COON CREEK WATERSHED DISTRICT
PERMIT REVIEW

MEETING DATE: November 14, 2016
AGENDA NUMBER: 10
FILE NUMBER: 16-152
ITEM: 389 74th Ave NE

RECOMMENDATION: Approve with 5 Stipulations

APPLICANT: Mystical Enterprises, Inc
172 Pine Ave SW
Blackduck, MN 55630

PURPOSE: Parking lot expansion

LOCATION: 1000 feet east of University frontage road on 74th Ave NE, Fridley, Minnesota
APPLICABILITY:
1. Within 1 mile of an impaired waters.
2. Endangered, Threatened or Special concern species, elements or communities

EXHIBITS:

PREVIOUS ACTION TAKEN: This is a new application that is being applied for after the construction of the parking lot expansion has taken place. A field test to determine infiltration rate and groundwater separation will be performed before construction of proposed rain garden to determine feasibility of design.

FINDINGS:
Pre-application Meeting: The project as submitted has received a general review during a pre-application meeting.

Ditches: There is not a public ditch on the property.

Ditch Hydraulics: A crossing of the ditch is not proposed.

Erosion and Sediment Control: Soils affected by the proposal are Urban and Zimmerman.
• Stabilizing vegetation is not proposed for disturbed areas within seven (7) days of rough grading.
• Soil stockpiles have been proposed to be fitted with sediment-trapping measures to prevent soil loss.
• Adjacent properties and stormwater ponds are protected from sediment deposition.
• Construction schedules detailing when sediment trapping measures will occur; stabilization of earthen structures and the general timing of construction phases have been provided.
• Stormwater runoff does pass through a sediment basin or other sediment trapping BMP with equal or greater storage capacity.
• No storm sewer pipes are located nearby project.
• All work adjacent to water or related resource has taken precautions to contain sediment, and stabilize the work area during construction.
• Provisions have not been made to minimize transport of sediment (mud) by runoff or vehicle racking onto the paved surface.
• Provisions have not been made for cleaning road surfaces where sediment is transported by the end of the day.
• Construction entrance points are not clearly located on the erosion and sediment control plan.
• The erosion and sediment control plan does not provide for the repair and maintenance of all temporary and permanent erosion and sediment control practices.

Dewatering: Shallow ground water may exist on site. Dewatering is not anticipated.

Floodplain: There is no floodplain on the property according to the District model and FEMA. There are flooding concerns downstream.

High Water Flooding: Information has not been provided to substantiate low floor elevations and is not needed.

Groundwater: Geotechnical information will be provided after soil testing has taken place.

The site is not within a Municipal Drinking Water Supply Area (DWSMA).

The project site is not within the Emergency Response Area/10 Year Well Head Protection Area/Drinking Water Supply Management Area.

The proposal does not contain a land use discouraged or prohibited by the Safe Drinking Water Supply Act (SDSA). Those uses are:
• Storage, production, disposal or treatment of hazardous materials
• Dry cleaning, dyeing, printing, photo processing or any other uses of hazardous materials
• Disposal of septage or septic sludge
- Vehicle or equipment maintenance/fueling area
- Underground storage tanks
- Storage and use of petroleum products
- Chemical/pesticide/herbicide storage
- Storage and use of petroleum products exceeding fifty-five (55) gallons

**Historic Sites:** The proposed project does not include sites of historic or archeological significance.

**Local Planning & Zoning:** The proposed project is consistent with local planning and zoning. There is an approved local water plan.

Property owners affected by changes in drainage have been notified and acknowledge the changes proposed.

**Maintenance:** The Owner of the Stormwater Management features and treatment practices is Mystical Enterprises, Inc. The Stormwater Treatment Practices (STPs) consisting of the following:

<table>
<thead>
<tr>
<th>Stormwater Treatment Practices</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rain Garden</td>
<td>1</td>
</tr>
</tbody>
</table>

Inspection and maintenance of stormwater facilities will be the responsibility of Mystical Enterprises, Inc. A maintenance agreement has not been executed. The applicant has not submitted a Maintenance Plan for each Stormwater Treatment Practice.

**Easements:**
The proposed project does not include ditch maintenance easement. A ditch maintenance easement is not required. A maintenance access to all storm water management features is not provided.

**Stormwater & Hydrology:** Infiltration is allowed within the project area. The 1-inch infiltration is achieved. The stormwater management system utilizes a rain garden. Stormwater leaving the site is discharged into a well-defined receiving channel or pipe and routed to a public drainage system.

