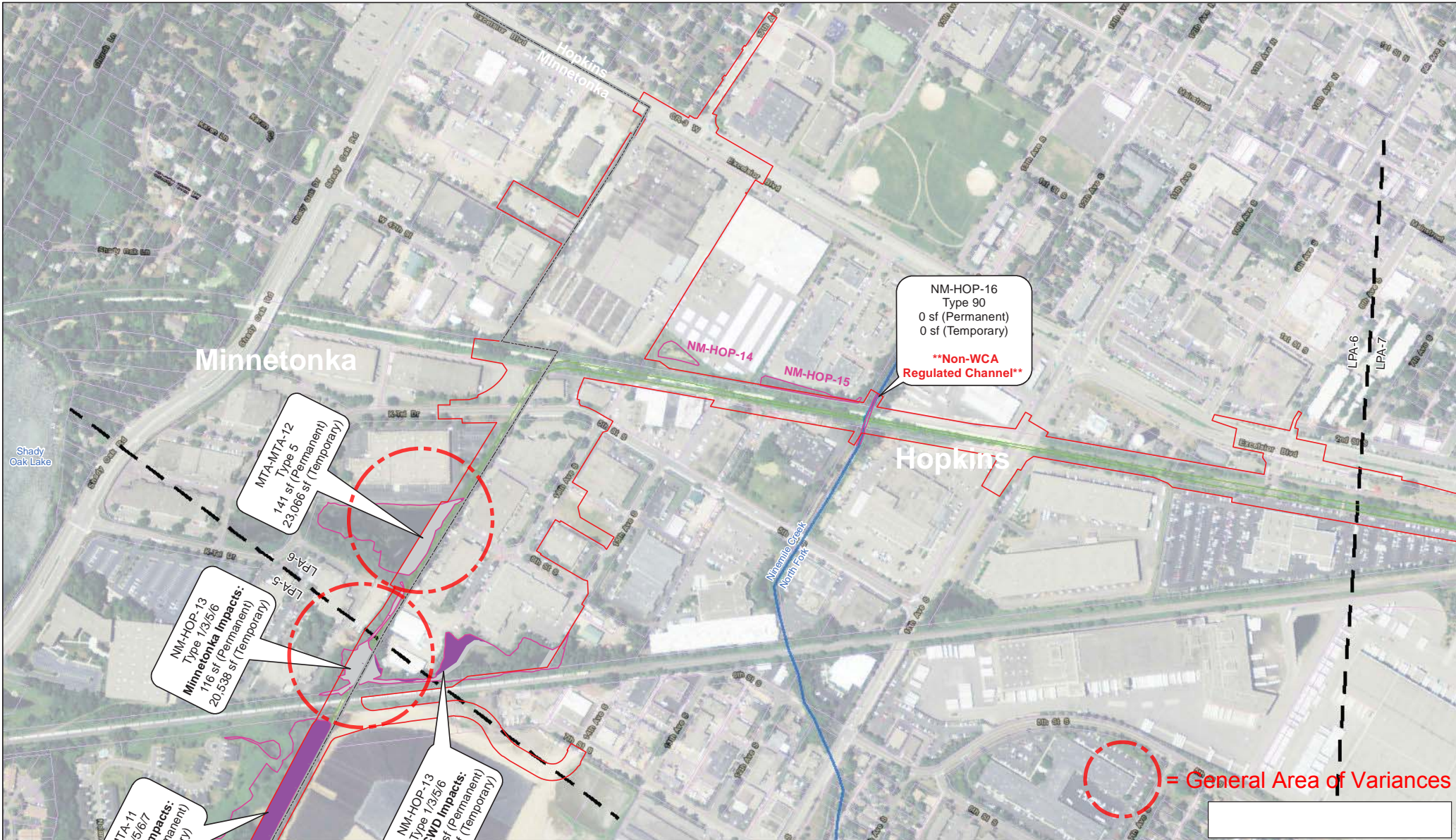
David E. Maeda, City Clerk



	<h1>SOUTHWEST LRT</h1> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 4 Rev 00.00 4/6/2016 Sheet 4 of 15</p>	<p>0 100 200 400 Scale</p>	
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	<h2>SOUTHWEST LRT</h2> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 5 Rev 00.00 4/6/2016 Sheet 5 of 15</p>		
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	<h2>SOUTHWEST LRT</h2> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 6 Rev 00.00 4/6/2016 Sheet 6 of 15</p>		
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Resolution No. 2016-

