

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VIII.A.

From: Cary Teague, Community Development Director

Action
Discussion
Information

Date: March 18, 2014

Subject: Consideration of a citizen petition for an Environmental Assessment Worksheet (EAW) for conversion of the Fred Richards Golf Course in Edina; Resolution No. 2014-30.

Action Requested:

Approve the attached Resolution denying the request for an EAW to be done prior to a decision as to whether the Fred Richards golf course be closed.

Information/Background:

The Minnesota Environmental Quality Board (EQB) received a petition requesting that an Environmental Assessment Worksheet (EAW) be prepared for the conversion of the Fred Richards Golf Course in Edina. The EQB determined that the City of Edina is the appropriate governmental unit to determine the need for an EAW.

Staff believes that the closing the golf course is not a "project" as that term is defined in Minnesota Rules 4410.0200, Subd. 65, because the closure would not "result in the physical manipulation of the environment, directly, or indirectly."

The rezoning application for Pentagon Park project to the south does not include any part of the golf course. An AUAR environmental review was done for the Pentagon Park project. Closing of the golf course and the proposed Pentagon Park redevelopment are not connected actions as that term is defined in Minnesota Rules 4410.0200, Subd. 9c. One "project" does not induce the other, one "project" is not a prerequisite for the other, and both "projects" stand on their own.

ATTACHMENTS:

- Resolution No. 2014-30
- Record of Decision
- Letter from the EQB dated February 28, 2014
- Citizens Petition for Environmental Review



**RESOLUTION NO. 2014-30
RESOLUTION CONCERNING A PETITION FOR AN
ENVIRONMENTAL ASSESSMENT WORKSHEET
FOR THE FRED RICHARDS GOLF COURSE**

WHEREAS, the Minnesota Environmental Quality Board (EQB) received a petition requesting that an environmental assessment worksheet be prepared; and

WHEREAS, the EQB has determined that the City of Edina is the appropriate governmental unit to determine the need for an EAW.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Edina:

1. The Record of Decision is adopted.
2. The evidence presented fails to demonstrate that closing the Fred Richards Golf Course is a "project" as defined by State law or Rule, or that if it is a "project" that it may have the potential for significant environmental effect.
3. The petition for an EAW is denied.

Adopted this 18th day of March, 2014.

ATTEST: _____
Debra A. Mangan, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of March 18, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this ____ day of _____, 2014.

City Clerk

**CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA**

RECORD OF DECISION

1. PETITION.

The Minnesota Environmental Quality Board (EQB) received a petition requesting that an Environmental Assessment Worksheet (EAW) be prepared for the conversion of the Fred Richards Golf Course in Edina. In a letter dated February 28, 2014, the EQB sent the petition to the City and notified the City that the City of Edina is the appropriate governmental unit to determine the need for an EAW. The City of Edina received the letter and petition from the EQB on March 7, 2014.

2. PROJECT DESCRIPTION.

The City of Edina is considering closing the Fred Richards Golf Course (“golf course”). If the decision is made to close the golf course, the City will undertake a planning process for the future use of the property but no project or action has been decided upon, nor is one pending.

3. FINDINGS.

The Edina City Council makes the following findings:

- 3.1 Closing the golf course is not a “project” as that term is defined in Minnesota Rules 4410.0200, Subp. 65 because the closure will not “result in the physical manipulation of the environment, directly or indirectly.”
- 3.2 Closing the golf course is not within the mandatory or exempt categories listed in Minnesota Rules 4410.4300, 4410.4400 and 4410.4600.
- 3.3 The City has received an application to rezone the adjacent Pentagon Park office complex to Planned Unit Development (PUD). The rezoning application does not include any part of the golf course. No part of the golf course property will be included in the Pentagon Park office redevelopment. The golf course property will not be used for stormwater drainage, retention ponds, trails, streets or anything else to serve the Pentagon Park office redevelopment.
- 3.4 Closing the golf course and the proposed Pentagon Park redevelopment are not connected actions as that term is defined in Minnesota Rules 4410.0200, Subp. 9c. One “project”

does not induce the other, one “project” is not a prerequisite for the other, and both “projects” stand on their own.

- 3.5 The Pentagon Park property is included within the scope of the 2007 Gateway Alternative Urban Areawide Review, which was updated on June 1, 2013.
- 3.6 The City has considered the criteria in Minnesota Rules 4410.1700, Subp. 7 in determining whether the “project” has the potential for significant environmental effects and has determined that the “project” does not have the potential for significant environmental effects.

4. CONCLUSION.

The City of Edina denies the petition for an EAW because the evidence presented fails to demonstrate that closing the golf course is a “project” as defined by State law or Rule, or that even if it is a “project” that it would have the potential for significant environmental effects.



Environmental Quality Board

520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
PHONE: 651-757-2873
WWW.EQB.STATE.MN.US

VIA E-MAIL AND U.S. MAIL

February 28, 2014

Ms. Ann Kattreh
City of Edina
4801 West 50th Street
Edina, MN 55424

RE: Citizens Petition for an EAW for Conversion of the Fred Richards Golf Course in Edina

Dear Ms. Kattreh:

The Environmental Quality Board (EQB) has received a petition requesting that an Environmental Assessment Worksheet (EAW) be prepared on the project described in the petition, and has determined that the city of Edina is the appropriate governmental unit to decide the need for an EAW.

The requirements for environmental review, including the preparation of an EAW, can be found in the Minnesota Rules, chapter 4410. The procedures to be followed in making the EAW decision are set forth in part 4410.1100. Key points in the procedures include:

1. No final government approvals may be given to the project named in the petition, nor may construction on the project be started until the need for an EAW has been determined. Project construction includes any activities which directly affect the environment, including preparation of land. If the decision is to prepare an EAW, approval must be withheld until either a Negative Declaration is issued or an Environmental Impact Statement (EIS) is completed (see part 4410.3100, subpart 1).
2. A first step in making the decision regarding the need for an EAW would be to compare the project to the mandatory EAW, EIS, and Exemption categories listed in parts 4410.4300, 4410.4400, and 4410.4600, respectively. If the project should fall under any of these categories, environmental review is automatically required or prohibited. If this should be the case, proceed accordingly.
3. If preparation of an EAW is neither mandatory nor exempted, the city has the option to prepare an EAW. The standard to be used to decide if an EAW should be done is given in part 4410.1100, subp. 6. Note that this requires that a record of decision, including specific findings of fact, be maintained.
4. You are allowed up to 30 working days (Saturdays, Sundays and holidays do not count) for your decision if it will be made by a council, board, or other body which meets only periodically, or 15 working days if it will be made by a single individual. You may request an extra 15 days from the EQB if the decision will be made by an individual.

Ms. Kattreh
Page 2
February 28, 2014

5. You must notify, in writing, the proposer, the petitioners' representative, and the EQB of your decision within 5 working days. I would appreciate if you would send a copy of your record of decision on the petition along with notification of your decision for our records. This is not required, however.
6. If for any reason you are unable to act on the petition at this time (e.g., no application has yet been filed or the application has been withdrawn or denied), the petition will remain in effect for a period of one year, and must be acted upon prior to any final decision concerning the project identified in the petition.

Notice of the petition and its assignment to your unit of government will be published in the EQB Monitor on March 3, 2014.

If you have any questions or need any assistance, please do not hesitate to call me. The telephone number is 651-757-2873.

Sincerely,



Kate Frantz
Planner Principal State
Environmental Quality Board

KF:bt

Enclosure

cc: John Stang (email only)
Colleen Wolf (email only)
Will Seuffert, EQB Executive Director (email only)

February 24, 2014

Via Hand Delivery

Minnesota Environmental Quality Board
c/o Ms. Kate Frantz
520 Lafayette Road North
Saint Paul, MN 55155

RE: Citizens Petition for Environmental Review – City of Edina Land Use Conversion

Dear Ms. Frantz –

Enclosed please find our Citizens Petition for Environmental Review pursuant to Minnesota Rules 4410.1100 including the following for the project listed above:

1. A description of the proposed project;
2. Identification of the project proposer;
3. Identification of a representative for petitioners, including mailing address and telephone number;
4. A brief description of the project's potential environmental effects, including an explanation of how unusual or unique characteristics of the project or its location create a need for an EAW even though no mandatory threshold is exceeded;
5. Material evidence of potential for significant environmental effects because of the project's nature or location; and
6. Signatures of at least 25 individuals, with no restriction on location of residence,

By copy of this letter we have given the project proposer written notice of the filing of the petition. If you have any other questions please contact me using the information on the petition.

Sincerely

Ms. Colleen Wolfe

c. City of Edina, Minnesota
Hillcrest Development

PETITION FOR DISCRETIONARY ENVIRONMENTAL REVIEW

Project: Conversion of the Fred Richards Golf Course in Edina

Project Proposer: Hillcrest Development ("Developer") and City of Edina ("City")

Name, address, and telephone number of the representatives of the Petitioners

John Stang – pstang@comcast.net
4525 Sedum Lane, Edina, MN 55435
612-804-7292

Colleen Wolf - colleenwolfe5@comcast.net
4408 Gilford Drive, Edina, MN
952-250-6669

Description of the Proposed Project:

The City of Edina Project includes the closure, land use conversion and joint repurposing of Fred Richards Golf Course including inclusion of the former golf course in the redevelopment of the Pentagon Park office complex along 77th Street in the City of Edina. (See property location on included materials¹) and closure, land use conversion and repurposing of Fred Richards Golf Course. The total site area is, on information and belief, approximately 81 acres in size based on site renderings published by the developer and information from the City's website about the golf course; and would likely redevelop the entire combined site over the next 2-15 years in the future. Proposed uses include office, retail, residential, and a hotel and conversion of the City owned golf course into a stormwater drainage area for the development. The Developer is asking the City for a PUD type of Development and inclusion of the golf course for its plans. Which would allow greater flexibility of land uses, amenities, setbacks, pedestrian connection, and closing the Fred Richards Golf to redevelop this City open space into a stormwater drainage and retention system for the development and discussed in the attached material².

¹ See [Exhibit A](#).

² See [Exhibit C](#), [Exhibit D](#) and [Exhibit E](#)

Clearly the City's project for the Fred Richards Golf Course and the redevelopment of the Pentagon Park Office Complex are Connected and Cumulative as defined in Minnesota Rules Part 4410.1000, subpart 4 and part 4410.2000, subpart 4. These rules specify that an EAW or Supplemental EIS must precede approval of each stage or component of connected projects.

The City is attempting to divide these two projects merely to divide up a large system into exempted segments which is not allowed under the rules (parts 4410.1000 and 4410.2000, subparts 4). The Fred Richards portion of the connected project cannot be approved or started until the review is completed.

Brief Description of Potential environmental effects:

The petitioners request an EAW to fully assess the potential for cumulative and sequential significant environmental effects of with the combined City's use intensification and incorporated conversion of the Fred Richards Golf Course into a stormwater drainage and containment system for the development and surrounding area. The project resulting with the physical changes to the adjoin sites contemplated by the City and Developer start with the closure of the golf course and physical manipulation to change the drainage, grades, and entire appearance and conditions at the site to allow for an area wide redistribution, change or collection and installation of new stormwater control measures, enhanced human interaction and finally environmental damages and changes. The potential impacts include:

1. **Stormwater.** Clearly the intentional and unintentional changes in stormwater run-off and drainage to the large surrounding the Development and Golf Course given the change in topography and drainage can result in many negative impacts. The project is directly in the middle of and connected hydraulically to 9-Mile Creek and impacts may occur far from the project site. The intensification of use, reconfiguration and physical manipulation of the Fred Richards site golf course anticipates a large increase in the water deposited on the Project site as a result of the City's decision to integrate it into the overall plan for the area.³

9-mile Creek watershed already has a TMDL established by the MPCA for Chloride and the City has failed to address the harm and likely degradation of this important water body based on increased stormwater run-off from the use of the Project

³ See pages identified as A4, A11 and the staff report as part of Exhibit B which show a flooding of the Fred Richards property and incorporation of a large portion of the property for stormwater runoff from the Pentagon Park Development. See also, pages 7 – 15 of Exhibit F which shows the planned connection between the two parcels, intensified "Connection" and "Integrated Stormwater" features on the east side or right hand side of the page.

property for stormwater from the adjoining redevelopment project and potential violation of the TMDL⁴

2. **Flooding Related Concerns.** Petitioners are concerned that the project as proposed will negatively affect the already high water table with issues labeled as Other Flood Areas on the FEMA flood maps published by the City⁵, pushing water to nearby residential areas in an area with a high water table and history of flooding. Petitioners are also concerned that the previously low areas of the project land will be graded to a height higher than current conditions thereby affecting nearby residential areas. The City has failed to address or consider these externalities associated with its development. The petitioners are concerned about the potential increase in mosquitoes in the summer associated with this flooding.
3. **Wildlife Impacts.** Because the project the City is contemplating is in the middle of the nine mile creek watershed district, and because much of the project involves reducing dry land in the same, Petitioners are concerned about the impact on species which migrate through the area. Including the identification of threatened or endangered species including⁶:
 - a. Two Blanding's Turtles (*Emydoidea blanding*)
 - b. One Peregrine Falcon (*Falco peregrines*)
 - c. One Common Moorhen (*Gallinula chloropus*)
 - d. One Forester's Tern (*Sterna forsteri*)

Petitioners do not believe that the RGU has taken this matter into consideration. A site survey of these resources should be conducted.

4. **Soil contamination, hazardous waste and storage tanks.** There is no indication that a plan dealing with the disturbance of polluted soil has been submitted. It is not known how ground water will be impacted when polluted soil is disturbed. The City should be required to identify any toxic or hazardous materials to be used or present at the site and must identify measures to be used to prevent them from contaminating groundwater. There is an extensive history of leaking underground storage tanks used for gasoline, heating fuel oil and waste oil in the Project area A

⁴ See Exhibit J

⁵ See Exhibit G The Department of Homeland Security's Federal Emergency Management Agency (FEMA) has prepared Preliminary Flood Insurance Rate Map (FIRM) plate 27053C0452 published on Edina City Website <http://edinamn.gov/index.php?section=community-development>.

⁶ See Exhibit H

search of the Minnesota Pollution Control Agency (MPCA) website accessing "What's in My Neighborhood" data indicated the following sites are identified within or near the project boundary:

- a. • 1 former CERCLIS/Superfund site
- b. • 1 abandoned unpermitted dump located west of Tracy Avenue
- c. • 5 leaking underground storage tank sites (some with more than one release event)
- d. • 2 air permitted sites
- e. • 28 hazardous waste generators (small to minimal quantity)
- f. • 21 tank sites⁷

The number, location and size of underground storage tanks have not been provided. Petitioners are also concerned about the proximity and lack of information on the limits of the former France Avenue Dump for the City of Bloomington just to the east and up-gradient of the City's project. Depending on the rain during the time of excavation, Petitioners want to see a plan for the disposal of potentially contaminated rainwater that accumulates on the construction and storage tank sites. There is no plan of which Petitioners are aware that deals with storage, disposal or reuse of polluted soil. Petitioners request an emergency response containment plan be made publicly available.

5. **Additional Impacts.** Additional impacts from the Project include:

- a. Wastewater treatment or septic system issues.
- b. Noise
- c. Odors
- d. Visual and Aesthetic Impacts

The Proposed Project falls into a Mandatory Category for Environmental Review

⁷ See Exhibit I

While not part of this application, the petitioners request that the EQB consider the absence of compliance by the City by way of its ignoring the requirements of Minnesota Rules 4410.4300. An EAW must be prepared for projects that meet or exceed threshold of any of the criteria listed in Subparts 2 through 37 of the rule. If the project is an "expansion" of an existing project, like here where the City of Edina is seeking to combine the Fred Richards golf course with the Pentagon Park development, the cumulative total of the proposed project must be taken into account (e.g. the total 81 acres).

Subpart 36 of Minnesota Rule 4410.4300 specifically lists "Land use conversion, including golf courses as one the threshold categories that requires a mandatory environmental review.

Previously, the Gateway Alternative Urban Area wide review was completed 2007, but ONLY for the Pentagon Park Redevelopment Project. That study did not include the incorporation or intensified use of the Fred Richards golf course and did not address cumulative or sequenced environmental impacts associated with the project.⁸ Additionally, that AUAR is outdated as it is required to be updated every 5 years.⁹

Supporting Evidence:

Without an on-site investigation and analysis, the applicant's relied upon information supplied by the City of Edina and the Developer. This information includes:

1. Project Aerial Photo – Exhibit A
2. Staff Report to Edina Planning Commission dated December 11, 2013 – Exhibit B
3. Minutes of the City of Edina for Work Session for Pentagon Park dated April 16, 2013 and minutes – Exhibit C
4. December 6, 2013 Minneapolis/St. Paul Business Journal – Exhibit D
5. January 17, 2014 Edina Sun Current – Exhibit E
6. Open House Presentation from Hillcrest Development September 2013 – Exhibit F
7. FEMA Flood Insurance Map from City of Edina Website February 2014 – Exhibit G
8. Three Rivers Park District Presentation on Regional Trail Edina Section September 17, 2013 – Exhibit H
9. Minnesota Pollution Control Agency Printout of Whats in My Neighborhood from MPCA Website February 2014 – Exhibit I
10. US Environmental Protection Agency Total Maximum Daily Load requirements for Chloride for 9 Mile Watershed district – Exhibit J.
11. Information from www.savethefred.org

⁸ See [Exhibit B](#)

⁹ See [Exhibit C](#)

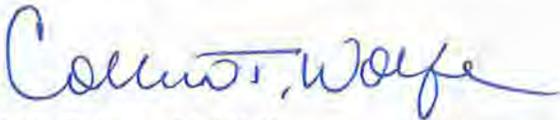
12. Information from www.edinamn.gov

Conclusion: The applicant is petitioning the Environmental Quality Board to order the preparation of a discretionary Environmental Assessment Worksheet (EAW) so that the full impact of this significant change and physical manipulation of both the project site and City's significant land use conversion in the open space of the Golf Course to a combined, integrated and part of the commercial Pentagon Park development can be thoroughly reviewed for its Cumulative Environmental Affects. This major land use conversion in the use of the City land will significantly degrade the quality of management of stormwater, air quality, traffic and noise, along with other significant factors. In addition the increase in traffic will endanger local auto and pedestrian traffic. Given the City of Edina's involvement in the project the Petitions urge the EQB to consider appointing the 9-Mile Creek Watershed District as the RGU for this review.

Furthermore, this Project by the City of Edina more than meets the threshold for mandatory environmental review as required by Minnesota Rules 4410.4300, Subpart 36 given the land use conversions being proposed by the City.

The formal initiation of the EAW process will lead to the establishment of consistent regulatory guidelines that will ensure that future generations will benefit the community as a whole and the developer and future developers and residents of the City.

Respectfully Submitted,



Ms. Colleen M. Wolf
4408 Guilford Lane
Edina, MN 55435
952-250-6669

City Hall • Phone 952-927-8861
Fax 952-826-0389 • www.CityofEdina.com

Exhibit B



Date: December 11, 2013

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Sketch Plan Review – Pentagon Park

The Planning Commission is asked to consider a sketch plan proposal to redevelop Pentagon Park along 77th Street. (See property location on page A1.) The total site area is 43 acres in size; and would likely redevelop over the next 2-15 years in the future. Proposed uses include office, retail and a hotel. No housing is anticipated at this time, however, that use is currently allowed on the property, and should remain as a potential future land use. (See sketch plans including two development options on pages A3-A12.) The site is currently zoned MDD-6, Mixed Development District. (See existing overall development plan for Pentagon Park on page A2.) Anticipated land uses for the site all meet the current zoning regulations.

Following the sketch plan review by the Planning Commission and City Council, the applicant will follow up with a request to rezone the site to PUD, Planned Unit Development, to allow greater flexibility of land uses, amenities, setbacks, pedestrian connection, and depending on the future use of Fred Richards Golf Course, potential greater connection and integration in this public space. The goal after sketch plan is to obtain a Preliminary Rezoning to PUD of the entire site, along with approval of an overall master development plan.

Final Rezoning would then be sought, along with the first phase of development, which would likely be the property on the south side of 77th Street adjacent to Highway 100.

A compliance table is provided on the following page to demonstrate how the proposed plans would comply with the current zoning of MDD-6, Mixed Development District.



Compliance Table

	City Standard (MDD-6)	Proposed - PUD
<u>Setbacks - Buildings</u>		
Front Setback	35 feet + ½ foot for each foot the building height exceeds minimum setback	*50 feet (77th Street - 12 story buildings) *35 feet (Viking Drive - 12 story buildings)
Rear	35 feet + ½ foot for each foot the building height exceeds minimum setback	50 feet
Side	35 feet + ½ foot for each foot the building height exceeds minimum setback	50 feet
<u>Setbacks - Parking Structures</u>		
Front/street	20 feet or the height of the structure	50 feet
Building Height	4 stories north of 77 th Street 12 stories south of 77 th Street	*5 stories 12 stories (Heights over 12 stories would require a Comprehensive Plan amendment)
Parking lot and drive aisle setback	20 feet (street)	20 feet
Building Coverage	30%	30%
Maximum Floor Area Ratio (FAR)	50% - Non-residential Uses 50% - Residential Uses 1,881,134 square foot site	*1,777,560 s.f. total proposed non-residential (includes, Burgundy Place, Walsh Title & a 250,000 s.f. hotel)
Parking Stalls – Mixed Development District	Non Residential: 1,777,560 s.f./300 = 5,425 stalls required	Parking detail has not been calculated at this time
Minimum Lot Size	43 acres	43 acres

*** Would require a variance under the current code**

The most significant change proposed is replacing the residential square footage with non-residential square footage. Within the context of the Alternative Urban Areawide Review (AUAR), the proposal would shift from Scenario 2, to closer to Scenario 3. (See pages A15 & A35, of the attached AUAR.) Please note on page A35, the square footage proposed, does not exceed the maximum square footage contemplated in the AUAR.



While, the densities contemplated here are still within the parameters of the AUAR, traffic would have to be studied to verify if any, and at what point would roadway improvements would be necessary per the AUAR.

PUD GOALS

Below are the Code requirements and considerations for PUD. The applicant has pledged to include many of the goals and standards for a PUD. Those include: Sustainable design, living streets concept, improved pedestrian connections, pedestrian oriented design, and lighting, landscaping and creative Stormwater management.

D. Procedure for Rezoning to a Planned Unit Development (PUD) District.

1. Purpose and Intent. The purpose of the PUD District is to provide comprehensive procedures and standards intended to allow more creativity and flexibility in site plan design than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity. The purpose and intent of a PUD is to include most or all of the following:
 - a. provide for the establishment of PUD (planned unit development) zoning districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the City's Comprehensive Plan;
 - b. promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City;
 - c. provide for variations to the strict application of the land use regulations in order to improve site design and operation, while at the same time incorporate design elements that exceed the City's standards to offset the effect of any variations. Desired design elements may include: sustainable design, greater utilization of new technologies in building design, special construction materials, landscaping, lighting, stormwater management, pedestrian oriented design, and podium height at a street or transition to residential neighborhoods, parks or other sensitive uses;
 - d. ensure high quality of design and design compatible with surrounding land uses, including both existing and planned;



- e. maintain or improve the efficiency of public streets and utilities;
- f. preserve and enhance site characteristics including natural features, wetland protection, trees, open space, scenic views, and screening;
- g. allow for mixing of land uses within a development;
- h. encourage a variety of housing types including affordable housing; and
- i. ensure the establishment of appropriate transitions between differing land uses.

2. Applicability/Criteria

- a. Uses. All permitted uses, permitted accessory uses, conditional uses, and uses allowed by administrative permit contained in the various zoning districts defined in Section 850 of this Title shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the Comprehensive Plan. Property currently zoned R-1, R-2 and PRD-1 shall not be eligible for a PUD.
- b. Eligibility Standards. To be eligible for a PUD district, all development should be in compliance with the following:
 - i. where the site of a proposed PUD is designated for more than one (1) land use in the Comprehensive Plan, **the City may require that the PUD include all the land uses so designated or such combination of the designated uses as the City Council shall deem appropriate to achieve the purposes of this ordinance and the Comprehensive Plan;**
 - ii. any PUD which involves a single land use type or housing type may be permitted provided that it is otherwise consistent with the objectives of this ordinance and the Comprehensive Plan;
 - iii. permitted densities may be specifically stated in the appropriate planned development designation and shall be in general conformance with the Comprehensive Plan; and
 - iv. the setback regulation, building coverage and floor area ratio of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in #1 above.

As highlighted above in **bold**, the City may require housing to be incorporated into the



development to achieve the purpose of the MDD-6 zoning and the Comprehensive Plan which calls for housing within the development. The applicant has indicated that housing may be a possibility in future, but does not anticipate it in the short term.



