COON CREEK WATERSHED DISTRICT
PERMIT REVIEW

MEETING DATE: October 14, 2013
AGENDA NUMBER: 12
FILE NUMBER: 13 - 045
ITEM: Catcher’s Creek

RECOMMENDATION: Deny

APPLICANT: Mark Smith
2120 Otter Lake Dr
St Paul, MN  55110

PURPOSE: 70 lot residential development on 36.6 acres

LOCATION: Located inside the southeast quadrant of the intersection of Andover Boulevard NW (145th Avenue NW) and Prairie Road NW in the southeast corner of the City of Andover in Anoka County, Minnesota
APPLICABILITY:

1. Any work within or adjacent to a Public Ditch within the Watershed District.
2. Any work in or adjacent to wetlands, lakes or water courses.
3. One or more cumulative acres of land disturbance.
4. The lands and water that have been, or may be covered by the regional flood.
5. Activities upstream from land that is dependent upon removal of water from the soil profile for their continued use (Drainage Sensitive Uses)
6. High water table, outwash and organic soils.
7. High infiltration soils.
8. Highly erodible soils
9. Construction of 1 acre or greater of impervious surface
10. Any land alteration within 1 mile of an impaired water

EXHIBITS:

1. Plans, Sheets C-1, C-2.0, C-2.1, C-3.0, C-3.1 and CG-1.4, Dated 6/28/13, Received 10/3/13.
2. Plans, Sheets C-5.0 and C-5.1, Dated 9/6/13, Received 10/3/13.
3. Plans, Sheets C-4.0, C-4.1, CG-1.0, CG-1.1, CG-1.2 and CG-1.3, Dated 7/31/13, Received 10/3/13.

HISTORY & CONSIDERATIONS: The applicant originally submitted on 5/23/13 to the CCWD. After a meeting with City and Watershed District staff the applicant re-submitted the application package with significant changes to the stormwater infrastructure on 6/12/13. A third submittal was received and reviewed at the September 23 meeting. The project is now approaching the 120 day mark which will require the District to either approve or deny the project.

FINDINGS:

Ditches and Drainage: There is a public ditch on the property. The ditch is County Ditch 57. The ditch has not been inspected. There are approximately 0 acres of existing agricultural land affected by this ditch. The project site is a tributary to County Ditch 57. The trend in land use for this drainage area is toward residential. There are not flooding concerns downstream. Alternatives to additional drainage considered and reviewed include storage and infiltration. The ditch was last repaired in 2001. The ditch is not in need of repair.

Floodplain: There is floodplain on the property according to FEMA. The District TP-40 model predicts the 100-year elevation for the subwatershed at 878.1 feet and the district Atlas 14 model predicts the 100-year elevation for the subwatershed at 878.5 feet. The FEMA map predicts the 100-year elevation for the property at 879 feet. The floodplain is impacted in the proposed development. The total floodplain impact is 3.9 acre-feet, within the floodplain. Compensatory storage is provided.
The applicant was advised to run the 100-year elevation for interior ponds using the NOAA Atlas 14 information as shown in the following web link.
http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=mn

The applicant chose to size the ponds using TP-40

**Stormwater & Hydraulics:** The project does meet the volume management requirement equivalent to infiltrating runoff from the first inch of precipitation. Stormwater leaving the site is discharged into a well-defined receiving channel or pipe and routed to a public drainage system. Drainage sensitive uses 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. The northern and eastern most proposed pond is a combination pond which is attached to the adjacent Hickory Meadows pond and proposes to use the existing outlet in Hickory Meadows pond. The outlet is currently installed.

**Groundwater:** Ground water is present at 7 to 19 feet below existing ground surface at elevations from 869 ft to 877 ft. Information has been provided to substantiate low floor elevations. Based on HWL, low floor elevations do meet the criteria for the City of Andover (3 ft above mottled soil elevation, 2 ft above 100-year).

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

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

**Local Planning & Zoning:** The proposed project is not currently consistent with local planning and zoning – plan sets reviewed by the Watershed District and the City of Andover are different dates.

**Maintenance:** The proposed project does include a ditch maintenance easement of 100 feet as stipulated in the District rule. A drainage and utility easement is not provided for the storm water/infiltration ponds shown on the drainage plan. Property owners affected by changes in drainage have been notified and have acknowledged the changes proposed.

**Soils & Erosion Control:** Soils affected by the proposal are Sartell, Markey, Rifle, Zimmerman and Alluvial Land. Stabilizing vegetation is proposed for disturbed areas within two weeks of rough grading. Adjacent properties are protected from sediment deposition. All wetlands, water bodies, ponds, infiltration basins and water conveyance systems are protected from erosion and sedimentation.

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

Discharge from this project does not exceed 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.

