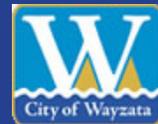


BUSHAWAY TASK FORCE REPORT

TO

**WAYZATA CITY
COUNCIL**



OCTOBER 19, 2010



Acknowledgements

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Special thanks to Ron Anderson, Merrily Borg Babcock, Alan Miller, Peter Pflaum, Lorry Mendez–Burns and many others for their help with this report

At the appointment of Mayor Andrew Humphrey, Sue Bangert served as Chair of the Task Force and set the tone for this report at a meeting of the Task Force and County on September 3, 2009, when she said to the County design team:

“I just have to say before I go, that we are still far, far apart. We have a long way to go”.

We dedicate this report to her memory.



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Executive Summary

BACKGROUND AND INTRODUCTION

This report grounds the current review of the Hennepin County Transportation Department's 2008 proposal for the Bushaway Road corridor in the history of the roadway, and 30 years of controversy over its fate. The report assembles the record and reviews the City's past decisions, and the basis of its current authority over the future of the 150 year old scenic and historic residential byway.

In the first half of 2008, the Hennepin County Transportation Department presented a new set of design concepts for the reconstruction of Bushaway Road to the Wayzata City Council. As a result, Mayor Andrew Humphrey and city council members formed the Bushaway Task Force to investigate the issues, and report back to the city council with recommendations. In November, 2008, the Bushaway Task Force submitted its recommendations to the city council. At the December 16, 2008 council meeting, the council passed Resolution 59-2008, consisting of thirteen points addressing the City's and Bushaway neighborhood's concerns.

In September, 2009, the Hennepin County Transportation Department submitted a design update. The Task Force based their review of the update on Resolution 59-2008. The recommendations in Chapter 2 are the outcome of a day long workshop in March, 2010, with technical support from the Wayzata city engineer. They are designed to meet the goals of the 13 point City resolution and update the City Council on developments since that time.

To date, the Task Force has held a minimum of thirty, 2-hour meetings over the past two years to review the County's reconstruction proposals. (*See Appendix J*) Council Member Jack Amdal, also initiated joint meetings of the Bushaway Task Force with the Minnehaha Creek Watershed District (MCWD), and the Hennepin County Transportation Department in May, 2010. The MCWD is proceeding, with engineering consultation, to develop recommendations for low impact strategies and natural resources preservation.

Executive Summary

CHAPTER 1—FRAMEWORK

Part of the State’s first platted road, this scenic rural roadway has remained essentially unchanged over 150 years. The city’s 2030 Comprehensive Plan, last updated by the Wayzata City Council on August 13, 2010, states: “Since at least the turn of the last century (1900), Bushaway Road has been Wayzata’s eastern gateway to the Lake Minnetonka experience”.

City ordinance and the City of Wayzata’s 2030 Comprehensive Plan provide for multiple protections of the historic and cultural values, as well as natural resources of the roadway particularly wetlands, tree canopy, and habitat. (See Appendix C.) The transportation section of the comprehensive plan (page 5-4) specifies that the historic character of the road and its proximity to sensitive natural resources limits the ability to expand Bushaway Road and that “future improvements should conform to context sensitive design techniques to ensure the roadway’s compatibility with the adjacent environment.” The section also reiterates the City’s policy of limiting non-local truck traffic in residential areas.

The foundation of the City of Wayzata’s standing and authority in the matter of the proposed reconstruction of Bushaway Road is three-fold:

1. Consistent Position and Decision Record

The City of Wayzata has maintained a consistent position over a period of 25 years on the values and character of Bushaway Road. The decision record from 1984 through 2008 supports this claim. The “Bushaway Vision”, developed and adopted by the Bushaway neighborhood in 2008, is entirely consistent with position statements of the Bushaway Alliance and Gray’s Bay neighborhoods in 1983–84.

(See Appendix H.)

2. Community Values Expressed in Comprehensive Plan

A key purpose of this report is to supply supporting documentation of community values included in the “City of Wayzata 2030 Comprehensive Plan”. Bushaway Road embodies many of these values. Those key goals are to preserve green space, natural, historic, and cultural resources. The comprehensive plan provides a firm foundation for maintaining the integrity of the roadway. (See Appendix C.)

3. Documentation of Previous Agreements and Representations

From the 1987 causeway settlement through the Wayzata City Council vote to install signals at the Bushaway/McGinty Road intersection in 2004, Wayzata has asserted, and Hennepin County has supported, the City’s right to “input and final approval on any improvements proposed on CSAH 101 within the limits of the City of Wayzata”. The 1987 settlement agreement, signed by the city of Minnetonka, Wayzata, and Hennepin County, commits to supporting designation of Highway 101 from Minnetonka Boulevard to McGinty Road as a scenic roadway. And Wayzata’s 1997 resolution of concurrence, conditions approval of transfer of the road from the Minnesota Department of Transportation (MnDOT) to Hennepin County and designation as a State Aid Highway, on flexible future application of standards. (See Appendix D.)

The Framework concludes that *the historic, scenic, and environmental qualities of Bushaway Road are integral*. Trees cannot be felled without affecting all three qualities of the roadway. Loss of the special qualities of Bushaway Road is an unacceptable compromise of established community values, and would undermine the city of Wayzata’s 2030 Comprehensive Plan goals for the sustainability of community resources, identity, and character. Future tourism and economic development opportunities for Wayzata and other communities along Minnetonka’s “Old Lake Road” would also be harmed. The Framework’s conclusion urges reactivation of the 1987 agreement, and a City resolution supporting development of a local scenic byway, with help from the State Scenic Byway programs.

Executive Summary

CHAPTER 2 — DISCUSSION AND RECOMMENDATIONS

Out of the dozens of recommendations in chapter 2, the Task Force extracted those that further the stated goals of the 2008 resolution and deserve action in the near future. These recommendations are listed below as Action Items, which the Task Force proposes for City Council action. The Recommendations chapter addresses issues that not only are important for the city of Wayzata long term, but have immediate implications and, if acted upon, will serve to shape the design for reconstruction of Bushaway Road, over the coming weeks and months. The planning principles identified in the Recommendations are extracted from the city's 2030 Comprehensive Plan. *(See Appendix C for list of principles and excerpts.)*

Executive Summary — Action Items

Action Items Proposed to the City Council by the Bushaway Task Force

1. Instruct the County that the City Council has taken the following positions, based upon the analysis and recommendations of the Bushaway Task Force:
 - a. The maximum total roadway footprint in the non-pinch-point sections of Bushaway road should be 36' except for intersections and for constrained sections of the road called pinch-points, where the maximum footprint should be 32'. Pinch-point areas are the segments between 663 and 555 Bushaway, and between McGinty and 167 Bushaway, where fences, gates, or trees demand a narrower footprint.

The total footprint proposed for pinch-point and non-pinch-point segments is 38' and 50' respectively. In these narrow areas the task force recommends that the trail be on the shoulder, as in Wayzata trail plan for Eastman Lane. "Total footprint" includes all of the above, road corridor elements plus all clear zones, boulevards, and areas usable for construction and construction equipment.
 - b. The maximum trail width should be 6' for Bushaway Road in the non-pinch-point road sections and the causeway. Where the trail is outside the footprint on the east side, the maximum footprint may accommodate two feet of grass separating the trail from the edge of the road. In pinch-point sections, the proposed 6' trail is part of the 7' paved shoulder on one side of the road.
 - c. To the maximum extent allowable, enhance filtration and filtering capacities of vegetation for the treatment of storm water runoff. Curb and gutter should be used only as necessary to direct water. Alternatives such as ditches, rain gardens and other natural treatments should be used instead. Minnehaha Creek Watershed District (MCWD) may assist in evaluating and implementing this item.
 - d. The clear zone should be no more than 2' on the trail side of the highway and no more than 4' on the opposite side. The 'clear zone' includes the total space for "boulevard," "snow removal," "green zone," and construction areas. Keeping a construction and equipment area to only 2' or 4', in addition to the trail and main footprint, is constraining, but if construction in a narrow corridor is possible on the causeway, it is possible in other areas as well.
 - e. Retaining walls should be eliminated and heights minimized of any absolutely necessary walls, keeping road beds adjacent to potential walls at their current elevations. In some instances, it may be possible to replace retaining walls with vegetated reinforced soil slopes (VRSS) as planned for the causeway. For any necessary retaining walls and for the bridge, only natural stones (not cement facades) should be used. (*See Recommendation 8-6.*)
 - f. The railroad bridge should be no more than two lanes, with left turn lane capacity.
 - g. The original alignment of McGinty/Eastman Lane should remain as close as possible to the existing intersection location with Eastman Lane in its current location and the Wayzata Yacht Club parking lot on the north side of Eastman Lane.
 - h. Preserve the existing fences and entrance gates in their present form.
 - i. The two homes at 1515 and 1525 McGinty Road should not be demolished but preserved.

Executive Summary — Action Items

2. The City Council should appeal directly to BNSF Railroad **to lower the tracks under the bridge** by up to 7'. (MnDOT's State Aid funds would cover the costs.) Lowering the rails would make it possible to lower the bridge, thus greatly reducing the requirements for retaining walls, tree removal, and other environmental impacts. Every reasonable action should be taken to lower both the railroad bridge roadbed and the two approaches.
3. Inform the County that the Wayzata City Council will not review and consider the approval of any design concept from Hennepin County for Bushaway Road until the following four items have been completed, allowing at least a 60-day period for review of materials:
 - a. The Environmental Assessment Worksheet (EAW) process
 - b. The following detailed sets of information have been provided to each property owner on Bushaway Road (and to the Task Force) with regard to the County's latest design proposal:
 - i. the most current horizontal alignment and layout design for Bushaway Road, with stakes at the north and south ends on each property to mark the outer boundary of the clear zone, which is the line beyond which no snow storage nor construction would occur,
 - ii. the most current center line profile illustrating the proposed vertical alignment for the roadway's horizontal design for Bushaway Road, and
 - iii. the most current design cross-sections which illustrate how the horizontal and vertical alignments transition to the existing conditions on either side of the proposed roadway.
 - iv. This information should specify to property owners and the Task Force the design details of all proposed walls, driveway elevations, tree impacts and construction easements. It should be provided in an accessible format.
 - c. A new context sensitive design has been developed. If a satisfactory context sensitive design is not forthcoming from the County, then the road elements should be replaced in-kind as needed, with special consideration for pedestrians.
 - d. A preliminary landscape concept plan is established, a landscape work group is established and has met to review the landscape concept plan. An appointed landscape design work group may be formed to assist and oversee the landscape plan from preliminary concept to final execution, with technical assistance provided.
4. Continue to work with the Minnehaha Creek Watershed District (MCWD) and County to evaluate environmental options for the Bushaway corridor. And incorporate compatible low-impact environmental sensitive recommendations into conditions for approval.
5. Ask the MCWD to assist the City and County in exploring the feasibility of wetland restorations in the Bushaway corridor, including but not limited to the Connelly property at 1450 La Salle Street, behind 321 Bushaway; restoring flow between the lagoon at 501 Bushaway and Locust Hills; and the improvements suggested by the County to the deep wetland on the Oman property, at 250 Bushaway.
6. Request that the County further explore and employ to the maximum extent possible, low-impact and context sensitive design and construction methods, such as will be necessary on the causeway throughout Bushaway corridor.
7. Ask that the County, MCWD and the landscape group create proposed tree and wetland protection and landscape plans before final approval and before any construction begins. The landscape group should continue to meet throughout the construction period to provide for oversight and assistance, and be supported with technical consultation.

Executive Summary — Action Items

8. Ensure that appropriate, context sensitive design standards are applied to the reconstruction of Bushaway Road through the following actions:
 - a. Create the designation of a “Bushaway Conservation District”, as outlined in the 2030 Comprehensive Plan.
 - b. Create an overlay district encompassing historic, scenic, and ecological elements of Bushaway Road and its ancillary and abutting access points. An overlay would make it a locally designated scenic road in keeping with its historic character.
 - c. Include in any approval, a request to the County that signage redirecting large truck traffic be maintained and that large trucks not serving Bushaway Road be excluded from using this segment of CSAH 101.
 - d. Activate the “Settlement Agreement” signed in 1986 and 1987 by officials of the State’s MnDOT, Hennepin County, the city of Minnetonka, and the city of Wayzata. In the agreement the parties (excluding MnDOT) agreed to support designation of Highway 101 from Minnetonka Boulevard to McGinty Road as a “scenic roadway,” with restrictions on the road including a maximum of 2 lanes, maximum speed of 35 mph, maximum pavement width of 36’, and exclusion of through truck traffic. The term of the 1987 agreement, is for a period of 30 years with automatic 10 year extensions.
 - e. Adopt a resolution, similar to the city of Orono and Minnetonka Beach, designating Bushaway Road as a local scenic byway.
 - f. Develop a plan to recruit other municipalities and organizations around Lake Minnetonka to support joint development of an “Old Lake Road” or Lake Minnetonka Scenic Byway. Linking Bushaway Road to other roads around the lake would contribute to the “greening” of the area, and enhance tourism and other economic development opportunities.
9. Request that the County to install signs that give clear directions into downtown Wayzata from key intersections at 394 and 101 to ensure that only appropriate traffic flows onto Bushaway Road. Consider a gateway feature for the existing median near the entrance to Bushaway.
10. Request that the County include in its design a LaSalle Street connection to Bushaway with a right–out only to minimize traffic and still provide emergency service vehicle egress with minimal impact to the neighborhood and to the Bushaway footprint. The intersection would remain as it is now except that the right–turn into LaSalle Street would be closed off.
11. Incorporate revised traffic data and assumptions for the Bushaway Road corridor into the Transportation section of the 2030 Comprehensive Plan. And add the Mead and Hunt report as a supplement to the Vogel report, to the appendices of the 2030 Comprehensive Plan.
12. Acknowledge the efforts of the Bushaway Neighborhood, the Bushaway Preservation Fund, and especially the financial support of Zita Hawley Wright and other generous donors who contributed to research on property records and other historical materials used in the Mead and Hunt report. The major contributions of Irene Stemmer, Chair of Wayzata’s Heritage Preservation Board, in compiling and disseminating the history of Bushaway Road, deserves special recognition and thanks.

