COON CREEK WATERSHED DISTRICT
PERMIT REVIEW

MEETING DATE: April 25, 2016
AGENDA NUMBER: 11
FILE NUMBER: 14-134
ITEM: Harmony Estates 2nd Addition

RECOMMENDATION: Approve with 4 Stipulations

APPLICANT: Hogdal Farm Limited Partnership
15056 Xylite St NE
Ham Lake MN 55304

PURPOSE: Development of 22 single family lots on 14 acres

LOCATION: Northeast quadrant of Xylite St. NE and Westlund Drive NE in Ham Lake, Minnesota.
APPLICABILITY:
1. The lands and waters that have been, or may be covered by the regional flood
2. Any work in or adjacent to wetlands, lakes or water courses.
3. One or more cumulative acres of land disturbance.
4. Activities upstream from land that is dependent upon removal of water from the soil profile for their continued use (Drainage Sensitive Uses)
5. Endangered, Threatened or Special concern species, elements of communities.

EXHIBITS:
3. Wetland Delineation report by Earth Science Associates, Inc, 10/14, received 10/30/14
7. Stormwater management plan report by Carlson McCain, 8/27/15, received 8/28/15.
8. Wetland Permit Application by Earth Science Associates, Inc. dated 8/15, received 8/10/15
10. Revised Wetland Permit Application by Kjolhaug Environmental Services, dated 2/12/16, received 2/19/16
11. Response to comments by Kjolhaug Environmental Services, dated 2/22/16, received 2/24/16

HISTORY & CONSIDERATIONS:
This is the second phase of Harmony Estates that was begun in 2006. This item was tabled by the CCWD Board on 9/14/15 with the following stipulations:
1. Receipt of escrows.
2. Add a note on the grading plan that revegetation will occur within 14 days of the completion of rough grading.
3. Provide information that adjacent property owners are aware of the proposed project.
4. Wetland Permit application needs to include the secondary impacts to Wetland E and impacts must be approved by the TEP.
FINDINGS:

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

Floodplain: There is non-detailed Zone A floodplain on the property according to FEMA. The District model and wetland delineation were used to determine the 100-year elevations for the wetland basin in Phase I of 897.0 ft. The updated District’s XP-SWMM model shows the local area 100-year elevation at 894.6. The total floodplain impact is 0 acre-ft for Phase II. Compensatory storage is not needed.

Groundwater: Surficial ground water is present between 888.4 and 892.7 feet for the 2nd Addition. The site does include groundwater sensitive areas. The low floor elevations are 1ft above the ground water elevations.

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

High Water Flooding:
Low floor elevations meet the criteria for the City of Ham Lake (1 ft above mottled soil elevation, 1 ft above 100-year).
Dewatering:
It is unknown if the project requires dewatering.

Ground Water Dependent Water Resources:
It is unknown if there are Ground Water Dependent water resources within the cone of depression.

It is unknown if the proposed dewatering is likely to result in:
- Loss of any existing environmental value linked to receiving waters
- Pose a significant threat to aquatic fauna or flora, especially groundwater-dependent ecosystems,
- Soil erosion or local flooding
- Harm to native vegetation (via flooding or toxicity)
- Erosion of structures or services
- Sediment build-up in drains, waterways or wetlands
- Leaching of contaminant concentrations likely to harm downstream water values
- Nuisance to the local community such as foul odors; harm to plants or property
- Hazard to human health or safety
- Loss or discernible reduction of flow in public or private water sources.

It is unknown if steps are proposed for avoiding or minimizing impacts.

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 the City of Ham Lake. Ham Lake is an MS4 and is required to maintain 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>Stormwater Pond</td>
<td>2</td>
</tr>
</tbody>
</table>

Inspection and maintenance of stormwater facilities will be the responsibility of the City of Ham Lake. As a requirement of the City’s MS4 program, the city will inspect and maintain the stormwater facilities.

Easements: A maintenance access to all storm water management features is provided.
Soils & Erosion Control: Soils affected by the proposal are Zimmerman fine sand, Lino loamy fine sand, Isanti fine sandy loam, and Rifle mucky peat. Stabilizing vegetation is not proposed for disturbed areas within two weeks of rough grading. Adjacent properties are protected from sediment deposition. All work adjacent to wetlands, waterbodies and water conveyance systems are protected from erosion. Project site is greater than 1 acre; a NPDES permit is required.

Stormwater & Hydraulics: 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.

Impairments: This project is within one (1) mile and drains to an Impaired Water. The Impaired Water is Coon Creek, Ditch 41 and Ham Lake. Coon Creek is impaired for Aquatic Life (Macro-invertebrates). The major stressors is Total Suspended Solids (TSS) for Coon Creek and Ditch 41. Ham Lake is impaired for Aquatic Consumption. There is an EPA approved Total Maximum Daily Load (TMDL) or Waste Load Allocation (WLA) for this water.