Exhibit A

Lake Edina Park

Fred Richards Golf Course

100

100

Lake Edina

Scus Ave

Kellogg Ave

Sedum Ln

W Shore Dr

Poppy Ln

W Shore Dr

Industrial Blvd

W 77th St

W 77th St

W 77th St

W 77th St

Parklawn Ave

Parklawn Ct

Parklawn Ave

Parklawn Ave

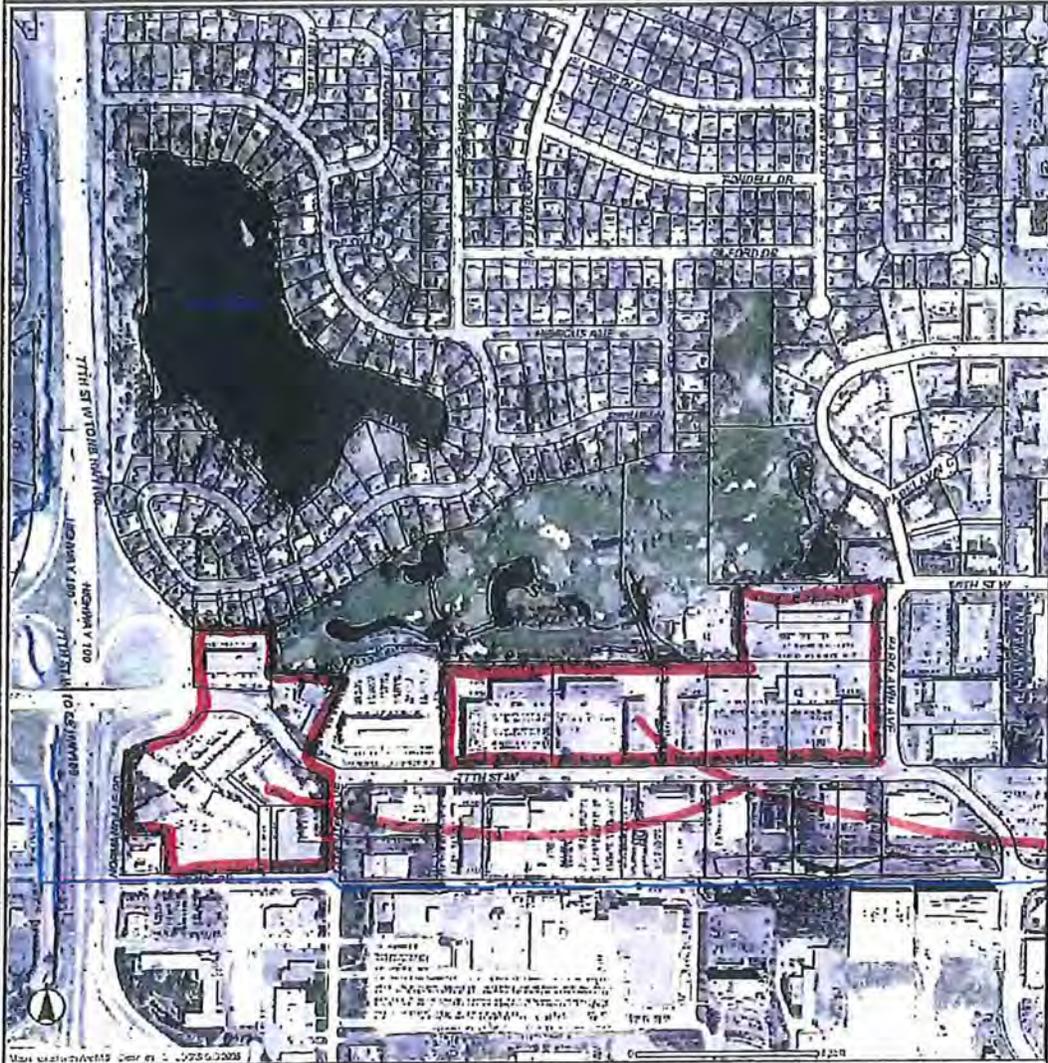
Normandale Rd

Computer Ave

One Disc Dr

77th Dr

City of Edina

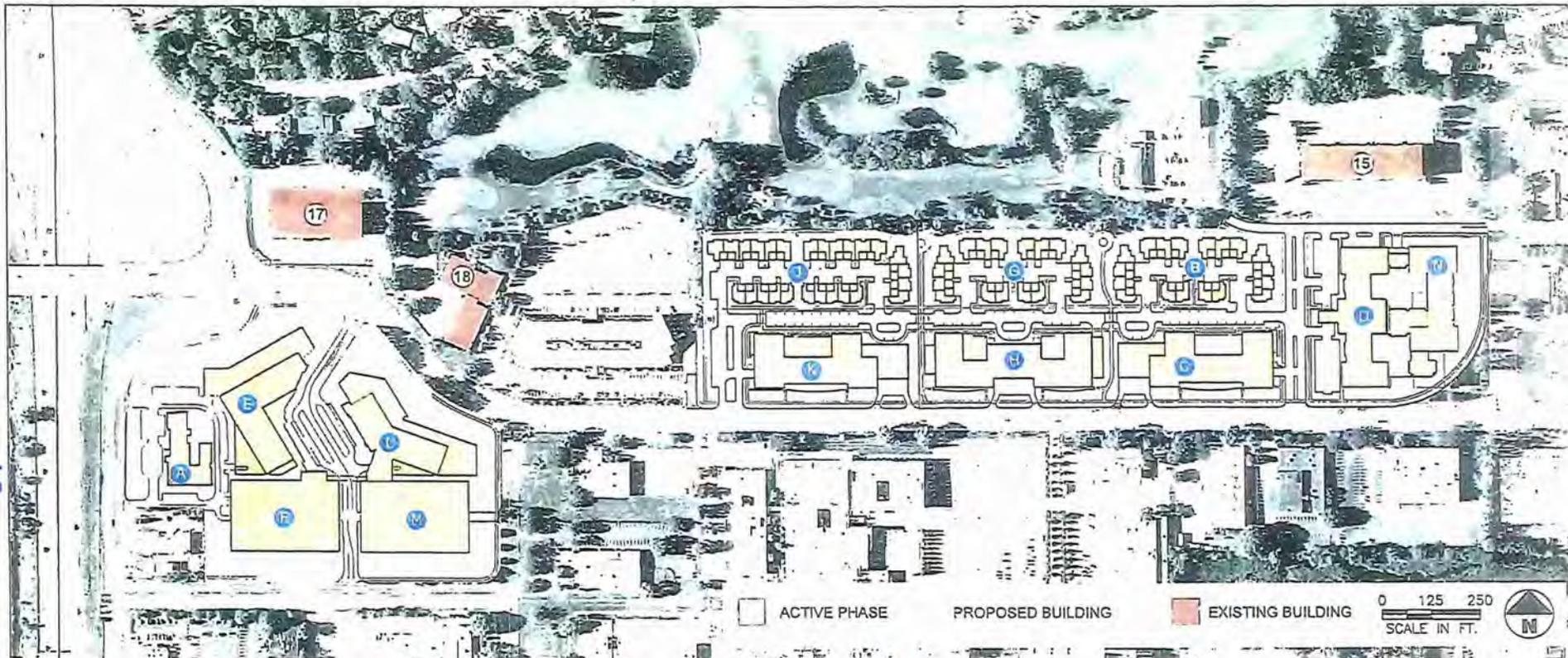


- Legend
- Highlighted Feature
 - Street Name Label
 - City Limits
 - Creeks
 - Lake Names
 - Parcels
 - 2008 Aerial Photo

SUBJECT
SITE



AI



A-2

EXISTING BUILDINGS

OVERALL DEVELOPMENT PLAN

(EXISTING)

- ⑮ 7600 PARKLAWN
85,632 gsf
- ⑰ BURGUNDY PLACE
36 UNITS (MIXED USE)
16,560 gsf
- ⑱ WALSH TITLE
21,000 gsf (OFFICE)

- | | | |
|--|--|---|
| <p>PROPOSED BUILDINGS</p> <ul style="list-style-type: none"> A A- LOFT HOTEL
80,000 gsf
150 ROOMS B TOWNHOME 1
18 UNITS C INDEPENDENT LIVING 1
122 UNITS D ASSISTED LIVING 1
103 UNITS E WEST BUILDING (4-10 STORIES)
377,375 gsf (OFFICE) | <ul style="list-style-type: none"> F WEST PARKING
6 LEVELS
1,200 STALLS G TOWNHOME 2
18 UNITS H INDEPENDENT LIVING 2
122 UNITS I TOWNHOME 3
26 UNITS J INDEPENDENT LIVING 3
122 UNITS | <ul style="list-style-type: none"> L EAST BUILDING (4-11 STORIES)
350,000 gsf M EAST PARKING
6 LEVELS
1,200 STALLS N ASSISTED LIVING 2
103 UNITS |
|--|--|---|

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ARCHITECTURE
123 North Third Street Suite 104
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www.millerdunwiddie.com

Kimley-Horn
and Associates, Inc.

WP
Wayzata Properties, LLC.

PROJECT: EDINA GATEWAY
Pentagon Park Redevelopment
Re-Zoning and Overall Plan

DATE: 31 JANUARY 2008
DRAWN BY: dg
CHECKED BY:

DRAWING TITLE:
PROPOSED SITE PLAN
EDINA GATEWAY - COMPLETE PROJECT
(2017)

DRAWING NUMBER:
S-2.P

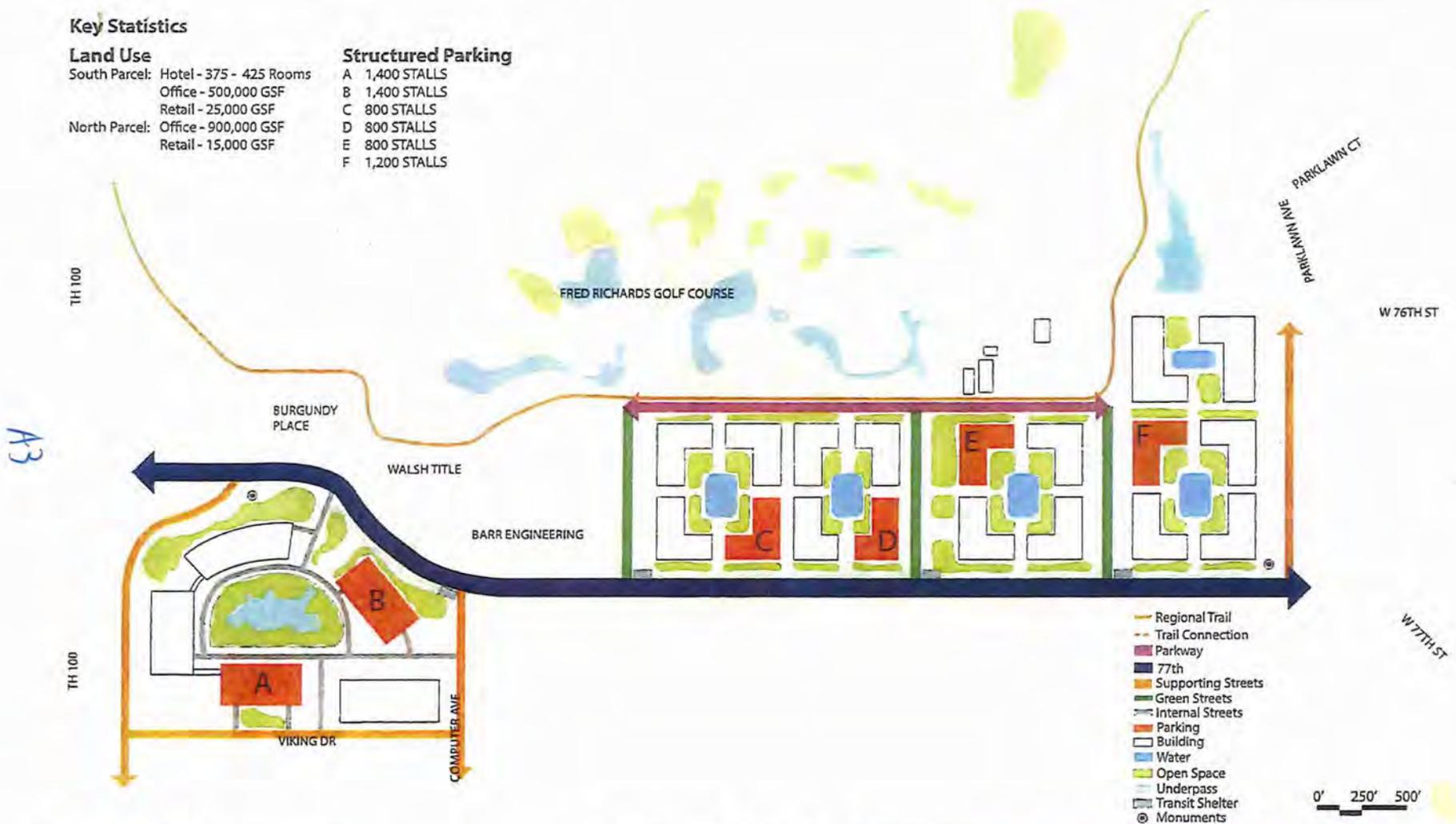
Key Statistics

Land Use

South Parcel: Hotel - 375 - 425 Rooms
 Office - 500,000 GSF
 Retail - 25,000 GSF
 North Parcel: Office - 900,000 GSF
 Retail - 15,000 GSF

Structured Parking

A 1,400 STALLS
 B 1,400 STALLS
 C 800 STALLS
 D 800 STALLS
 E 800 STALLS
 F 1,200 STALLS



DAMON **FARBER** ASSOCIATES
 BOB CLOSE STUDIO, LLC

PRELIMINARY PLANNING COMMISSION
 TIF DIAGRAM **OPTION 1**
 EDINA, MN - NOVEMBER 6, 2013

PENTAGON PARK

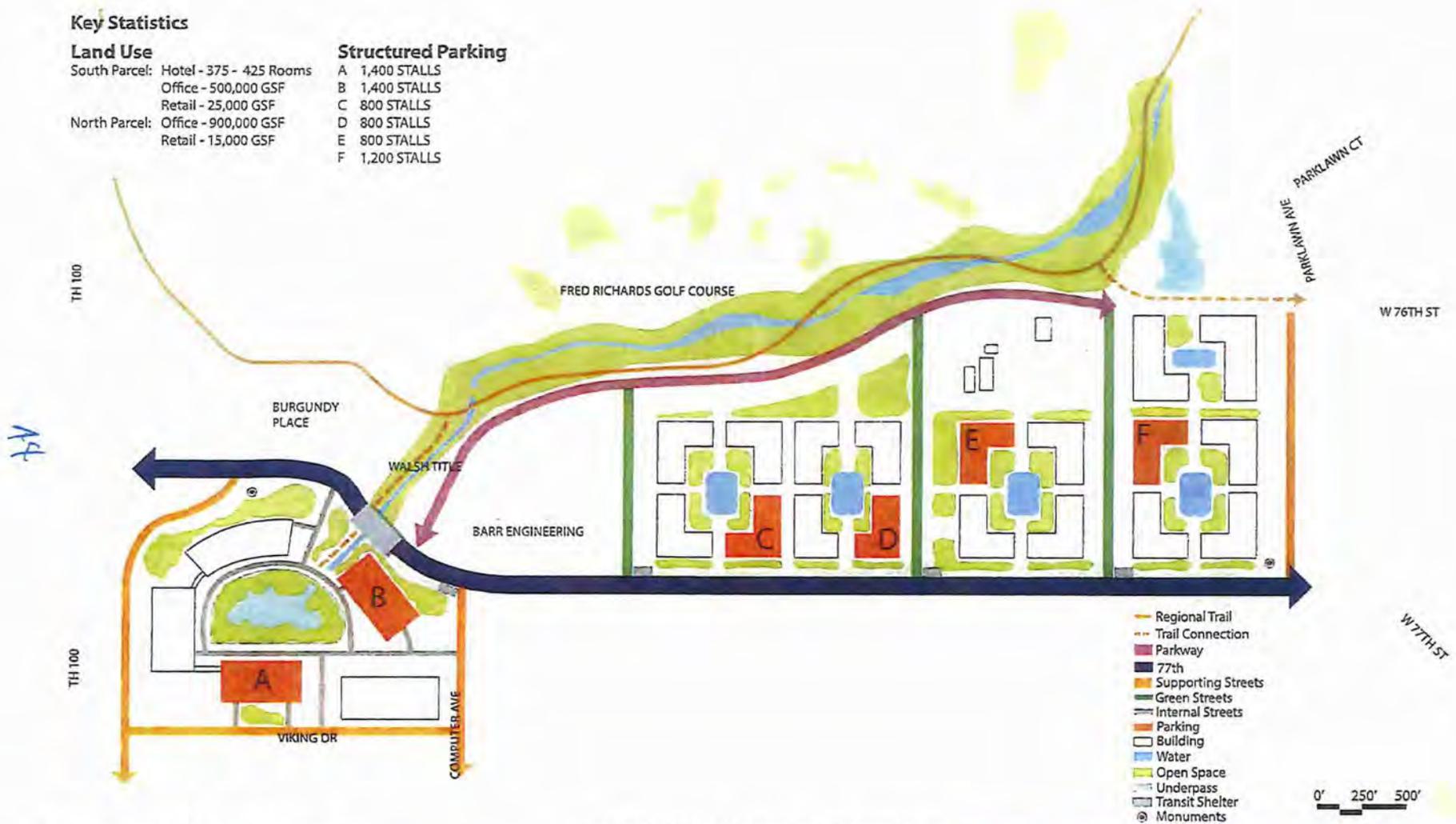
Key Statistics

Land Use

South Parcel: Hotel - 375 - 425 Rooms
 Office - 500,000 GSF
 Retail - 25,000 GSF
 North Parcel: Office - 900,000 GSF
 Retail - 15,000 GSF

Structured Parking

A 1,400 STALLS
 B 1,400 STALLS
 C 800 STALLS
 D 800 STALLS
 E 800 STALLS
 F 1,200 STALLS



DAMON **FARBER** ASSOCIATES
 BOB CLOSE STUDIO, LLC

PRELIMINARY PLANNING COMMISSION
 TIF DIAGRAM **OPTION 2**
 EDINA, MN - NOVEMBER 6, 2013

PENTAGON PARK

Key Statistics

Land Use

South Parcel: Hotel - 375 - 425 Rooms
 Office - 500,000 GSF
 Retail - 25,000 GSF
 North Parcel: Office - 900,000 GSF
 Retail - 15,000 GSF
 Retail/Medical/Office - 20,000 GSF

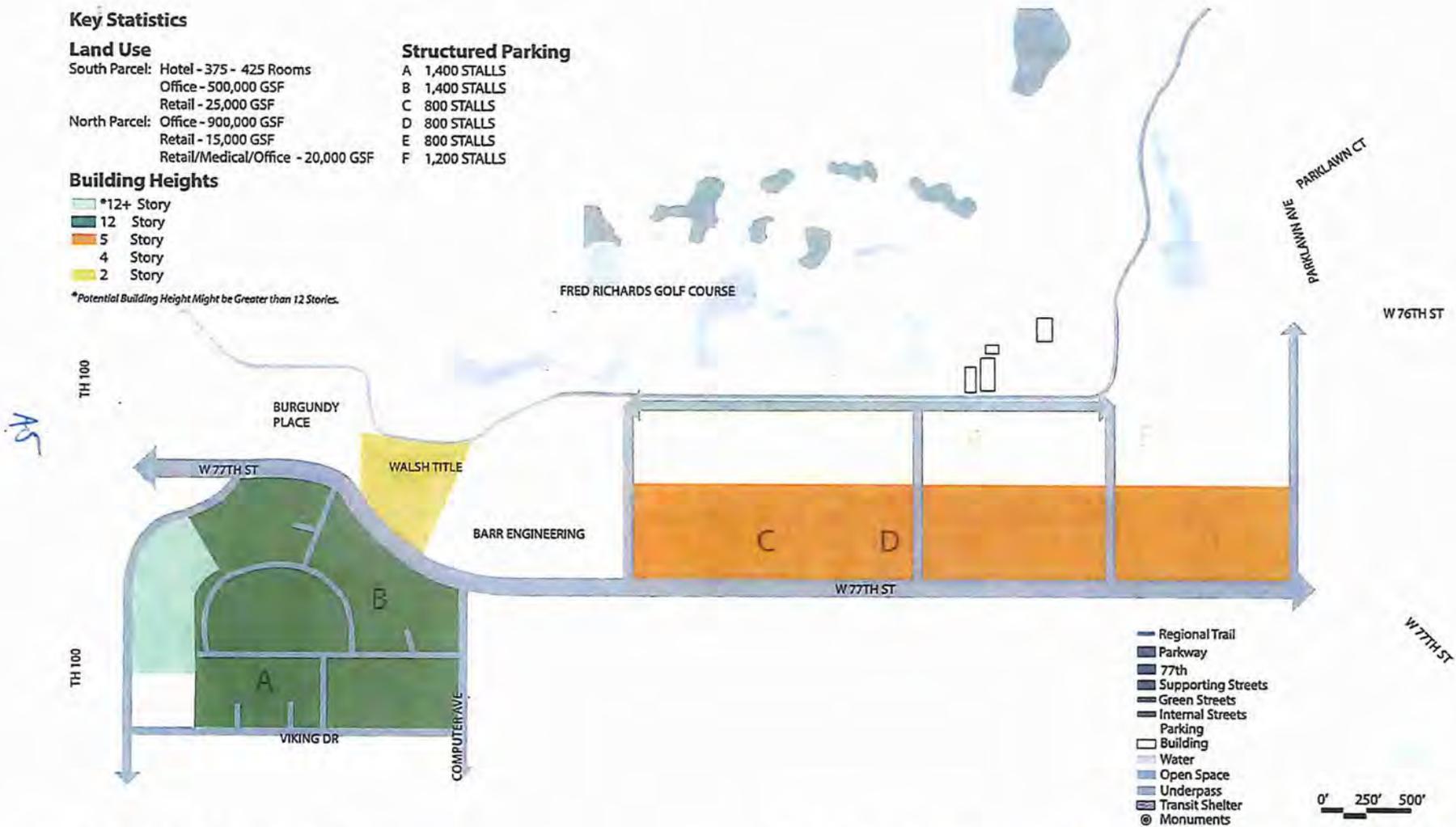
Structured Parking

A 1,400 STALLS
 B 1,400 STALLS
 C 800 STALLS
 D 800 STALLS
 E 800 STALLS
 F 1,200 STALLS

Building Heights

- *12+ Story
- 12 Story
- 5 Story
- 4 Story
- 2 Story

*Potential Building Height Might be Greater than 12 Stories.



DAMON FARBER ASSOCIATES
 BOB CLOSE STUDIO, LLC

BUILDING HEIGHTS
 EDINA, MN - DECEMBER 6, 2013

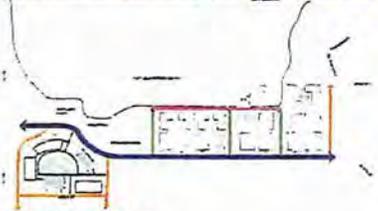
PENTAGON PARK

77TH CONCEPT PLAN

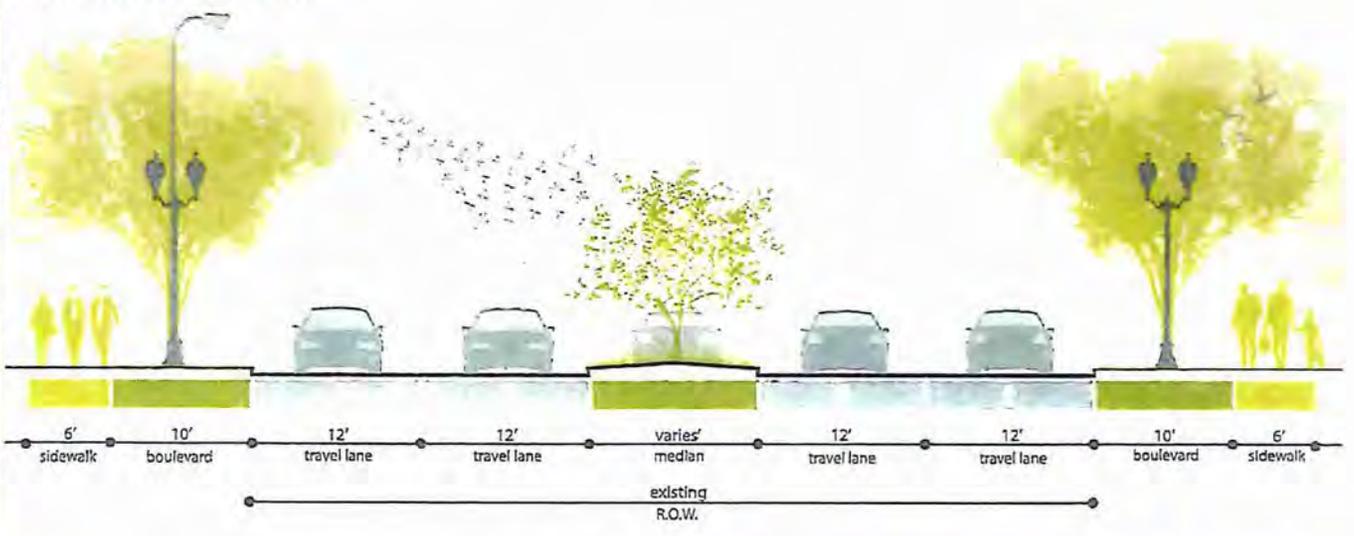


KEY ELEMENTS

- Center median with small accent trees
- Left turn lanes
- Boulevard/sidewalks
- Decorative lighting
- Shade trees
- Transit shelters
- Street lights
- Pedestrian lights



77TH CONCEPT SECTION

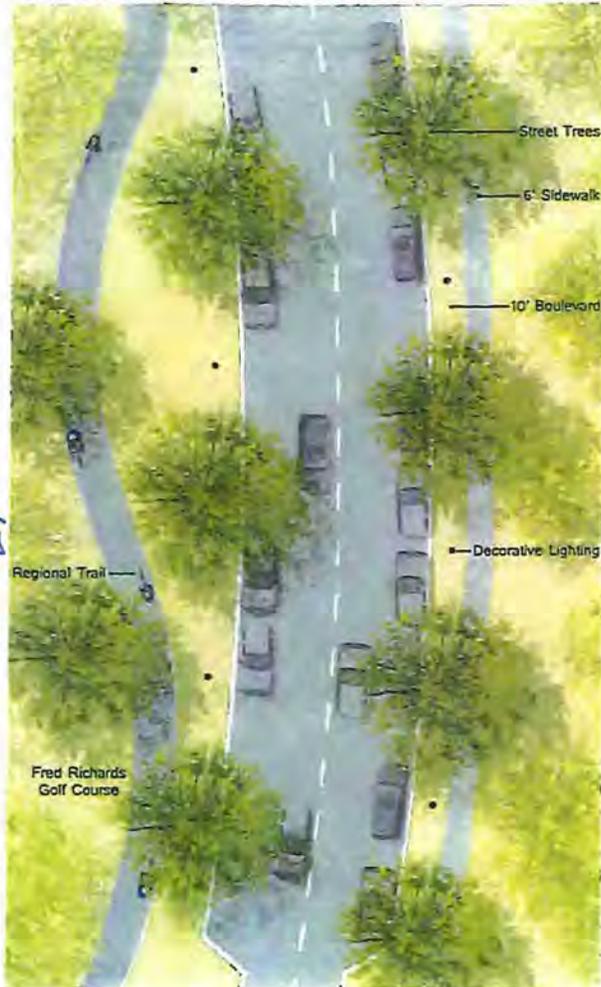


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BOB CLOSE STUDIO, LLC

ROADWAY TYPES **PENTAGON PARK**
EDINA, MN - NOVEMBER 6, 2013

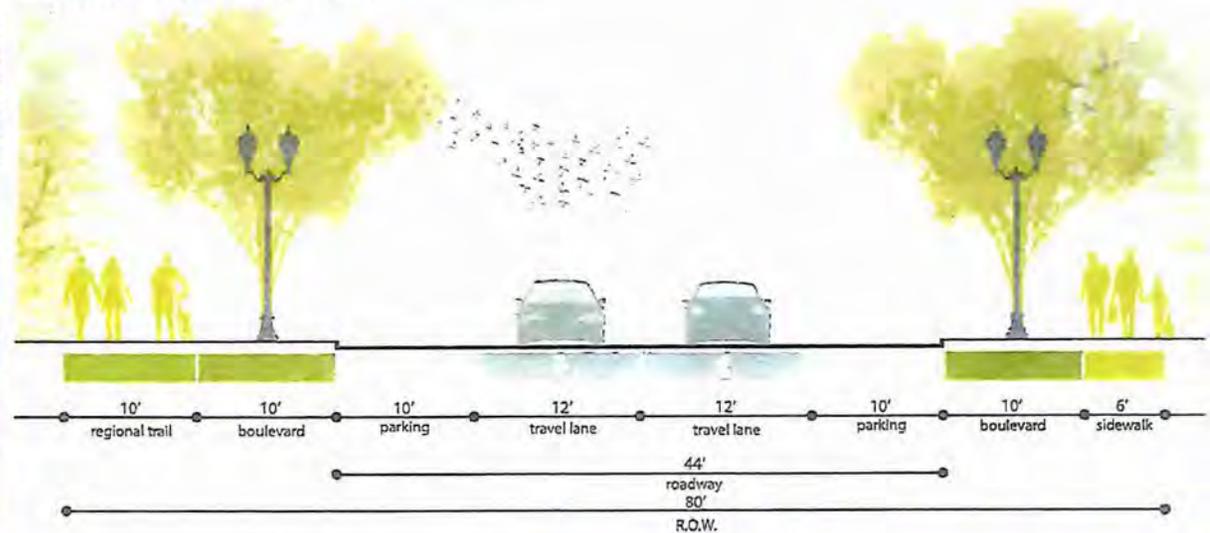
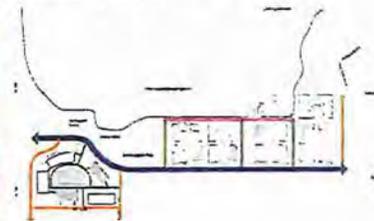
PARKWAY CONCEPT PLAN