Resolution approving a conditional use permit for impervious trails within wetland buffers in and around the Southwest Light Rail Transit line

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

- 1.01 To accommodate construction of that portion of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka, several impervious trails would be relocated. Small sections of some of these relocated trails would be situated within wetland buffer areas. These areas area generally illustrated on EXHIBIT A of this resolution.
- 1.02 By City Code §300.23 Subd.7, impervious trails are allowed in wetland buffers only by conditional use permit.
- 1.03 On August 4, 2016, the planning commission held a hearing on the application. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

- 2.01 City Code §300.26 Subd.2 and Subd.3 outline general and specific standards that must be met for granting of conditional permits within the wetland overlay district. These standards are incorporated by reference into this resolution.

Section 3. Findings.

- 3.01 The proposed trails would meet all minimum conditional use permit standards outlined in City Code §300.26.

- 1. The impervious trails would:

- a) Be consistent with the goals, policies and objectives of the comprehensive plan and city ordinances. The uses would allow for public enjoyment of the city's natural resources.
 - b) Have a low flood damage potential and only minimal interference with wetland buffer vegetation.
2. The proposed trails would not:
- a) Have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
 - b) Be inconsistent with the city's water resources management plan.
 - c) Have an undue adverse impact on the public health, safety or welfare.
 - d) Adversely impact the water quality of bodies receiving runoff entering wetlands, floodplain or shoreland areas.
 - e) Adversely affect the minimum required water storage capacity as defined in the water resources management plan.
 - f) Be designed for human habitation or be serviced with public utilities.
 - g) Include any electrical or heating equipment or the storage of materials which are flammable, explosive or otherwise dangerous to human, animal or plant life;

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allowed prior to issuance of this permit.
2. Prior to issuance of a construction permit:

- a) The SWLRT project must receive funding approval.
 - b) Negotiated application fees must be paid.

 - c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure with Minnetonka must be submitted for staff review.
3. This approval will expire on December 31, 2017 unless a construction permit has been issued or the city has received and approved a request for extension of this approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

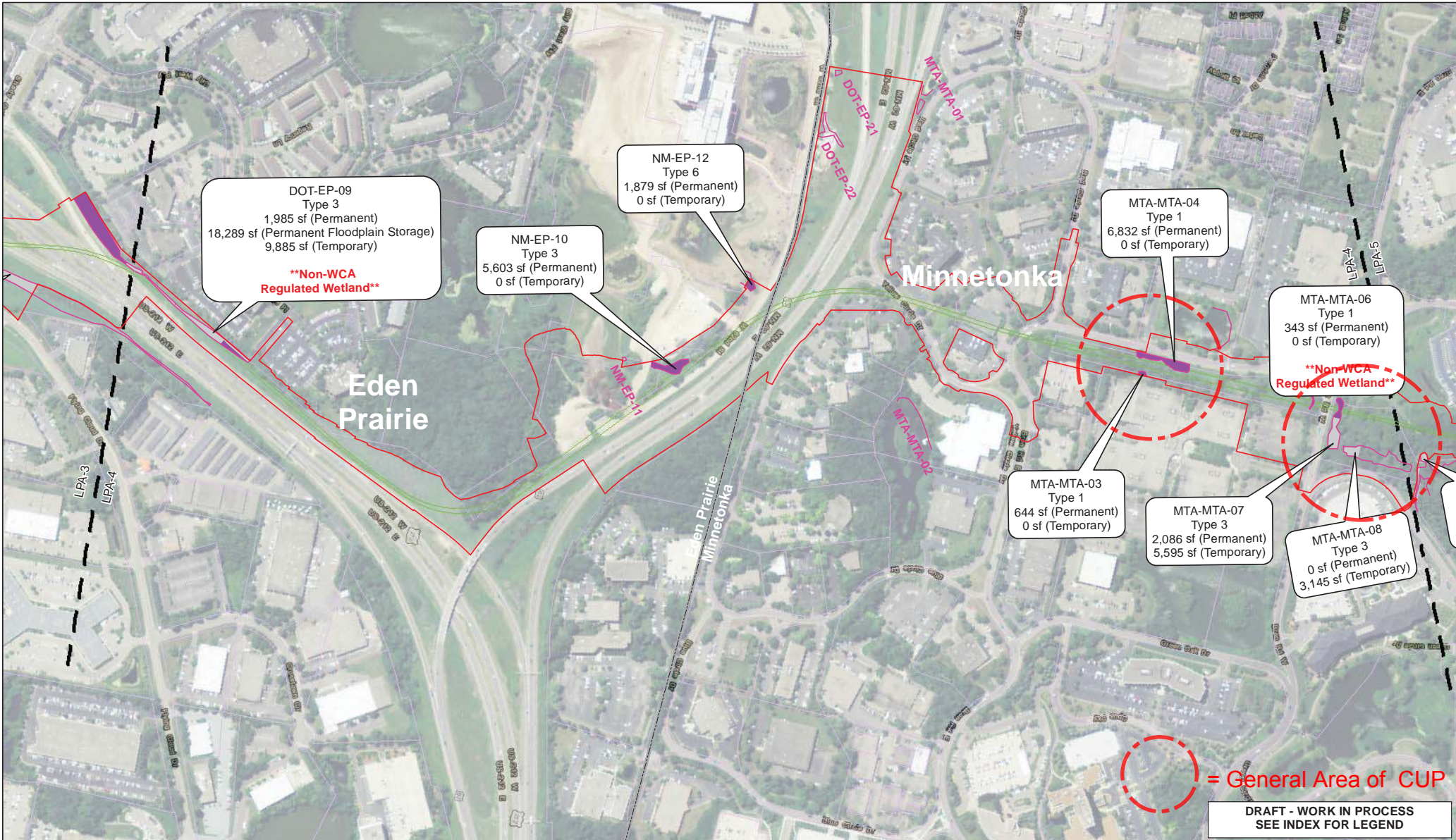
Absent:

Resolution adopted.

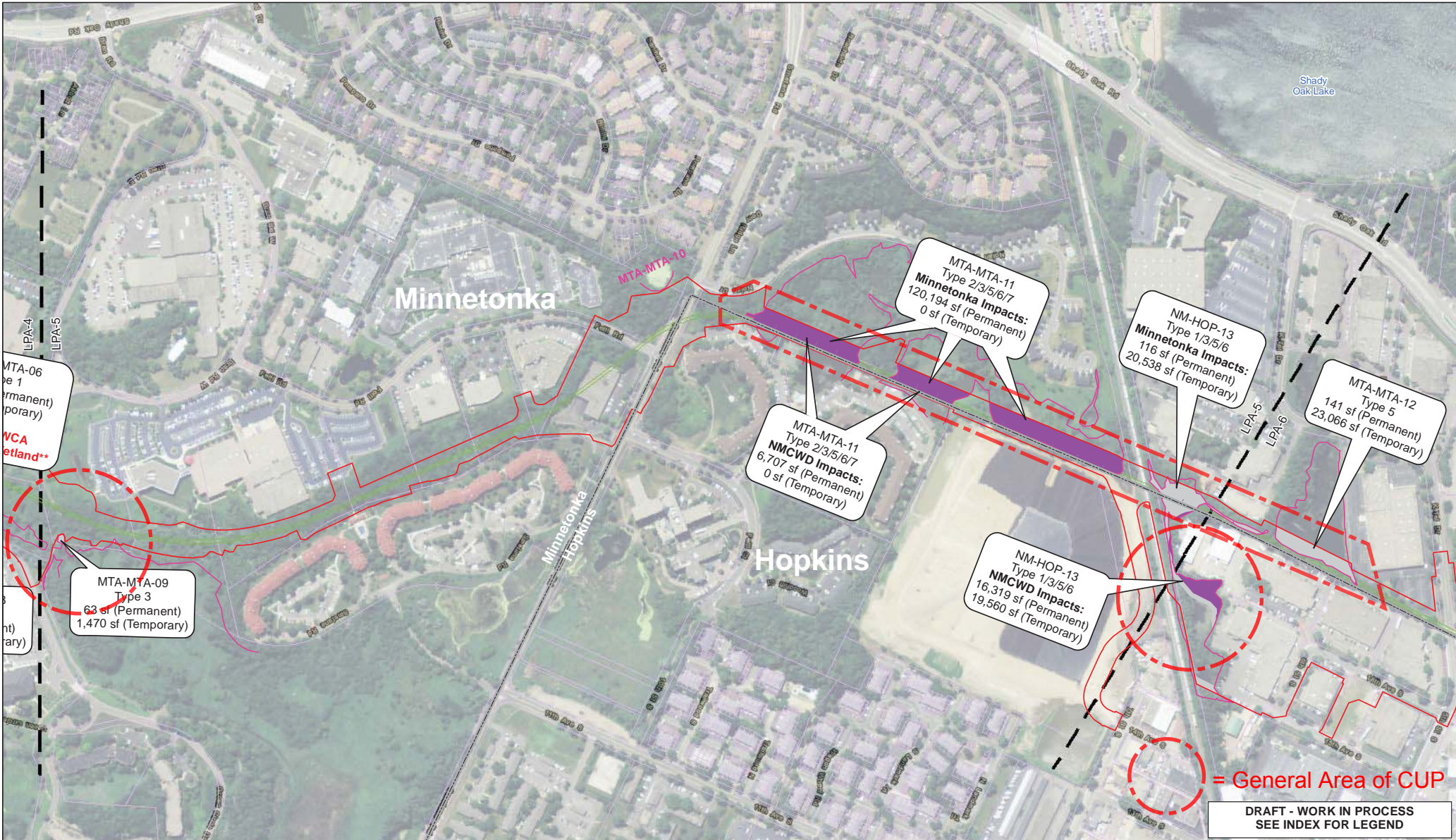
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 22, 2016.