Drainage sensitive uses do not exist downstream from the proposed site. The rate of post-development runoff from the site does not exceed predevelopment rates, or rates which would interfere with sensitive downstream land uses. Properties and waterways downstream from the project are protected from erosion due to increases in the volume, velocity and peak water flow rates of stormwater runoff. Concentrated storm water leaving a site is discharged directly into a well-defined natural or man-made off-site receiving channel or pipe. All on-site constructed storm water conveyance channels are constructed to withstand the expected velocity from a 2-year frequency storm without erosion.
**Water Quality:** The proposed project does not cause an exceedance of State water quality standards. The project does not contribute to the adverse impact of wetlands through inundation or volume of flow. All discharges into wetlands are pretreated by a sediment basin/water quality pond, and are designed correctly. All work adjacent to wetlands, waterbodies and water conveyance systems are protected from erosion. The proposal will not detrimentally affect the existing water quality of the receiving water. The proposal will not cause extreme fluctuations of water levels or temperature changes.

**Impairments:** This project is within one (1) mile and drains to an Impaired Water. The Impaired Water is Mississippi River and Rice Creek. Mississippi River and Rice Creek are impaired for (Aquatic Life (Macro-invertebrates) / Aquatic Recreation (E. coli)). The major stressors are Total Suspended Solids (TSS) / Total Phosphorus (TP) / E.coli. There is not an EPA approved Total Maximum Daily Load (TMDL) or Waste Load Allocation (WLA) for this water.

There are new impervious surfaces proposed as part of this project.

**Wetlands:** Wetland do not exist on-site according to the 1987 Federal manual, NWI, PWI and Soil Survey.

**Wetland Replacement Plan:**
A wetland replacement plan has not been submitted and is not needed.

**Wildlife:**
The proposed project does include endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors.

The endangered or threatened species, rare natural community is Blanding’s Turtle.

The MDNR natural heritage or endangered species program has requested that the following be provided to the applicant with a fact sheet:

> “In the unlikely event that a Blanding’s turtles is encountered on site, state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm’s way, otherwise they should be left undisturbed.”

**Performance Escrow:** $2,310.00

**Wetland Escrow:** N/A

There are not ditch liens on the property.
**ISSUES/CONCERNS:**

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>NEED</th>
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</thead>
<tbody>
<tr>
<td>Escrows</td>
<td>$2,000 + (0.62 \text{ac} \times $500/\text{ac}) = $2,310.00</td>
</tr>
<tr>
<td>Soils &amp; Erosion Control</td>
<td>1. Receipt of escrows.</td>
</tr>
<tr>
<td>District requires all stabilization vegetation be within seven (7) days of rough grading or inactivity.</td>
<td>2. Erosion Control Requirements:</td>
</tr>
<tr>
<td></td>
<td>a. Update construction plans to stabilize vegetation in 7 days of rough grading or inactivity.</td>
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<td></td>
<td>b. Provide note that any sediment tracked onto the street from construction activities will be removed on a daily basis.</td>
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<td>Provisions have not been made for cleaning road surfaces where sediment is transported by the end of the day.</td>
<td>3. Provide results of groundwater separation and infiltration test to determine if rain garden is feasible option. If rain garden is not feasible, provide updated plans for project.</td>
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<td>Stormwater and Hydraulics</td>
<td>4. Provide an O&amp;M Agreement that meets District requirements.</td>
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<td>Soil infiltration test and groundwater levels need to be determined prior to construction of rain garden.</td>
<td>5. In the unlikely event that a Blanding’s turtles is encountered on site, state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm’s way, otherwise they should be left undisturbed.</td>
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<td>Maintenance</td>
<td>4. Provide an O&amp;M Agreement that meets District requirements.</td>
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<td>A maintenance agreement will need to be executed if the infiltration basin is deemed feasible.</td>
<td>5. In the unlikely event that a Blanding’s turtles is encountered on site, state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm’s way, otherwise they should be left undisturbed.</td>
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<td>The proposed project may include the endangered or threatened species, Blanding’s Turtle.</td>
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**RECOMMENDATION:** Approve with 5 Stipulations

**Stipulations:**

1. Receipt of escrows.
2. Erosion Control:
   a. Update construction plans to stabilize vegetation in 7 days of rough grading or inactivity.
   b. Provide note that any sediment tracked onto the street from construction activities will be removed on a daily basis.
3. Provide results of groundwater separation and infiltration test to determine if rain garden is feasible option. If rain garden is not feasible, provide updated plans for project.
4. Provide an O&M Agreement that meets District requirements.
5. In the unlikely event that a Blanding’s turtles is encountered on site, state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm’s way, otherwise they should be left undisturbed.