PARKWAY CONCEPT SECTION

KEY ELEMENTS

- Decorative lighting
- Street trees
- 6' sidewalk with 10' boulevard
- One lane of traffic in each direction
- Parking bays for parking



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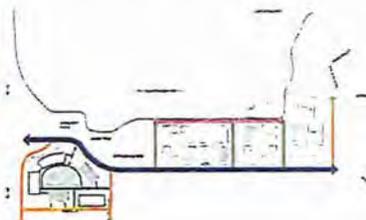
ROADWAY TYPES **PENTAGON PARK**
EDINA, MN - NOVEMBER 6, 2013

SUPPORTING STREET CONCEPT PLAN

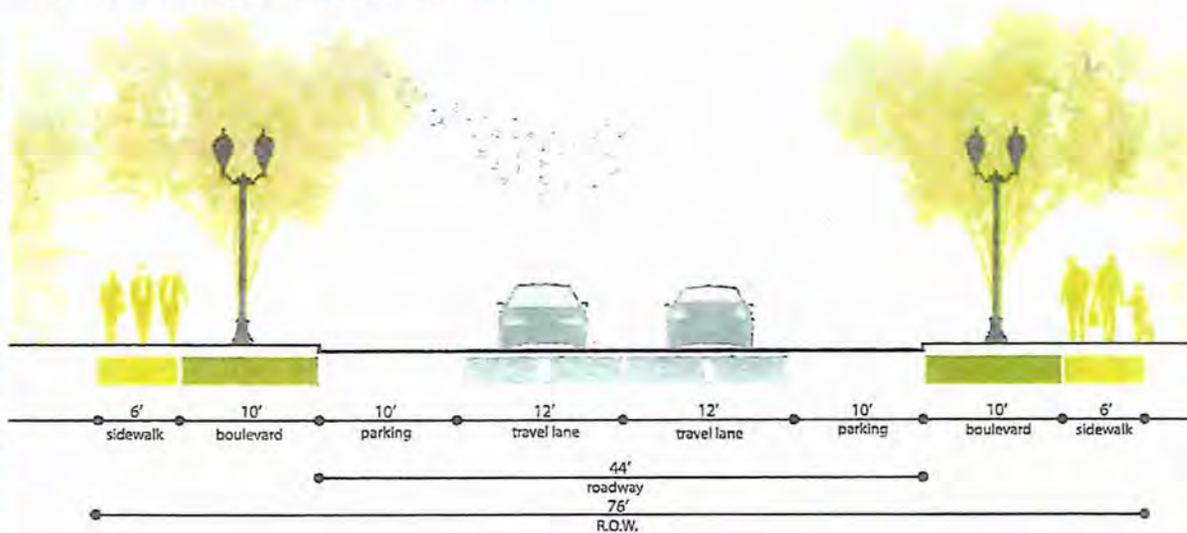


KEY ELEMENTS

- Parallel parking
- 10' boulevards/6' sidewalks
- Decorative lighting
- Street trees



SUPPORTING STREET CONCEPT SECTION



8-4

DAMON **FARBER** ASSOCIATES
BOB CLOSE STUDIO, LLC

ROADWAY TYPES
EDINA, MN - NOVEMBER 6, 2013

PENTAGON PARK

GREEN STREET CONCEPT PLAN

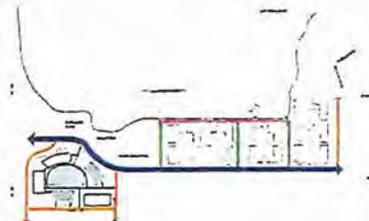


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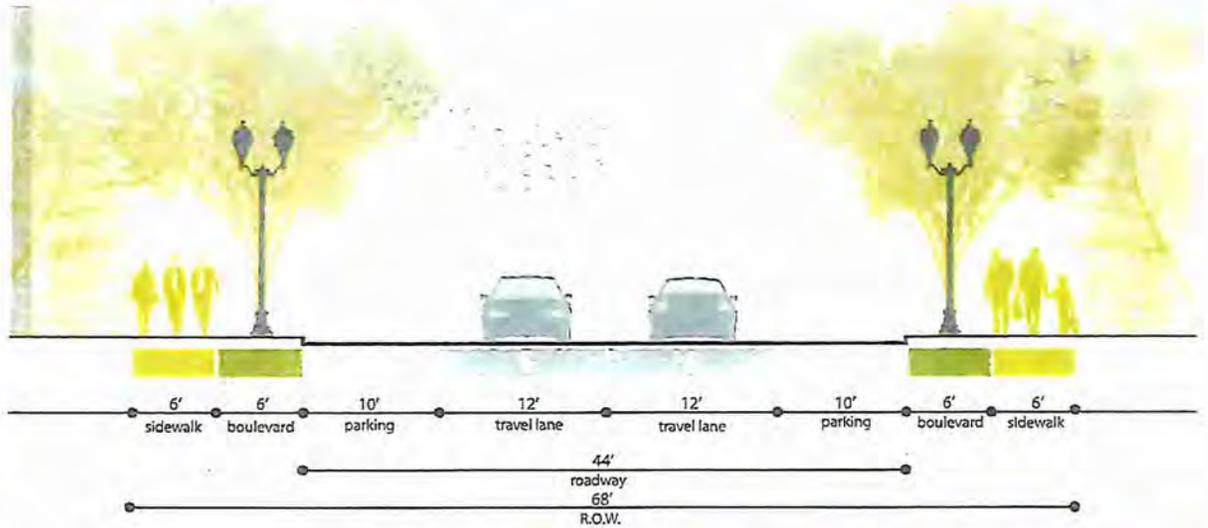


KEY ELEMENTS

- Parallel parking
- 6' boulevards/6' sidewalks
- Decorative lighting
- Street trees



GREEN STREET CONCEPT SECTION

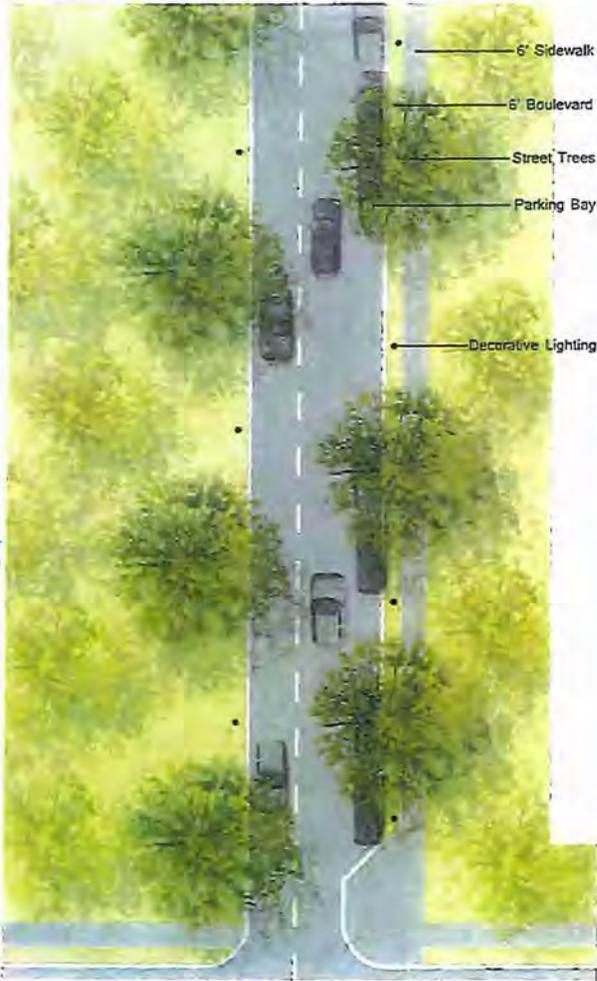


DAMON **FARBER** ASSOCIATES
 BOB CLOSE STUDIO, LLC

ROADWAY TYPES
 EDINA, MN - NOVEMBER 6, 2013

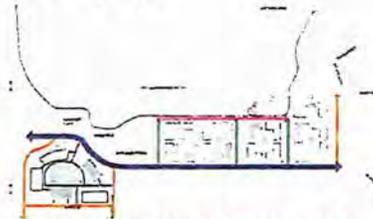
PENTAGON PARK

INTERNAL STREET CONCEPT PLAN

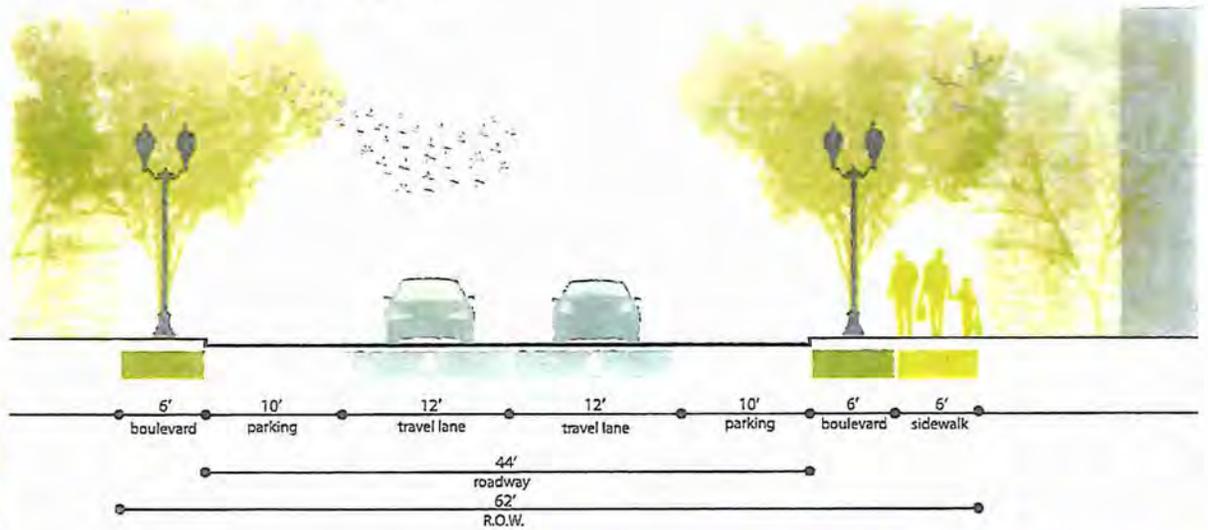


KEY ELEMENTS

- Boulevard
- Sidewalks
- Decorative lighting
- Shade trees
- Parking bays



INTERNAL STREET CONCEPT SECTION



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DAMON **FARBER** ASSOCIATES
BOB CLOSE STUDIO, LLC

ROADWAY TYPES
EDINA, MN - NOVEMBER 6, 2013

PENTAGON PARK



AV

DAMON FARBER ASSOCIATES
BOB CLOSE STUDIO, LLC

STORMWATER MANAGEMENT
EDINA, MN - NOVEMBER 6, 2013

PENTAGON PARK

AIR



Centennial Lakes Park, Edina, MN



Centennial Lakes Park, Edina, MN

DAMON **FARBER** ASSOCIATES
BOB CLOSE STUDIO, LLC

77TH AVENUE BRIDGE
EDINA, MN - NOVEMBER 6, 2013

PENTAGON PARK

FINAL ALTERNATIVE URBAN AREAWIDE REVIEW UPDATE

GATEWAY STUDY AREA - UPDATE

**FOR THE
CITY OF EDINA, MINNESOTA**

**Original AUAR: September 2007
Update 1: June 2013**

Prepared By:

**WSB & Associates, Inc.
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Minneapolis, MN 55416
763-541-4800**

**City of Edina
4801 West 50th Street
Edina, MN 55424
952-826-0460**

TABLE OF CONTENTS

TITLE SHEET

TABLE OF CONTENTS

I.	Introduction and Purpose.....	1
II.	Approved Development/Current Conditions.....	2
III.	Areas Remaining to be Developed.....	2
IV.	Update to the Environmental Review.....	2
V.	Mitigation Summary and Update.....	7
VI.	AUAR Update Review.....	14

List of Figures

Figure 1	Location Map
Figure 2	USGS Location Map
Figure 3	Aerial Photo
Figure 4-1	Scenario 1
Figure 4-2	Scenario 2.
Figure 4-3	Scenario 3
Figure 4-4	Scenario 4
Figure 5	Adjacent Developments

Appendix A – Figures

Appendix B – Agency Correspondence

I. Introduction and Purpose

The Gateway Study Area (Study Area) is approximately 135 acres. The Study Area is bounded by Minnesota Trunk Highway 100 (TH 100) on the west; France Avenue on the east; 76th Street West and Fred Richards Golf Course on the north; and Edina's border with Bloomington on the south. The area is shown on **Figures 1, 2, and 3**. The Study Area currently contains a mixture of light industrial/warehouse, commercial, office and residential uses. There is a total of 1,904,000 gross square feet (gsf) of these uses in the existing conditions.

The City of Edina adopted the Final AUAR on November 5, 2007. Pursuant to Minnesota Rules 4410.3610 Subp. 7, for the AUAR to remain valid as the environmental review document for the area, the document needs to be updated every five years until all development in the study area has received final approval. Since redevelopment has not occurred in the study area and the AUAR expired in November 2012, the purpose of this document is to update the AUAR pursuant to Minnesota Rules.

The 2007 AUAR included an analysis of the following development scenarios (**Figure 4-1 to 4-4**):

- Scenario 1 – Comprehensive Plan
- Scenario 2 – Master Plan Scenario
- Scenario 3 – Maximum Commercial Build Scenario
- Scenario 4 – Maximum Residential Scenario

Table 1: Summary of Redevelopment Scenarios

	Existing Conditions	Scenario 1: Comprehensive Plan	Scenario 2: Master Plan	Scenario 3: Maximum Commercial	Scenario 4: Maximum Residential
Office	1,873,000	1,546,000	1,862,000	3,261,000	1,094,000
Commercial / Retail/Hotel		15,000	174,000	15,000	15,000
Office & Light Industrial Mix		1,296,000	1,296,000	1,296,000	1,296,000
Residential	31,000	31,000	914,000	31,000	1,581,000
TOTAL:	1,904,000	2,888,000	4,246,000	4,603,000	3,986,000

In 2008, the City updated their Comprehensive Plan. However, Scenario 1 is still consistent with the Comprehensive Plan.

This AUAR Update serves as an update of the 2007 AUAR, and includes a review of the areas that have and have not developed, an update to the environmental analysis as needed, and a review of the mitigation measures. The original 2007 AUAR is available

A15

for review on the City's web-site at
<http://edinamn.gov/index.php?section=community-development-planning>.

II. **Approved Development/Current Conditions**

No redevelopment has occurred within the study area. **Figure 3** shows the aerial photo for the site. In 2008, the City updated their Comprehensive Plan. However, Scenario 1 is still consistent with the Comprehensive Plan.

III. **Areas Remaining to be Developed**

No redevelopment has occurred within the study area. The initial potential redevelopment that triggered the initial AUAR in 2007 did not come to fruition. Recently, there has been renewed interest in redevelopment of the area. The redevelopment plans are within or below the densities analyzed in the AUAR.

Timeline: The 2007 AUAR anticipated redevelopment of the Pentagon Towers and Pentagon Quad areas (approximately 39 acres) to begin in 2008 and be completed within 5-7 years. The remaining 96 acres did not have a specific timeline for redevelopment. This redevelopment has not occurred. The current estimate for redevelopment timeline for the area is 5-10 years.

IV. **Update to the Environmental Review**

Wildlife: The DNR Natural Heritage Database was reviewed to provide an update for any threatened and endangered species. This review and DNR correspondence is included in **Appendix B**. There are no new incidents of rare or endangered species within the study area.

Contamination and Past Land Use: Public MPCA database information was reviewed to update this section of the AUAR to identify verified or potential hazardous substances and petroleum release sites associated with the project area or surrounding area. The following databases were reviewed as part of this investigation:

- MPCA "What's in My Neighborhood?" website search
- MPCA Storage Tank Leak site website search

Twenty-nine database listings were identified for the project area. Some of the identified sites were listed on more than one database and the majority of the listings were for small quantity hazardous waste generator (15) and tank sites (7). Inclusions on these databases do not directly indicate an environmental hazard and no spills or mishandling of hazardous waste was identified during the review. However, the following database listings for the project area were determined to directly indicate historic or current environmental contamination:

Leaking Underground Storage Tank (LUST) Sites

- MPCA Leak #4105 – Pentagon Office Park located at 4930 West 77th Street, Edina, MN 55435. This site has been issued site closure by the MPCA. Site closure indicates that the contamination, if present, has been investigated and determined to not pose a threat to human health or the environment. Note: site closure does not indicate that the site is free of contamination.
- MPCA Leak #627 - Pentagon Office Park located at West 77th Street, Edina, MN 55435. This site has been issued site closure by the MPCA.
- MPCA Leak # 617 – Roberts Automatic Products located at 4451 West 76th Street, Edina, MN 55435. This site has been issued site closure by the MPCA.

Voluntary Investigation and Cleanup (VIC) Sites

- MPCA VIC #28660 – Hillcrest Development located at 4530, 4540, 4550, 4570, 4600, 4640, and 4660 West 77th Street, Edina, MN 55435.
- MPCA VIC #29410 – Hillcrest Development located at 4510, 4815, and 4901 West 77th Street and 7600 Parklawn Avenue, Edina, MN 55435.
- MPCA VIC #2890 – Parklawn located at 7625 Parklawn Avenue, Edina, MN, 55435.
- MPCA VIC #13540 – National Rental Car located at 7700 France Avenue, Edina, MN 55435.

Petroleum Brownfields Sites

- MPCA PB #4182 – Hillcrest Development located at 4530, 4540, 4550, 4570, 4600, 4640, and 4660 West 77th Street, Edina, MN 55435 (also a VIC site).
- MPCA PB #4239 - Hillcrest Development located at 4510, 4815, and 4901 West 77th Street and 7600 Parklawn Avenue, Edina, MN 55435 (also a VIC site).

Wastewater System: The AUAR analyzed the wastewater system in the area, including the Metropolitan Council's interceptor, BN-499. Since the 2007 AUAR, a wastewater project was completed in the area. As a result of the AUAR and potential re-development anticipated within the study area, the City of Bloomington, in conjunction with Met Council, upgraded Lift Station 10 (MCES L-55) to a near-term capacity of 1.8 million gallons per day (mgd). Project improvements also involved constructing a new 16-inch forcemain to replace the existing 12-inch forcemain in West 84th Street in Bloomington providing a long-term capacity in the forcemain of 4.8 mgd. Inter-community flows from Edina have been redirected to the new forcemain, essentially bypassing the gravity portions of MCES Interceptor BN-499 to provide additional capacity for re-development in Bloomington.

Water Supply System: No changes to the water supply system have occurred in the area.

Storm Water Management: The Nine Mile Creek Watershed District adopted updated rules in 2008. Based on these rules, if a redevelopment project disturbs more than 50 percent of the existing impervious surface on the parcel (or increases the imperviousness of the entire parcel by more than 50 percent), retention of one inch of runoff from all the impervious surface will need to be provided. Also, peak flow runoff rates cannot exceed the existing conditions for the 2-year, 10-year, and 100-year storm events and the runoff from a 2.5-inch storm event from the parcel will need to be treated to remove at least 60% of the phosphorus and 90% of the total suspended solids.

Additionally, Edina Lake, which is north of the project area, was added to the impaired waters list in 2008. Edina Lake is impaired for nutrients/eutrophication. No TMDL study has been completed to date.

Transportation: The AUAR completed in 2007 analyzed the impacts of the four development scenarios for the years 2014 and 2030. The analysis for both years assumed a 1% per year growth in general background traffic, the approved development in the Cities of Bloomington and Edina (see Cumulative Impacts) and the proposed Gateway Development traffic. Updated traffic counts were conducted the week of April 1, 2013 at selected intersection and roadway segments on 77th Avenue. The updated traffic counts were then compared to those assumed in the 2007 AUAR to determine if the analysis and recommended mitigation measures were still valid.

The peak hour traffic counts ranged from 5% to 15% less than those counted for the base year in the AUAR in 2007. In addition, the 2013 counts were 65% to 75% less than the 2014 Scenario 1 condition, which had the smallest associated trip generation.

The Average Daily Traffic (ADT) counts used as a baseline in the AUAR were from the 2005 MnDOT State Aid counts. In 2009 these counts were updated and in general, these counts were at or slightly lower than those in 2005. The 2013 ADT counts compared to the 2009 ADT counts showed a slight increase (10%) on the section of 77th Street from TH 100 to Parklawn Avenue.

Based on the facts that 1) no Gateway Development has occurred in the area, and 2) the majority of the additional development has been in Bloomington and Edina and their traffic generation included in the new 2013 traffic counts, and 3) the area traffic levels have not changed significantly from those assumed in the AUAR for the baseline conditions (see Cumulative Impacts), it can be concluded that the future year analysis and recommended mitigation is still valid.

Cumulative Impacts: The Study Area and its surroundings are within a first-ring suburb of Minneapolis that is generally fully developed. Cumulative impacts will generally be driven by either individual parcel redevelopment or area-wide redevelopment. To analyze cumulative impacts for the Study Area, the information

from the 2007 AUAR was updated to reflect known or approved redevelopment projects within or near the TH 100 and I-494 area. **Table 2** summarizes the known redevelopment plans and updates the 2007 AUAR in the area and **Figure 5** shows the location of these projects.

Table 2. Summary of Adjacent Redevelopment Proposals

<i>City</i>	<i>Development</i>	<i>Summary of Impacts</i>
<i>Bloomington</i>	<i>Duke-Weeks Realty Limited Partnership (Norman Pointe)</i>	Phase 1 and 2 completed Phase 3 to add an additional 312,000 sq. ft. of office in the future
	<i>Walser Real Estate II, LLC (Walser Toyota)</i>	50,000 sq. ft. car dealership project completed.
		Addition of 112,000 ft ² of medical office space completed
	<i>Ryan Companies US, Inc. (Marketpoint)</i>	Phase 1 and 2 completed. Phase 3 to add an additional 250,000 sq. ft. of office in the future.
	<i>Hilton Hotel</i>	256 room hotel and adjoining restaurant completed
	<i>Normandale Investments, LLC</i>	122 space parking ramp to meet demand for existing offices completed
	<i>United Properties</i>	285,000 square foot office building at 8200 Norman Center Drive completed
	<i>Covington Apartments</i>	250 Apartment units – Approved, under construction.
	<i>8100 Office Tower</i>	255,000 ft ² of office - Future
	<i>Hotel</i>	100 Rooms – Future
	<i>Luxembourg Apartments</i>	282 Apartment units - Approved, under construction
	<i>OATI Office/Data Center</i>	100,000 ft ² of office - Future
	<i>Venture Bank Office</i>	37,000 ft ² of office – Completed 2009

	<i>Hotel</i>	257 Rooms - Future
	<i>Norman Pointe III Office Tower</i>	312,000 ft ² Office - Future
	<i>Marketpoint III Office Tower</i>	250,000 ft ² Office - Future
	<i>6500 France Avenue</i>	209 Unit Senior Housing / Skilled Care - In review process
<i>Edina</i>	<i>Cypress Properties</i>	Redevelopment of 40,000 ft ² of a movie theater to 86,000 ft ² of retail development. (Not Yet Completed)
	<i>Target</i>	Approved increase of retail space from 154,000 ft ² to 196,500 ft ² by 2008. (Completed)
	<i>Westin</i>	Approved construction of an 18 story building with 79 condominiums, a 225 room hotel, and 7,000 ft ² restaurant (Completed)
	<i>York Place Development</i>	Approved construction of 49,000 ft ² of retail space and 86 senior apartments. Replaces 52,750 ft ² of office space. (Development Completed as CVS)
	<i>TE Miller Development (7380 France Office)</i>	Net increase of 2,000 gsf of office space (Completed)
	<i>6996 France Avenue</i>	3,000 ft ² Retail and 5,000 ft ² Office - Completed
	<i>Centennial Lakes Coffee Shop</i>	2,000 ft ² Coffee Shop - Approved under construction
	<i>Fairview Southdale Expansion</i>	30,000 ft ² Emergency Room expansion - In review process
	<i>Southdale Residential</i>	232 Units - Approved under construction
	<i>Whole Foods</i>	32,000 ft ² Whole Food Grocery store - Completed
	<i>YMCA</i>	21,000 ft ² Expansion - Completed

K20

V. Mitigation Summary and Update

Many of the mitigation measures outlined in the 2007 AUAR still remain valid. The updated mitigation measures are outlined below and either remain in effect from the 2007 AUAR or have been updated based on new analysis as noted.

A. Land Use Compatibility and Permitting

- A1. The proposed change in land use of Scenarios 2, 3, and 4 at the Pentagon Towers and Pentagon Quads site will require a Comprehensive Plan Amendment.
- A2. Any redevelopment will be required to meet Edina zoning requirements.
- A3. Any project proposers will be required to obtain any necessary approvals and permits.
- A4. If components of a proposed project exceed Edina City Code requirements, variances from the City's requirement will need to be applied for by the developer. The City will review these variance requests and make a determination as to the approval or denial of the project as part of the review process. A project proposer could also seek to amend the City Code. This request would also be reviewed by the City.