Chapter I

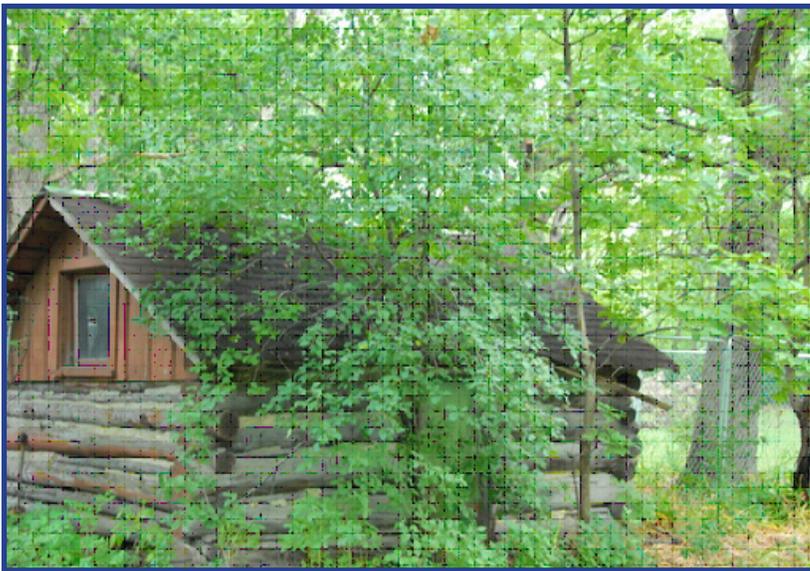
Framework and History

The recommendations made by the Bushaway Road Task Force are based upon an important framework that serves as the rationale behind its recommendations. The framework includes:

- History of Bushaway Road
- History of the Railroad Bridge at Bushaway and McGinty Roads
- Environmental Features (Trees / Wildlife Habitats / Benefits of Nature)
- Context Sensitive Design Requirements
- Wayzata's Comprehensive Plan
- History of Opposition to Changes in the Road's Landscape
- Conclusions

History of Bushaway Road

The history of Bushaway Road is intertwined with the life of the Dakota Mdewakanton Native American tribe before 1850. According to *The History of Bushaway Road and its Neighborhood (1858-2009)* by Irene Stemmer (March 2010), Lake Minnetonka was part of the Dakota's homeland.



The Dakota were known for their hunting, fishing, and gathering of wild rice on the Lake and for collecting fall blueberries and currents growing wild at the edge of the Big Woods. They would summer camp on the prairies where the buffalo were roaming and winter camp along Lake Minnetonka where deer were plentiful in the forests. Remnants of fire pits were discovered on the Locust Hills Farm, along Gray's Bay... Many writers claim the Dakota Sioux kept the secret of Lake Minnetonka away from fur traders and settlers in order to protect it as a cultural treasure, but evidence of a fur trader's log cabin for storing furs is located on Bushaway Road.

The above picture shows the fur trapper cabin between the old Field House at 324 Bushaway Road and the BNSF railroad tracks just north of McGinty Road. This cabin is dated from the late 1700s and was apparently used for storing furs to be delivered down Minnehaha Creek to St. Anthony.

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Framework and History

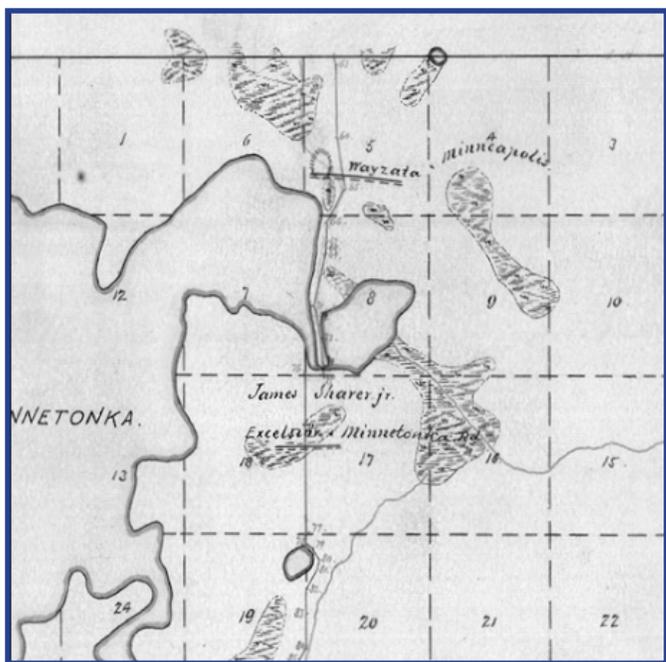
Stemmer writes that the “Dakota Sioux sovereignty over Hennepin County was extinguished by the Treaty of Traverse des Sioux in 1851, and by 1854, the Mdewakanton were resettled on the Sioux Agency Reservation on the Minnesota River.” She states further:

Indian trails became wagon trails, which eventually were used to construct a road system. The two main roads in the area were the Shakopee/Dayton Road, running north and south (County Road 101) of which the Wayzata section is called

Bushaway, and the Old Mill Road (McGinty) running east and west to Minnetonka Mills and Fort Ridgley. The Shakopee/Dayton road also intersected with the St. Anthony trail from Wayzata to Minneapolis and would eventually become a link to the roadway that encircled Lake Minnetonka.

In October 1858, the Commissioners of Hennepin and Carver counties signed a document (that was printed on the corner of the plat map) that declared,

We the undersigned duly qualified Commissioners of the State Road from Dayton to Shakopee in Hennepin and Carver Counties hereby certify that we have located and surveyed said road in accordance with the provisions of the act of the Legislature granting a Charter to said Road by the most direct and feasible route.



At the time, the road was known as the “Dayton to Shakopee Road,” and officially became Minnesota’s first state road. Stemmer writes, “Although the State requested that the road be built as ‘developmentally straight as possible,’ it was a winding road, nonetheless, that may well have followed the trail of the old Dakota Sioux as they moved from Shakopee to Wayzata each year to winter camp.”

Landscape of Bushaway Road Largely Unchanged Over Its 150-Year History

One of the endearing aspects of Bushaway Road is that its landscape has remained nearly unchanged over its 150-year history. The Mead and Hunt Evaluation of National Register of Historic Places Eligibility Report for the Bushaway Road Historic District (August, 2009), describes the historic landscape of Bushaway Road.

This map is a section of the 1858 official survey map of the “Shakopee to Dayton Road” that shows the road winding through the Lake Minnetonka area. Note that Shaver owned the land just below the Gray’s Bay causeway.

Current land uses and activities throughout the Bushaway Road corridor is much like they were historically...Bushaway Road is the spine of the corridor with long, narrow driveways extending off each side to provide access to the houses...Dense woodlands separate the houses from the roadway...This pattern of spatial organization provides a sense of traveling through a forest with intermittent clearings at the driveways, opening to tranquil settings centered on the houses. (pp.16-17 Mead and Hunt Report).

Historic Register eligibility of the Bushaway Road Historic District is based upon the exceptional endurance and integrity of its features, including: “Buildings and structures, land uses and activities, patterns of spatial organization, circulation networks, response to the natural environment, and boundary demarcations.” (pp. 9–10, Mead and Hunt).

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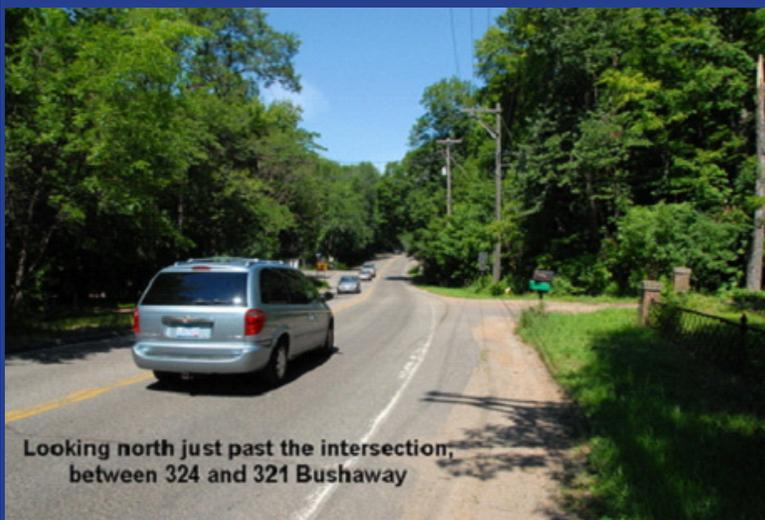
Framework and History



Bushaway Road in 1915 (above) and 2010 (below) looking north from the railroad bridge.

In discussing the qualifications of “integrity,” the report states:

The landscape and settlement patterns of the Bushaway Road corridor were established in the early twentieth century by the development of Carpenter’s Point and Northland-on-Minnetonka for summer recreational homes. The cultural traditions persist today. Furthermore, the vegetation patterns and boundary demarcations have changed very little since the earliest years of the corridor’s history.



Looking north just past the intersection, between 324 and 321 Bushaway

Overall, the Bushaway Road area retains its historic integrity of setting, feeling, location, association, design, materials, and workmanship as the changes, collectively or individually have not been substantial. This segment of the roadway has not experienced the upgrades (widened roadway, medians, curbs, gutters, sidewalks) other segments have. Furthermore, landscape and settlement patterns established in the early twentieth century remain strongly evident today. (p. 17, Mead and Hunt)

Distinguishing Features, Cultural and Neighborhood Context

The distinguishing qualities of the Bushaway corridor are summarized in much the same way today as they were at the turn of the last century in an advertisement for the “ideal lakeside home” in “Beautiful Northland Under the Trees at Minnetonka.” The proposed development platted both the corridor north of the railroad and the LaSalle street area, which was then the “entrance” to Wayzata, part of the “Old Mill Road” which ran from Wayzata to Minnetonka Mills.

The ideal lakeside home has these qualities: It is slightly and pleasantly surrounded with fine trees, protecting the house and grounds from storms; it is on a good elevation affording a fine view of the water and insuring the cool breezes in the summer season; it is easy of access by rail and road, the shortest distance from the place of business consistent with rural surroundings.

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Framework and History

The Mead and Hunt report summarizes the historic and cultural context, which is also documented in Carol Pine's recent biography of Wayzata entrepreneur John B. Hawley, *Follow Me* (North Star Press, 2007); *Historical and Architectural Resources of Wayzata*, by Robert Vogel and Associates; and in documentation of the Locust Hills estate.

The Bushaway road corridor became the focal point of early Minnesota/Minneapolis enterprise as not only did the railroad, the Old Mill Road (McGinty), and the Shakopee and Dayton road (Co. Rd. 101) intersect there, but also some of the principal entrepreneurs and financial leaders of Minneapolis purchased property and built summer residences along the corridor. Assembly of these business leaders each summer at their recreational homes along the Bushaway Road established one of the most important social networks in the Minneapolis-Lake Minnetonka region, and this trend continued well into the mid-to-late twentieth century. (p. 20, Mead and Hunt)

Many of the early residents of Bushaway Road were business leaders, who played key roles in the early economic development of Hennepin County and the state. They include: Herbert M. Carpenter (property investor in "Carpenter's Point," which later became "Locust Hills," and owner of a general store, paper mill, the Union Railway storage, and Minneapolis Jewelry Mfg. Co.), Louis Piper (son of George Piper and president of Universal Aviation Corp, later known American Airlines), Harry C. Piper (in 1913 formed partnership of Piper Jaffray, an investment banking business which played a key role in the growth of Minnesota business by selling first public stock offerings of: Archer Daniels Midland, Munsingwear, Greyhound Corp., the Pillsbury Co., and Minnesota Mining and Manufacturing Co.), George F. Piper Jr., (Cream of Wheat Co.), Paul Brooks (Brooks-Scanlon Lumber Co.), J.B. "Jack" Hawley, Jr. (holder of 36 patents and inventor of commercial pumps for oil wells, fire engines, and Navy submarines; president of Northern Pump/Northern Ordnance), Charles B. Sweatt (executive of Honeywell, which his father, William R. Sweatt, co-founded; developer of Locust Hills Farm at 500 Bushaway Road.), and Ralph Dewitt Wilcox (Wilcox Sash and Door Co.; Wilcox Motor Company.)

Prominent architects left their marks on a number of homes on Bushaway Road. Liebenberg and Kaplan Architects constructed an addition to the Louis Piper house at 623 Bushaway. Architect Harry Wild Jones, one of the Twin Cities' leading designers of the late nineteenth and early twentieth century, designed a large two and one-half story house at 601 Bushaway Road as a summer home for Paul Andros Brooks and his wife Hazel Von Hagen Brooks. McEnery & Kraft Architects designed the farm equipment building and horse and cow barn for the Sweatt's Locust Hills estate.

History of the Name 'Bushaway'

According to Irene Stemmer's History of Bushaway Road and its Neighborhood, a Frenchman named John Bourgeois built a shanty on the high hill overlooking Wayzata Bay. From that time on, it was known as "Bourgeois Mound." Mr. Bourgeois spent a winter with a man who taught him English. The English pronunciation of his name sounded like "Bushaway" and the name stayed with the area even after Bourgeois moved to Minnetonka Mills, where he opened a blacksmith shop. The road's name was officially changed in 1957. Ned Dodge, who lived on Bushaway at the time and had been recently awarded a City Council seat for his work in securing Bushaway and Holdridge areas for Wayzata annexation, suggested that it was "a more neighborly sounding name" and was what everyone had always called it, anyway.