David E. Maeda, City Clerk
SEAL

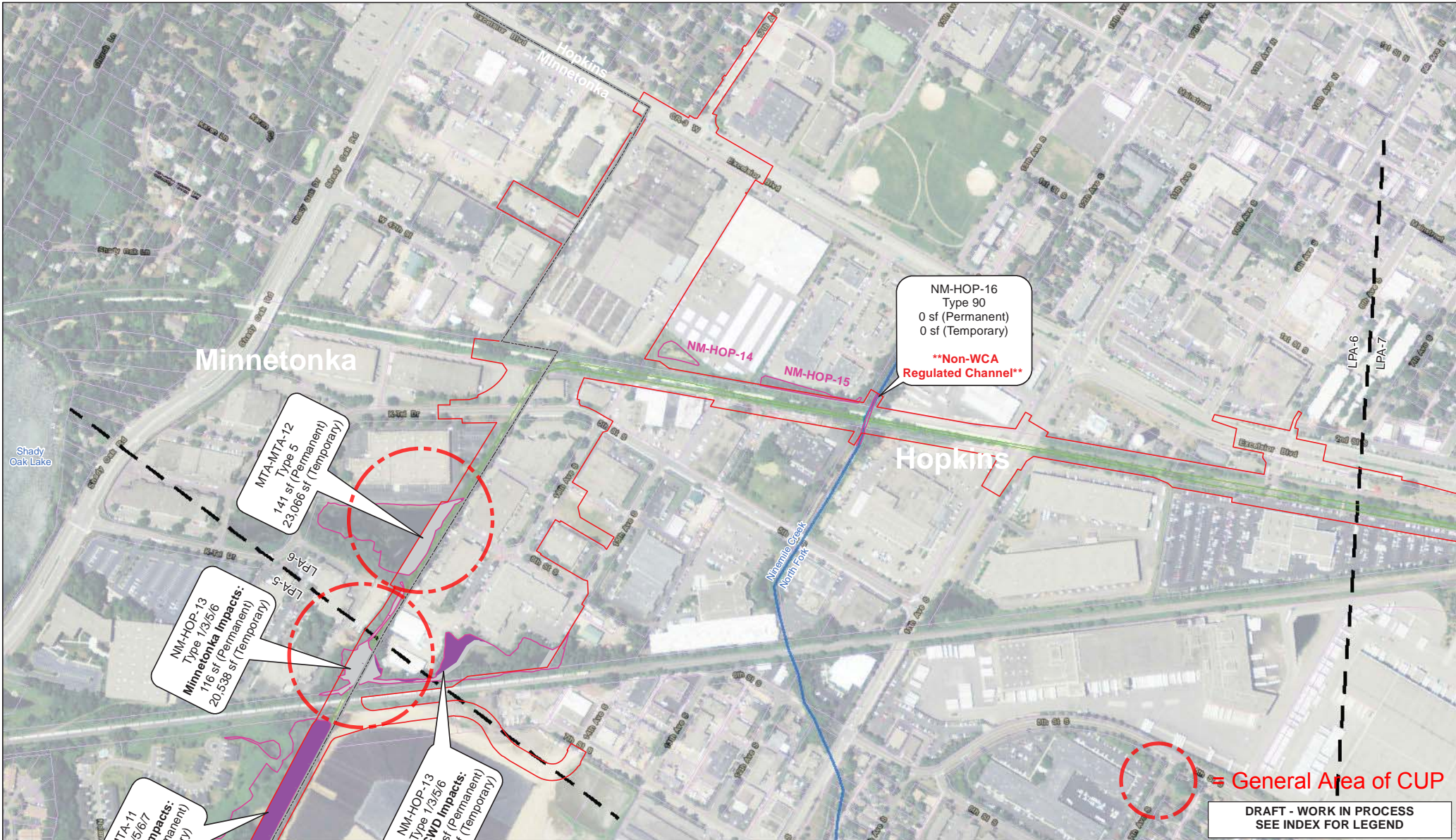
EXHIBIT A



	<h1>SOUTHWEST LRT</h1> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 4 Rev 00.00 4/6/2016 Sheet 4 of 15</p>	<p>Scale</p>	
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Resolution No. 2016-

Resolution approving construction on a steep slope and tree removal required to accommodate construction of the Southwest Light Rail Transit Line

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

- 1.01 Roughly two miles of the Southwest Light Rail Transit (SWLRT) line will be located within the City of Minnetonka.
- 1.02 Portions of the line will be constructed within steep slopes, as defined by city code, and will result in removal of trees located within woodland preservation areas, as well as high priority and significant trees.

Section 2. Standards.

- 2.01 By City Code §300.28 Subd.20(b)(3), the city will approve construction/development within a steep slope only if certain standards are met. Those standards are incorporated by reference into this resolution.
- 2.02 By City Code §300.28 Subd.19(e)(5), the city council may approve the removal of trees located within woodland preservation areas and high priority and significant trees if it determines there is a greater public good.

Section 3. Findings

- 3.01 Construction of the SWLRT line would meet the standards as outlined in City Code §300.28 Subd.20(b)(3):
1. The transit line has been appropriately designed and sited with reference to steep slopes.
 2. Construction of the transit line would not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate

drainage control, or other problems.

3. Adequate measures to protect public safety would be employed during construction of the transit line.

3.02 While valuing trees as an important natural resource and component of the community, the city recognizes that trees must be removed to accommodate construction of the SWLRT line. The line will promote the public good by providing a transportation alternative to residents, employees, and visitors to the region.

Section 4. City Council Action.

4.01 Construction within steep slopes is hereby approved based on the findings outlined in section 3 of this resolution.