B. Geologic Hazards, Erosion Control, and Hazardous Material

- B1. Prior to demolition an asbestos survey shall be completed by a project proposer. At the time of demolition, any necessary asbestos abatement will need to be completed by the project proposer in compliance with MPCA requirements.
- B2. The management, containment, and cleanup of any spills that may occur within the Study Area during construction will be addressed by the permit holders of the MPCA NPDES/SDS Storm Water Construction Permit and its accompanying Storm Water Pollution Prevention Plan preparation.
- B3. If a neighborhood convenience store and gas station is proposed, the project proposer will be required to adhere to State regulations for containment of underground petroleum tanks and an annual license would be needed.
- B4. The Storm Water Pollution Prevention Plan (SWPPP), including temporary and permanent seeding and staging plans, will be required to be submitted by each project proposer and reviewed by Edina.
- B5. The project proposer will need to develop an erosion control plan and submit this plan to the Nine Mile Creek Watershed District for review and approval.

- B6. During construction, the project proposer and their contractor will implement Best Management Practices as needed to prevent erosion and sedimentation of downstream water resources.
- B7. Edina will develop a SWPPP and obtain an NPDES permit for the construction of any public infrastructure improvements (sanitary sewer, storm sewer, water main) that disturb one acre of land or more.
- B8. Edina will conduct erosion control inspections during construction.
- B9. Project proposers will make environmental hazard investigation documents, such as Phase I Environmental Assessments, available to Edina.
- B10. Project proposers will be required to remediate any contaminated soils encountered in conformance with MPCA regulations.
- B11. Project proposers will be required to remove and properly dispose of trash and debris located within a project site, including all demolition materials that may include asbestos.
- B12. Municipal waste hauler companies will make residential and commercial recycling programs available to the Study Area. General municipal waste will be removed by these waste hauler companies.
- B13. The NPDES Construction Site permit requires a site specific SWPPP to be completed for the construction by the project proposer. This SWPPP is required to include pollution prevention management measures for solid waste and hazardous material spills that occur during construction.
- B14. Mitigation includes conformance with the Edina spill response plan. Spills will be reported to the fire chief and/or applicable City Staff. The fire chief and/or applicable City Staff will in turn notify any other appropriate officials depending on the nature of the spill.
- B15. Project proposers will be required to develop a temporary dewatering plan for construction activities, review this plan with Edina and Nine Mile Creek Watershed District for approval, and conform to the dewatering requirements of the Department of Natural Resources (DNR) and NPDES Construction permit.
- B16. If a redevelopment project involves permanent dewatering for underground facilities, a detailed dewatering plan is required to be developed by the project proposer. This plan would include anticipated dewatering amounts, direction of discharge, analysis of impact on adjacent ponds and downstream receiving waters, and impact on the organic material within the Study Area for the

potential for subsidence. The plan will need to be submitted to Edina, Nine Mile Creek Watershed District, and DNR for review and/or approval.

C. Fish, Wildlife, Wetlands, and Ecologically Sensitive Resources

- C1. Buildings to be removed as part of redevelopment will be field checked by the project proposer to determine if there are nesting Peregrine Falcons on the structure. If falcons are noted nesting on the structure, the site cannot be disturbed until the juvenile birds have fledged and left the nest.
- C2. The project proposer will be required to delineate wetlands within their project boundaries, if any, and review these delineations with the Nine Mile Creek Watershed District and Edina to determine jurisdictional status. The Nine Mile Creek Watershed District is the Local Government Unit for the Wetland Conservation Act and will review and verify any wetland delineations.
- C3. If wetland impact is proposed, the project proposer will be required to minimize impact to the maximum extent possible and mitigate for any unavoidable impacts in conformance with the Wetland Conservation Act.

D. Municipal Water Use and Service

- D1. Edina will work with Bloomington to determine the needs for water system capacity improvements, water main upgrades, and future service to the Gateway Study Area.
- D2. In conjunction with their Comprehensive Plan update, Edina will complete an update to the 2002 Water Distribution System Analysis for the entire city to determine what current and future water system improvements may be necessary to continue to serve the City's water needs and maintain a water system firm capacity above the maximum daily water use within the City.
- D3. As redevelopment occurs, Edina will complete an analysis of the water mains within the Study Area to determine if performing water main replacement is necessary and if it should occur in conjunction with other potential infrastructure improvements, such as sanitary sewer, storm sewer, and transportation improvements.
- D4. Any abandoned wells found within the Study Area will be sealed in accordance with Minnesota Department of Health guidelines. This will be the responsibility of the project proposer.
- D5. In accordance with Edina's Wellhead Protection Plan, continued protection of the existing Drinking Water Supply Management Areas located within the Study Area will be required for redevelopment projects.

123

- D6. There is potential for areas that redevelop within the Bloomington service area to request to be served by Edina. If this occurs, additional analysis and water main improvements will need to be completed by Edina in coordination with Bloomington.
- D7. Individual redevelopment may require the installation of service pumps to serve multi-story buildings and to provide adequate fire protection. The size and type of pumps will vary based on individual building characteristics, should meet the existing local building and fire protection codes, and will be the responsibility of the developer.

E. Water Quality and Quantity

- E1. Redevelopment projects will be required to be designed to meet the policies of the most current Edina Comprehensive Storm Water Management Plan.
- E2. Redevelopment projects will be required to be designed to meet the policies of the most current Nine Mile Creek Watershed District requirements.
- E3. Redevelopment within the Study Area will be required to limit peak runoff rates to at least existing conditions and reduce the runoff volume so as not to negatively impact the existing storm sewer system.
- E4. Redevelopment needs to reduce the amount of impervious surface within the project limits or develop a site specific storm water management plan that shows that the project will not impact downstream pollutant or volume loading.
- E5. If warranted by Edina's Nondegradation Plan, project proposers will need to include storm water management strategies that reduce the total suspended solid loadings, total phosphorous pollutant loadings, and storm water runoff volumes from the Study Area.
- E6. Any redevelopment project that disturbs more than one acre of land is required to develop a SWPPP and obtain an NPDES permit from the MPCA.
- E7. Edina and project proposer(s) will investigate the expansion of the existing ponding areas within the Fred Richards Golf Course to provide additional storage and treatment as outlined in Edina's Water Resource Management Plan.
- E8. The Cities of Edina and Bloomington will petition the Nine Mile Creek Watershed District to expand the South Pond (SP_1) pond to provide additional storm water treatment for the area.
- E9. As Total Maximum Daily Load (TMDL) studies are completed for Nine Mile Creek, the results of these studies will be reviewed by Edina. Redevelopment in

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the Study Area will be required to meet any mitigation and pollutant load reductions that may be outlined within the TMDL studies.

Update: This mitigation measure also applies to Edina Lake.

- E10. The project proposer will review and determine which Low Impact Development (LID) practices are feasible to be used for each parcel. Edina will review the LID techniques and encourage their use to the greatest extent possible.
- E11. A maintenance plan is required to be reviewed and approved by the Nine Mile Creek Watershed District for privately constructed and maintained storm water management facilities.

F. Wastewater Mitigation Plan

- F1. Any redevelopment activities that may increase the total sanitary sewer flows within Service Area A beyond threshold limits for peak capacity will require upgraded facilities within the Gateway Study Area (Computer Avenue sanitary sewer) and Bloomington (MCES Bloomington Lift Station No. 10) to accommodate increased flows.

Update: Bloomington Lift Station No. 10 is also denoted at MCES Lift Station L-55. In 2011, the pumps in the existing lift station were upgraded to provide a near-term peak capacity of 1.8 million gallons per day (mgd). Future increases in flow for re-development will need to be evaluated as the final lift station site is proposed to be relocated with the proposed future realignment of I-494.

- F2. Edina, Bloomington, and Metropolitan Council Environmental Services will continue discussions and analysis regarding proposed capacity upgrades to Bloomington Lift Station No. 10 and the MCES BN-499 Interceptor along West 84th Street in Bloomington.

Update: Capacity to L-55 (Bloomington LS 10) was increased to a peak flow of 1.8 MDG as previously discussed. Also in 2011, The MCES BN-499 interceptor was replaced with a 16-inch forcemain from L-55 southerly and westerly along W. 84th Street to a gravity sewer approximately 600 feet west of France Avenue. The forcemain was designed to carry peak flows for the proposed redevelopment area.

- F3. Edina will complete its update to their Comprehensive Sanitary Sewer Plan.
- F4. Edina will upgrade Lift Station No. 22.

- F5. In conjunction with redevelopment activities, Edina will determine the condition of the existing sanitary sewer pipe within the Gateway Study Area to determine if repairs or replacement is necessary based on in-place pipe condition and infiltration potential.

G. Traffic and Transportation

G1. Scenarios 1 and 4

The following mitigation strategies are needed for Scenario 1 and 4 to accommodate future full development traffic projections:

Intersection: France Avenue / West 76th Street
 Improvement: Extend one southbound thru lane on France Avenue to create a total of four thru lanes

Intersection: France Avenue / West 78th Street
 Improvement: Eastbound dual right turn lanes on West 78th Street
 Southbound lanes approaching the I-494 ramps restriped to provide exclusive lanes to both westbound I-494 and eastbound I-494. The right lane will drop at the westbound I-494 ramp providing an exclusive ramp lane. The second lane will also be an exclusive lane leading to I-494 eastbound, reducing the weaving and stacking of vehicles that occur today. The County has expressed interest in participation.

Intersection: Edina Industrial Boulevard / West 78th Street
 Improvement: Eastbound dual left turn lanes on West 78th Street

Intersection: Edina Industrial Boulevard / Metro Boulevard
 Improvement: Add southbound right turn lane on Metro Boulevard, restriping the existing two southbound lanes to accommodate an exclusive left turn lane, and a thru/left lane, providing dual left turn lanes.
 Add 300 foot eastbound left turn lane on Edina Industrial Boulevard

Intersection: Northbound TH 100 / West 77th Street
 Improvement: Add 150 foot northbound right turn lane on Frontage Road
 Westbound dual right turn lanes on West 77th Street

A26

G2. Scenario 2
Scenario 2 will require **all the improvements listed above** in addition to the following:

Intersection: Minnesota Drive / France Avenue
Improvement: Dual westbound left turn lanes on Minnesota Drive
Eastbound dual left turn lanes on Minnesota Drive

Intersection: Northbound TH 100 / West 77th Street
Improvement: Add 150 foot eastbound right turn lane on West 77th Street

Intersection: Computer Avenue / West 77th Street
Improvement: Northbound dual left turn lanes on Computer Avenue

Intersection: Minnesota Drive / West 77th Street / Johnson Avenue
Improvement: Southbound dual left turn lanes on West 77th Street

G3. Scenario 3
Scenario 3 will require **all the above improvements listed under Scenarios 1, 2, and 4** in addition to the following:

Intersection: Minnesota Drive / France Avenue
Improvement: Eastbound dual right turn lanes on Minnesota Drive

Intersection: France Avenue / West 78th Street
Improvement: Westbound dual right turn lanes on West 78th Street

Interchange: TH 100 / West 77th Street
Improvement: Six-lane section from Metro Boulevard to Computer Avenue
Dual left turn turns at both TH 100 Ramps (Hence an eight-lane bridge)

G4. General
The mitigation measures discussion above (G1 – G3) are needed to address full build-out of the site and surrounding area. Specific mitigation measures required for proposed development plans will be established through traffic and transportation studies required for each development proposal. These proposals will need to document compliance within the AUAR and mitigation plan.

G5. Transit/Non-Motorized Transportation
As redevelopment occurs in the Study Area, consideration of site-specific improvements needs to be included as developments are proposed. These

would include upgrading the existing transit facilities, including bus shelters, to become ADA compliant and improving the sidewalk and/or path connections in and around each redevelopment.

H. Odor, Noise, and Dust

- H1. During construction activities, the project proposer and contractor shall observe all dust control Best Management Practices for fugitive dust.
- H2. Edina will limit construction activities and any other activities that produce noise audible outside the perimeter of a property to between 7:00AM to 9:00PM Monday through Friday and between 8:00AM and 7:00PM on Saturday, Sunday, and holidays.
- H3. Noise mitigation will be necessary if any residential units are constructed near Receptor 2, located in the southwest quadrant of TH 100/West 77th Street. Any residential buildings should be constructed using noise abatement methods. Noise abatement requirements to conform to state standards can be found in Minn. Rules 7030.0050, subp. 3.

I. Archaeological, historical, or architectural resources

- I1. Prior to redevelopment of the Pentagon Towers and Quads sites that would require razing of the existing structures, an evaluation and documentation of the historical and architectural significance of the sites will be needed by the project proposer. This information will need to be submitted to Edina.

J. Cumulative Impacts

- J1. Edina will work with Bloomington and potentially participate in a regional traffic study that will assist in anticipating future potential redevelopment within the TH 100/I-494 area and plan for infrastructure improvements.

Edina will also coordinate with other entities to address cumulative impacts. These items have been addressed in other areas of the AUAR and include mitigation plan items D1, D6, E8, F1, and F2.

VI. AUAR Update Review

This AUAR Update has been reviewed pursuant to Minnesota Rules 4410.3610 Subp. 7. The Gateway Study Area AUAR will remain valid for an additional five years from the City Council adoption date.

Appendix A – Figures

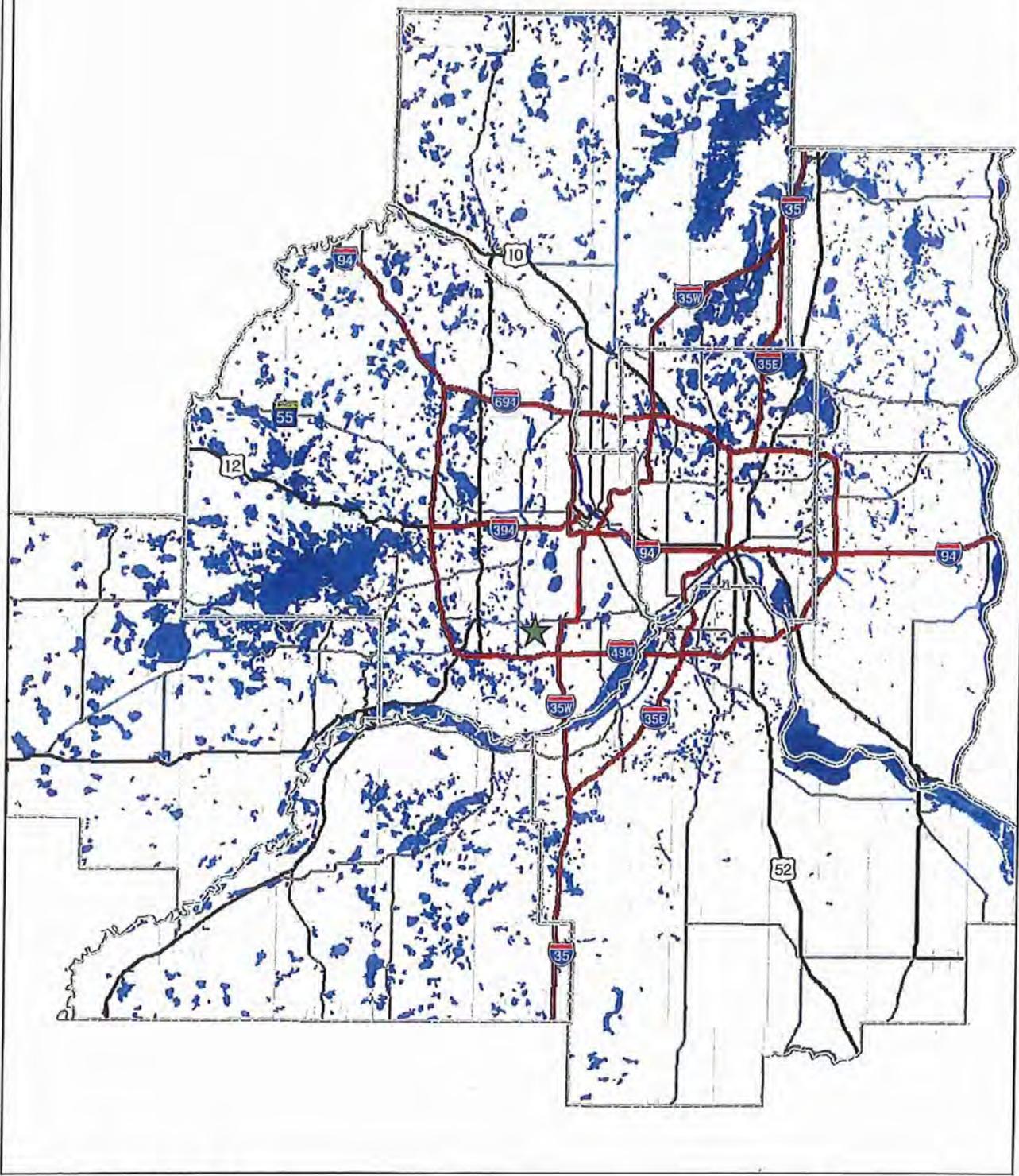
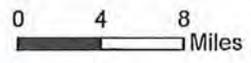


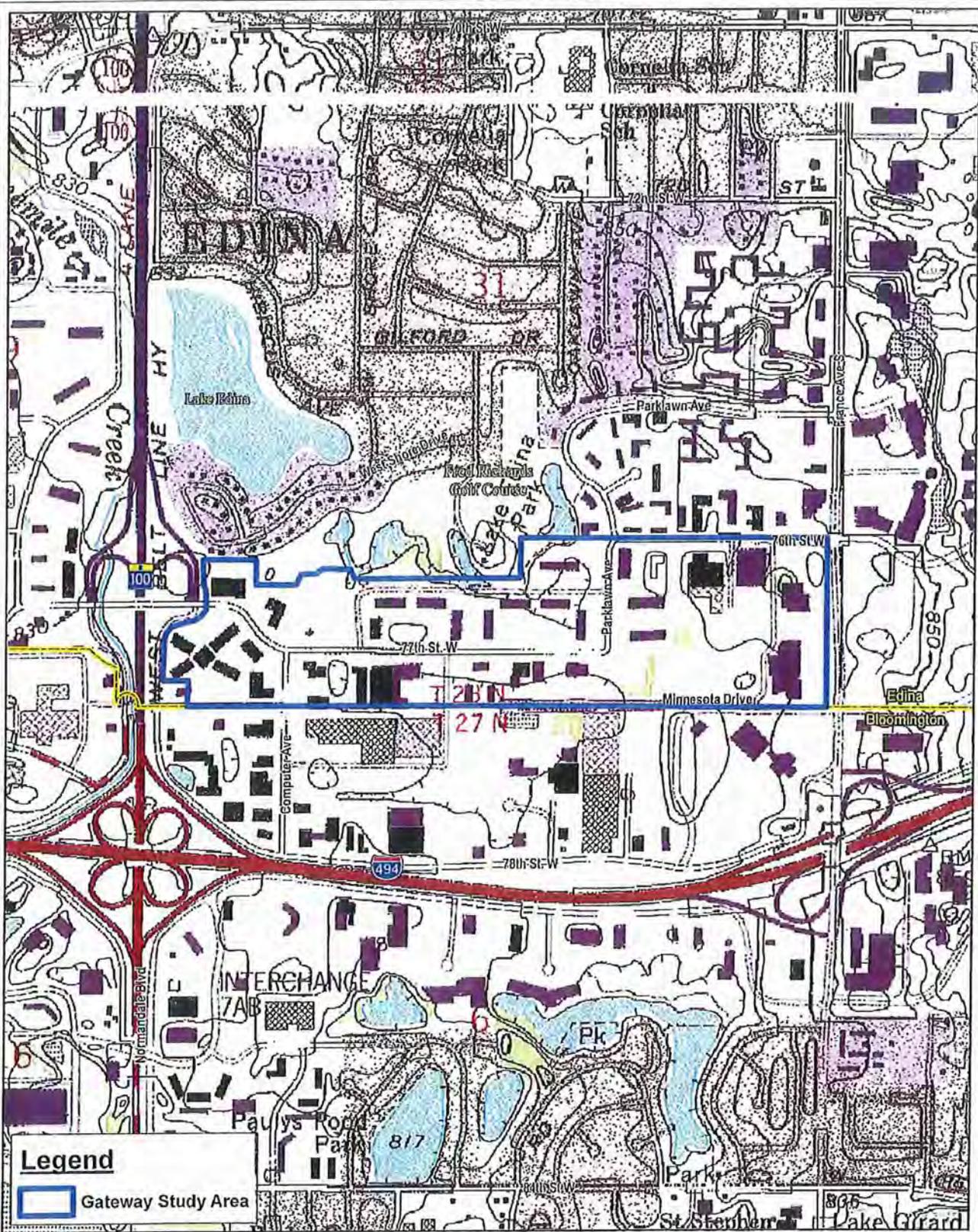
Figure 1
Location Map
Gateway AUAR

Legend
★ Project Location



A30

FILE: \GIS\PROJECTS\GATEWAY\GATEWAY_AUAR\GATEWAY_AUAR_010000.DWG Date: 08/01/01



Legend
 Gateway Study Area



Figure 2
USGS Location Map
Gateway AUAR

0 500 1,000
 Feet



131

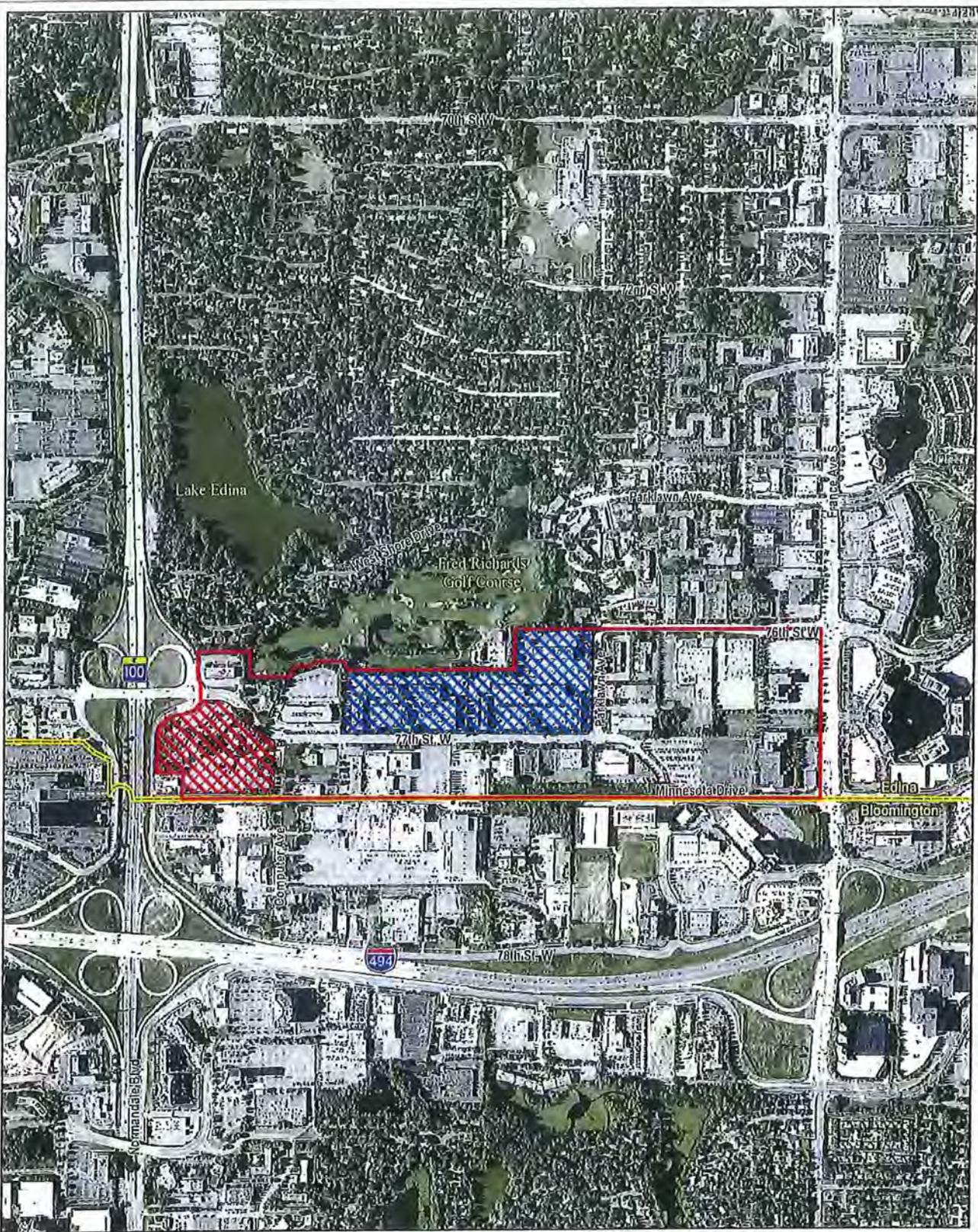
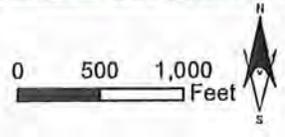