A second bridge was constructed in 1931 (MnDOT Bridge No. 1947). It was a wooden bridge and photographs reveal that it had a remarkable similarity to the original bridge. After considerable controversy over the 1931 bridge design, a third bridge was constructed over the railroad tracks in 1988 (MnDOT Bridge No. 99140). This third bridge was designated officially as a temporary bridge even though it has been in place for 22 years.

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Framework — Environmental Values

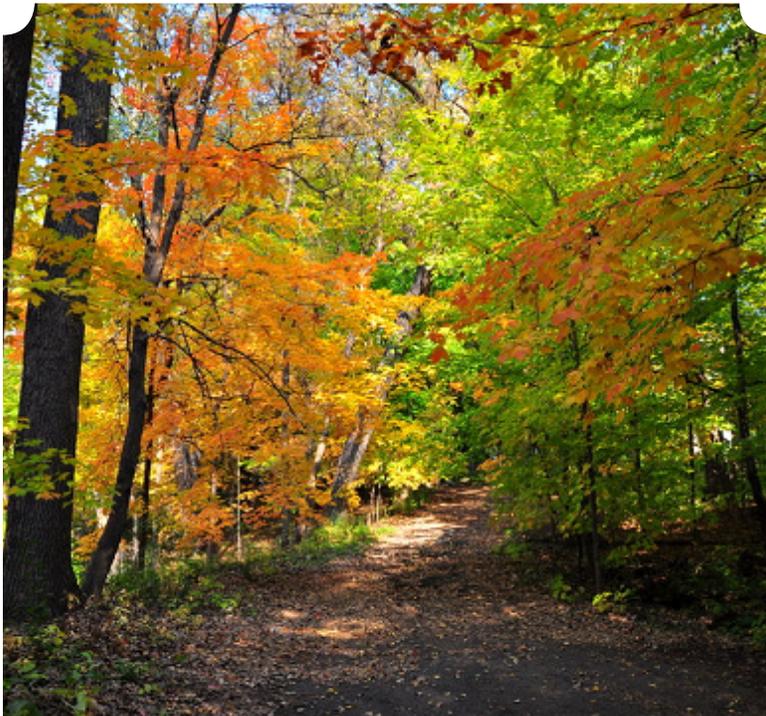
ENVIRONMENTAL FEATURES

Trees

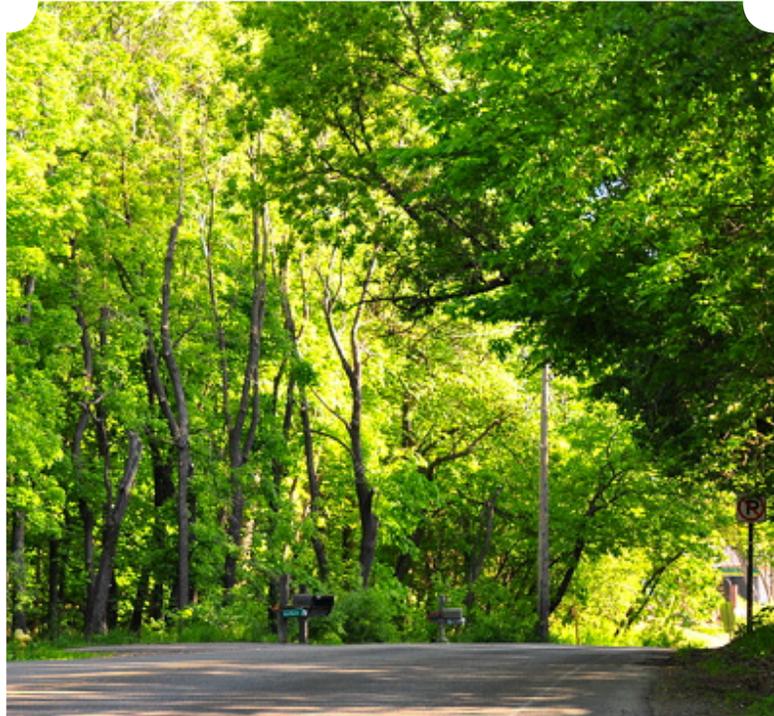
Besides the aesthetic beauty of Bushaway Road, the trees that line the street and are densely scattered within the neighborhood benefit the entire community by protecting our water, improving the air quality, saving us energy, and improving our economic sustainability. “Trees are on the job 24 hours of everyday working for all of us to improve our environment and quality of life.” (1) (Alexander, Kathy, CO. Tree Study).

Big Woods. It is well established by the National Forest Service and the Minnesota Department of Natural Resources that Wayzata houses an urban forest of trees that is sometimes known as a remnant of the “Big Woods,” a vast hardwood forest found in south-central Minnesota. The dominant trees are American elm, basswood, sugar maple, and red oak. The understory is composed of ironwood, green ash, and aspen. The Big Woods once covered 5,000 square miles and lay in an irregular triangle with corners at St. Cloud, Mankato, and Northfield, an area that includes present-day Wayzata.

Since the 1860s, most of the Big Woods has been cleared for agriculture and urban development. A few years ago, the City of Wayzata, by way of referendum and lively community debate, agreed to preserve a part of the Big Woods, which is located east of the Colonial Shopping Center and north of Wayzata Blvd. on the former Cenacle Retreat House property. This act of the Wayzata City Council and citizens of Wayzata underscores how much they value the old stands of trees that exist throughout the City, including on Bushaway Road, understanding that these magnificent trees are all that remain of Minnesota’s Big Woods in Wayzata.



The Big Woods just 100 feet from Bushaway Road on the Driveway to 250 Bushaway Road



Looking North on Bushaway Road from about 250 Bushaway Road – Note the “tunnel” effect of the tree canopy and the wide variety of different sizes and species of trees.

Chapter I

Framework — Environmental Values

General Value of Trees. In his book, *The Secret Life of the Forest* (American Heritage Press, 1970), Richard M. Ketchum writes, “Of all the functions performed by the forests, the most vital by far is that of providing oxygen for the air we breathe.” Ketchum continues:

“One of the miracles of life on earth is the cycle that begins with green plants, which use energy from the sun and combine it with water and carbon dioxide to create food, and at the same time liberate oxygen into the atmosphere.

Man, with all the other animals, is the beneficiary of this wondrous process: animal life consumes the plants, making use of the energy stored within them, and breathes the oxygen that has been released by green organisms. Now that man is in a position to dominate all life-forms on earth, one of the great questions that confronts him is whether he will destroy, in his restless, unquestioning conquest of nature, the chlorophyll cycle on which he is totally dependent. As Dr. (Rene) Dubos puts it, we must learn ‘to reject the attitude which asserts that man is the only value of importance and that the rest of nature can be sacrificed to his welfare and whims.”

“Of an estimated four hundred thousand square miles of virgin forest that once covered the eastern half of the United States (including the eastern half of Minnesota), less than two thousand square miles are said to remain in anything like their primeval state. The more inaccessible reaches of the Appalachians and a few small scattered areas elsewhere are left to suggest what the whole region was like,” writes Ketchum.

In his book, Ketchum provides a map of the forest zones of the U.S. (pp. 60-61.) Three fourths of Northeastern and Central Minnesota are classified as “Northern Forest.” South and slightly west of the Twin Cities, the area is classified as “Central Forest.” This is very important for the Wayzata City Council to keep in mind as it weighs the many benefits Wayzata’s stock of mature trees offer its citizens against Hennepin County’s proposal to clear 700 + trees to improve Bushaway’s shoulders and make way for a new railroad bridge at Bushaway and McGinty.

Trees and Water Quality: Lake Minnetonka, Wayzata’s most valuable asset, benefits from the heavy tree cover in the Bushaway neighborhood. Trees act as a natural pollution filter.

- Trees reduce topsoil erosion, prevents harmful road and land pollutants washed into the soil from getting into Lake Minnetonka.
- Tree roots slow down water run-off and ensure that our groundwater supplies are continually being replenished. For every 5% of tree cover added to a community, storm water runoff is reduced by approximately 2%. (1)
- Tree canopies, trunks, roots and associated soil and other natural elements of the landscape filter polluted particulate matter out of the flow toward the storm sewers. This reduces the amount of nitrogen, phosphorus and potassium, which pollute lakes and streams. These values increase as the canopy (tree cover) increases thus saving the expense of storm water sewers and their upkeep. (3)
- Trees break the rainfall and reduce topsoil erosion, thus preventing harmful land pollutants in the soil from getting into Lake Minnetonka. Less run-off through the storm sewers also results in lower sewer and maintenance costs.
- Another important feature of slowing run-off is that more water can be absorbed into the soil, helping to ensure that our groundwater supplies are continually replenished and the aquatic habitat of Lake Minnetonka healthy.

Chapter I

Framework — Environmental Values

Trees and Air Quality: Trees act as a carbon sink by removing carbon from the air, storing it as cellulose in their trunks, branches, and leaves, while releasing oxygen back into the air.

- A single mature tree can absorb carbon dioxide at a rate of 48 lbs. per year and release enough oxygen back into the atmosphere to support 2 human beings. (7)
- The branches, trunks, and leaf canopy of a tree mitigates smoke and diesel fuel, which cause respiratory problems. (4)
- One 12” diameter sugar maple along a roadway removes 60 mg cadmium, 140 mg chromium, 820 mg nickel, and 5200 mg lead from the environment in one growing season. (1)

Tree Shade: Trees provide vital shade and move cooling breezes for residential buildings, pedestrians and cyclists.

- Tree shade cuts maintenance costs and seal coat applications can be deferred from every 10 years to every 20-25 years for older streets with extensive tree canopy cover. (8)
- Trees planted properly provide energy savings. When conifers are planted on the north and west side of buildings they act as a windbreak, keeping the home warmer. When deciduous shade trees are planted on the east and west sides of the building they ensure maximum shade during hot and humid days. (Iowa DNR paper posted 7/27/10)

Trees and Traffic Safety. Trees add natural calming measures.

- They make a street feel narrower, slowing people down. They also serve as a buffer between a moving vehicle and pedestrians and forewarn drivers of upcoming curves, slowing traffic. (7)

Trees and Economic Sustainability

- A recent study indicated that trees added 18% to the average home sale price. (9)
- People linger and shop longer along tree-lined streets. Studies show that the more trees and landscaping a business has, the more business will flow in. A tree-lined street will also slow traffic-enough to allow the drivers to look at the store fronts instead of whizzing by. (Top 22 Benefits of Trees)
- Trees enhance community economic stability by attracting businesses and tourists.
- Rental property surrounded by trees rents more quickly.
- Businesses in buildings with trees close by find their workers more productive.

Wildlife Habitat

The deep wooded area to the east of Bushaway Road is home to a wide variety of wildlife, including deer, fox, wild turkeys, rabbits, raccoons, muskrats, opossum, frogs, and turtles—and the large Wood Turtle, which roams the hardwood forests and meadows during the day and is the only turtle that can climb. The Wood Turtle (*Gleptemys Insculpta*) has been recognized as an endangered species in Minnesota.



A small sampling of birds and animals photographed in the Bushaway Corridor

Chapter I

Framework — Environmental Values



Bushaway Wood Turtle
– Endangered Species

Wood Turtles

Researchers believe turtles have existed on earth for more than 200 million years. The oldest wood turtle fossil is in Nebraska and experts believe it is nearly 6 million years old. According to Nathaniel Asp, Carleton College, the species is threatened and quite rare in Minnesota, which is the western edge of its range. The wood turtle is largely aquatic, preferring small to medium sized, fast moving rivers and streams with adjacent deciduous and coniferous forests. Wood turtles occupy alder thickets, forest and use grassland habitat for basking and foraging.

Throughout its range, populations are impacted by human activities. In Minnesota, factors contributing to decline include the loss or fragmentation of riverine forests due to agriculture, timber harvest, road construction and development. Of the several concerns in relation to the sustainability of the wood turtle population, the biggest is habitat alteration.

Habitat alteration and increased mortality from road kills and predation have impacted wood turtles throughout their range, including Iowa, Wisconsin and Michigan.

The wood turtle is a late maturing species with low recruitment potential and is highly vulnerable to the loss of any individuals from the population. Conservation management has been undertaken in Minnesota by the Minnesota DNR and U.S. Forest Service. Recommended conservation efforts include: identification of viable wood turtle populations and the protection of upland foraging habitat and nesting sites. The presence of the rare wood turtle is another reason to be cautious about altering the woodland habitat of Bushaway Road area.

Corridor Connectivity

Corridor connectivity is critical to the movement, adaptation, biodiversity and population maintenance of a wide variety of species. The entire Bushaway corridor provides nests, food, and shelter to many types of birds, including Cardinals, Orioles, and Red Nuthatches. Rose-breasted Grosbeaks, Indigo Buntings, Pileated Woodpeckers, Broad-winged hawks, Barred Owls, and Great Horned Owls and Wild Turkey. People enjoy seeing or hearing these birds as they drive down Bushaway Road and residents enjoy them in their own yards.

The loss of hundreds of trees, understory shrubs, and small saplings would diminish wildlife habitat and food sources, leading to a decrease in animals and birds. Such a decline would greatly reduce the pleasures of the natural sights and sounds of the corridor for those who live nearby or travel Bushaway Road by foot, car or bike. And the habitat necessary for adaptation and survival of sensitive species.