The project does not propose site stabilization within 7 days after construction. The proposed stormwater system does retain at least one inch of runoff from the project site.

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

Water Quality: Project does include impervious drainage areas greater than 1 acre. All discharges into wetlands are pretreated by a sediment basin/water quality pond and are designed correctly for volume. 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.

Wetlands: Wetlands do exist on-site according to the 1987 Federal Manual and its associated supplement(s), NWI, and Soils Survey. Wetlands have been delineated. The most recent delineation was completed on May 2015. The wetland boundary has been checked.

The wetland boundary has been approved for Phase II.

The wetland is not a DNR protected water.

The project does propose wetland impacts. The total proposed wetland impact is 9,562 square feet. The impact is through fill in 1 location as shown below:
The de minimis is 2,500 sf. The proposed project results in wetland impacts less than 10,000 sf over the de minimis. TEP members have been notified with a complete plan and have been requested to submit comments.

The project is not wetland dependent.

The project is not exempt.

The applicant has contacted the DNR and the Corps of Engineers.

Two alternatives, plus the proposed project, have been submitted. On-site sequencing does apply. The avoidance alternatives are considered good faith efforts. None of the avoidance alternatives are considered feasible and prudent.

1. The applicant suggests that avoidance is not reasonable because there is no alternative. No alternative exists because:
   1) The basic purpose of the project cannot reasonably be accomplished at an alternative site, alternative sites are not available, alternative sites are not practical/prudent;
   2) The applicant has made a good faith attempt in pursuing alternatives;
3) The applicant has demonstrated that the activity will minimize wetland impacts through:
   a. modifying the size, scope, configuration, and density of the project,
   b. attempted to remove or accommodate site constraints including zoning, infrastructure, access, or natural features, and c) otherwise minimize wetland impacts.

2. The applicant suggests that avoidance is not reasonable because sequencing flexibility applies citing that:

   1) The site where the wetland to be impacted has been degraded to the point where replacement of it would result in a certain gain in function and public value.

   2) The site of the impacted wetland, should it be preserved, would result in an inability to function or provide values because of surrounding land uses and could not be reasonably maintained through other land use controls or mechanisms.

   3) The only feasible and prudent upland site available for replacement has greater ecosystem function and value than the wetland; it may be appropriate if the project sponsor:
      a. demonstrates impact minimization to the wetland
      b. agrees to perpetually preserve upland site, and
      c. completely replaces the impacted wetland’s functions and public values.

   4) The wetland is a site where human health and safety is a factor.

   5) The applicant suggests that avoidance is not reasonable because there is a compelling public need/interest. There is a compelling public need/interest because
      a. The road provides an essential public health and safety need;
      b. The wetland impact is minimized and proposed to be mitigated;
      c. the proposed wetland replacement is certain to provide equal or greater functions and public values to the District than the wetland to be impacted; and
      d. The public need for the road is essential to the public welfare of the general area.

**Wetland Replacement Plan:** Wetland replacement is proposed through purchasing 19,124 sq. ft (0.4390 acre) of Type 2 Standard Wetland Credit from the Minnesota wetland bank, the Hair Wetland Bank (1537). Proof of purchase of wetland credits must be provided.

**Wildlife:** The proposed project may include the threatened Lance-leaved Violet (Viola lanceolate var. lanceolata), Blanding’s Turtle (Emydoidea blandingii) and the Cross-leaved Milkwort (Polygala cruciate). However, the DNR has reviewed the project and
determined that the years of agricultural disturbance in this area would have removed not only habitat but potential for their perseverance.

**Performance Escrow:** $18,200  
**Wetland Escrow:** $ N/A  
There are not ditch liens on the property.

**ISSUES/CONCERNS:**

<table>
<thead>
<tr>
<th>Groundwater: It is unclear if dewatering is needed during the construction of the proposed project.</th>
<th>1. Provide statement whether dewatering will be required for the construction of the proposed project. If yes, provide well-field location, rates, discharge location, schedule and quantities.</th>
</tr>
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<tbody>
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<td>Soils &amp; Erosion Control: Stabilizing vegetation is not proposed for disturbed areas within 7 days of rough grading. A note needs to be shown on the grading plans indicating the revegetation schedule.</td>
<td>2. Add a note on the grading plan that revegetation will occur within 7 days of the completion of rough grading.</td>
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<tr>
<td>Wetlands: Proof of purchase of wetland credits must be provided to CCWD.</td>
<td>3. Provide proof of wetland credit purchase.</td>
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<td>Escrow: $2,000 + (32.4 ac * $500/ac) = $18,200.00</td>
<td>4. Receipt of escrows</td>
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