Figure 3
Aerial Location Map
Gateway AUAR

- Legend**
- Gateway AUAR Study Area
 - Pentagon Quads
 - Pentagon Towers



A32

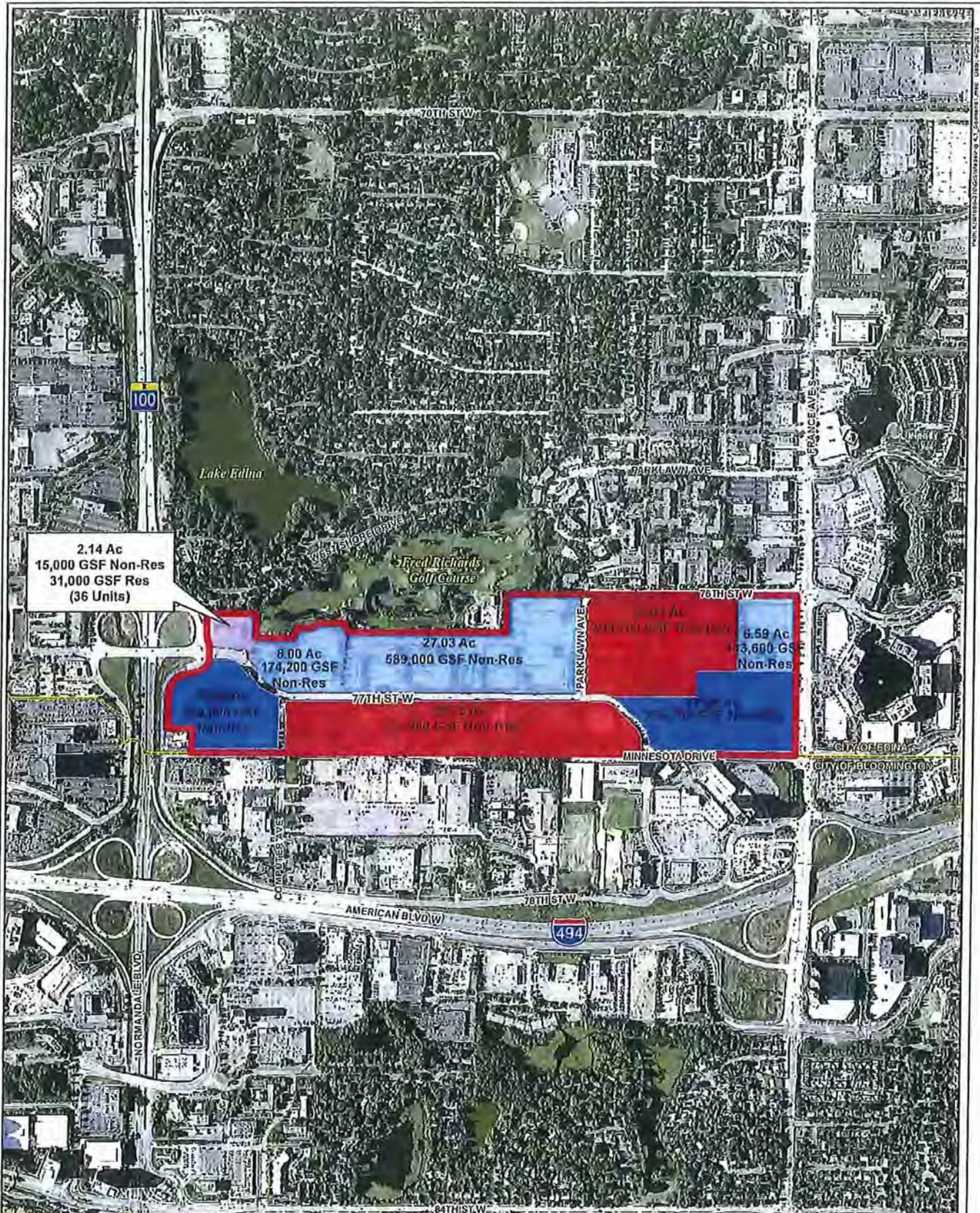
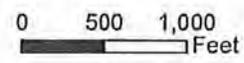


Figure 4-1
Gateway AUAR
Scenario 1:
Comprehensive Plan

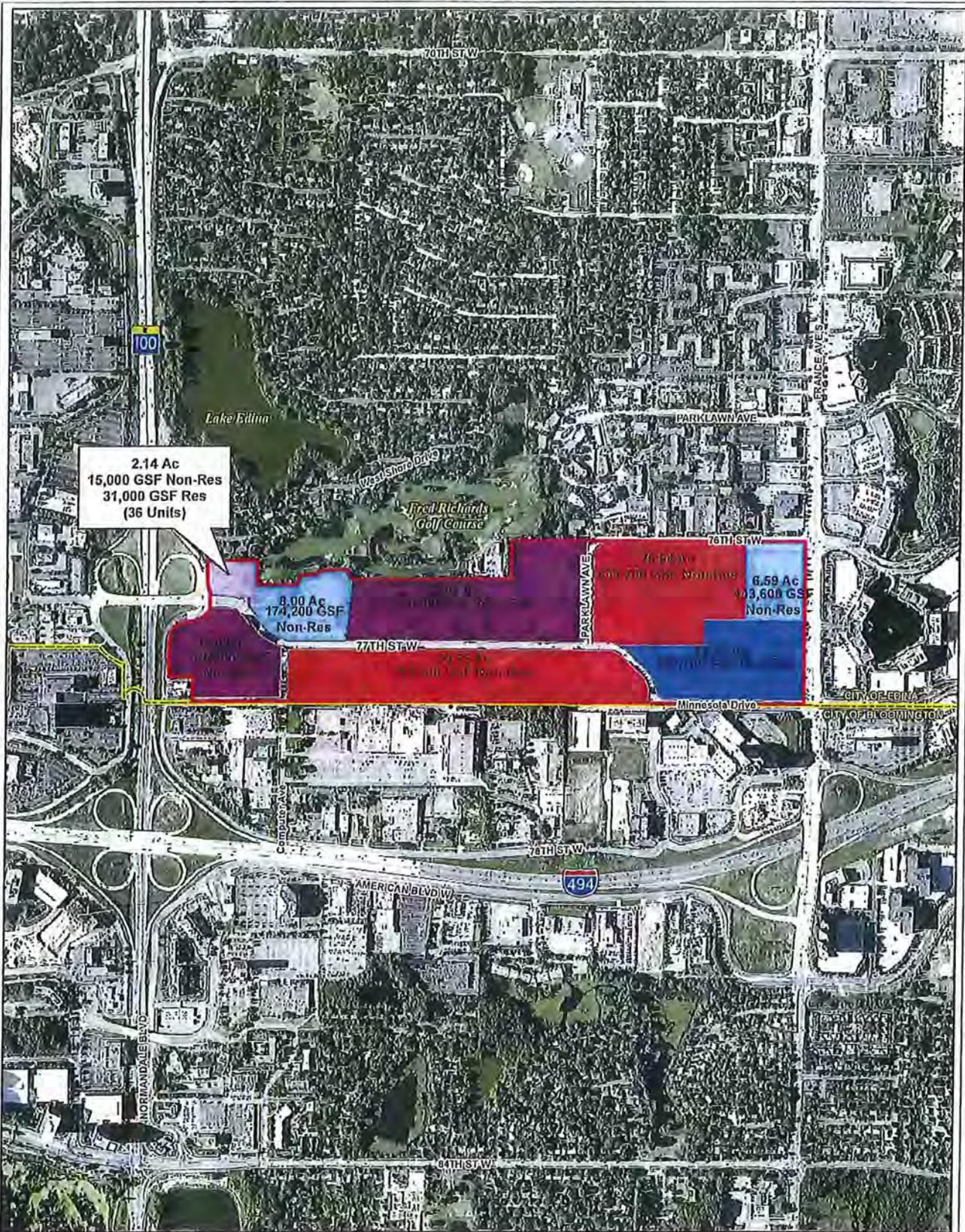
Legend

- Gateway AUAR
- POD-1
- PCD-3
- PID
- POD-2



* GSF = Gross Square Feet

A33



2.14 Ac
15,000 GSF Non-Res
31,000 GSF Res
(36 Units)

Legend

- Gateway AUAR
- POD-1
- PCD-2
- PID
- POD-2
- PCD-3

* GSF = Gross Square Feet

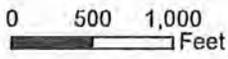
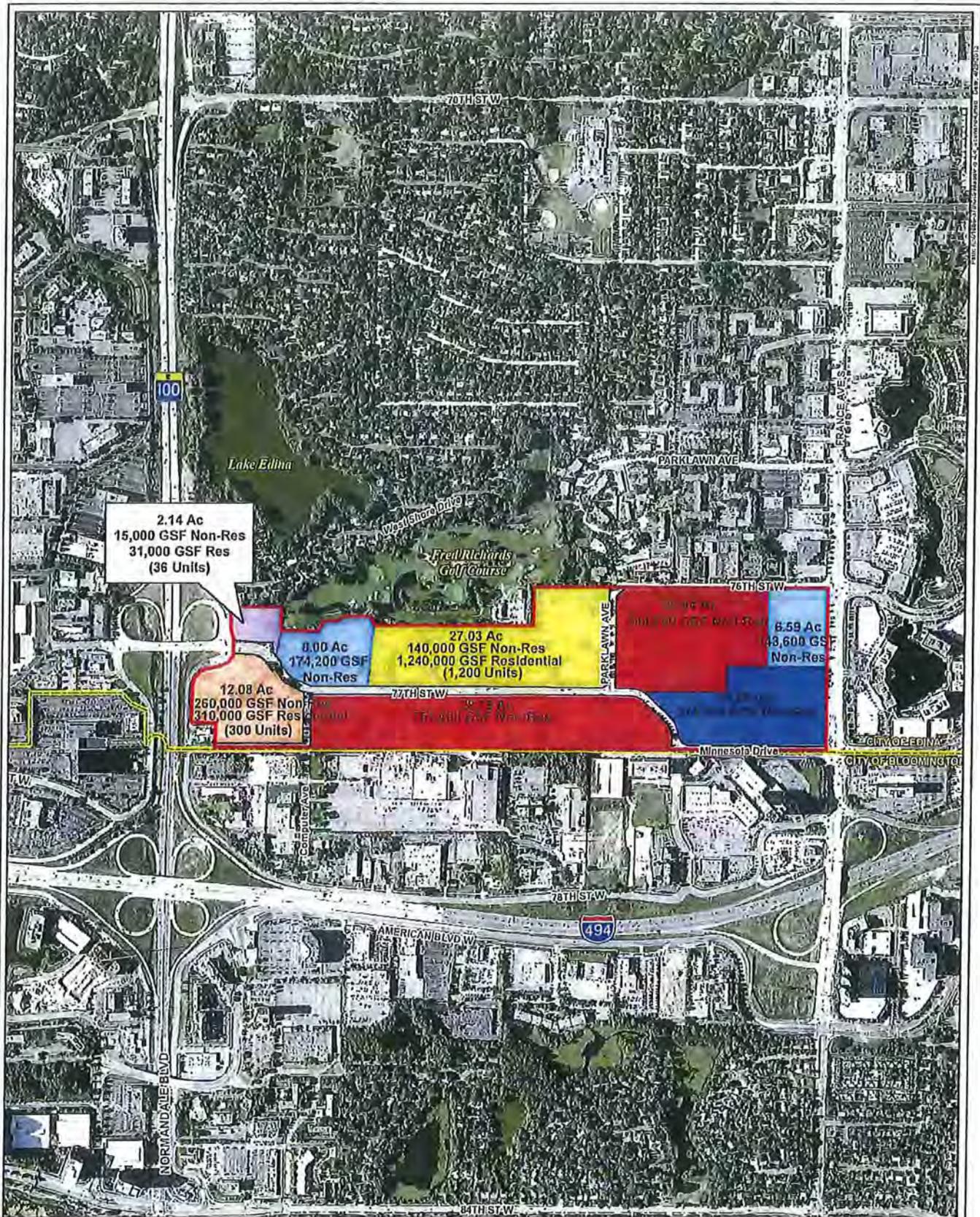


Figure 4-3
Gateway AUAR
Scenario 3

K35



2.14 Ac
15,000 GSF Non-Res
31,000 GSF Res
(36 Units)

8.00 Ac
174,200 GSF
Non-Res

27.03 Ac
140,000 GSF Non-Res
1,240,000 GSF Residential
(1,200 Units)

12.08 Ac
260,000 GSF Non-Res
310,000 GSF Res
(300 Units)

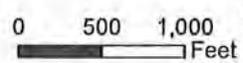
8.59 Ac
43,600 GSF
Non-Res



Figure 4-4
Gateway AUAR
Scenario 4

Legend

- MDD-5
- POD-1
- PCD-3
- Gateway AUAR
- PID
- POD-2
- PSR-4



A36

* GSF = Gross Square Feet

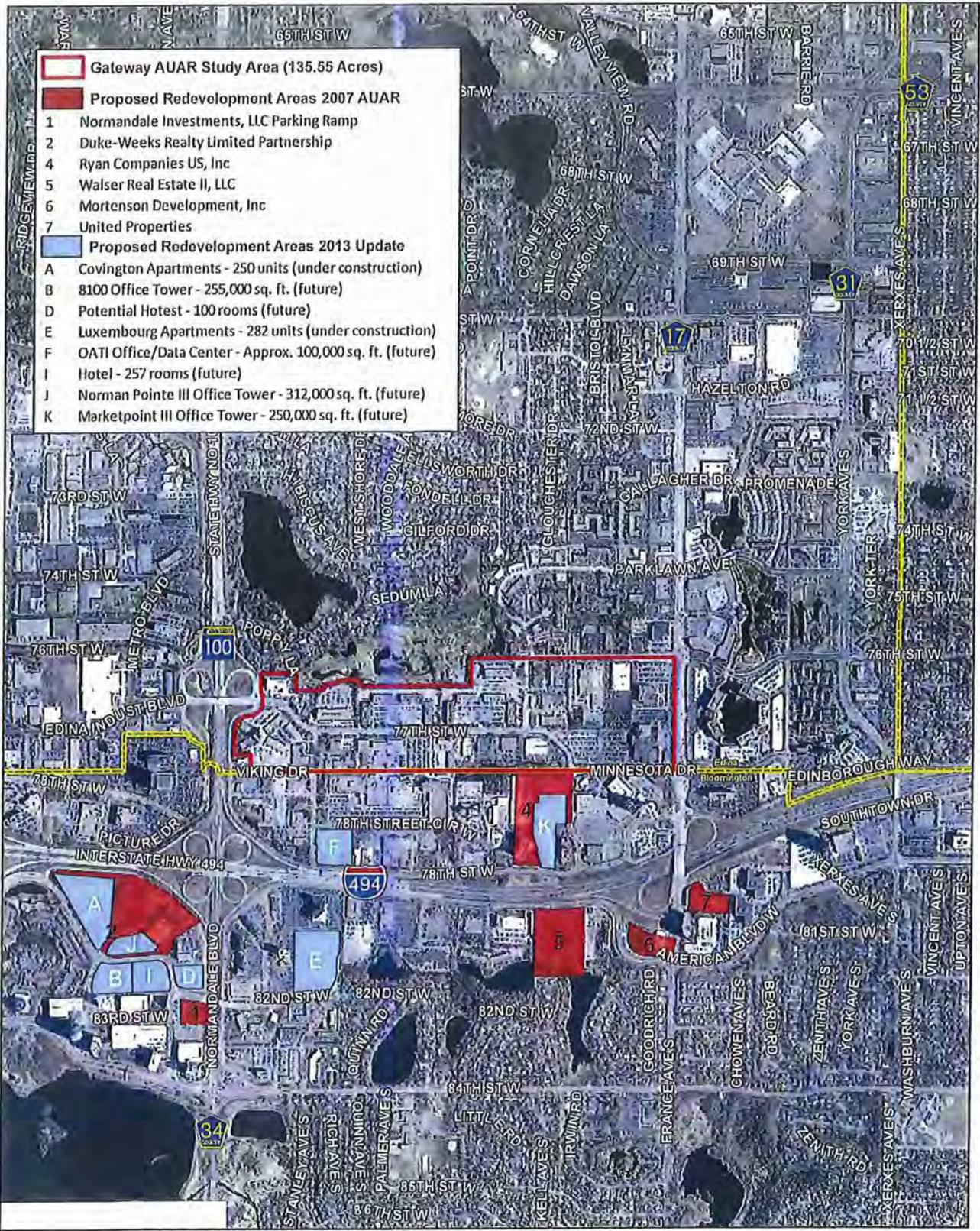


Figure 5
Adjacent Developments Map
Gateway AUAR

A37

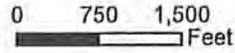


Exhibit C

**MINUTES
OF THE WORK SESSION OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
APRIL 16, 2013
5:07 P.M.**

CALL TO ORDER

Mayor Hovland called the meeting to order at 5:07 p.m. in the Community Room of City Hall.

ROLL CALL

Answering roll call were Members Bennett, Brindle Sprague, Swenson and Mayor Hovland.

Planning Commissioners attending were: Ken Potts, Michael Fischer and Kevin Staunton. Mr. Staunton entered the meeting at 5:30 p.m.

Staff attending the meeting included: Jennifer Bennerotte, Communications & Technology Services Director; Wayne Houle, Director of Engineering; Ari Klugman, City Manager Intern; Karen Kurt, Assistant City Manager; Scott Neal, City Manager; Bill Neuendorf, Economic Development Manager; Brian Olson, Public Works Director and Cary Teague, Community Development Director. City Consultant Bruce Jacobson was also in attendance.

Mayor Hovland said the meeting would focus on two topics: a sketch plan review of the Pentagon Park/Gateway District and the Grandview District next steps.

PENTAGON PARK SKETCH PLAN

Community Development Director Teague noted in 2008 the City Council had approved a rezoning of the 43-acre Pentagon Park to a Mixed Development District 6 (MDD-6) and approval of an Overall Development Plan for the site. Mr. Teague explained part of that approval process included an Alternative Urban Areawide Review (AUAR) environmental study which must be updated every five years. To date, none of the proposed new development has occurred and the AUAR was being updated by Hillcrest Development, current owner of the property. He introduced Scott Tankenoff, Hillcrest Development, who was looking for comments from the Council and Planning Commission on a potential "Density Transfer Concept", potential revision to the Overall Development Plan and a potential roadway that would connect Edina Industrial Boulevard to 77th Street.

Mr Tankenoff explained that Barr Engineering was interested in a particular site and the proposed changes were necessary to accommodate their preferred site. The Council expressed concerns over the proposed height increases, the density transfer and potential roadway along the Fred Richards Golf Course. The consensus among Council was to not allow the shift to happen in a manner that would jeopardize future meaningful residential redevelopment along the ring of land bordering Fred Richards, especially with an entire neighborhood of single family homes just north of the site. The Council did state it would support a denser office use along 77th St, where the infrastructure was already in place to support the use, and where an office park could serve as a "buffer" to the interior ring of residential use along Fred Richards.

GRANDVIEW NEXT STEPS

Minutes - Work Session/Edina City Council/April 16, 2013

Economic Development Manager Neuendorf sought direction for a Phase II process for the Grandview District Redevelopment, following up on the highly successful Phase I community-based process that resulted in the Grandview District Redevelopment Framework. Following discussion of the Council and Planning Commissioners, it was determined that in Phase II, the plan would be to send out an RFI (Request for Information) allowing developers to submit proposals for redevelopment of the public works site that aligned with the principles espoused in the Framework. Further, a ten-member Community Advisory Team (CAT) would be appointed to review RFI's and, later, to review development plans. The CAT would consist of one district business owner, one district property owner, two neighborhood representatives, two community at-large representatives, one Edina Transportation Commission member, one Park Board member, and two Planning Commission members. In early 2014, full plans would be developed, followed by the CAT's review and recommendation to the Council.

Mayor Hovland declared the meeting adjourned at 6:59 p.m.

Respectfully submitted,

Debra A. Mangan, City Clerk

Minutes approved by Edina City Council, May 7, 2013.

James B. Hovland, Mayor

Exhibit D

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SUBSCRIBER CONTENT: Dec 6, 2013, 5:00am CST

Real Estate

Is there room for golf in Pentagon Park plan?

Hillcrest Development and The Opus Group are redeveloping

the 42-acre Pentagon Park office park in Edina.



Sam Black

Senior reporter- Minneapolis / St. Paul Business Journal

[Email](#) | [Twitter](#) | [Google+](#)

Scott Tankenoff has two options for the city of Edina: one that involves keeping the [Fred Richards](#) Golf Course, and one that doesn't.

Tankenoff, president of Minneapolis-based [Hillcrest Development](#), and business partner [Mark Rauenhorst](#), one of the owners of Minnetonka-based [The Opus Group](#), are redeveloping a 42-acre office park known as Pentagon Park along West 77th Street in Edina.

Tankenoff has met with Edina residents and city officials of the affluent suburb for the past year to talk about how Pentagon Park could be turned into an upscale office park similar to Centennial Lakes in Edina or [Normandale Lake Office Park](#) in Bloomington.

One of the keys to that plan, however, is improving the connection of the site to the green space immediately north of the office park. That area is now the home of the city-owned [Fred Richards Golf Course](#), a 9-hole course that also sits on a 42-acre site.

Edina hired a consultant in May to study the performance and operations of all its golfing facilities, which lost money in 2012 and will again this year. Edina officials last month called 2013 the worst year ever for its public courses. (Municipal golf courses across the Twin Cities are having troubles.)

Edina hasn't started any formal deliberations about the possible closure of [Fred Richards](#) yet, but it is expected to address the question next year. Some of the patrons and neighbors of the course are sure to oppose closing it. There's already a website, [savethefred.org](#).

Enter Hillcrest, which will present two redevelopment scenarios for its Pentagon Park office project at a Dec. 11 planning commission meeting.

Both plans call for a "several hundred million dollar" business park with a 400-room "meaningful, signature" hotel on the western portion of the site closest to Highway 100 and about 1.4 million square feet of office space.

Hillcrest's two concepts have one major difference. One is status quo for the golf course site and the other envisions the city closing the course and creating a public park, with ball fields, paths, streams and ponds that are better integrated through the entire 84-acre site.

It's seeking tax increment financing assistance from the city for either plan to help improve soil conditions and help pay for infrastructure such as street improvements; the golf course plan would require less TIF.

Tankenoff prefers the integrated approach, but said he could live with either. He would like some direction on the two plans this spring and needs a decision on the course by the end of 2014.

"There comes a point where we can't wait," Tankenoff said. "Are we integrating our land or not."

Sam Black covers real estate, manufacturing and economic development

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[Matthew Dornquist](#)



[Cem Erdem](#)



[Bill George](#)



[Jon Bloom](#)

Pentagon Park concept receives a favorable review

Exhibit E

By Lisa Kaczke

January 17, 2014 at 7:00 am



2

Tweet



Like

0

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Sixteen months of planning to change Pentagon Park into a Centennial Lakes-type of office park are beginning to take shape with an initial favorable review by the Edina City Council.

Scott Takenoff of Hillcrest Development has created two working ideas for the site – one if neighboring Fred Richards Golf Course remains a golf course and a second if the city decides to re-purpose the course.

Takenoff's plans call for a multi-phase rehabilitation of the 43-acre office park over a 15-year period.

"It took 25-plus years to make a wreck out of it and it's going to take a number of years to make it successful," Takenoff told the Edina City Council on Tuesday, Jan. 7.



Hillcrest Development unveiled Pentagon Park, a 43-acre office park located at 7011 Stone in Edina. (Not a current photo) photo by Lisa Kaczke

Mayor Jim Hovland noted that Takenoff has helped the city see a vision for the property.

"It was state of the art at the time and it can be state of the art again," Hovland said.

A sketch plan of the site received favorable comments from the Edina City Council on Jan. 7. A formal vote isn't taken on sketch plans presented to the city council. The Edina Planning Commission also reviewed the sketch plan in December.

However, the sketch plan didn't include any building or architectural plans for the site and only included a conceptual plan for the office park, located at 4815 W. 77th St. Planning commissioners and city council members commented that more specific details are needed on the plans going forward.

Takenoff responded that the project is a "unique redevelopment opportunity" and they don't know what the architectural details of the project are yet, but they will be brought to the Planning Commission and city council for approval prior to construction.

The site is expected to be rezoned from MDD-6, or Mixed Development District, to PUD, or Planned Unit Development. Takenoff said the PUD would give him more flexibility with the project, and council members agreed that PUD is more appropriate for the site.

The project is expected to return to the Planning Commission in February for preliminary approval of rezoning, which would put it on a council agenda in March. It would then go through the final rezoning approval process through the Planning Commission and city council.



Two concepts have been discussed for Pentagon Park, a 45-acre office park on the west side of Edina Avenue. One concept involves a central building with wings to the north of the office park to provide a professional office features a connection to Edina Avenue in the city center. (Submitted graphics by Aaron F. Johnson and Bob Cross Studio)



(Submitted graphics by Aaron F. Johnson and Bob Cross Studio)

In addition, Takenoff said he's committed to returning to the Planning Commission and city council with a sketch plan that includes the architecture of each phase of the project.

"We're going to be back here and we're going to be back here many, many times and in the community," he told the council.

Takenoff previously held community meetings at Pentagon Park in the fall to gather input from the neighborhood north of the office park.

He told the council that 2014 is expected to be a planning year on the project, and on-site action isn't expected to begin until 2015.

Takenoff purchased Pentagon Park in two parts in September 2012 and January 2013. The office park was built from the late 1960s to early 1970s, and consists of 11 office buildings, many of which went into foreclosure in 2009.

Takenoff touched on the site falling into disrepair during the council meeting and why they're coming forward for rezoning approval at this point.

"There are a number of reasons why we are bringing the project forward at this time and one of them is that it has been a monumental effort over the 15, 16 months to get the dysfunctional pieces of Pentagon Park together, to actually take these fractured pieces that have been put into a dysfunctional position over the last probably 25 years of dysfunctional ownership and poor choices, and we've got those pieces together and we now have all the pieces that are necessary to actually move this project forward and start looking at actual demolition of structures that are far past their useful life and candidly, just blighted beyond belief," he said.

The proposal for the site includes office and retail spaces, along with a hotel on the western edge of the site overlooking Highway 100. The city has asked that the potential for housing on the site be retained in the rezoning. Although housing isn't proposed for the site, Takenoff has agreed to keep it on the table for possible future inclusion on the site, Planning Director Cary Teague said.

The conceptual design of the site envisions office buildings around ponds with parking out of sight, and areas where people could sit and relax like they can do currently at Centennial Lakes.

The site's future design is being guided by six principles: green streets, integrated stormwater management, a pedestrian-friendly West 77th Street, connection between the eastern and western sides of the site, multi-modal connections and shared parking.

They've committed to stormwater management that provides the city with an amenity and an area where recreation activities are at or above the city's standard, Takenoff said.

They're also committed to encouraging bike and pedestrian traffic, including providing a facility to lock bikes and provide shower facilities in the buildings to get away from single-occupant vehicles, he said.

"We need to do more than hang a bike rack outside the door," he said.

They also need to upgrade the existing bus stops along the site to "signature" transit stations, he said.

Councilmember Mary Brindle said she hopes they succeed at encouraging multi-modal traffic on the street.

West 77th Street also needs to be upgraded and the street currently only has a sidewalk on one side, he said. The site's concept plan calls for a center median with trees, adding left turn lanes and street lights, and widening the sidewalks to encourage walking to the bus stops.

Parklawn Avenue also needs upgrades because they want people who bike to use it, Takenoff said.

The buildings need to be built to LEED green standards and solar energy is being considered, especially for the buildings facing West 77th Street, he said.

In terms of building heights, the plan is to have four-story buildings facing Fred Richards and five-story buildings facing West 77th Street. The proposed hotel could be 12 stories. The council was split on whether it would allow the hotel to rise higher than 12 stories, the maximum height allowed in the city's Comprehensive Plan.

A possible restaurant on the site would be something that has a "hometown feel" to it and isn't a chain, Takenoff said.

Brindle said she hopes that the potential businesses and restaurants provide some nightlife for the area so that the entire site doesn't go dark at 5 p.m.

Councilmember Joni Bennett pointed to the Excelsior and Grand development in St. Louis Park, saying it's been a success at revitalizing the area and is an amenity to the homes around it. She said she appreciates the opportunity for a similar private-public partnership on the Pentagon Park site.