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Framework — Environmental Values



Benefits of Natural Environment

In his 2008 article, “Psychological Benefits of Nature Experiences: Research and Theory,” John Davis, PhD (Naropa University and School of Lost Borders), writes:

“A strong body of psychological research, supported by widespread anecdotal evidence confirms the hypothesis that direct contact with nature leads to increased mental health and psychological development. This research helps explain the attraction of nature for City-dwellers and supports the value of increasing contact with nature for children and adults. This positive relationship between nature and health is so strong that Howard Frumkin, director of the National Center for Environmental Health at the Centers for Disease Control and Prevention, and Richard Louv, author of the excellent book, *Lost Child in the Woods: Saving Our Children From Nature-Deficit Disorder*, conclude that land conservation can now be viewed as a public health strategy. (Frumkin and Louv 2007)”

There are hundreds of additional articles that support the hypothesis that direct contact with nature have beneficial effects on humans, including: relaxation, stress reduction, decreased mental fatigue, restored mental clarity, and increased sense of well-being. The short but winding, heavily treed Bushaway Road provides a calming effect on those who drive it for the natural beauty that abounds there. This contributes to slower speeds and fewer accidents.



A small sampling of birds and animals photographed in the Bushaway Corridor

Chapter I

Framework — History of Opposition

History of Opposition to Changes in the Road's Landscape

Opposition to changes in the road's landscape has been a significant part of the road's recent history. The Mead and Hunt report establishes the inextricable nature of the historic, environmental, architectural, and cultural features of the roadway. To quote one of the residents at the April 27th, 2010, Bushaway neighborhood meeting: "To destroy the character of Bushaway is to destroy the character of Wayzata". The community's passionate resistance to change is grounded in a love of place, land, culture, and community. And is summarized in the words of Councilwoman Suzanne Bangert, first chair of the city's official Bushaway Task Force: "But this road is special."

The record of controversy over proposed rebuilds of Bushaway road is long and well documented in official state, County, agency, and City archives — as well as the media. There are two phases to this struggle, which has consumed hundreds of thousands of citizen and local government hours and dollars over the last 27 years. The following narrative of state and County corridor proposals affecting Bushaway Rd. is reconstructed from notes, articles, and documents in the Eide Archives and interviews.

Phase 1: 1983 — 1993

A 1980 MnDOT TH 101 corridor proposal for 101 from Minnetonka Boulevard to Highway 12, included two new bridges, one at Gray's Bay and the other, over the BNSF railroad track at McGinty. The State (MnDOT) claimed that the Gray's Bay causeway and Bushaway corridor projects were linked by traffic flow problems and safety issues, including safety of both bridges. The two projects were "linked," then "unlinked" by MnDOT when citizens called for a "cumulative impacts" study.



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Framework — History of Opposition



**Gray's Bay with Bushaway Road
in the distance**

Gray's Bay. In conjunction with this plan, in 1982 MnDOT/DNR proposed boat launch and lake access improvements at Gray's Bay, expanding the parking spaces at the causeway. Concepts for the launch and marina were eventually developed, which involved up to four acres of fill. This activated residents along the corridor. The Grays Bay and Bushaway neighborhoods organized to preserve the character of the roadway and protect the environmental qualities of the lake.

Joel Koonce, former chair of the Grays Bay Homeowner's Association, summarized the joint effort of the neighborhoods in a recent interview:

“Our concern was that when we found out that they wanted to create an additional four acres of land in Gray's Bay for a boat launch, we were aghast. You can't fill a lake to create access to the lake. But it was an uphill struggle against everybody, including the City of Minnetonka and the state, until we were successful in getting an EIS (Environmental Impact Study). Then the Corps stepped forward. At one time we counted the number of agencies involved. There were 14 involved, including the state, the EPA, the watershed, the cities, and the Minnetonka Conservation District. So our goal was to stop what we considered an environmental disaster.

“Our thrust was to get the four acres of fill stopped. In the middle of the winter, we staked and taped the area they wanted to fill. And when those pictures came out, people saw what it was. Our attempt was also to limit future upgrades to 101, as MnDOT had plans for a four-lane through this area and all of the neighborhood groups thought this was outrageous. So we thought that a scenic byway or parkway could provide this protection and limit trucks.”

[Interview with Kristen Eide-Tollefson, 8-1-10]

**Gray's Bay Bridge in 2010 with
Causeway and Bushaway Road**



Chapter I

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Bushaway. The Bushaway neighborhood organized as the Bushaway Alliance. MnDOT’s design for the Bushaway-McGinty bridge and intersection was similarly alarming in size and proportion to the residents. Glenn Eide and Alliance compatriots, from a front loader bucket, tied yellow ribbons at the proposed 17-foot elevation of the new bridge. This also galvanized the community.

Design negotiations between MnDOT, the railroad, the City, and neighborhood were intense in 1983, and the first half of 1984. Satisfactory resolution depended heavily upon the railroad to lower the tracks to reduce elevation and fill impacts. Plans under consideration included Wayzata taking over jurisdiction for the bridge and Bushaway Rd. (101), from Highway 12 to Co. Rd. 16 (Eastman). But the state would not allow repair or standards variance for bridge replacement and threatened to reroute 101 down Superior Blvd [City Council minutes, April 19, 1983].

A number of design alternatives, including an at-grade crossing and a European-style double tunnel for trains and cars, were developed by MnDOT and evaluated by all parties. Closure of Bushaway was even contemplated. Despite extended negotiations, the size and scope of MnDOT’s proposed solution to traffic safety issues on 101 remained unacceptable to the Wayzata community.

Wayzata City Council Denies Approval. On June 5, 1994, approval of MnDOT’s plans again came before the Wayzata City Council. Citizens called for environmental review of the project before approval was given. Discussion ensued, followed by a proposal by Mayor Humphrey to approve with conditions. In the end, a resolution was drawn up by the council, disapproving the corridor project and calling for the following: 1) More consideration of the neighborhood and the impact on the environment of the Gray’s Bay project; 2) More attention to alternatives requiring variances to sight lines and grade elevations for the Bushaway bridge and intersection; and 3) The impact of holding ponds and effects of MnDOT’s proposal on surrounding wetlands. [Wayzata Weekly News, June 11, 1994]

MnDOT Withdraws. After several more promises—made and broken—the railroad refused finally to lower the tracks to avoid fill and elevation impacts. With the failure of extended negotiations, soon after Wayzata’s June decision both bridge and corridor projects were abandoned by MnDOT and funds reallocated.

A ‘Temporary Bridge’ for Bushaway. The neighborhood groups shared the conviction that if either the Gray’s Bay bridge or the 101 bridge at McGinty and Bushaway were allowed to be built at four lanes, the entire roadway would someday be four lanes. Rumors persist that the Gray’s Bay bridge, despite the two-lane restriction which was a condition of approval, has four-lane expansion potential engineered into its design.

Various funding alternatives were developed by the Alliance and recorded in the City council minutes for August 2, 1983. Finally, in 1988, a “temporary” two-lane bridge (MnDOT Bridge No. 99140) was moved in by MnDOT to replace the old-style wooden 1931 railroad bridge (MnDOT Bridge No. 1947), which had replaced the original 1915 bridge.

Contract Negotiation Success

The 1987 Settlement. Meanwhile, the continuing drama over the Gray’s Bay bridge/causeway was widely covered in local papers. It involved lawsuits over control of the causeway, media events, a number of reports, Task Forces, design proposals, votes, consultants, and negotiations. In 1985, a Gray’s Bay Causeway Advisory Committee supported a compromise plan. Then, with the encouragement of Congressman Jim Ramstad, and support of the neighborhood groups, a “Settlement Agreement and Declaration of Covenants and Restrictions” was negotiated and signed in 1987.

The four-party settlement included Wayzata, Minnetonka, MnDOT, and Hennepin County. The terms specified that the agreement would be in “full force and effect” for 30 years, with automatic extensions of 10 years. Agreements from this document included the paraphrased items below. (*See Appendix D*)

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- MnDOT will use hydraulic dredging, sheet piling, and geotextile fabric for silt screening on Gray's Bay side of causeway.
- All parties will have right of inspection. Plus there will be formation of an official joint project observation committee with members from both cities, plus a volunteer from Gray's Freshwater Biological Institute, with inspection authority.
- Minnetonka and Wayzata are to share the cost of consulting a landscape architect to prepare a landscape plan with the goal of preserving existing vegetation.
- All parties have agreed to a particular site plan for a boat launch on the causeway. Construction shall be in strict accordance with that plan; no changes shall be made without public hearing.
- Hennepin County shall be responsible for maintenance, and Wayzata for fire, police, and public safety services.
- The parties approval of the roadway plan dated July, 1986, Layout 1B, SP2734-24, 25 is subject to the following conditions (portions paraphrased herein):
 - a. MnDOT shall explore using a wooden bridge, which parties prefer
 - b. MnDOT shall explore moving access to Gray's Bay Marina further east
 - c. MnDOT shall install a culvert at the northerly end of the project to allow flow between Wayzata and Gray's Bay
 - d. MnDOT shall construct the sidewalks to be cantilevered from bridge
 - e. MnDOT shall obtain and use minimum area for construction easement

Scenic Roadway Provision. The final section (6), under “Miscellaneous Provisions” contains the heart of the issues. It also contains layers of provisions to ensure enforceability of the contract, and all of its provisions, over a period of 30+ years. Changes to the contract require signature of all parties and public hearings. The contract specifies that resolution or invalidation of any provision leaves the rest “in full force and effect” (6.06-6.10). Among these provisions is an agreement to support the neighborhoods’ dream of establishing a scenic roadway.

6.5 The parties, excluding MnDOT, agree to support state legislation designating highway 101 from Minnetonka Boulevard to County Road 16 as a scenic roadway and agree to support and, to the extent within their power, implement the following restrictions on that section of highway 101:

- a. No more than two through lanes of traffic,
- b. A pavement width of no greater than 36', except where turn lanes and/or bypass lanes are necessary.
- c. A posted speed limit of no more than 33 M.P.H.,
- d. No truck traffic except to local destinations.

Environmental Impact Statement Required. The other key issues that were resolved in section six are limits on fill and on the width of the bridge—two lanes. Finally, the agreement calls for an EIS undertaken and paid for by MnDOT, using independent consultants for water quality, fish, and wildlife sections; the site plan to be renegotiated based upon the outcome of the EIS. And all to be completed before final design phase approval.

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Framework — History of Opposition

The neighborhood groups had worked behind the scenes at every level of government to obtain an environmental impact statement for the project. They remained involved throughout the EIS process. The EIS draft framework was based upon the settlement language. The process was completed in 1993. Based upon the EIS, the U.S. Corps of Engineers established final fill limits, and the Department of Natural Resources was assigned implementation. While a number of provisions were fulfilled, because the EIS did not allow for construction of the approved boat launch, further action was not taken on the agreement. A Gray's Bay Task Force was created in 1995 to provide public input into the Department of Natural Resources' plan to purchase the Gray's Bay Marina for a public boat launch and into Hennepin County's plans to reconstruct the bridge between the Causeway and the mainland to the south. The Gray's Bay Task Force met periodically through 2001, to negotiate details of the Gray's Bay bridge design and new marina. Scenic roadway design elements and limiting truck traffic continued to be part of the conversation, but no further agreement was reached on these subjects. Enforcement of agreement provisions languished, as issues were resolved and the Bushaway bridge and corridor projects were put on hold by MnDOT. The Gray's Bay Task Force continued to meet periodically through 2001, to negotiate details of the Gray's Bay bridge design and new marina. Though scenic design elements and limiting truck traffic continued to be part of the conversation.

Phase 2: 1994 — 2004

Bushaway Alliance Reactivated. Members of the Bushaway Alliance remained involved throughout the entire first phase, and beyond. Ann Markus, Gregg Anderson, Mark Westlund, and the Eides represented the neighborhood's interests on various Task Forces and initiatives, including the Lake Minnetonka Public Access Task Force (1992), the Gray's Bay Task Force (1998), and the LMCD.

Bill Ramaley, of the Gray's Bay causeway group, followed design developments on the bridge closely. The final design was approved by the City of Minnetonka in December 1999. Large trucks were still an issue. Minnetonka requested that Hennepin County provide signs for alternate truck routes to maintain status quo.

Together, the three neighborhood groups participated in electoral politics, held public meetings, and helped to keep their cities informed of developments. But in the mid-1990s, another round of initiatives called for reactivation of the Bushaway Alliance base.

1996—Signalized Intersection. In September 1996, the City of Wayzata heard a proposal from MnDOT for a temporary light at the McGinty–Bushaway intersection. Traffic counts did not justify a permanent signal. SRF Consulting recommended a signal light with slight alterations to the intersection, primarily involving creating a short left turn lane. Due to pressure from citizens who had not been informed about the proposal previous to the council meeting, the council voted against the signal. A Sun Sailor article on September 25, 1996, records transportation official Jim Grube's attempt to alleviate residents' fears that the County would resurrect the state's plan to widen the roadway:

“When you talk about the Minnesota Department of Transportation and its previous plans, they were looking at Highway 101 being a high speedway,” he said. “We typically see, that in settings like this, that's wholly impractical. If we fast-forward into the future and we talk about a project in the next 10 years, we see the Countyworking with the community trying to unfold a project that works with the community.”

More Promises. But suspicions prevailed, and the intersection remained unsignalized. In 1997, James Grube was back before the Wayzata City Council asking for City approval for the transfer of County Trunk Highway (TH) 101 from MnDOT to Hennepin County. This transfer came with the promise of funds for needed repairs and reconstruction of the roadway and bridge. It also involved change of status of the road to a State Aid Highway, which qualifies it for additional funding from the state.

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Framework — History of Opposition

The City prepared a resolution in response to Hennepin County's request. A letter is attached to the Eide Archives copy of the resolution, dated February 28, 1997. It is from James Grube to Wayzata City Manager Al Orson, commenting on proposed amendments to the resolution of concurrence:

“Dear Mr. Orsen: Enclosed per our conversation is a suggested resolution that would substitute for the one sent earlier. The intent of this resolution is to recognize that while the City of Wayzata may concur in the jurisdictional transfer, it is also concerned over the application of State Aid standards for any future road work. It is our understanding that given the options that may exist if and when future road work may be needed, that we agree to work together to develop a solution that can be accepted by the City, MnDOT, and ourselves. I commit to work with you on this basis.”