4.02 Removal of trees within woodland preservation areas and high priority and significant trees is hereby approved based on the findings outlined in section 3 of this resolution.

4.03 These approvals are subject to the following conditions:

1. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allowed prior to issuance of this permit.
2. Prior to issuance of a construction permit:
 - a) The SWLRT project must receive funding approval.
 - b) Negotiated application fees must be paid.
 - c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure within Minnetonka must be submitted for staff review.
3. This approval will expire on December 31, 2017 unless a construction permit has been issued or the city has received and approved a request for extension of this approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on August 22, 2016.

David E. Maeda, City Clerk

D. Items concerning construction of that portion of the SWLRT line located in the city of Minnetonka.

Acting Chair Odland introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Calvert asked if mitigation could be done. Colleran responded in the negative. There is nowhere in Minnetonka to recreate 2.99 acres of wetland, so wetland banking credits would be purchased. Unlike wetland rules, there is no state tree removal law. There would be no room to replant the trees that would be lost. Colleran explained the difference between permanent and temporary fill.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Powers moved, second by Calvert, to recommend that the city council adopt the following for construction of that part of the SWLRT project located within the city of Minnetonka:

1. *An ordinance removing area from the wetland overlay zoning district (see pages A97–A101 of the staff report).*
2. *A resolution approving a wetland and floodplain alteration permit (see pages A102–A117 of the staff report).*
3. *A resolution approving wetland, wetland buffer, and floodplain variances (see pages A118–A121.)*
4. *A resolution approving a conditional use permit for impervious trails within wetland buffers (see pages A122–A124 of the staff report).*
5. *A resolution approving construction on a steep slope development and tree removal (see pages A125–A127 of the staff report).*

Powers, Calvert, Hanson, Knight, O’Connell, and Odland voted yes. Kirk was absent. Motion carried.