Hillcrest Development is working on two different concepts for the site based on the future of the Fred Richards Golf Course, which sits directly to the north of the office park. One concept provides synergy with Fred Richards if the city were to re-purpose it and one doesn't provide that connection, said Tom Whitlock of Damon Farber Associates, which is working on Pentagon Park's land design.

If Fred Richards becomes something else, like a park, they envision connecting Pentagon Park via a bridge similar to the bridges at Centennial Lakes Park, he said.

A parkway that circles the site and returns traffic to West 77th Street is also planned. No thorough streets are planned that connect the office park to the neighborhood to the north of Pentagon Park.

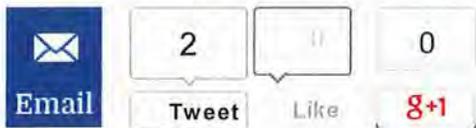
The Nine Mile Creek Regional Trail is also expected to travel along the edge of the site and they want to provide an amenity that brings people from the bike trail onto the Pentagon Park site and vice-versa, Whitlock said.

Takenoff concluded by saying their "minds are open, options are open." They have two different preliminary ideas, and knowing the future of the Fred Richards Golf Course is "critical," he said.

Hovland said following the presentation on the project that it has "ignited the imagination" of city staff and made the city realize what the area west of France Avenue could become. He pointed out the aerial photo shown during the presentation that shows the neighborhood and Fred Richards to the north of Pentagon Park, "and all of a sudden you hit a wall of gray and its all concrete all the way to 494."

Contact Lisa Kaczke at lisa.kaczke@ecm-inc.com

Filed Under: [edina](#)



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Edina receives grant for Pentagon Park



Pentagon Park developer considering



TIF District considered for Pentagon Park



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2 comments • 4 months ago



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Bloomington School District referendum passes

1 comment • 4 months ago



earl01000 — How many times are we the tax payers going to get scammed by the education system with these yearly tax



WELCOME & THANK YOU FOR COMING

Tonight's Open House is an important step in the potential redevelopment of Pentagon Park. Your comments will inform the planning process and help us to unlock the full potential of this tremendous site!

Tonight's Schedule:

6:30pm – 7:00pm, Open House
7:00pm – 7:30pm, Presentation
7:30pm – 8:00pm, Open House

There are five key stations around the room to orient you to the site and the effort that has been accomplished to-date.

Station 1

Monitor displaying interior and exterior images of the existing buildings within the Pentagon Park property.

Station 2

Existing Conditions & Context – Aerial images of site and views of Pentagon Park from the neighborhood to the North of the site.

Station 3

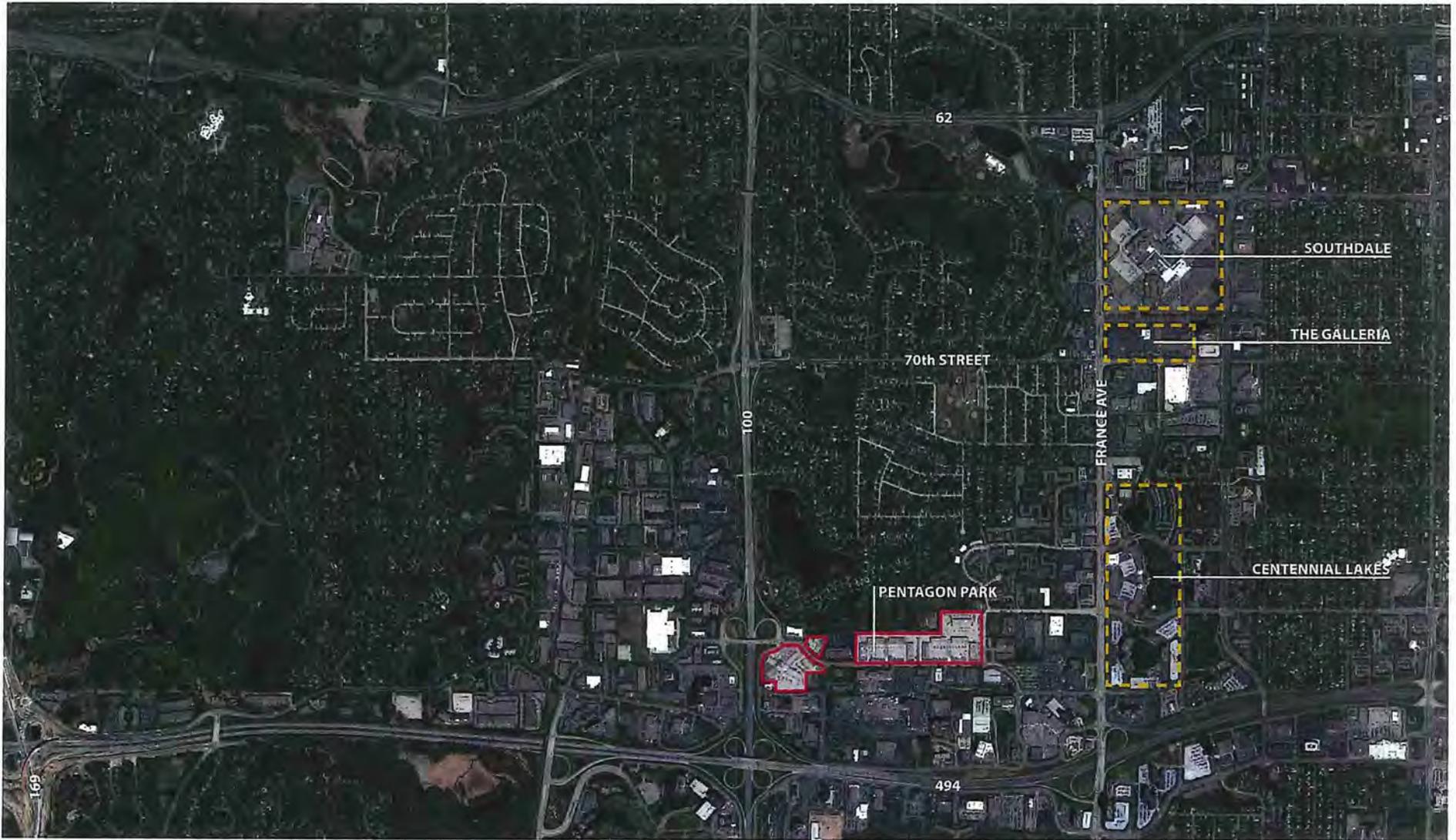
Redevelopment Issues and Opportunities – Key Project Goals.

Station 4

Models of alternative redevelopment concepts.

Station 5

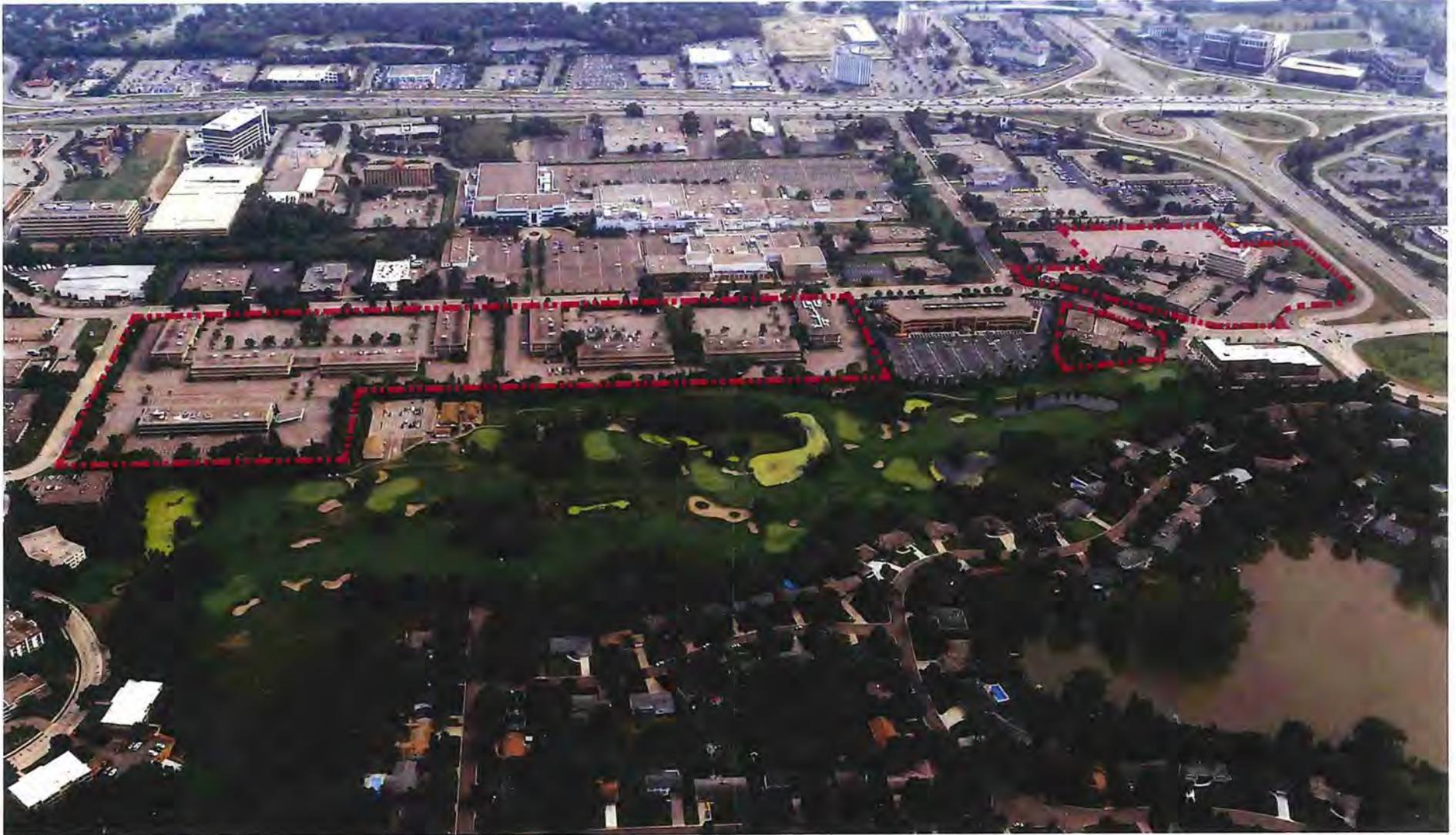
Comment Station.



DAMON **FARBER** ASSOCIATES



AREA CONTEXT **PENTAGON PARK**
EDINA, MN - SEPTEMBER 2013



DAMON **FARBER** ASSOCIATES



EXISTING CONDITIONS **PENTAGON PARK**
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EXISTING CONDITIONS **PENTAGON PARK**
EDINA, MN - SEPTEMBER 2013

1 LOOKING SE TOWARDS PENTAGON PARK FROM FRED RICHARDS GOLF COURSE



2 LOOKING SOUTH TOWARDS PENTAGON PARK FROM FRED RICHARDS GOLF COURSE



3 LOOKING SW TOWARDS PENTAGON PARK FROM FRED RICHARDS GOLF COURSE, FAR EAST SIDE OF PROPERTY



IMAGE LOCATIONS



WEST PROPERTY BOUNDARY



EXISTING PEDESTRIAN SPACE



EXISTING SEAM - NE CORNER OF PROPERTY



77TH STREET LOOKING EAST TOWARD PENTAGON PARK

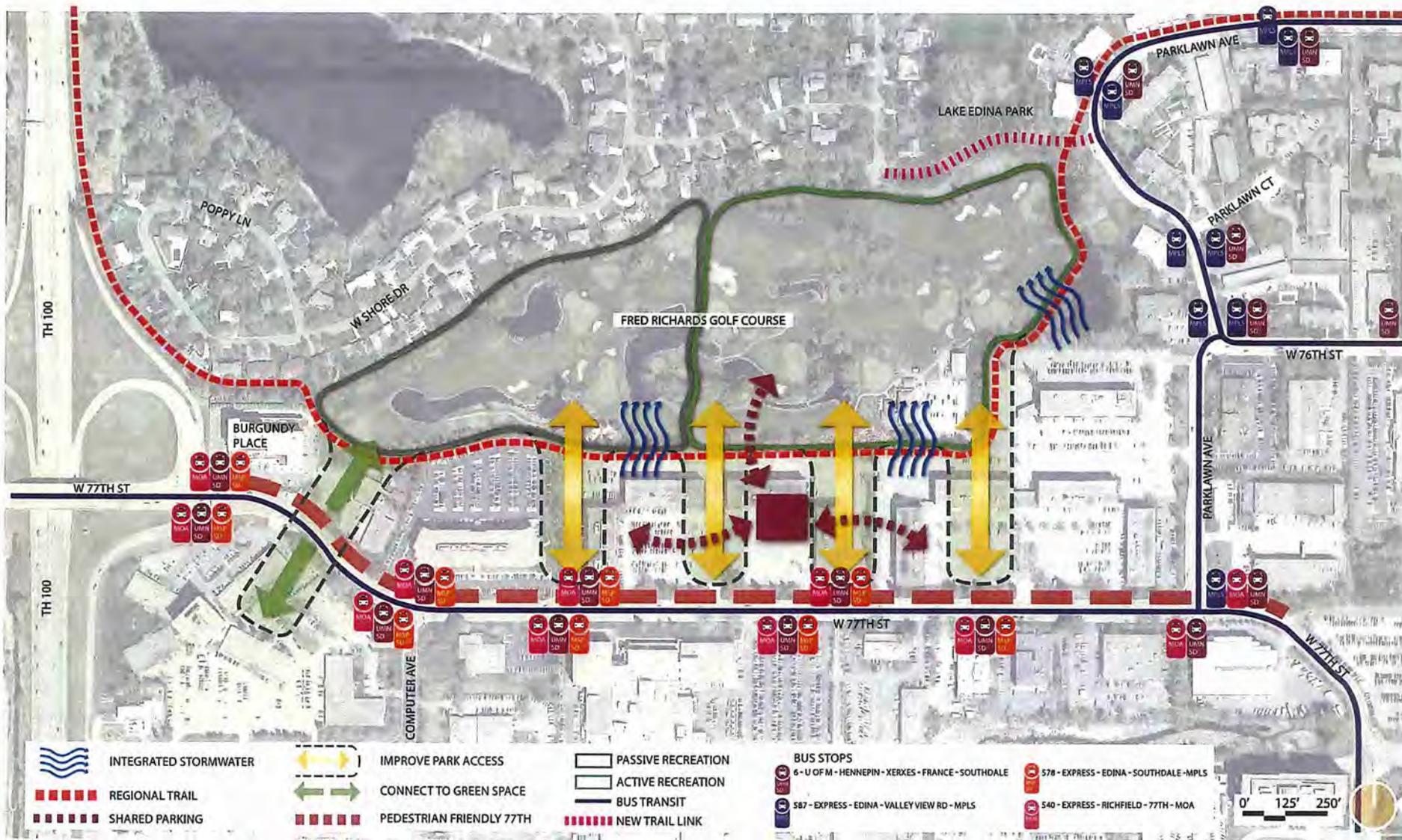


EXISTING PARKING LOT



EXISTING SEAM - NORTH SIDE OF PROPERTY







GREEN STREETS



INTEGRATED STORMWATER



PEDESTRIAN FRIENDLY 77TH



CONNECT WEST TO EAST



MULTIMODAL CONNECTIONS



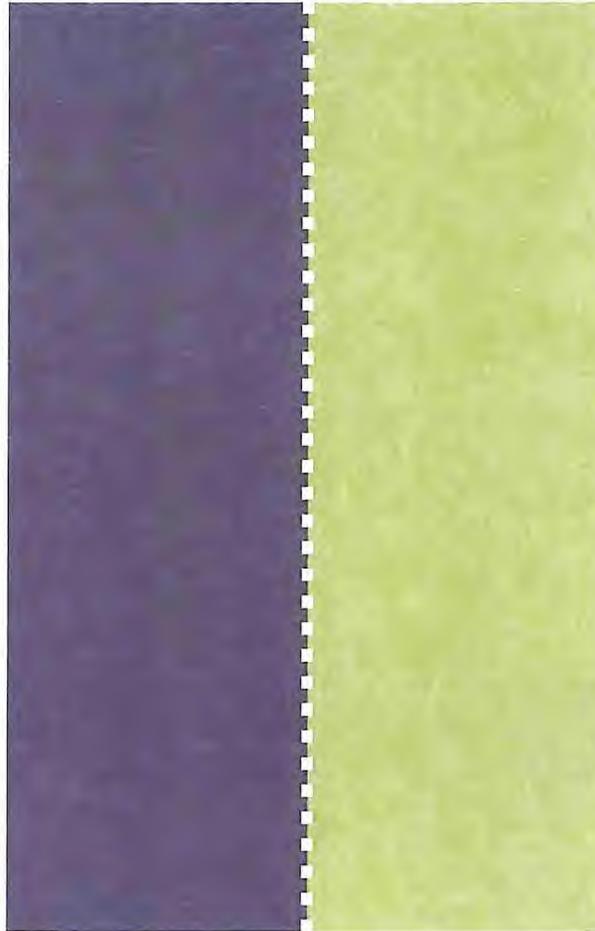
SHARED PARKING



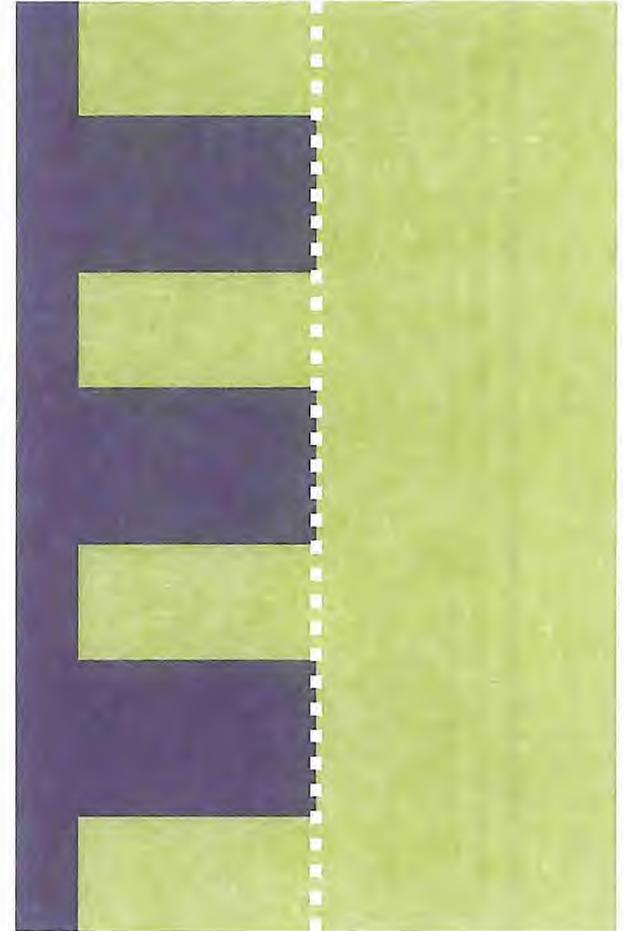
EXISTING



EXISTING RELATIONSHIP



GOAL



DOCKSIDE GREEN CONCEPT

- A continuous linear stormwater amenity connects the development parcels
- A two-way parkway with parking bays provides a loop around the development, connecting from W 77th St
- 'Natural vegetation' is planted adjacent to stormwater ponds and buildings
- A regional trail is located north of the site, with three connections from trail to W 77th St
- W 77th St to be pedestrian friendly with trees, stormwater management, and improved sidewalks
- Multiple parking strategies - below-grade, on-street and architecturally integrated with buildings



BIRDSEYE OF DOCKSIDE GREEN LOCATED IN VICTORIA, BRITISH COLUMBIA



DOCKSIDE GREEN STORMWATER & PEDESTRIAN BRIDGE



LUSH VEGETATION AT DOCKSIDE GREEN



STORMWATER AMENITY INTEGRATES BUILDINGS AND CIRCULATION



THE UPPER LANDING CONCEPT

- Two road loops off of W 77th St - providing connectivity without through traffic
- Small stormwater ponds are located on the interior of the development buildings
- Public parking is located between the trail and development
- Flexibility in block size (market-driven)
- A regional trail is located north of the site between the park and development
- W 77th St to be pedestrian friendly with trees, stormwater management, and improved sidewalks
- Multiple parking strategies - below-grade, on-street and architecturally integrated with buildings



AERIAL OF THE UPPER LANDING IN ST PAUL, MN



STORMWATER SWALE BETWEEN THE UPPER LANDING AND TRAILS



ROADWAY ADJACENT TO THE UPPER LANDING



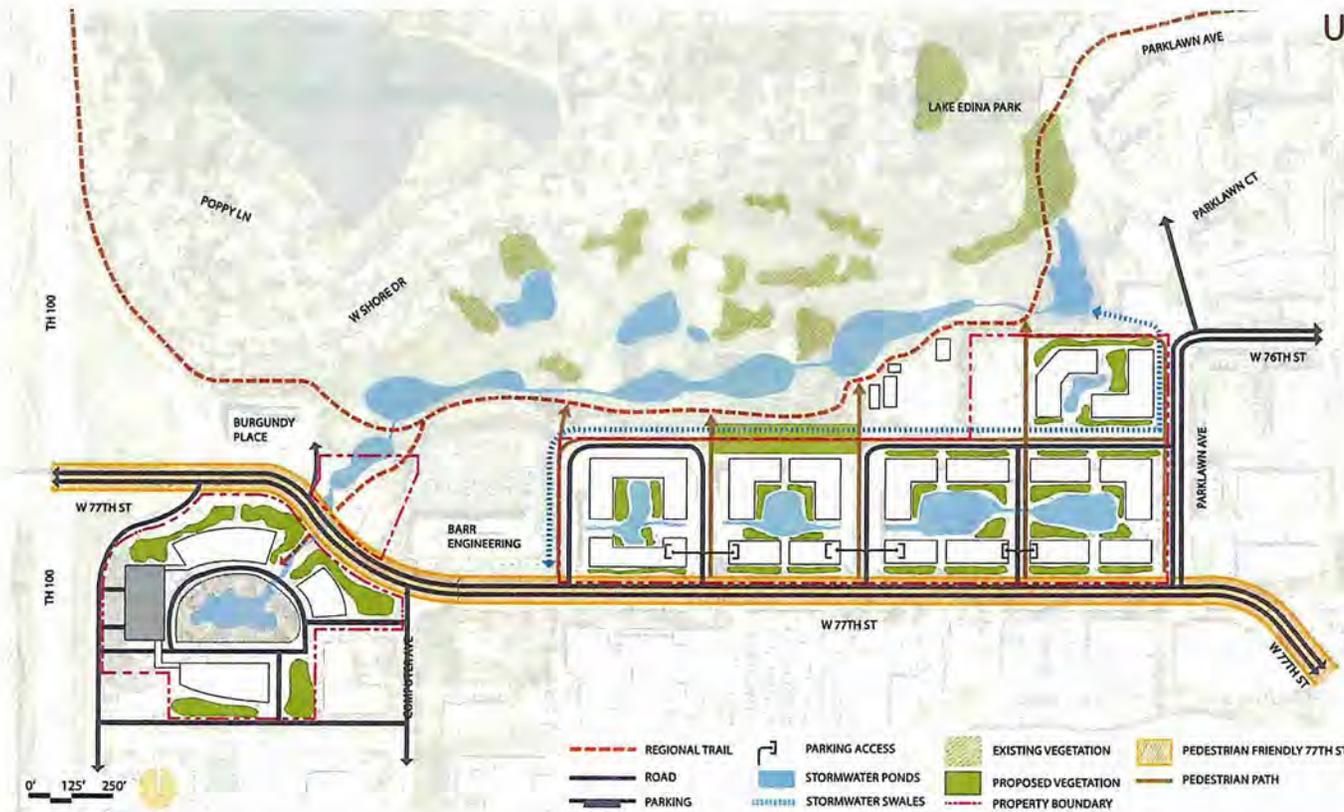
LOOP STREETS ALTERNATE WITH STORMWATER FEATURES



PATHWAY BETWEEN BUILDINGS



UPPER LANDING HYBRID CONCEPT



- Two road loops off of W 77th St - providing connectivity without through traffic
- Small stormwater ponds are located on the interior of the development buildings
- Public parking is located between the trail and development
- Flexibility in block size (market-driven)
- A regional trail is located north of the site between the park and development
- W 77th St to be pedestrian friendly with trees, stormwater management, and improved sidewalks
- Multiple parking strategies - below-grade, on-street parking bays on loop roads and architecturally integrated with buildings

AERIAL OF THE UPPER LANDING IN ST PAUL, MN



STORMWATER SWALE BETWEEN THE UPPER LANDING AND TRAILS



ROADWAY ADJACENT TO THE UPPER LANDING



LOOP STREETS ALTERNATE WITH STORMWATER FEATURES



PATHWAY BETWEEN BUILDINGS



DAMONFARBERASSOCIATES



CONCEPT DIAGRAMS **PENTAGON PARK**
EDINA, MN - SEPTEMBER 2013



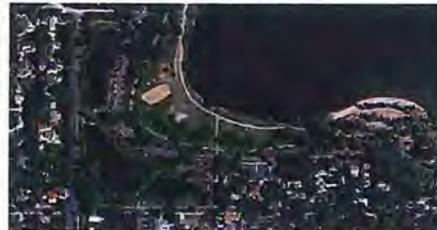
CHAIN OF LAKES CONCEPT

- Multiple shared amenities
- A parkway is located north of site, increasing connectivity
- Multiple water bodies are located north of the site, separating the neighborhood from the development
- Small stormwater ponds are located on the interior of the development and manage water in concert with larger ponds to the north
- Flexibility in block size (market-driven)
- A regional trail is located north of the site between the park and development
- W 77th St to be pedestrian friendly with trees, stormwater management, and improved sidewalks
- Multiple parking strategies - below-grade, on-street and architecturally integrated with buildings

AERIAL OF THE CHAIN OF LAKES



WETLAND AREA ADJACENT TO LAKE CALHOUN



TWO-WAY PARKWAY WITH PARKING BAYS ADJACENT OF LAKE CALHOUN



STORMWATER SWALE ADJACENT TO PATH



STORMWATER SWALE BETWEEN PATHS





CENTENNIAL LAKES CONCEPT

- A central water feature is located north of the site separating the neighborhood from the development
- Stormwater ponds are natural amenities within the development
- A parkway provides public access and bay parking to the park
- A flexible grid of streets (market driven) with parallel parking connects W 77th St to the parkway north of the site
- A regional trail is located north of the site, with two connections from trail to W 77th St
- W 77th St to be pedestrian friendly with trees, stormwater management, and improved sidewalks
- Multiple parking strategies - below-grade, on-street and architecturally integrated with buildings