Resolution No. 2581 Resolution of Concurrence, adopted by the Wayzata City Council March 4, 1997, reads:

“NOW, THEREFORE LET IT BE RESOLVED that the City Council of the City of Wayzata concurs with Hennepin County's request to designate T. H. 101 as County State Aid Highway 101 from the intersection with T. H. 12 and thence southerly to the Hennepin/Carver County line in Eden Prairie, partly within the City of Wayzata, provided that, by concurring, the City of Wayzata should not be deemed to agree to the application of current or future State Aid standards to any refurbishment, reconditioning, reconstruction or other construction on future County State Aid Highway 101, within the limits of the City of Wayzata.

BE IT FURTHER RESOLVED that the City of Wayzata shall have input and final approval on any improvements proposed on CSAH 101 within the limits of the City of Wayzata. “

Signalization of McGinty-Bushaway Intersection Resolves Traffic Flow Concerns.

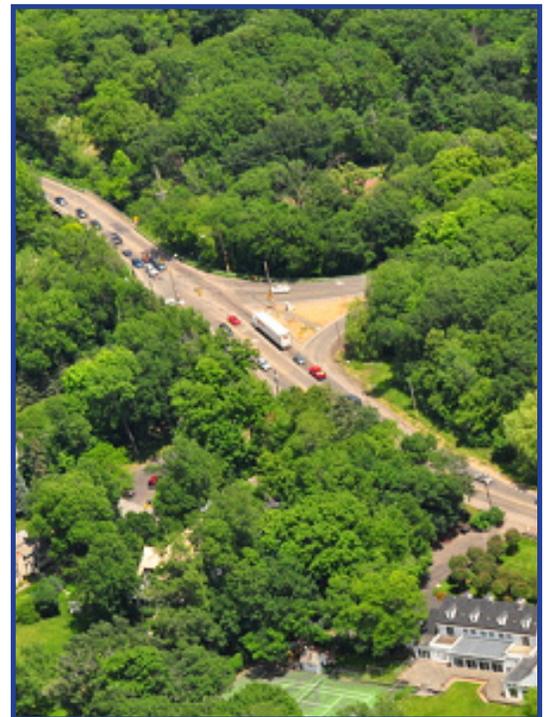
In March 2001, Minnetonka City Council voted to request a signal light at McGinty Road and 101. Speculation in the neighborhood was that pressure is coming from Cargill's perceived expansion. The City of Wayzata passed a motion to proceed with further study of intersection traffic flows, using the City's consulting engineers.

In October 2004, SRF Consulting presented their “Traffic Operations Study” to the Wayzata City Council recommending a light to replace the four-way stop. Some residents were still opposed, but there were also comments in favor of a light. Mindful of the historic issues, the council voted for installation of the light with the following conditions:

“Whereas the Council has been advised by the County that installation of the traffic signal is expected to not increase speeding along County Road 101 and to not prevent reasonable ingress or egress to resident's driveways and whereas the Council has been advised by the County, the City will be able to approve or veto any future expansions of lanes on County Road 101”... (*Council Minutes*)

An April 1998, notice to Bushaway Alliance members regarding a proposed park and ride at Bushaway and Highway 12 summarizes the community's commitment :

“Bushaway is the only route to Wayzata with any scenic value. It is our obligation as residents to preserve this last scenic passage.”



McGinty/Eastman Lane/Bushaway Road Intersection from South

Chapter I

Framework — Context Sensitive Design

Context Sensitive Design

The Minnesota Department of Transportation views Context Sensitive Design (CSD) as the art of creating public works projects that meet the needs of the users, the neighboring communities, and the environment. It integrates projects into the context or setting in a sensitive manner through careful planning, consideration of different perspectives, and tailoring designs to particular project circumstances.

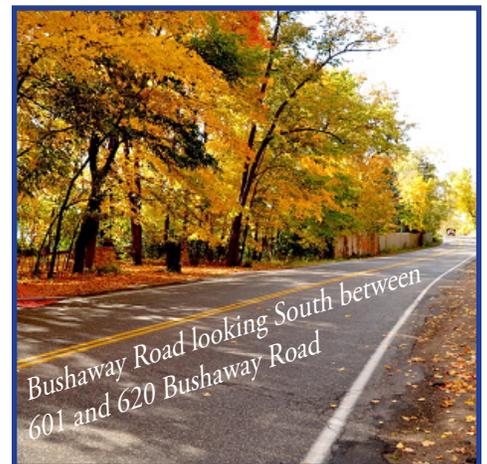
Context Sensitive Design uses a collaborative, interdisciplinary approach that includes early involvement of key stakeholders to ensure that transportation projects are not only “Moving Minnesota” safely and efficiently, but are also in harmony with the natural, social, economic, and cultural environment. (Emphasis added.)

The use of CSD principles to create transportation solutions supports a new vision for the future. Consistent with that vision, each project should reflect a sense of the place where it is built and should fit physically and visually within the surrounding environment and community. (Emphasis added.)

Mn/DOT’s approach to Context Sensitive Design promotes six key principles:

1. Balance safety, mobility, community, environmental goals in all projects
2. Involve the public and affected agencies early and continuously
3. Use an interdisciplinary team tailored to project needs
4. Address all modes of transportation
5. Apply flexibility inherent in design standards
6. Incorporate aesthetics as an integral part of good design

(Source: University of Minnesota’s Center for Transportation Studies, www.cts.umn.edu/Education/ContextSensitive/index.html)



Hennepin County’s management team for the Bushaway Road project has a difficult challenge. The members have a “corridor” design in which they are heavily invested and have implemented on other sections of roadway. They have three municipalities whose approval they need. With the exception of an early focus group with neighbors on the SW corner of the Bushaway – McGinty intersection, the County’s plan alternatives were fully developed before it held public meetings. The initial proposed design was justified by traffic safety and counts that were not specific to the roadway and intersection. These approaches are not easy to reconcile with the special requirements of Context Sensitive Design.

The County proceeded down this path in the face of a well established, 25+ year-record of public controversy over Bushaway Road, and City disapproval of previous plans. Hennepin County transportation officials are on record at least three times in the 10 years previous to 2007 assuring the City and citizens of the County’s intention to satisfy Wayzata’s concerns in any future rebuild of the road. When it became obvious that the City and neighborhood had significant concerns with the current proposed design, the County could have responded differently. When the Task Force brought a request to the table for a more context sensitive approach, the County pressed on, advocating for its design, particularly the preferred two-lane roundabout.

Chapter I

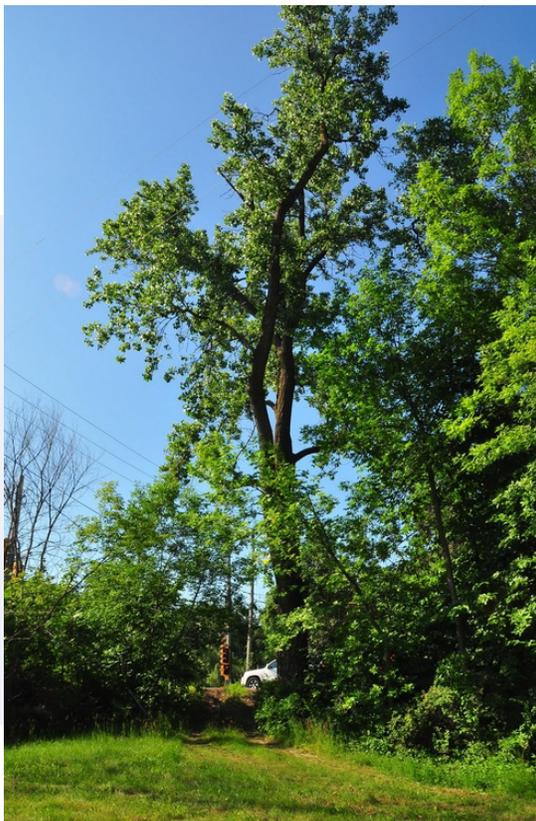
Framework — Context Sensitive Design

The fifth principle of Context Sensitive Design calls for applying “flexibility inherent in design standards.” The County has responded to several variance requests from the Task Force and City. It has also reevaluated traffic information based upon updated and project specific data. It has reduced road width and intersection requirements. However, the County’s preference for aesthetic and engineering consistency with the corridor design made it difficult to fully address the City and neighborhood’s concerns. Several key design elements used in the reconstruction of County Road 101, from Minnetonka Boulevard to Highway 7 and County Road 6 to County Road 24, are in direct contradiction to the historic, scenic, and environmentally sensitive qualities of the road.

Referring to changes such as the widening of the roadway, curb and gutter, and tree removal, the Mead & Hunt report (page 21) summarizes the potential impact of an insensitive design on this scenic and historic corridor:

Changes such as those described above have the potential to severely detract from the Bushaway Road Historic District’s historic feeling, setting, and association. Whether incremental over time or as the result of one particular project, these types of changes could alter the historic integrity, converting the district from the idyllic rural setting that reflects its significance to one with a more modern-day setting exhibiting an urban landscape and design aesthetic. Careful consideration should be given to alterations or modifications to character-defining features that would affect the Bushaway Road Historic District’s overall historic integrity.

Wayzata’s environmental goals and values — including preserving trees and the character of the scenic gateway Bushaway Road offers to Lake Minnetonka — are not met in the County’s current plans. We hope that the recent opportunity created by the Minnehaha Creek Watershed District’s sponsorship of an alternative low-impact, innovative corridor design will help to bridge these fundamental contradictions and support the kind of working relationship and context sensitivity in design outcomes that the County has promised.



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Framework — Comprehensive Plan

Wayzata's Comprehensive Plan *(See also: Appendix C)*

Community Values and Community Character. The city of Wayzata's 2030 Comprehensive Plan documents the shared values behind Wayzata's long-time concerns about changes to the character of Bushaway Road. These values define the community's character and identity, sustain the sense of well being of its citizens, and protect over 100 years of individual and collective investments in the character of the community. Under the "Natural and Community Resources" and "Historic and Cultural Resources" sections, the comprehensive plan elaborates the inextricable nature of the qualities land and community, and specifies a commitment to preservation of the area's environmental qualities.

The "Natural and Community Resources" section of the plan recognizes not only the aesthetic and quality of life dimensions of its "natural amenities", but also their essential "green infrastructure" functions. And the need to actively promote practices that will ensure the sustainability of the lake's ecological systems. The plan's objectives specify policies and practices, including sustainable and low-impact development, to protect these natural resources and preserve natural amenities within the city. The plan also designates a "Bushaway Conservation District", in recognition of the special values of the corridor.

Lake Community Shared Values. Concern for the protection of cultural and environmental resources are not only Wayzata's concern, they are concerns of the Minnetonka Lake District as a whole. This is evident in a sampling of two articles from January 2008 and October 2009. Preserving Lake Minnetonka, by Brett Stursa, editor of the Lakeshore Weekly, urges citizens to protect what little remains of picturesque Lake Minnetonka. "Wooded land saved as open space forever" by Laurie Blake in the Star Tribune, documents the donation of 6.5 "rolling wooded acreage off McGinty Road," one of the top 5 of 110 tracts of land identified by Minnetonka as valuable open space containing remnants of the city's original forests.

Addressing these shared values, neighboring jurisdictions have established local scenic byway designations for the Minnetonka Beach and Orono portions of the "Old Lake Road" which starts on the northeast corner of the lake with Bushaway Road and finishes at Wayzata's Lake Street. The 1987 contract, which settled the law suits between Wayzata and Minnetonka over the fate of the Gray's Bay causeway rebuild, contains a provision for advocating for a scenic byway between Minnetonka Boulevard and McGinty Road. This provision has yet to be fulfilled.

The 2010 Bushaway Task Force Report establishes, the "context" and community values that any and all present and future road reconstruction design proposals must incorporate.

The "Framework" presented above is intended to provide the City Council with important factors to be seriously considered before committing the City of Wayzata to any type of change to Bushaway Road. The plan must be one that the City and its citizens can fully embrace. The "City of Wayzata 2030 Comprehensive Plan" creates a firm foundation for successful negotiation.

Chapter I

Framework — Conclusions

Conclusions

Since at least the turn of the last century (1900), Bushaway has been Wayzata’s eastern “gateway” to the “Lake Minnetonka” experience. The environmental features that adorn Bushaway Road—wildlife and bird habitat, vegetative under story, waysides, and especially the grand old oak, maple, elm and basswood trees—represent a significant proportion of the green landscape that is essential to the identity and character of the village of Wayzata. These same features provide for “natural traffic calming” and stress relieving features for which the scenic byway is well-known and loved by people throughout the lake community.

Following a three year review of the County’s corridor plan for Bushaway Road (June, 2007 – August, 2010) the Task Force concludes that the historic, scenic and environmental qualities of the road are integral. They cannot be separated. Trees cannot be felled without affecting all three qualities of the roadway. Footprint, elevations and alignment cannot be significantly altered without affecting the circulation, settlement, vegetation patterns and architectural boundary monuments that have changed very little since the earliest years of the corridor’s 150 year history.

The Mead & Hunt report recommends “the Bushaway Road corridor for the National Register as a locally significant historic district”, but warns that “transformation into an urbanized, walled corridor would forever ruin the roadway’s special character and beauty.” Dating back to 1858, Bushaway is a scenic, tree-lined “rural section” corridor embellished by historically significant summer residences. The roadway’s character reflects its multiple functions as:

- A minor arterial roadway serving north, south inter-community traffic;
- A city street serving an historical residential neighborhood whose characteristics are established in the Mead & Hunt report on Qualification of the Bushaway corridor for National Historic District designation;
- A scenic, natural resource, and wildlife corridor providing multiple values and connectivity functions to the Lake Minnetonka and Minnehaha Creek Watershed ecosystems; and a Lake Minnetonka landmark.