**Wetlands:** Wetlands do exist on-site according to the NWI, Soil Survey and 1987 Manual Midwest Regional Supplement. The wetland boundary has been reviewed. Staff will be issuing an approval of the wetland boundary application. The project is not exempt. The proposed project is not wetland dependent.

The applicant is proposing 7,995 square feet of wetland impact in one location under sequencing flexibility. Plans submitted in the application for wetland impacts do not contain a sequencing discussion or material to support the request for sequencing flexibility. However, the TEP approved sequencing flexibility in July 2013 pending a signed application for wetland banking. No application for wetland banking has been received.

The applicant is proposing approximately 10,800 square feet of impact to the southern wetland adjacent to Coon Creek through drainage from the adjacent pond and the new outlet set at 871.0. A TEP is scheduled for October 24, 2013.

**Wetland Replacement:** The applicant is proposing replacement of impacted wetlands at a 2:1 ratio. The applicant is proposing mitigation via wetland bank credits. No wetland bank application has been received.

The TEP has approved utilization of the proposed wetland bank for the 7,995 square foot impact through fill pending resolution of the application for wetland impacts. The TEP has not approved or reviewed the approximately 10,800 square feet of impact through drainage from the adjacent pond.

**Wildlife:** The proposed project does not include endangered & threatened species, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas, wildlife travel corridors. The site does not include rare natural communities. No substantial adverse alteration or significant detrimental impact on a species food supply, security or reproductive cycle or the alteration or removal of a plant species will occur.

**Escrows:** Escrows have not been paid. $1500 + ($200 per acre * 29 Acres) + ($10/lf adjacent to ditch * 180lf) = $9,100
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<th>ISSUE/CONCERNS</th>
<th>NEEDS</th>
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<td><strong>Local Planning &amp; Zoning:</strong> The proposed project is not currently consistent with local planning and zoning – plan sets reviewed by the Watershed District and the City of Andover are different dates.</td>
<td>District and City of Andover Policy is that both agencies will review the same set of plans and supporting documents for potential approval. Submit the same set of plans with any revisions to both the City and the Watershed District.</td>
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<td><strong>Maintenance:</strong> The proposed project includes a trail easement along the creek but not a 100 feet drainage and utility easement adjacent to Coon Creek as stipulated in the District rule.. A drainage and utility easement is not provided for the storm water/infiltration ponds shown on the drainage plan.</td>
<td>Provide a grading plan which clearly identifies all proposed wetland impacts. (Identify wetland Basin ID and total impacted area of the basin via separate hatching). This plan should be provided in the CCWD submittal and separately provided in the Wetland application package for TEP review in a scale which is sufficient for review. The TEP has reviewed the application for wetland impacts. The application should clarify the proposed wetland impact size. 1. Part I of the Joint application states both 1,236 sq-ft (line 5) and 7,995 sq-ft (line 11). 2. The application should clearly show the location and square-footage of the proposed wetland impacts. On Figure CG– 1.0 it’s difficult to determine delineated wetland locations. 3. The area of excavation within the 100 year floodplain of Coon Creek along</td>
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<td>The southeast side of the development will likely require the crossing of wetland 2 with heavy machinery. This area should be identified and remediation plan provided including appropriate seed mix.</td>
<td>4. Provide supporting evidence for the applicants assertion that “it is not possible to treat stormwater to required standards and discharge it into Wetland 1 as would be necessary to maintain wetland hydrology” or modify the statement.</td>
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<td>The applicant is proposing 7,995 square feet of wetland impact in one location under sequencing flexibility. Sequencing flexibility was approved by the TEP in July 2013 pending a signed application for wetland banking. No application has been received.</td>
<td>5. Provide sufficient supporting evidence for the claim that Wetland 1 is surface water driven or modify the statement appropriately.</td>
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<td>The applicant is proposing a minimum impact of approximately 10,800 square feet to the southern wetland adjacent to Coon Creek through drainage from the adjacent pond and the new outlet set at 871.0.</td>
<td>6. Clearly identify the wetland buffer signage on the proposed plans.</td>
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<td>Wetland Replacement: The applicant is proposing mitigation via wetland bank credits. No wetland bank application has been received</td>
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<td>A signed wetland permit application is required.</td>
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<td>A sequencing argument needs to be submitted as to why this drainage impact is unavoidable. This impact and any potential mitigation needs to be reviewed by the TEP.</td>
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<td>A TEP review and application for wetland banking must be received</td>
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**RECOMMENDATION:** Deny

**Concerns:**
1. Submit the same set of plans with any revisions to both the City and the Watershed District.
2. Provide a grading plan which clearly identifies all proposed wetland impacts.
3. A signed wetland bank application is required.
4. A sequencing argument needs to be submitted as to why this drainage impact is unavoidable. This impact and any potential mitigation needs to be reviewed by the TEP.
5. Include a “ditch easement” or “drainage and utility easement” on the plans coincident with the 100’ trail easement.