AERIAL OF LAKE NOKOMIS



ONE-WAY LOOP WITH PARKING BAYS



NATURAL VEGETATION



CENTENNIAL LAKES



STORMWATER LINKS TO DEVELOPMENT



MINNEHAHA CREEK CONCEPT

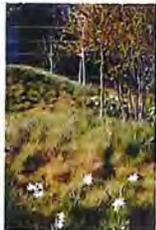
- A naturalized corridor with vegetation and a spine of water is located north of the site separating the neighborhood from the development
- Small stormwater ponds are located on the interior of the development buildings
- A parkway with parking bays is located between the naturalized corridor and new development
- A flexible grid of streets (market driven) with parallel parking connects W 77th St to the parkway north of the site
- A regional trail is located north of the site, with two connections from trail to W 77th St
- W 77th St to be pedestrian friendly with trees, stormwater management, and improved sidewalks
- Multiple parking strategies - below-grade, on-street and architecturally integrated with buildings



MINNEHAHA CREEK THROUGH EDINA COUNTRY CLUB DISTRICT



COLORPLAST US HEADQUARTERS IN MINNEAPOLIS



PEDESTRIAN PATH OVER MINNEHAHA CREEK



PEDESTRIAN PATH OVER MINNEHAHA CREEK

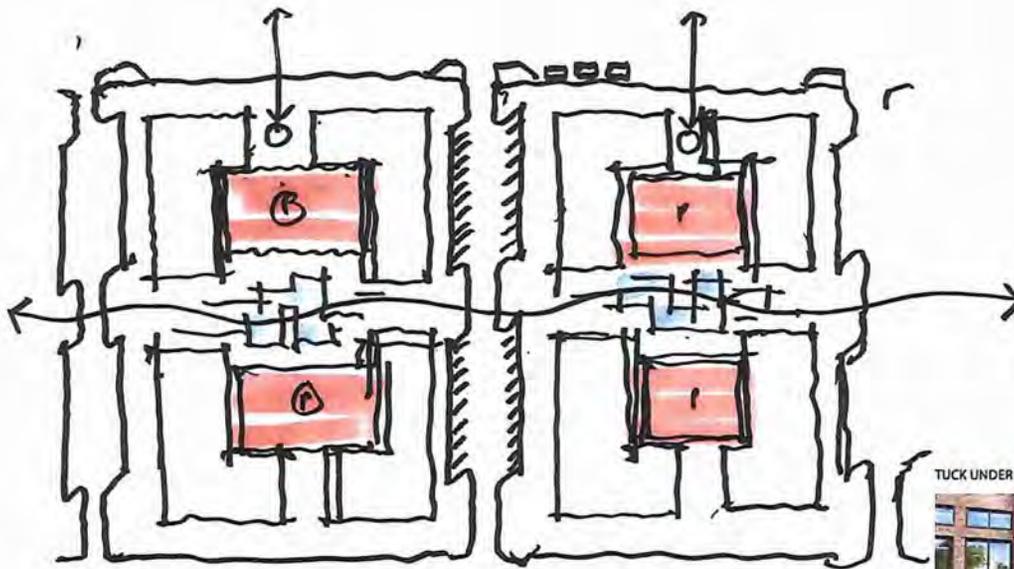


PARKWAY ALONG MINNEHAHA CREEK



PATH ADJACENT TO PARKWAY





THREE PRONGED APPROACH TO PARKING:

1. Below-grade (1 level)
2. "Embedded" deck (maintain great addresses at perimeter)
3. Street Parking
 - Parallel
 - Diagonal
 - Parking Bays

TUCK UNDER PARKING



TUCK UNDER PARKING



STREET PARKING - PARKING BAYS AT FRED RICHARDS



STREET PARKING - DIAGONAL



STREET PARKING - DIAGONAL



STREET PARKING - PARALLEL



STREET PARKING - PARALLEL



STREET PARKING - PARALLEL



Exhibit H



Three Rivers
PARK DISTRICT



Nine Mile Creek Regional Trail
master plan

Draft - September 17, 2013

Edina Segment

Location and Status

The 7.38-mile segment of Nine Mile Creek Regional Trail is generally unbuilt through Edina. The Edina segment may be implemented in two phases and as such, the Edina segment is broken into West (Figure 13) and East (Figure 14) segment efforts.

West Segment

From TH 169, the trail continues east along the southern bank of Nine Mile Creek through a wetland complex owned by Edina. The trail follows a small sliver of upland through the wetland complex to the Lincoln Drive cul-de-sac. At Lincoln Drive, the trail extends south between the road and Nine Mile Creek. The trail will be located partially on right-of-way and partially on parkland associated with Nine Mile Creek.

The trail crosses Bren Road/Londonderry Road before extending east along the southern bank of Nine Mile Creek through a large wetland complex to Londonderry Drive. The trail will cross Nine Mile Creek within the wetland complex in an effort to utilize available upland and make its way to Londonderry Drive. At Londonderry Drive, the trail follows the south and east right-of-way to Walnut Ridge Park.

At Walnut Ridge Park, the trail parallels the Nine Mile Creek and stays along the southern limits of the park's developed area continuing east to Vernon Avenue via a third wetland complex. The regional trail will replace the existing trail along the park's southern boundary. The trail crosses Vernon Avenue at an existing controlled crossing and then follows the eastern right-of-way of Gleason Road to the existing trail access point of Bredesen Park. The trail utilizes the existing Bredesen Park trails to TH 62.

The main trails through Bredesen Park separate walking (pedestrian) and biking activities. Since the regional trail will utilize these trails, the regional trail is planned to also separate uses. This will be further evaluated in conjunction with Edina during the design phase.

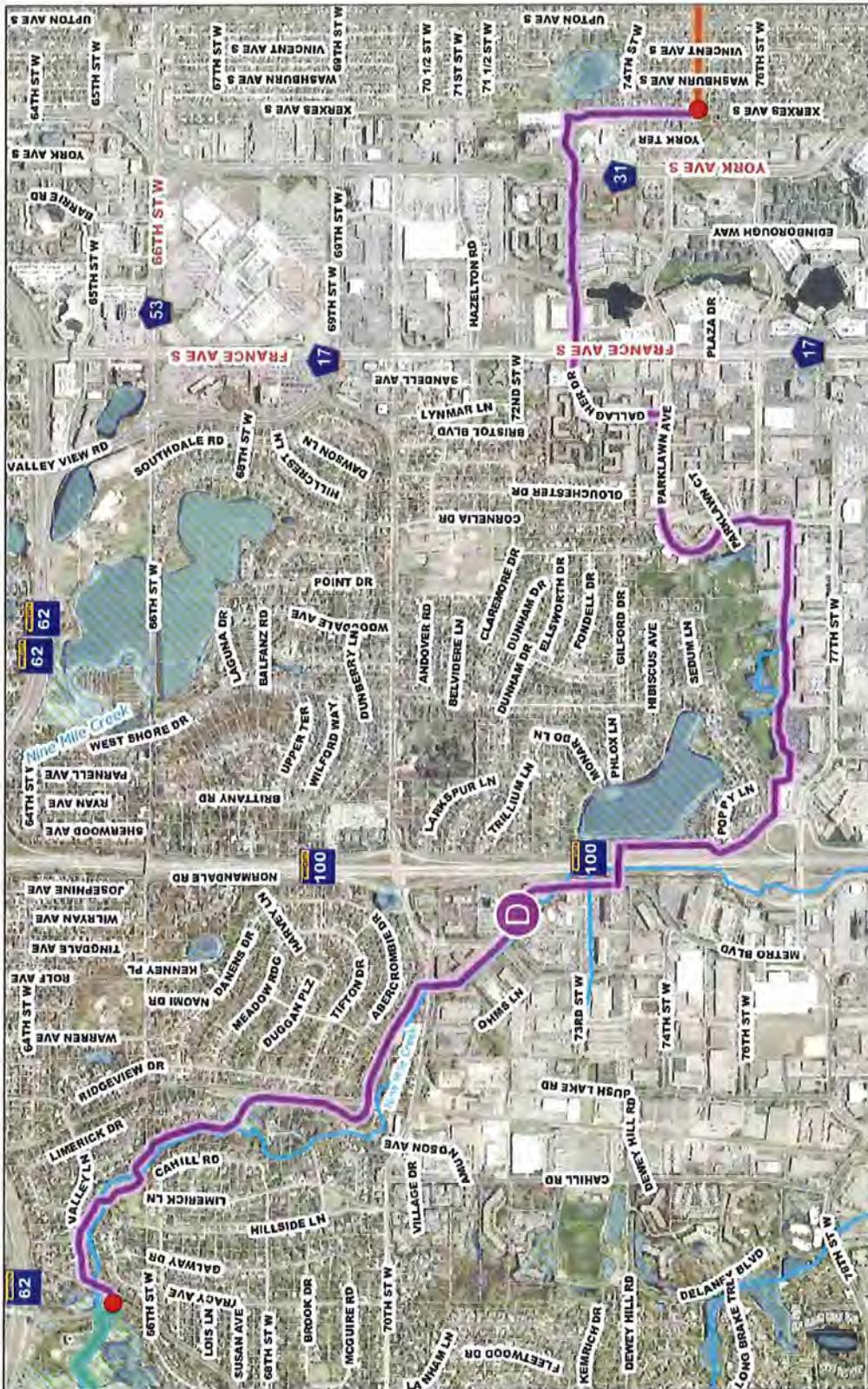
At TH 62, the trail continues to follow the Nine Mile Creek across TH 62 to Creek Valley Elementary School via a new pedestrian/bicycle bridge located between Gleason Road and Tracy Avenue.

At Creek Valley Elementary School, the trail extends east, still paralleling the southern creek bank, across parkland and property owned by the Edina School District. The trail passes the Valley View Middle School and Edina High School and continues east to Tracy Avenue.

East Segment

The trail crosses Tracy Avenue at Valley View Road and follows existing parkland along the Nine Mile Creek corridor to the intersection of 70th Street West and Metro Boulevard. There is one segment near Brook Drive along the creek in which parkland does not exist. For this short segment, the trail is located east of the Nine Mile Creek corridor on parkland associated with existing utility lines and immediately west of the Canadian Pacific Railroad (CP Rail). This trail segment, as originally envisioned, passes through or is adjacent to, Heights and Abercrombie Parks, likely incorporates at least two creek crossings, and requires a new crossing of CP Rail. As part of the design phase, the crossing of CP Rail will be further studied and an alternative route would be determined in conjunction with Edina, if necessary.

The exact location of the trail along Nine Mile Creek will be determined in the design phase and will take into consideration the challenges associated with amount of available parkland, wetlands, flood plains,



Nine Mile Creek Regional Trail | Edina East

Map prepared by Three Rivers Park District
 Planning Department - AR, September 11, 2013
 This GIS Data is provided "as is" without warranty
 of any representation of accuracy, timeliness, or
 completeness. The user acknowledges and accepts
 the limitations of the Data, including the fact that the
 Data is dynamic and is in a constant state of maintenance,
 correction, and update.

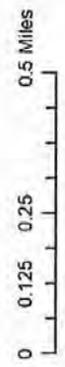


Figure 14
Edina East Segment of the Nine Mile Creek Regional Trail
 Source: Three Rivers Park District

and Nine Mile Creek as well as the opportunities of providing public access to public land.

At the intersection of 70th Street West and Metro Boulevard, the trail will continue south along the west right-of-way of Metro Boulevard to a new grade-separated pedestrian/bicycle bridge over TH 100. The bridge will occur somewhere between 72nd and 74th Streets, and will connect to existing parkland located on the western shore of Lake Edina.

From Lake Edina, the trail continues south and east to and along the southern border of Fred Richards Golf Course. A small portion of this trail segment is located within MnDOT right-of-way and Burgundy Condos property. Similar to other trail segments within Edina, the exact location along/across the Fred Richards Golf Course will be determined during the design phase and in conjunction with redevelopment efforts of the Pentagon Park area, located immediately south of Fred Richard's Golf Course. It is possible that an alternative to avoid the golf course entrance will be established.

From Fred Richards Golf Course, the trail continues east along the western and northern right-of-way of Parklawn Avenue to Gallagher Drive. The trail is located within the eastern and southern right-of-way of Gallagher Drive and continues east over France Avenue. The regional trail segment along Gallagher Drive was designed and constructed in 2012 as part of a road reconstruction project. This segment was designed to meet regional trail standards to the greatest extent feasible within the road right-of-way; therefore, no immediate improvements are proposed at this time. From France Avenue the trail utilizes an existing trail connection to Edina Promenade between the Macy's Home Furniture Store on the north and a retail complex and Centennial Lakes Park on the south.

The trail continues east through the Edina Promenade and Yorktown Park trail system between Centennial Lakes and Adam Hill Park (Xerxes Avenue). This segment of trail is designed as a linear park with separate walking and biking trails. The existing trails will serve as part of the regional trail corridor but remain under the jurisdictional control of Edina. The existing trails do not meet regional trail standards and incorporate roundabout features which help reduce speed through a potentially congested area. When and if this area is reconstructed, the Park District will work with Edina to design and upgrade this trail segment to meet regional trail standards without significantly changing the character and intent of the Edina Promenade and Yorktown Park.

At Yorktown and Adam Hill Parks, the trail extends south along the western right-of-way of Xerxes Avenue for two blocks to 75th Street where it connects with the existing trail segment in Richfield.



An existing Edina West trail segment along Vernon Avenue.



The Edina East trail segment incorporates existing parkland in which the trail is planned along Valley View Road.

Context and Destinations

The Edina trail segment is located through and adjacent to a wide variety of land uses. The trail segment between TH 169 and TH 100 is primarily located on parkland surrounded by low density residential uses with a few pockets of medium residential density and commercial/office/industrial land uses. East of TH 100 the trail is located adjacent to and through office, residential (low, medium, and high density), and mixed uses.

To the greatest extent feasible, the trail is located within parkland adjacent to Nine Mile Creek. In addition, the trail corridor passes three schools (Creek Valley Elementary School, Valley View Middle School, and Edina High School), several parks (Walnut Ridge, Bredesen, Creek Valley, Heights, Abercrombie, Centennial Lakes, and Yorktown Parks, Edina Promenade, Fred Richards Golf Course), France Avenue Business District (Southdale Hospital, Southdale Mall, and many other office/retail employment centers), and

several churches. The parks located adjacent to the regional trail provide an impressive diversity of recreational offerings including, but not limited to; ice rinks, walking, biking, and cross country ski trails, soccer fields, baseball diamonds, play areas, bathrooms, nature areas, tennis courts, gardens, fishing, concessions, picnicking, golf, a band stand, and a skate park. Many of the adjacent parks offer public bathroom facilities, water, and parking and by the nature of their location, support the regional trail corridor.

Natural Resources

The Nine Mile Creek corridor through Edina is a hidden gem. Prior to development, Edina took steps to preserve public land along the creek corridor and associated wetlands and floodplain. With the development of the Nine Mile Creek Regional Trail, this land will be available for public use and enjoyment.

The Nine Mile Creek Regional Trail corridor is a mix of both wooded and open areas, upland and lowland, and developed and undeveloped areas. The area immediately adjacent to the regional trail and Nine Mile Creek are classified as forests, wetlands, open water, shrub lands, and herbaceous landcovers by the MLCCS (Appendix C). The greater surrounding landscape and adjacent areas of the Edina segment are predominantly artificial surfaces and cultural vegetation. It provides a little bit of everything creating diverse and desirable opportunities for regional trail users. The location next to the Nine Mile Creek and its associated wetlands and floodplains provide a wonderful opportunity to provide access to engage with nature while fully immersed within a first-tier community.

While the corridor is a pleasant contrast to the heavily urbanized and populated area of Edina, it has been impacted by adjacent development and urban land uses. The quality of the natural resources of the regional trail corridor is the direct result of urbanization.

The Park District will maintain the 16-20' wide corridor to account for both trail user safety and the



Nine Mile Creek Regional Trail corridor through Edina will provide opportunities to interact with Nine Mile Creek.

adjacent natural resources. While the Park District will not be responsible to manage or otherwise improve the adjacent natural resources, the Park District recognizes that the health of the greater landscape plays an important role in the value of the corridor and enjoyment of trail users; therefore, the Park District will promote environmental stewardship through its own operation and maintenance practices.

Species of Special Concern

Most wildlife species found within the regional trail corridor have already been introduced to human activities (e.g., existing trails and sidewalks, adjacent land uses, etc.) and are not anticipated to be negatively affected by the regional trail. However, there are a few species within a one-mile radius of the Edina segment that are classified as Threatened or Special Concern Species within Minnesota and warrant special consideration.

- Two Blanding's Turtles (*Emydoidea blandingii*) - Threatened Species
- One Peregrine Falcon (*Falco peregrines*) - Threatened Species
- One Common Moorhen (*Gallinula chloropus*) - Special Concern Species
- One Forester's Tern (*Sterna forsteri*) - Special Concern Species

The Peregrine Falcon, Common Moorhead, and Forester's Tern are not anticipated to be impacted by the project. The Blanding's turtle is also not anticipated to be impacted by the project as the Park District will construct the regional trail in accordance with Minnesota Department of Natural Resources best management practices and recommendations for this species.



The Park District will construct the regional trail in accordance with Minnesota Department of Natural Resources best management practices and recommendations for all Threatened or Special Concern Species present.

Acquisition Needs

The Nine Mile Creek Regional Trail master planning process identified the need for several new trail easements.

The potential new easements are located through:

- Former United Health Complex (southeast corner of Lincoln Avenue and Londonderry Road)
- Edina middle/high school
- Creek Baptist Church (southwest corner of Tracy Avenue and TH 62)
- Burgundy Condos
- Fred Richards Golf Course area

An existing easements along Macy's Furniture Store property may be amended to allow for regional trails uses and/or increase the easement width. It is possible that additional regional trail easements may be identified during the design phase. If this occurs, the Park District and Edina will work together to obtain the required easement while minimizing any potential impacts to private property to the greatest extent possible. In addition, limited use permits are required from MnDOT for the crossings of TH 169, TH 62, and TH 100.

Exhibit J

TMDL: Nine Mile Creek Watershed Chloride TMDL, Hennepin County, MN

Date: November 29, 2010

DECISION DOCUMENT FOR THE NINE MILE CREEK WATERSHED CHLORIDE TMDL, HENNEPIN COUNTY, MINNESOTA

Section 303(d) of the Clean Water Act (CWA) and EPA's implementing regulations at 40 C.F.R. Part 130 describe the statutory and regulatory requirements for approvable TMDLs. Additional information is generally necessary for EPA to determine if a submitted TMDL fulfills the legal requirements for approval under Section 303(d) and EPA regulations, and should be included in the submittal package. Use of the verb "must" below denotes information that is required to be submitted because it relates to elements of the TMDL required by the CWA and by regulation. Use of the term "should" below denotes information that is generally necessary for EPA to determine if a submitted TMDL is approvable. These TMDL review guidelines are not themselves regulations. They are an attempt to summarize and provide guidance regarding currently effective statutory and regulatory requirements relating to TMDLs. Any differences between these guidelines and EPA's TMDL regulations should be resolved in favor of the regulations themselves.

1. Identification of Waterbody, Pollutant of Concern, Pollutant Sources, and Priority Ranking

The TMDL submittal should identify the waterbody as it appears on the State's/Tribe's 303(d) list. The waterbody should be identified/georeferenced using the National Hydrography Dataset (NHD), and the TMDL should clearly identify the pollutant for which the TMDL is being established. In addition, the TMDL should identify the priority ranking of the waterbody and specify the link between the pollutant of concern and the water quality standard (see section 2 below).

The TMDL submittal should include an identification of the point and nonpoint sources of the pollutant of concern, including location of the source(s) and the quantity of the loading, e.g., lbs/per day. The TMDL should provide the identification numbers of the NPDES permits within the waterbody. Where it is possible to separate natural background from nonpoint sources, the TMDL should include a description of the natural background. This information is necessary for EPA's review of the load and wasteload allocations, which are required by regulation.

The TMDL submittal should also contain a description of any important assumptions made in developing the TMDL, such as:

- (1) the spatial extent of the watershed in which the impaired waterbody is located;
- (2) the assumed distribution of land use in the watershed (e.g., urban, forested, agriculture);
- (3) population characteristics, wildlife resources, and other relevant information affecting the characterization of the pollutant of concern and its allocation to sources;

- (4) present and future growth trends, if taken into consideration in preparing the TMDL (e.g., the TMDL could include the design capacity of a wastewater treatment facility); and
- (5) an explanation and analytical basis for expressing the TMDL through *surrogate measures*, if applicable. *Surrogate measures* are parameters such as percent fines and turbidity for sediment impairments; chlorophyll *a* and phosphorus loadings for excess algae; length of riparian buffer; or number of acres of best management practices.

Comment:

Location Description/Spatial Extent:

The Nine Mile Creek Watershed (NMCW) (AUID 07020012-518) is located in southwestern Hennepin County, Minnesota (MN). The watershed is southwest of downtown Minneapolis, and directly west of the Minneapolis-Saint Paul (MSP) Airport. The NMCW is 44.5 square miles in area and lies within the Minnesota River basin. The NMCW is divided into three reaches, the North Fork of Nine Mile Creek, the South Fork of Nine Mile Creek, and the Main Stem of Nine Mile Creek. The North Fork and South Fork converge north of Normandale Lake in the central portion of the watershed (Figure 1, page 2 of the final TMDL document). The Main Stem of Nine Mile Creek flows in a southeasterly direction from Normandale Lake toward the watershed outlet in Bloomington, MN.

Land Use:

The NMCW is an urbanized watershed with a mix of residential, commercial/office/industrial, parkland, open water (lakes), and wetland space. Figure 1 of the final TMDL document displays the land use delineations within the NMCW. Table 2 of the final TMDL document contains land use calculations, by percentage, of each land use within the NMCW. The NMCW lies in suburban Minneapolis southwest of downtown Minneapolis and directly west from the MSP Airport. Due to its location in suburban Minneapolis, the NMCW has two interstate highways (I-494 & I-35), state and county highways, county roads, and suburban access roads all within its bounds. These roads do not comprise a significant portion of the actual land area, but are a source of chloride inputs to the NMCW.

Problem Identification:

Nine Mile Creek was originally listed on the 2004 Minnesota 303(d) list for chloride. The NMCW TMDL had a target start date of 2005 and is projected to be completed by 2010. Nine Mile Creek is currently on the draft 2010 303(d) list for impaired aquatic life use.

Priority Ranking:

The NMCW was given a priority ranking by Minnesota for TMDL development due to the impairment impacts on public health and aquatic life, the public value of the impaired water resource, the likelihood of completing the TMDL in an expedient manner, the inclusion of a strong base of existing data and the restorability of the water body, the technical capability and the willingness of local partners to assist with the TMDL, and the appropriate sequencing of TMDLs within a watershed or basin (Section 1.0, page 1 of the final TMDL document).

The NMCW is located within the lower portion of the Minnesota River Basin and may contribute high chloride loads under critical conditions to the Minnesota River. Surface waters

within the NMCW are also popular for recreational use, such as fishing, canoeing/kayaking, and swimming. The water quality degradation has led to efforts to improve the water quality conditions of this watershed, and to TMDL development for chloride impairments.

Pollutant of Concern:

The pollutant of concern is chloride.

Source Identification (point and nonpoint sources):

Point Source Identification: Road salt usage by municipal operators and road salt applied by commercial and private applicators (e.g. private citizens and commercial contractors salting parking lots, sidewalks and other pedestrian/automobile usage areas) are the two main sources of chloride in the NMCW. Road salt from these sources is carried into the surface waters draining the NMCW by impervious surfaces (ex. highways, roads, and other paved areas) via municipal storm drains during snowmelt or rainfall runoff events.

The potential point sources to the NMCW are:

- Minnesota Department of Transportation (MNDOT) Metro District Municipal Separate Storm Sewer Systems (MS4) (MS400170)
- Hennepin County MS4 community (MS400138)
- City of Bloomington MS4 community (MS400005)
- City of Eden Prairie MS4 community (MS400015)
- City of Edina MS4 community (MS400016)
- City of Hopkins MS4 community (MS400024)
- City of Minnetonka MS4 community (MS400035)
- City of Richfield MS4 community (MS400045)
- Commercial and private applicators (combined into a Wasteload Allocation (WLA))
- Industrial stormwater (combined into a Categorical WLA)
- Permitted Construction activities (combined into a Categorical WLA, determined to be a minor source of chloride because the NMCW is nearly fully developed and construction work typically occurs in the warmer months when salting is not necessary)
- Stormwater from Normandale Community College (combined into a Categorical WLA)

Nonpoint Source Identification: The potential nonpoint sources to the NMCW are:

- Background chloride or irreducible chloride load
- Runoff from non-regulated salt storage facilities (all of the municipal storage areas are covered in the NMCW)

Future Growth:

Future Growth/Reserve Capacity information can be found in Section 3.3.4 (pages 22-23 of the final TMDL document). Significant development is not expected in the NMCW and therefore existing conditions can be considered as the “ultimate” land use condition for setting the allocations of the NMCW TMDL. The allocations set for point (WLA) and nonpoint sources (Load Allocations, LA) are for all current and future sources. Any expansion of either point or nonpoint sources will need to comply with the respective WLA and LA in the NMCW TMDL.

The U.S. EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the first criterion.

2. Description of the Applicable Water Quality Standards and Numeric Water Quality Target

The TMDL submittal must include a description of the applicable State/Tribal water quality standard, including the designated use(s) of the waterbody, the applicable numeric or narrative water quality criterion, and the antidegradation policy. (40 C.F.R. §130.7(c)(1)). EPA needs this information to review the loading capacity determination, and load and wasteload allocations, which are required by regulation.

The TMDL submittal must identify a numeric water quality target(s) – a quantitative value used to measure whether or not the applicable water quality standard is attained. Generally, the pollutant of concern and the numeric water quality target are, respectively, the chemical causing the impairment and the numeric criteria for that chemical (e.g., chromium) contained in the water quality standard. The TMDL expresses the relationship between any necessary reduction of the pollutant of concern and the attainment of the numeric water quality target. Occasionally, the pollutant of concern is different from the pollutant that is the subject of the numeric water quality target (e.g., when the pollutant of concern is phosphorus and the numeric water quality target is expressed as Dissolved Oxygen (DO) criteria). In such cases, the TMDL submittal should explain the linkage between the pollutant of concern and the chosen numeric water quality target.