The City of Wayzata ordinances and 2030 Comprehensive Plan specifically protect historic, cultural and natural resources, as well as wetlands, tree canopy and habitat. The historic character of the road and its proximity to the corridor’s sensitive natural resources limits the ability to expand Bushaway Road such that “future improvements should conform to context sensitive design techniques to ensure the roadway’s compatibility with the adjacent environment.” The Plan’s transportation section, cited above, also reiterates the City’s policy of limiting non-local truck traffic in residential areas. (*See Appendix C*)

Chapter I

Framework — Conclusions

Since the 2030 Comprehensive Plan was first drafted, traffic count projections for the Bushaway corridor have been revised downward (from 2% to 1%). Moreover, as growth demographics, social and infrastructure priorities shift towards sustainability, increased design sensitivity to the special features and multiple functions of the roadway is required. Updated data and assumptions need to be incorporated into the 2030 Comprehensive Plan.

Environmental engineering, context sensitive and low impact design and construction techniques should be used to enhance “green infrastructure” and “natural traffic calming” functions of the roadway’s features, without undermining its important values. Using these methods, water main and septic, bike and pedestrian byway, and traffic flow priorities can be met without compromising the roadway. The Task Force has analyzed each of the elements of the proposed design in detail: roadway footprint, intersection, bridge, and trail. This analysis is summarized in the report’s Recommendations section.

This framework elaborates three of the foundations of the City of Wayzata’s standing and authority in the matter of the proposed reconstruction and future of Bushaway Road:

1. **Consistent Position and Decision Record:** The City of Wayzata has maintained a consistent position over a period of 25 years on the values and character of Bushaway Road—the one mile segment of Highway 101 within its municipal boundaries. The decision record from 1984 through 2008 supports this claim. The record also shows persistent congruence of citizen and neighborhood values. The “Bushaway Vision” adopted by the Bushaway neighborhood in 2008 is entirely consistent with the position statements of the Bushaway and Gray’s Bay neighborhoods in 1984.
2. **Community Values expressed in Comprehensive Plan:** One of the key purposes of this report is to supply supporting documentation of community values, including the “City of Wayzata 2030 Comprehensive Plan”. This guiding document expresses the Wayzata communities’ shared values — such as the desire to maintain green space and preserve natural, historic and cultural resources — all of which are exemplified in the character of Bushaway Road. The comprehensive plan provides firm foundation for successful negotiation.
3. **Documentation of Previous Agreements and Representations:** From the 1986 causeway settlement contract through the City council vote to install signals at the Bushaway – McGinty intersection in 2004, the City of Wayzata has asserted, and Hennepin County has supported, the City’s right “to approve or veto any future expansions of lanes on County Road 101.” The 1986 settlement agreement provision, signed by Minnetonka, Wayzata, and Hennepin County — to support designation of Highway 101 from Minnetonka Boulevard to McGinty Road as a scenic roadway — is as desired by adjacent neighborhoods, now as it was then. The City’s 1997 resolution of concurrence, conditions approval of transfer of the road from MnDOT to Hennepin County and designation as a State Aid Highway: *(See Appendix D)*

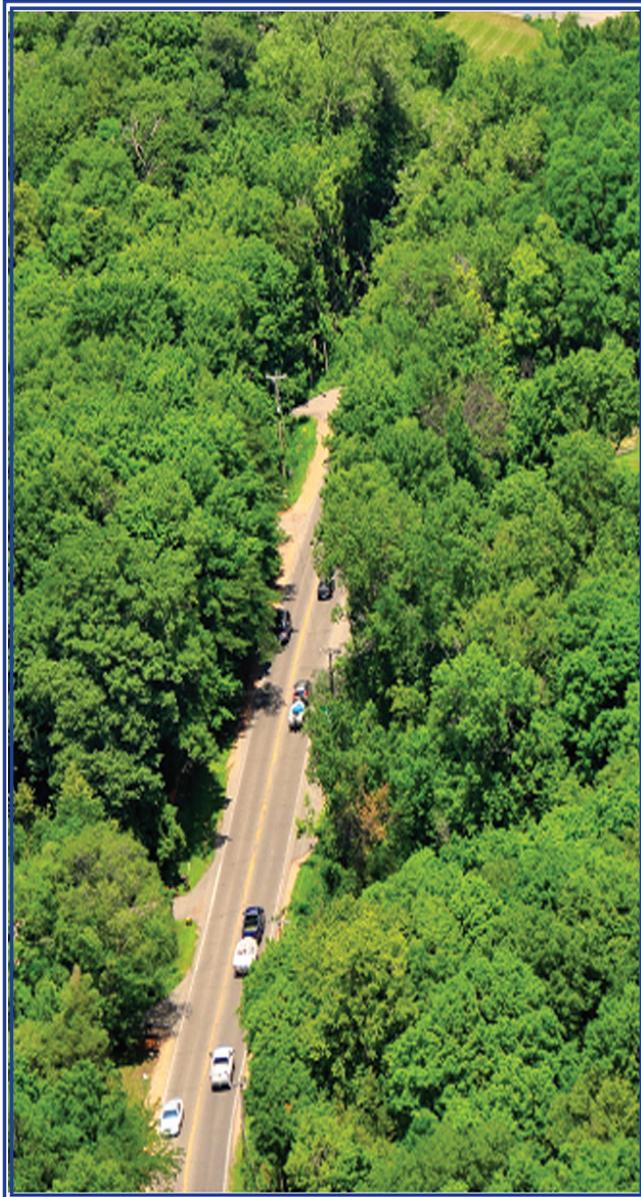
“the City of Wayzata should not be deemed to agree to the application of current or future State Aid to any refurbishment, reconditioning, reconstruction or other construction on future County State Aid Highway 101, within the limits of the City of Wayzata”.

Chapter I

Framework — Conclusions

The 1987 settlement agreement provision, signed by Minnetonka, Wayzata and Hennepin County – to support designation of Highway 101 from Minnetonka Boulevard to McGinty Road a scenic roadway — is as desired by adjacent neighborhoods now, as it was then. Scenic byway designation is one way for the parties to work together toward a successful design in 2011 — with the support of Minnehaha Creek Watershed and other design partners.

Finally, compromise of Bushaway Road’s environmental, historic and scenic characteristics would undermine future economic opportunity for Wayzata and other lake communities. The historic foundation of the area’s economic development is tourism. “Green tourism” and “stay-cation” promotion are emerging opportunities to which the corridor is well suited. The Framework produces a rationale and clear directive to ‘do no harm’ to the natural and cultural features of Bushaway Road. And indeed gives life to the idea of designating Bushaway a scenic roadway and the eastern gateway to the “Old Lake Road.”



North Bushaway Tree Canopy
Much of this canopy would be lost in
current County plan

Chapter II

Discussion and Recommendations

DISCUSSION POINTS AND RECOMMENDATIONS

This second chapter of the Bushaway Task Force report contains our analysis and recommendations for the Bushaway Road reconstruction. This report is a product of the last two years of Task Force investigative efforts. The following recommendations principally emerged from a workshop on March 13, 2010. Prior to this workshop the Task Force was primarily reactive to the county's proposals. The product of this workshop represents a proactive shift in the Task Force approach. It is a culmination of applying the City's comprehensive plan goals and 13 principles to the reconstruction of Bushaway Road. Initial conversations with MCWD staff inform Task Force's interest in the potential to apply environmentally sensitive, low-impact design approaches. The Recommendations have been updated to reflect the last six months of the work of the Task Force.

The purpose of this chapter is not only to state the Task Force recommendations, but also to give their rationale and show how closely they ally with the City Council's December, 2008 thirteen point resolution and the guidelines set forth by the City of Wayzata for construction work within its borders.

The planning principles identified in the previous chapter all were extracted from the city's 2030 Comprehensive Plan, which was last updated on August 13, 2010 and is maintained on the city's website. Below are eight general principles from our framework and the Comprehensive Plan that frame and guide the specifications of our recommendations. The 2030 Comprehensive Plan page numbers are in parentheses for each principle. (Note that the Comprehensive Plan's page numbers are all numbered by two numbers, the 1st for chapter and the 2nd for page within chapter.)

- Retention of the unique historic character and artifacts of the Bushaway corridor (6-1)
- Preservation of the exceptional scenic quality of Bushaway Road (3-11)
- Conservation of the environmental landscape, trees and plant benefits, e.g., habitats, trees, etc. (chapter 6, especially 6-1.)
- Preservation of wetlands and their associated assets for the lake and the city (3-15, 6-1)
- Commitment to a Context Sensitive Design (CSD) process (5-4 and 6-5)
- Commitment to Low Impact Design (LID) (6-3 and 6-5)
- Compatibility with Wayzata's plan for on-street and off-street trail corridors (3-9 and 5-12)
- Retention of natural traffic calming aspects, e.g., current narrow, winding road (5-14)

The Task Force has seen its charge as to bring the policies of the city as expressed in the Comprehensive Plan, to construct guidelines for practical solutions to the reconstruction of Bushaway Road without destroying the scenic character and environmental systems of the corridor.

The remainder of this report discusses issues and solutions using the Wayzata City Council Resolutions of December 8, 2008 as the structural guide. For each Council resolution the outline is:

1. Statement of the City Council resolution
2. Quotations from relevant "Wayzata Comprehensive Plan" chapters
3. Discussion points that led to our recommendations
4. Recommendations

Chapter II

Discussion and Recommendations



Wayzata City Council Resolution #1—The reconstruction of Bushaway Road/CSAH 101 should maintain the current curving, two-lane footprint using the County’s modified two-lane 36’ design (attached as Exhibit B), which includes both the new water main and new force main, throughout the entire stretch of road between the Gray’s Bay Bridge Causeway and Wayzata Boulevard. Exceptions would be at Locust Hills and the McGinty Road and Wayzata Boulevard intersections where turn lanes may be necessary.

Wayzata Comprehensive Plan: Chapter on Natural and Community Resources: Objective 3.0 requires the use of *sustainable development practice*; Objective 4.1: Evaluate potential *impacts on wildlife and critical ecological systems*; Objective 1.3 Investigate *Low Impact Design*; and Objective 3.6: promote *context-sensitive design*; and Chapter 6 is devoted to “Natural and Community Resources”.

Task Force discussion points: For purposes of design recommendations, the Task Force suggests dividing Bushaway Road into three types of segments and three corresponding design types:

1. The causeway
2. The pinchpoint segments that occur where the road footprint is severely constrained by historic structures or important trees. The two pinch-point segments are (1) from the causeway to the north edge of 555 Bushaway and (2) from McGinty to the north edge of 167 Bushaway. These pinchpoint segments are denoted on the drawing of Bushaway Road on the left.
3. The remaining, wider segments of Bushaway, specifically from 555 Bushaway continuing north to McGinty, and from 167 Bushaway to Wayzata Boulevard

This is how the Wayzata City Comprehensive Plan guidelines listed on page one of this chapter and the concept of sustainable development pertain to footprint design: By replacing curbs and gutters with grass and using existing ditches, there is less maintenance and less run-off. By narrowing the roadway footprint for pinch-point segments, tree canopies and soil will be preserved, reducing run-off and environmental damage. A narrower footprint would preclude the use of excessive, unnatural retaining walls and excessive fill that would affect historic buildings, gates, and fences. Overall, a smaller footprint means fewer resources needed to maintain a new road and that ecological and natural systems will remain sustainable. Wider footprints not only add cost in construction, they magnify costs forever in terms of physical upkeep and environmental health. Furthermore, because Bushaway Road has a relatively crash-free history, there is no need to create wider footprints on any chapters of the road.

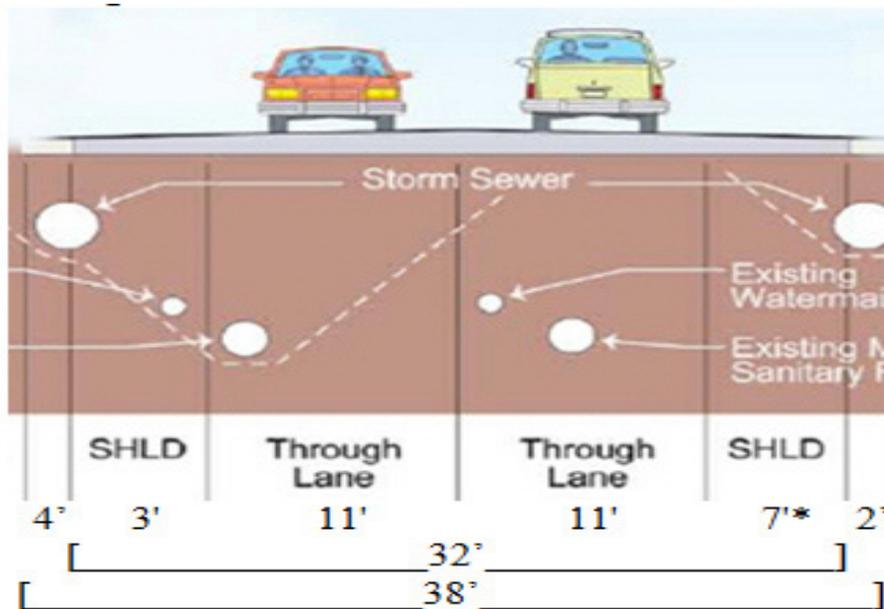
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Discussion and Recommendations

GLOSSARY. Before proceeding into this chapter, some terms need to be defined. Apron is the 2' needed for "curb and gutter" or a grass or gravel section equivalent. Clear zone includes all areas outside of an apron including "boulevards," "snow zones," and all areas needed for construction or construction machinery. Shoulder is the paved asphalt area just outside the traffic lane, the edge of which is usually marked by a stripped white line. Non-paved, gravel areas are considered part of the clear zones. Footprint includes two traffic lanes, shoulders, and aprons, if any. Total footprint includes footprint, clear zones, and trail, if trail is not embedded in a shoulder.

1. **Task Force recommendations for pinchpoints:** one 3' shoulder; one 7' shoulder for an embedded trail; and two 11' through lanes. (See Figure 1 below.) This is a 32'-wide footprint, and does not include spaces for aprons, an external trail, or construction zones. The Task Force also recommends limiting the clear zones, which include snow storage areas and construction zones, to 2' adjacent to the 7' shoulder (with internal trail) and 4' on the other side. This yields a total footprint of 38' for all pinch-point segments.

Figure 1. Partial Schematic for pinchpoints



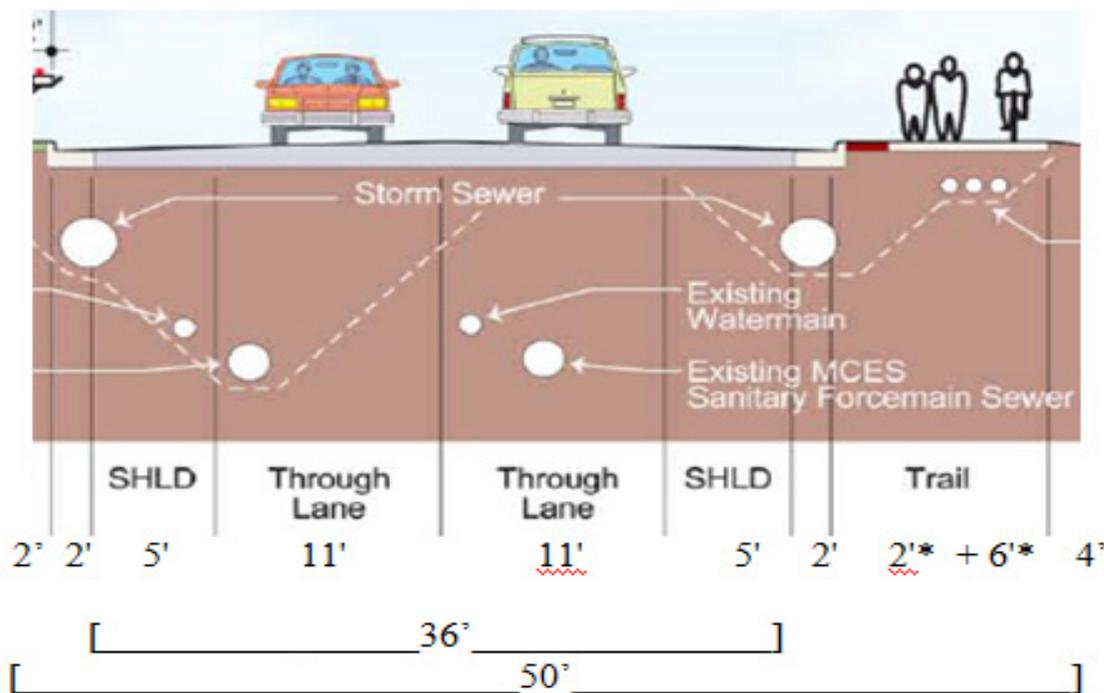
While this pinchpoint footprint fits within the existing narrow segments of the existing road, there is one exception at the steep embankment on the 655 and 639 properties. On the other side of the roadway is Gray's Bay with only 12 horizontal feet between the lake and the edge of the existing asphalt. If the existing riprap were replaced with a VRSS bank at a minimum angle of 70 degrees, this would provide 8' of additional land for the road footprint. That 8' plus the two 11' traffic lanes and an additional 3' adds up to a total of 33', which leaves only 1' for clear zones. In order to build the road according to the above specification would require either landfill in Gray's Bay or grading the embankment or both. The County's May 2010 proposal specifies grading into the embankment for 24' with a 10' high retaining wall. A compromise plan might be to grade 4' into the embankment with a 3' retaining wall. This could avoid landfill, under the assumption of the above, pinchpoint footprint.

Chapter II

Discussion and Recommendations

2. Task Force recommendations for remaining, wider segments: two 2' aprons; two 5' shoulders; two 11' through lanes; a 2' grass strip; and a 6' trail space. (See Figure 2 below.) This is a 36' wide footprint, with 8' for greenway and trail combined for a total footprint of 44'. For the 2' aprons, grass strips with existing ditches are recommended instead of concrete curbs and gutters, whenever possible. The Task Force also recommends limiting the clear zones, which include snow storage areas and construction zones, to 2' adjacent to the trail and 4' on the other side. This yields a total footprint 50' wide for wider segments, excluding intersection approaches.

Figure 2. Schematic for Remaining, Wider Segments



*Within the area labeled “trail” in the above schematic are listed two widths: 6' for the trail itself and 2' for a grass strip adjacent to the trail. If roadway space is scarce, the grass strip may not be required.

3. General recommendations for all segments of Bushaway Road:

- Set 36' and 32' as maximum footprints for the entire Bushaway roadway. (See Action Item 1a.)
- Set maximum trail width at 6'. (See Action Item 1b.)
- Curb and gutter should not be utilized except when needed in concert with innovative water management strategies. If curb and gutter can be avoided and replaced with other innovative techniques, this is the preference. (See Action Item 1c.)
- Consider boardwalks for pedestrians and bicyclists for water areas, including the causeway, and for the bridge over the BNSF tracks.
- Final design and planning efforts should include experts from the Minnetonka Creek Watershed District as well as other independent, third party consultants as needed.

Chapter II

Discussion and Recommendations

- f. A conceptual landscape and tree protection plan are necessary before approval of footprint can be considered by the City Council. A landscaping plan should be developed concurrently with the footprint plan. If it is not done concurrently, it is not possible to visualize or evaluate the full impact of the overall proposed design, especially with regard to the preservation of the natural environment and the scenic character of the road corridor.
- g. The Wayzata City Council should not approve Hennepin County's reconstruction design concept until an Environmental Assessment Worksheet (EAW) process has been completed. (See Action Item 3a.)

Wayzata City Council Resolution #2 — Eliminate the outside of curb 10' grading for snow removal.

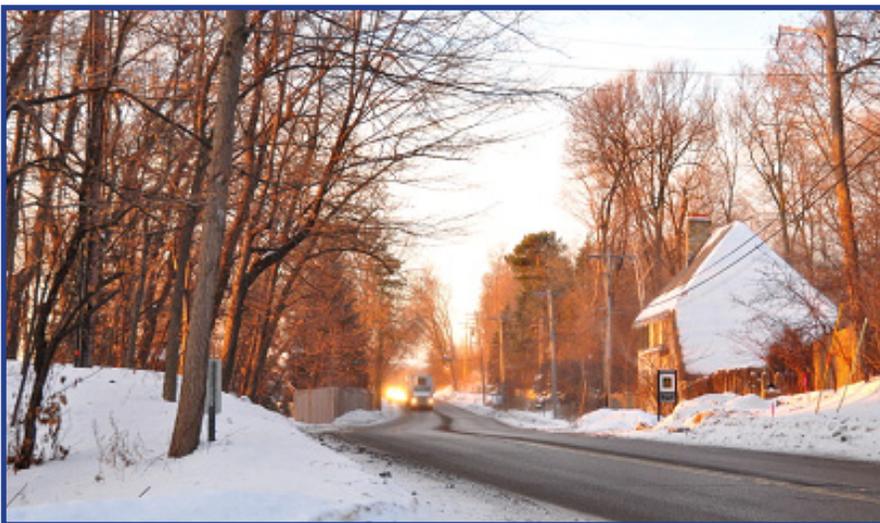
Wayzata Comprehensive Plan: Chapter 6 on Natural and Community Resources: Objective 4.2 says to ensure the protection, conservation, and maintenance of the natural environment.

Task Force Discussion Points:

Snow storage areas, boulevards, or snow zones cannot be justified when significant historical or environmental resources would be lost. As defined in the previous section, areas designated for either snow storage or constructions are called clear zones. Low Impact Design and Context Sensitive Design are important guiding principles here. Not only do we need to preserve historical artifacts, but the standards for clear zone widths are guided primarily by the need to preserve trees and tree canopy, a critical element in maintaining the natural environment of the corridor.

Task Force Recommendations:

1. Clear zones should be constrained to no more than 2' on the trail side and 4' on the other side. An exception can be made for hydrants where 6' bump outs seem reasonable. (See Action Item 1d.)
2. Existing signs, gates, fences, and walls need to be protected. Mailboxes and utilities need to be accommodated whenever possible.
3. In pinch-point areas, designs should minimize or entirely avoid grading; natural slopes should be retained; retaining walls should be seen as a rare, last resort. Trees should be preserved except for rare exceptions. (See Action Item 1e.)



**North Bushaway Tree Canopy
Much of this canopy would be lost in
current County plan**

Chapter II

Discussion and Recommendations

Wayzata City Council Resolution #3—Narrow the trail where the road is constrained by adjacent historic homes so that it overlays the shoulder.

Wayzata Comprehensive Plan: Chapter on Natural and Community Resources: Objective 2.1: Provide safe pedestrian and bicycle routes and road crossings.

Task Force Discussion Points:

Given Wayzata City's sidewalk standard and the need to minimize total footprints in pinchpoint areas, the trail maximum width should be 6'. As already noted, the shoulder and trail should be combined in pinchpoints. To create a more natural layout, the trail could meander within available areas. Some individual landowners might agree to an easement for the trail.

Task Force Recommendations:

1. The trail should be 6' wide, consistent with the Wayzata City standard. (See Action Item 1b.)
2. In pinchpoint areas, where the road is constrained by structural, historical, or environmental elements, the trail shall be within one of the shoulders as demonstrated along McGinty Avenue east of Bushaway Road.
3. To best incorporate the natural environment, curve the trail around trees and other natural obstacles whenever possible.
4. Every effort should be used to ensure pervious trail surfacing.
5. Boardwalks are the preferred solutions for many, if not most, wetlands areas adjacent to the roadway.

Wayzata City Council Resolution #4—McGinty Road should be more closely aligned with Eastman Lane as it exists today. The McGinty/Bushaway intersection may be moved to straighten the Bushaway approach from the north to improve sight lines.

The Wayzata Comprehensive Plan: Chapter 5 on Transportation: Objective 7: improve traffic safety. However, page 5–14 states that changes “such as roadway geometric changes, must be carefully considered to ensure the ‘solutions’ implemented do not make the road more unsafe.”

Task Force Discussion Points:

Lowering the tracks would contribute toward the objectives of preserving natural and historical resources as well as improving traffic safety. Note that Bushaway Road has a relatively crash-free history. Mayor Willcox requested from the County a design drawing of the intersection aligned to the existing roadbeds of McGinty, Eastman Lane, and Bushaway. To date, none has been forthcoming.

The County's proposed design would have the following negative impacts:

- Roadway would be 7'-9' higher, requiring driveways to be raised.
- Several very high retaining walls as well as thousands of feet of low retaining walls would be built.
- Loss of many trees to wide paved surfaces would change the look and feel of the road.
- Lights 23' above the bridge deck would cause loss of ambiance and light pollution.

Chapter II

Discussion and Recommendations

Task Force Recommendations:

The County should develop a design for the railroad bridge and the McGinty/Bushaway intersection that keeps the intersection location and alignment intact, and the bridge elevation lowered. The Task Force suggests the following:

1. The City Council may enlist a third-party consulting firm to evaluate alternate solutions for the intersection in concert with the bridge, including acceptable angles and grades of the approaches to the intersection of McGinty/Bushaway Road/Eastman Lane. (See Action Item 1g.)
2. If the County is unable to produce an intersection design within the existing alignment, then the bridge and intersection should be replaced in-kind with special consideration (e.g., boardwalks) for pedestrians.
3. As the overall height of the bridge roadbed should be lower, the City should initiate conversations with BNSF about new designs for the bridge and/or for the railroad track to be lowered.

Wayzata City Council Resolution #5 — At the McGinty/Bushaway intersection, construct a four-way signalized intersection, with turn lanes, aesthetically pleasing like County Road 73 and Minnetonka Boulevard or consider a one-lane roundabout with historic stonework (subject to obtaining accurate drawings from the NE, NW, SW, and SE perspectives). The City is not in favor of a roundabout, given the impact on pedestrians and additional land area required.

Wayzata Comprehensive Plan: Chapter on Natural and Community Resources: Objective 2.2: Encourage safe and convenient pedestrian crossings on streets, roadways, and railroad crossings.

Task Force Discussion Points:

- Improving sightlines on Bushaway may be of importance, but re-aligning McGinty Road and Eastman Lane eliminates two homes and dilutes the natural calming effect of the curve from the eastern approach. Straightening urbanizes the look and feel of the road.
- The community wants to preserve two homes. This can be accomplished by updating the current intersection in its current location.
- The neighborhood poll demonstrates that the community overwhelmingly prefers the current paths of the roads with their approaches to the intersection, to a revised structure.
- The crash statistics for this intersection for 2004-8 are below average crash statistics for similar-traffic intersections in the County.
- The new (2009) traffic counts resulted in the County reducing its projection of traffic counts for Bushaway by 50%, from 2% to 1% per year growth.

Task Force Recommendations:

1. One through-lane and one left-turn lane for each approach are the only critical or required lanes. The overall number of lanes of the County's latest proposal is excessive. (See Action Item 5g.)
2. New designs should be based upon independent traffic projection estimates.
3. Roundabouts should not be considered, as a signalized intersection provides better pedestrian crossings, and produces gaps in traffic, making it easier for local residents to turn in and out of their driveways.
4. Alternate designs are needed that better match the ideas and principal considerations of the City, as well as to evaluate if the proposals that come forth from the County are indeed for a 35 mile per hour road or that of a greater velocity.
5. Strategic setting/usage of signal lights should be considered as one of traffic flow factors.