Comment:

Designated Uses:

The designated use for the NMCW can be found in Section 2.1 (pages 4-5 of the final TMDL document). The Nine Mile Creek waters are designated as Class 2B or 2C, 3B, 3C, 4A, 4B, 5, and 6 (according to Minnesota Rules Ch. 7050.0470). The quality of Class 2B waters, relative to aquatic life and recreation, *“shall be as to permit the propagation and maintenance of a healthy community of cool or warm water sport or commercial fish and associated aquatic life, and their habitats. These waters shall be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable.”*

Standards:

The assessment of aquatic life impairments by chloride requires the use of the numeric water quality standard in Minnesota Rules 7050.0222. The numeric chloride standard is represented as a “chronic standard” (230 mg/L) and a “maximum standard” (860 mg/L). The chronic standard is based on a four-day average while the maximum standard is based on an individual sample. Minnesota Pollution Control Agency (MPCA) determined that violations of the chronic standard occur when two or more exceedances of 230 mg/L are recorded in consecutive three year periods during the most recent ten year period. MPCA determined that violations of the maximum standard occur when there is one exceedance of 860 mg/L in a three year period of recorded data.

Table 1 : MPCA Chloride Water Quality Standard and Basis for Determining Impairment

Standard Description	Standard Limit (mg / L)	Based on	Violation Resulting in Impairment
Chronic Standard	230	4-day average	2 or more exceedances in a 3 year sampling period
Maximum Standard	860	Individual sample	1 exceedance in a 3 year sampling period

MPCA set the target for this TMDL to the chronic standard of 230mg/L based on the reductions needed to meet the standards. A 60% reduction is needed to meet the chronic standard and a 47% reduction is needed to meet the maximum standard. Further discussion of the loadings required to meet the chronic standard are discussed in the following sections of this document.

The U.S. EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the second criterion.

3. Loading Capacity - Linking Water Quality and Pollutant Sources

A TMDL must identify the loading capacity of a waterbody for the applicable pollutant. EPA regulations define loading capacity as the greatest amount of a pollutant that a water can receive without violating water quality standards (40 C.F.R. §130.2(f)).

The pollutant loadings may be expressed as either mass-per-time, toxicity or other appropriate measure (40 C.F.R. §130.2(i)). If the TMDL is expressed in terms other than a daily load, e.g., an annual load, the submittal should explain why it is appropriate to express the TMDL in the unit of measurement chosen. The TMDL submittal should describe the method used to establish the cause-and-effect relationship between the numeric target and the identified pollutant sources. In many instances, this method will be a water quality model.

The TMDL submittal should contain documentation supporting the TMDL analysis, including the basis for any assumptions; a discussion of strengths and weaknesses in the analytical process; and results from any water quality modeling. EPA needs this information to review the loading capacity determination, and load and wasteload allocations, which are required by regulation.

TMDLs must take into account *critical conditions* for stream flow, loading, and water quality parameters as part of the analysis of loading capacity (40 C.F.R. §130.7(c)(1)). TMDLs should define applicable *critical conditions* and describe their approach to estimating both point and nonpoint source loadings under such *critical conditions*. In particular, the TMDL should discuss the approach used to compute and allocate nonpoint source loadings, e.g., meteorological conditions and land use distribution.

Comment:

The determination of the loading reductions necessary to meet the chloride standards in the NMCW were completed by utilizing a mass-balance approach for the chloride sources in the

watershed. The watershed loading capacity is based on the loads estimated by a long-term relationship between the chloride concentrations and a mass balance. There is a long term relationship between field measured conductivity and chloride concentrations at all four Watershed Outlet Monitoring Program (WOMP) stations (see page 10 of final TMDL document). Using this information, the existing chloride levels measured in Nine Mile Creek were compared against the Minnesota chloride standards to calculate loading reduction percentages necessary to meet the chloride standards. The reductions in the concentration were equivalent to the load reductions needed. The necessary loading reductions were then applied to the loading capacity for the NMCW TMDL.

In 2003, the Nine Mile Creek Watershed District (NMCWD) began a more intensive water quality monitoring program within the NMCW. The NMCWD aimed to supplement the data already collected in the NMCW by the Metropolitan Council Environmental Services (MCES) at the WOMP stations. The combined data collection efforts of the NMCWD and the MCES resulted in continuous water quality measurements at several WOMP stations within the NMCW. For this TMDL, historical water quality monitoring data were used, as well as conductivity measurements (conductivity was used as a translator to chloride), from the 106th Street WOMP station to better understand the chloride loadings in the watershed. The 106th Street WOMP station was chosen because: it is representative of the entire assessed reach, it integrates all of the upstream sources of chloride, it has the longest period of recorded water quality data, it maintains open water (i.e. does not ice over) through the winter months, and it exhibits the highest 4-day average chloride concentrations.

The NMCWD and MCES monitoring efforts showed that chloride levels typically peaked in the winter months (between January and March). Certain runoff events, during the winter months, exceeded the chloride standards during “critical conditions” (Section 3.1.1 on page 9 of the final TMDL document). The critical conditions corresponded with large snowmelt or precipitation events within the NMCW. Flow conditions in the surface waters of the NMCW during critical conditions can influence chloride concentrations as well. The surface water levels in Nine Mile Creek are also lowest during the winter months, resulting in decreased dilutive capacity throughout the water column.

The MPCA completed regression analyses linking snowfall (days) in the NMCW and chloride concentrations (from conductance measurements). The chloride concentrations were based on the maximum 4-day average and 15-minute values collected at the 106th Street WOMP station. The snowfall measurements were collected at the MSP airport, which is approximately three miles east of the NMCW. Snowfall was measured as any day where 0.01-inches of snow or greater fell at the MSP airport.

The average annual snowfall value from the MSP airport, based on climate records from 1950-2008, was 31 days of snowfall. This resulted in a maximum 4-day average chloride concentration value of 572 mg/L and a maximum 15-minute chloride concentration value of 1625 mg/L. Chloride reductions were calculated based on the chronic (230 mg/L) and maximum (860 mg/L) chloride values. The 4-day average (chronic standard) reduction was set at $(1 - (230/572)) = 60\%$ reduction in chloride. The 15-minute (maximum standard) was set at $(1 - (860/1625)) = 47\%$ reduction in chloride.

The chloride loads for each MS4 community were estimated based on road miles within the MS4 community, the application rate of salt per road mile, and the mass fraction of chloride in road salt. Chloride loads (tons/year) were calculated for each MS4 community, for Hennepin County, and for the MNDOT (Table 2 below). An example calculation explaining the calculation of chloride loads for each MS4 community was shown in Section 3.2 (page 19 of the final TMDL document). The chloride load for the City of Bloomington was shown in Section 3.2 (page 19 of the final TMDL document) and is presented below.

Table 2: Nine Mile Creek Watershed Existing Road Salt Chloride Source Loads (modified)

Source	Estimated Existing Chloride Load		TMDL Designation
	(tons/year)	Percentage	
MNDOT	413	6%	Individual WLA
Hennepin County	761	12%	Individual WLA
Commercial /Private Applicators	2,339	37%	Categorical WLA
Bloomington	692	11%	Categorical WLA
Eden Prairie	128	2%	Categorical WLA
Edina	1,085	17%	Categorical WLA
Hopkins	421	7%	Categorical WLA
Minnetonka	278	4%	Categorical WLA
Richfield	42	1%	Categorical WLA
Background (LA)	198	3%	LA
Total	6,357	100%	

City of Bloomington:

Chloride Load (tons/year) = 5.94 tons per 2-lane road mile per year (Road Salt Application Rate) x 384 miles (road miles in Bloomington) x 0.607 (chloride mass fraction of road salt) / 2 lane miles per road mile (assumption of 2 lane miles per road mile in Bloomington) = 692 tons of chloride per year used by the City of Bloomington.

Chloride loading from commercial applicators was estimated based on literature values. The literature values estimated that 19% of the total salt used in the Twin City Metropolitan Area (TCMA) was contributed by commercial applicators and 5% from private applicators. The commercial and private applicator values were combined 19% + 5% = 24%. The TCMA value of 24% was adjusted based on the unique characteristics of the NMCW. The adjusted loading values for commercial applicators was 34.6% and the private applicators was 3.1% (34.6% + 3.1% = 37.7%). These percentages were used in the formulation of the estimated existing WLA for commercial/private applicators (Table 2 above). The percentage attributed to commercial and private applicators in Table 2, (37%) is approximately 1% less than the adjusted loading value (37.7 %) because in the calculations for Table 2, the commercial and private applicator percentage (37%) includes the background load in its calculation. This issue was clarified by the MPCA in an email to the USEPA dated 11/7/2010 (Exhibit #10 in the Administrative Record).

Individual WLA were assigned to the MNDOT and Hennepin County. The remaining point sources were combined as a categorical WLA. The categorical WLA included the MS4 communities identified in Table 2 above.

Average annual MS4 road salt application rates (tons/mile/year) were calculated based on total road miles (miles) within each MS4 community and road salt application rates (tons/year). The proposed salt application rate reductions were shared with municipal and private applicators (i.e. public works employees) and MNDOT supervisors. These groups shared their technical expertise on the application rate adjustments and expressed their concern that reducing road salting activities could impact public safety. The MNDOT calculated that they could reduce their road salt application rate by 30% without compromising public safety. The MNDOT application rate was reduced by 30% and set at 5.05 tons/mile/year. Hennepin County was also adjusted to the MNDOT application rate of 5.05 tons/mile/year. WLAs for each MS4 community were then calculated from the “adjusted” road salt application rates (tons/mile/year).

The WLA for MNDOT and Hennepin County, based on their salt application rate, did not account for any salt usage from commercial or private applicators. A WLA was assigned to a lumped, or “categorical”, allocation for: the remaining MS4 communities in the NMCW, the commercial and private applicators, the Normandale Community College, and construction and industrial stormwater chloride inputs (See Tables 2 & 3 of this Decision Document).

Table 3: Nine Mile Creek Chloride Budget and Wasteload and Load Allocations

Watershed Chloride Sources	Existing Chloride Loads (tons/year)	TMDL Wasteload Allocation	Daily TMDL Wasteload Allocation	Percent Reduction of Existing Chloride Load (Percent)
		(WLA) (tons/year)	(WLA) (tons/day)	
Hennepin County MS4	761	169	0.463	78
Categorical MS4s	4,985	1,885	5.164	62
MNDOT MS4	413	291	0.797	30
Total WLA Sources	6,159	2,345	6.425	62
Natural and Background Sources	Existing Chloride Loads (tons/year)	TMDL Load Allocation	Daily TMDL Load Allocation	Percent Reduction of Existing Chloride Load (Percent)
		(LA) (tons/year)	(LA) (tons/day)	
Natural and Background Sources	198	198	0.542	0
Total LA Sources	198	198	0.542	0
Overall Source Total	6,357	2,543	6.967	60

The U.S. EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the third criterion.

4. Load Allocations (LAs)

EPA regulations require that a TMDL include LAs, which identify the portion of the loading capacity attributed to existing and future nonpoint sources and to natural background. Load allocations may range from reasonably accurate estimates to gross allotments (40 C.F.R. §130.2(g)). Where possible, load allocations should be described separately for natural background and nonpoint sources.

Comment:

The LA section is found on page 21 of the final TMDL document. The LA for the NMCW TMDL was based on background chloride measurements from the Mississippi River and from literature values in a chloride identified in the final TMDL document. The empirical measurements from the Mississippi River demonstrated that background chloride was approximately 8.0% (18.4 mg/L) of the chronic chloride standard (230 mg/L). MPCA estimated the background chloride in the TCMA at 18.7 mg/L (8.1% of the chronic chloride standard of 230 mg/L).

The MPCA set the LA for the NMCW TMDL at 8.0% of the loading capacity. The LA was calculated after the WLA had been determined for the NMCW TMDL. The LA was determined to be 0.542 tons/day (see Table 3 of this Decision Document). The LA is not expected to be reduced because the LA is considered as an irreducible/background chloride load.

The U.S. EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the fourth criterion.

5. Wasteload Allocations (WLAs)

EPA regulations require that a TMDL include WLAs, which identify the portion of the loading capacity allocated to individual existing and future point source(s) (40 C.F.R. §130.2(h), 40 C.F.R. §130.2(i)). In some cases, WLAs may cover more than one discharger, e.g., if the source is contained within a general permit.

The individual WLAs may take the form of uniform percentage reductions or individual mass based limitations for dischargers where it can be shown that this solution meets WQs and does not result in localized impairments. These individual WLAs may be adjusted during the NPDES permitting process. If the WLAs are adjusted, the individual effluent limits for each permit issued to a discharger on the impaired water must be consistent with the assumptions and requirements of the adjusted WLAs in the TMDL. If the WLAs are not adjusted, effluent limits contained in the permit must be consistent with the individual WLAs specified in the TMDL. If a draft permit provides for a higher load for a discharger than the corresponding individual WLA in the TMDL, the State/Tribe must demonstrate that the total WLA in the TMDL will be achieved through reductions in the remaining individual WLAs and that localized impairments will not result. All permittees should be notified of any deviations from the initial individual WLAs contained in the TMDL. EPA does not require the establishment of a new TMDL to reflect these revised allocations as long as the total WLA, as expressed in the TMDL, remains the same or decreases, and there is no reallocation between the total WLA and the total LA.

Comment:

The WLA section is found on pages 20-21 of the final TMDL document. The WLAs were calculated in order to reduce the chloride inputs into the NMCW from the two main chloride sources: road salts applied by municipal operators (i.e. town or city public works departments) and salt applied by commercial and private applicators. The MPCA determined that a 62 percent reduction in chloride load would meet WLA requirements to meet water quality standards in the NMCW (see Table 3 of this Decision Document). The WLA reductions were applied to the Hennepin County MS4 community (78% reduction in chloride load), a Categorical MS4 (62% reduction in chloride load) and the MNDOT MS4 (30% reduction in chloride load). The NMCW TMDL recommends decreasing chloride usage by municipalities and commercial and private applicators.

The U.S. EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the fifth criterion.

6. Margin of Safety (MOS)

The statute and regulations require that a TMDL include a margin of safety (MOS) to account for any lack of knowledge concerning the relationship between load and wasteload allocations and water quality (CWA §303(d)(1)(C), 40 C.F.R. §130.7(c)(1)). EPA's 1991 TMDL Guidance explains that the MOS may be implicit, i.e., incorporated into the TMDL through conservative assumptions in the analysis, or explicit, i.e., expressed in the TMDL as loadings set aside for the MOS. If the MOS is implicit, the conservative assumptions in the analysis that account for the MOS must be described. If the MOS is explicit, the loading set aside for the MOS must be identified.

Comment:

The Margin of Safety (MOS) section (Section 3.3.3 on pages 21-22 of the final TMDL document) outlines how the MOS was determined by MPCA. The Nine Mile Creek watershed TMDL utilizes an implicit MOS that utilized several conservative assumptions during the TMDL development process.

The MOS was determined based on a conservatively high number (31 events) of deicing events which were used to calculate loading reductions for the LA and WLA. The 31 deicing events were significantly greater than the number of deicing events observed in any of the other years which were monitored. Water quality measurements, used in the development of the loading capacity, also employed conservative qualities. Water quality measurements were taken at the most downstream monitoring station. This station reduces the level of uncertainty because: it is located the furthest downstream and integrates all of the upstream sources of chloride, it has the longest period of recorded water quality data, it maintains open water throughout the winter, and has the highest chloride concentrations relative to the rest of the monitoring stations.

The U.S. EPA finds that the TMDL document submitted by the MPCA contains an appropriate MOS satisfying the requirements of the sixth criterion.

7. Seasonal Variation

The statute and regulations require that a TMDL be established with consideration of seasonal variations. The TMDL must describe the method chosen for including seasonal variations. (CWA §303(d)(1)(C), 40 C.F.R. §130.7(c)(1)).

Comment:

Seasonal variation was considered in this TMDL as described in Section 3.5 “Critical Conditions and Seasonal Variation” (pages 24-25 of the final TMDL document). Water quality monitoring suggested that chloride concentrations in the watershed vary significantly throughout the year. Chloride concentrations typically exceed the water quality standard between January and March (Section 3.1 on pages 8-15 of the final TMDL document). Elevated chloride concentrations during these “critical conditions” exceed the MPCA’s state water quality chronic standard of 230 mg/L. The critical conditions are those instances where large snowmelt or precipitation events liberate chloride through surface runoff processes, and wash the chloride into the surface waters of the Nine Mile Creek watershed.

Seasonal variations of chloride concentrations were accounted for in the TMDL development process by calculations that estimated daily loading capacities of chloride under critical conditions. The daily loading capacity calculations were based on the relationship between total load and peak streamflow concentrations (large snowmelt or precipitation events). Daily loading capacity values were averaged into 4-day average chloride values over the entire year, and then used to calculate maximum stream concentrations relative to the MPCA water quality standards.

The U.S. EPA finds that the TMDL document submitted by the MPCA satisfies the requirements of the seventh criterion.

8. Reasonable Assurances

When a TMDL is developed for waters impaired by point sources only, the issuance of a National Pollutant Discharge Elimination System (NPDES) permit(s) provides the reasonable assurance that the wasteload allocations contained in the TMDL will be achieved. This is because 40 C.F.R. 122.44(d)(1)(vii)(B) requires that effluent limits in permits be consistent with “the assumptions and requirements of any available wasteload allocation” in an approved TMDL.

When a TMDL is developed for waters impaired by both point and nonpoint sources, and the WLA is based on an assumption that nonpoint source load reductions will occur, EPA’s 1991 TMDL Guidance states that the TMDL should provide reasonable assurances that nonpoint source control measures will achieve expected load reductions in order for the TMDL to be approvable. This information is necessary for EPA to determine that the TMDL, including the load and wasteload allocations, has been established at a level necessary to implement water quality standards.

EPA’s August 1997 TMDL Guidance also directs Regions to work with States to achieve TMDL load allocations in waters impaired only by nonpoint sources. However, EPA cannot

disapprove a TMDL for nonpoint source-only impaired waters, which do not have a demonstration of reasonable assurance that LAs will be achieved, because such a showing is not required by current regulations.

Comment:

The Nine Mile Creek watershed TMDL outlines reasonable assurance activities in Section 6.0 (page 29 of the final TMDL document). The reasonable assurance practices will be implemented over the next several years. Methods for reducing chloride inputs to the Nine Mile Creek watershed include:

- Best Management Practice (BMPs) installation and chloride reduction educational programs have been effective in reducing pollutant inputs to surface waters in other watersheds. The MPCA is confident that these practices will be useful in decreasing chloride loadings in the Nine Mile Creek watershed.
- A technical advisory committee (composed of commercial, local government, state government technical experts) provided input on the proposed implementation efforts. This committee will provide feedback through the duration of the implementation efforts in the Nine Mile Creek watershed.
- Water quality monitoring will be completed by the NMCWD and MCES to track the progress of BMP efforts. Depending on the progress made toward reducing chloride inputs into the watershed, implementation strategies or BMP placement could be altered to best reduce chloride loads into Nine Mile Creek.
- The review of Storm Water Pollution Prevention Plans (SWPPP) for construction and industrial sites within the basin. Permittees who have SWPPP for their sites must demonstrate that stormwater generated from their site meets the WLAs targets set by the TMDL. If the SWPPP does not meet the WLA requirements of the TMDL, the SWPPP must be modified to meet these requirements.

The U.S. EPA finds that this criterion has been adequately addressed.

9. Monitoring Plan to Track TMDL Effectiveness

EPA's 1991 document, *Guidance for Water Quality-Based Decisions: The TMDL Process* (EPA 440/4-91-001), recommends a monitoring plan to track the effectiveness of a TMDL, particularly when a TMDL involves both point and nonpoint sources, and the WLA is based on an assumption that nonpoint source load reductions will occur. Such a TMDL should provide assurances that nonpoint source controls will achieve expected load reductions and, such TMDL should include a monitoring plan that describes the additional data to be collected to determine if the load reductions provided for in the TMDL are occurring and leading to attainment of water quality standards.

Comment:

Section 4.0 (page 26 of the final TMDL document) outlines the planned water quality monitoring efforts by the NMCWD and the MCES in the Nine Mile Creek watershed. Water quality monitoring efforts will continue at the three Watershed Outlet Monitoring Program (WOMP) stations within the watershed. Post TMDL data will be used to assess chloride improvements in the Nine Mile Creek watershed and test the efficiency of BMP phosphorus removal strategies.

Habitat and fish surveys will monitor aquatic health in the stream environment during the installation and tracking of chloride mitigation efforts. These surveys will aid watershed managers in their understanding how BMP chloride removal efforts are impacting the ecological community in the watershed.

Additionally, the MPCA outlines other efforts in the watershed designed to collect specialized data through a series of small projects in the Nine Mile Creek watershed. These projects will generate data toward a better understanding of: water quality and quantity (flow) data under storm and baseflow conditions, surface water chloride concentration and lake bottom chloride concentration measurements, chloride source identification information, and linkages between weather/road conditions to salt usage by each MS4 community.

The U.S. EPA finds that this criterion has been adequately addressed.

10. Implementation

EPA policy encourages Regions to work in partnership with States/Tribes to achieve nonpoint source load allocations established for 303(d)-listed waters impaired by nonpoint sources. Regions may assist States/Tribes in developing implementation plans that include reasonable assurances that nonpoint source LAs established in TMDLs for waters impaired solely or primarily by nonpoint sources will in fact be achieved. In addition, EPA policy recognizes that other relevant watershed management processes may be used in the TMDL process. EPA is not required to and does not approve TMDL implementation plans.

Comment:

Implementation strategies are outlined in Section 5.0 (pages 27-28 of the final TMDL document). The Nine Mile Creek Watershed District and various MS4 communities within the Nine Mile Creek watershed were identified as partner groups which would take responsibility in providing guidance/information to local citizens and organizations on BMP installation. BMPs would include: cost-sharing programs to retrofit and upgrade salt application equipment, greater oversight of local SWPPPs to reduce chloride inputs, and improvements in public works maintenance practices.

Other implementation efforts include strategies to: reduce salt applied to roadways in the basin, decrease the use of packaged salts and other chloride based deicers by commercial/private entities, and encourage communication and coordination between municipal public works officials and private citizens with the goal of lowering salt usage. Information exchange, between commercial chloride applicators and MS4 staff, and public education efforts emphasizing chloride reduction strategies would also be included in the implementation plan from MPCA.

The U.S. EPA finds that this criterion has been adequately addressed. The U.S. EPA reviews but does not approve implementation plans.

11. Public Participation

EPA policy is that there should be full and meaningful public participation in the TMDL development process. The TMDL regulations require that each State/Tribe must subject calculations to establish TMDLs to public review consistent with its own continuing planning process (40 C.F.R. §130.7(c)(1)(ii)). In guidance, EPA has explained that final TMDLs submitted to EPA for review and approval should describe the State's/Tribe's public participation process, including a summary of significant comments and the State's/Tribe's responses to those comments. When EPA establishes a TMDL, EPA regulations require EPA to publish a notice seeking public comment (40 C.F.R. §130.7(d)(2)).

Provision of inadequate public participation may be a basis for disapproving a TMDL. If EPA determines that a State/Tribe has not provided adequate public participation, EPA may defer its approval action until adequate public participation has been provided for, either by the State/Tribe or by EPA.

Comment:

The public participation section of the TMDL submittal is found in Section 7.0 (page 30 of the final TMDL document). Various efforts were made to engage public interests during the development of the Nine Mile Creek TMDL. The MPCA organized a Nine Mile Creek "advisory group" which was composed of members from: commercial groups, local and state government officials, and technical experts. This advisory group periodically held meetings, throughout the development of the TMDL, within Hennepin County to discuss the status of the project. The advisory group also solicited input from the Nine Mile Creek Watershed District Managers group and the Nine Mile Creek Citizen Advisory Committee.

The U.S. EPA, the Nine Mile Creek advisory group, the Nine Mile Creek Watershed District Managers group, and the Nine Mile Creek Citizen Advisory Committee provided comments to the MPCA throughout the development of the TMDL and during the public comment period. The draft TMDL was posted online by the MPCA at <http://www.pca.state.mn.us/water/tmdl>. The 30-day public comment period was started on July 26, 2010 and ended on August 25, 2010. The MPCA received 2 public comments and adequately addressed these comments. The MPCA submitted all of the public comments and responses in the final TMDL submittal packet received by the U.S. EPA on October 27, 2010.

The U.S. EPA finds that the TMDL document submitted for the Nine Mile Creek watershed by the MPCA satisfies the requirements of this eleventh element.

12. Submittal Letter

A submittal letter should be included with the TMDL submittal, and should specify whether the TMDL is being submitted for a *technical review* or *final review and approval*. Each final TMDL submitted to EPA should be accompanied by a submittal letter that explicitly states that the submittal is a final TMDL submitted under Section 303(d) of the Clean Water Act for EPA review and approval. This clearly establishes the State's/Tribe's intent to submit, and EPA's duty to review, the TMDL under the statute. The submittal letter, whether for technical

review or final review and approval, should contain such identifying information as the name and location of the waterbody, and the pollutant(s) of concern.

Comment:

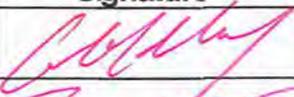
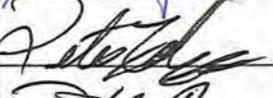
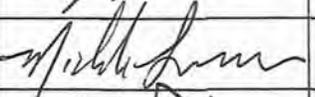
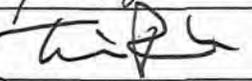
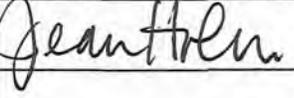
The U.S. EPA received the final Nine Mile Creek Watershed chloride TMDL document, submittal letter and accompanying documentation from the MPCA on October 27, 2010. The transmittal letter explicitly stated that the final Nine Mile Creek Watershed TMDL for chloride was being submitted to U.S. EPA pursuant to Section 303(d) of the Clean Water Act for U.S. EPA review and approval. The letter clearly stated that this was a final TMDL submittal under Section 303(d) of CWA. The letter also contained the name of the watershed as it appears on the Minnesota's 303(d) list, and the causes/pollutants of concern. This TMDL was submitted per the requirements under Section 303(d) of the Clean Water Act and 40 CFR 130.

The U.S. EPA finds that the TMDL document submitted for the Nine Mile Creek Watershed District by the MPCA satisfies the requirements of this twelfth element.

13. Conclusion

After and full and complete review, the U.S. EPA finds that the chloride TMDL for the Nine Mile Creek Watershed satisfies all of the elements of an approvable TMDL. This approval is for one TMDL, addressing one waterbody for aquatic life use impairments, for the Nine Mile Creek Watershed (AUID 07020012-518).

The U.S. EPA's approval of this TMDL extends to the water bodies which are identified as Nine Mile Creek Watershed (AUID 07020012-518), with the exception of any portions of the water bodies that are within Indian Country, as defined in 18 U.S.C. Section 1151. The U.S. EPA is taking no action to approve or disapprove TMDLs for those waters at this time. The U.S. EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under the CWA Section 303(d) for those waters.

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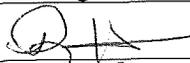
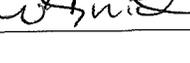
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