Chapter II

Discussion and Recommendations

Wayzata City Council Resolution #5 McGinty/Eastman/Bushaway Intersection and Bridge



Looking East, April 1, 2010 already a large impervious area, under the May, 2010 County proposal, the intersection area would nearly double. In addition, the intersection roadbed and the approaches would be raised several feet, necessitating high retaining walls.

Chapter II

Discussion and Recommendations

Wayzata City Council Resolution #6 — Protect all Bushaway homes and preserve all fences and gates.

Wayzata Comprehensive Plan: Chapter on Historic and Cultural Preservation,

Objective 1.0, also stated in City Ord. 607: “We as a City should identify and protect historic and cultural resources that might meet local and/or the National Register standards.”

Task Force Discussion Points:

This resolution #6 of the Council was not only to avoid destruction of historical artifacts, but also to avoid the demolition of two homes on McGinty Road. Its language still pertains. Damage to driveways and front yards, especially around the intersection, also should be avoided. The only way to accomplish this is to significantly reduce the size and character of the proposed intersection design.

Task Force Recommendations:

1. Preserve the existing fences and gates in their present form. (See Action Item 1h.)
2. Retain the two at-risk homes located on the northeast corner of the Bushaway/ McGinty intersection. (See Action Item 1i.)

Wayzata City Council Resolution #7 — Build a new bridge over the BNSF railroad that reflects the features of the Gray’s Bay Bridge and the Locust Hills Bridge.

Wayzata Comprehensive Plan: Chapter on Historic and Cultural Preservation, Objective 1.0 calls for identifying and protecting historic and cultural resources.

Task Force Discussion Points:

For the bridge over the BNSF railroad tracks, both the City Council resolution and the comprehensive plan guideline suggest that, if a new railroad bridge is built, it should have a stone bridge structure that reflects the historic period. The bridge design is a separate design issue, but interrelated to the Bushaway/McGinty intersection design, and we understand that a variety of design solutions are needed.

The County has never shown us a model that involves keeping the existing intersection structure. Nor have they shown a bridge design that will not increase the height of the approaching legs to the bridge by 7’-9’. Is it feasible to lower the tracks to minimize the elevation change of the bridge deck? We feel, in light of the overall cost of the project and the impact that the proposed design would have, that lowering the tracks is an option that must be given highest priority.

Task Force Recommendations:

1. New bridge designs are needed that will avoid raising the current bridge deck height and associated grades. For example, consider a poured in place structure, more like a tunnel. (See Action Item 2.)
2. The overall height of the road bed should not be raised. This requires a new design for the bridge, or for the railroad track to be lowered.
3. [The bridge design should be limited to 3 lanes and not allowed to increase to 4 lanes of traffic.]
4. After further evaluation of the recommendation made with reference to resolution #4 (on intersection alignment), design details can be determined once a structural solution is obtained.

Chapter II

Discussion and Recommendations

Wayzata City Council Resolution #8 — The County should minimize the number and size of retaining walls along the corridor and imitate the architectural features and historical character of the neighborhood’s existing stonework.

Wayzata Comprehensive Plan: Chapter on Historic and Cultural Preservation, Objective 1.0, also stated in City Ord. 607, says “we as a City should identify and protect historic and cultural resources that might meet local and/or the National Register standards.” Objectives 2 and 3 of that chapter state how communities, with the help of the Heritage Preservation Board, should act to preserve these resources.

Task Force Discussion Points:

- Preserving environmental qualities and infrastructure functions of corridor elements, including trees and wetlands, is of utmost importance.
- It is understood that variances will be necessary to retain some slopes rather than replace them with retaining walls; however, the scenic, historic and ecological character of the road would be lost without these variances.
- Narrow roadway footprint and shift roadways within the right of ways, whenever feasible, to reduce the need for retaining walls.
- Where walls may be necessary, consider individualized and variable designs that could be compatible with the property defining historic gates and walls in the corridor.

Task Force Recommendations:

1. Eliminate retaining walls from the design wherever possible. (See Action Item 1e.)
2. When walls may be necessary, minimize height of walls, number of walls, and associated construction easements.
3. Adjust the path of the footprint to preserve trees in the corridor.
4. For any new footprint designs, the impacts of the design on the historical character and architectural elements of Bushaway Rd should be re-evaluated, especially as they pertain to retaining walls.
5. When cross sections and visual renderings of designs become available, the Task Force should analyze their implications for proposed retaining walls.
6. In addition, on any necessary retaining walls, as well as on bridges, only natural stones—not cement facades—should be used. Relevant examples are the historic walls at 623 and 555 Bushaway. (See Action Item 1f.)
7. Work with the Minnetonka Creek Watershed District on application of vegetative reinforced soil slopes (VRSS) along the entire roadway, not just the causeway.

Chapter II

Discussion and Recommendations

Historic (1926) Gate and
Wall
At
555 Bushaway Road



Historic (1918) Gate and
Wall
At
623 Bushaway Road

Chapter II

Discussion and Recommendations

Wayzata City Council Resolution #9 — The County should not remove any trees along the corridor until reconstruction design plans have been finalized, unless the tree is diseased, dead, or poses a safety hazard to the users of CSAH 101.

Wayzata Comprehensive Plan: Chapter 6 on Natural and Community Resources: Subsection A3 addresses *“the need for improved streetscaping and landscaping efforts;”* and Objective 5.4 requires that we preserve existing stands of mature trees when at all possible.

Task Force Discussion Points:

- As discussed in the Framework, trees serve numerous important functions.
- Removal of trees can have secondary effects and some of these negative consequences do not appear for several years or even a decade.
- To protect the natural arbor element of the construction zone, no trees shall be removed until construction is imminent.
- The City Council, with this resolution in 2008, placed a moratorium on the removal of any trees for construction or landscaping purposes until finalized designs. Any tree to be removed that is deemed diseased is to be removed per the City of Wayzata tree ordinance 710.06.

Task Force Recommendations:

1. The Council’s moratorium on tree removal is hereby reaffirmed.
2. The preservation of trees and the Bushaway corridor tree canopy should be seen as critical to the future of Wayzata.
3. An accurate tree inventory, including trees likely to be lost from root impaction, is essential for the evaluation of any road reconstruction design.
4. Additional research and advice by professional arborists may be necessary to assess the impact of alternative designs.

Wayzata City Council Resolution #10 — Require an independent and current analysis of the traffic volume and accident statistics the County has used.

Wayzata Comprehensive Plan: Chapter 5 on Transportation objectives address *roadway improvements and traffic demand*. Of the Bushaway Road reconstruction, project itself, page 5-4 states “Future roadway improvements should conform to context sensitive design techniques to ensure roadway compatibility with the adjacent environment.”

Task Force Discussion Points:

More current (year 2010) traffic volumes would be useful to evaluate projections. Correct and current data are needed to proceed with accuracy.

- County traffic forecasts for Bushaway have been calculated in several “black boxes.” A complete specification of the assumptions used for adjusting average daily traffic (ADT) counts and assumptions used in the Metropolitan Council’s traffic projection model are needed in order to evaluate the validity of the traffic projections for Bushaway Road.
- This information will enable us, and a possible third party, to evaluate the necessity of proposed corridor options and alternative designs.
- These steps will help avoid over-engineering the corridor based on false assumptions with undesirable outcomes.

Chapter II

Discussion and Recommendations

Task Force Recommendations:

1. The County should be asked to supply a list of all of the assumptions used in their procedures to “adjust” their traffic counts and assumptions in the models used to forecast all future traffic estimates.
2. The Transportation chapter of the Comprehensive Plan should be amended with the above data as well as other more recent statistics on traffic counts and crashes in Wayzata.
3. Depending upon the decision time frame, new traffic volume counts (ADTs) may be necessary for the year 2010.

Wayzata City Council Resolution #11 — Once preliminary layout has been determined, but before City approval, the County shall provide accurate and complete staking from the curb on the west to outer sidewalk/trail edge on the east throughout the corridor, from the Gray’s Bay Bridge causeway to Wayzata Blvd.

Wayzata Comprehensive Plan: Chapter 6 on Natural and Community Resources: Objective 5.5 says to *establish green corridors and entrances to the City.*

Task Force Discussion Points:

- The City Council resolution specified staking in order to get detailed precision in the implications of the County’s reconstruction proposals for total footprint, including all construction zones. Despite this request 18 months ago, the County has not completed the staking.
- In addition to staking the outer boundaries of the clear zones, additional information is needed by each property owner as follows: (1) the most current horizontal alignment and layout design for CSAH 101, (2) the most current centerline profile illustrating the proposed vertical alignment for the roadway’s horizontal design for CSAH 101, and (3) the most current design cross-sections which illustrate how the horizontal and vertical alignments transition to the existing conditions on either side of the proposed roadway.

Task Force Recommendations:

1. Staking the outer boundaries of the clear zones is essential and a prerequisite to any decision to approve a footprint design concept.
2. The Wayzata City Council cannot assess the full impact of Hennepin County’s proposed reconstruction plan until each property owner on Bushaway Road has the following detailed information: (1) the most current horizontal alignment and layout design for CSAH 101, (2) the most current centerline profile illustrating the proposed vertical alignment for the roadway’s horizontal design for CSAH 101, and (3) the most current design cross-sections which illustrate how the horizontal and vertical alignments transition to the existing conditions on either side of the proposed roadway. (See Action Item 3b.)
3. After this information has been supplied to all individual property owners and to the Task Force, then over a period of 60 to 90 days the Task Force review the data and drawings and forward recommendations to the City Council regarding approval of the design concept.

Chapter II

Discussion and Recommendations

Wayzata City Council Resolution #12— Work to minimize use of construction easements where houses, fences, and gates are in danger of being damaged.

Wayzata Comprehensive Plan: Chapter 6 on Natural and Community Resources: Objective 4.1 states, “Evaluate potential impacts on *wildlife and critical ecological systems.*”

Task Force Discussion Points:

- “Construction easements” are no longer a major factor in the road design because the County’s latest design total footprint does not exceed the right of way (ROW) with the exception of 324 and 310 Bushaway and the two properties on McGinty Road.
- The width of the clear zones, which includes the construction areas, remains a critically important element of any proposed design.
- Because of the narrow corridor, construction impacts must be minimal along Bushaway Road. This is especially applicable to the extremely steep embankment adjacent to the highway between 663 and 623 Bushaway Road.
- Under Council Resolution #1, the Task Force recommended that the clear zones, which include the construction areas, should be limited to a 2’ strip on the trail side of the road and a 4’ strip on the other side.
- The watershed (MCWD) may provide guidance regarding possible construction and water treatment designs that might yield desirable environmental and low-impact solutions.

Task Force Recommendations:

1. The City must be steadfast in holding the County accountable for minimizing the impact within the above construction zones in all areas. (See Action Item 1d.)
2. It may be necessary to hire an independent monitor/arborist to observe the entire construction process to ensure that the machinery does not exceed the boundaries of the clear zone and harm trees in the vicinity. This will depend on what agency is charged with oversight over the design and construction. (See next section on resolution #13.)



Between 240 and 263 Bushaway Road looking South
The read lines mark the approximate outer edge of the construction and clear zones as proposed by the County, May 2010. The narrow clear zones proposed by the Bushaway Task Force would save hundreds of trees.

Chapter II

Discussion and Recommendations

Wayzata City Council Resolution #13 — Once preliminary layout has been determined, the County should consider the use of innovative techniques and technology as they relate to retaining wall construction, pavement construction, storm water management, etc.

Wayzata Comprehensive Plan: Chapter 6 on Natural and Community Resources: Objective 1.3 says to investigate *Low Impact Design* and Objective 3.6 to *promote context-sensitive design*.

Task Force Discussion Points:

The County seems to be largely looking at innovation in the final phase of the project, while the City has in mind innovation throughout the project. To plan properly, the final product must be envisioned early in the process, after considering innovative procedures that preserve City objectives. Low-impact and environmental context-sensitive design alternatives should be used throughout the entire project scope and timeline. These alternatives should include:

- Pervious surfacing trail design
- Bio-swale design
- Use of geo-synthetic materials for strength and run-off control
- Using gutters only to maximize the goal of infiltration and reuse
- Low profile gutters, where gutters are necessary
- Review of options and locations for holding/reuse tanks
- A goal of no tree loss
- Enhancing existing green infrastructure functions

Development of a menu with strategies for innovative measures is needed before approval. The option of additional funding sources for the upgraded cost of making Bushaway an innovative corridor should be explored.

Task Force Recommendations:

1. The City should collaborate with the MCWD and other agencies to ensure that all innovative design techniques are considered as solutions to the environmental preservation challenges of reconstruction on Bushaway Road.
2. An agency is needed to oversee the design and construction to minimize confusion and delays. This may be the City of Wayzata, the City of Minnetonka, a State agency, or MCWD. The implementation of innovative techniques makes this especially important. The City should discuss this challenge and recommend an oversight agency.

Task Force Recommendations outside the Scope of the 13 Council Resolutions:

1. **Wetlands.** True wetland restoration, e.g., in the area of the bridge behind 321 Bushaway, is strongly encouraged.
2. **Signage.** Signs should provide clear directions on how to get to Wayzata City from key intersections such as 394 and & 101 to ensure that only appropriate traffic flows into Bushaway Road. (See Action Item 9.)
3. **LaSalle Street.** The Task Force believes the LaSalle street connection should be a right-out only to minimize traffic and still provide emergency/service vehicle egress with minimal impact to the neighborhood and to the Bushaway footprint. (See Action Item 10.)

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