COON CREEK WATERSHED DISTRICT
PERMIT REVIEW

MEETING DATE: August 12, 2019
AGENDA NUMBER: 18-186
FILE NUMBER: 18-186
ITEM: Osborne Garage Addition & Request for Variance

RECOMMENDATION: Table with 5 Stipulations

APPLICANT: Jesse Osborne
1843 169th Ave NE
Ham Lake, MN 55304

PURPOSE: Garage addition adjacent to wetland

LOCATION: 1843 169th Ave NE, Ham Lake, MN 55304

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. The lands and waters that have been or may be covered by the regional flood.

EXHIBITS:
1. Grading, Drainage, and Erosion Control Plan (1 sheet); by E.G. Rud & Sons, dated 7/31/19, received 7/31/19.
2. Site Drainage Narrative and Calculations; dated 7/31/19, received 7/31/19.

PREVIOUS ACTION TAKEN: This is a new application.

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

Ditches: There is a public ditch on the property. The public ditch is County Ditch 58 according to the public drainage map.

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

Erosion and Sediment Control: Soils affected by the proposal are Rifle mucky peat.
• Stabilizing vegetation is proposed for disturbed areas within seven (7) days of rough grading.
• Soil stockpiles have not been proposed to be fitted with sediment-trapping measures to prevent soil loss and do not have a note to stabilize within seven (7) days of inactivity.
• Adjacent properties and stormwater ponds are not 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 not been provided.
• Stormwater runoff is not required to pass through a sediment basin or other sediment trapping BMP with equal or greater storage capacity during construction.
• No storm sewer proposed as part of this project.
• All storm sewer inlets are not protected from sediment-laden water during construction.
• 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 tracking 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 provide for the repair and maintenance of all temporary and permanent erosion and sediment control practices.
• Details not provided for ESC (riprap, perimeter control, concrete washout, inlet protection, etc.)

Dewatering: Shallow ground water may exist on site. Dewatering is not anticipated as part of this project.

Floodplain: There is floodplain on the property according to the District model and FEMA. The District’s floodplain elevation is at 903.8 feet. The project does propose to place fill within the floodplain. The total floodplain impact is 13 cubic yards. The proposed impact is within the flood fringe. Compensatory storage is provided. Proposed compensatory storage exceeds proposed fill; therefore, there are no new flooding concerns upstream or downstream as a result of this project.

High Water Flooding: Information has been provided to substantiate low floor elevations. Low floor elevations meet the criteria for the City of Ham Lake; 1 foot above mottled soil or 100-year elevation.

Groundwater: Geotechnical information is not required.
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).

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

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

Property owners affected by changes in drainage should be notified and acknowledge the changes proposed.

**Maintenance:** The owner of the Stormwater Management features and treatment practices is the property owner. The Stormwater Treatment Practices (STPs) consisting of the following:

<table>
<thead>
<tr>
<th>Stormwater Treatment Practices</th>
<th>Number</th>
<th>Inspection &amp; Maintenance Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry Vegetated Basin</td>
<td>1</td>
<td>Owner</td>
</tr>
</tbody>
</table>

The treatment proposed as part of this project exceeds what is required by the permit review. A maintenance agreement is not required.

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 provided. The proposed project is within the ditch easement and the applicant is requesting a variance to encroach approximately 15ft into the easement. Approximately 35 feet remain to the centerline of the ditch.

**Stormwater & Hydrology:** Infiltration is allowed within the project area. The 1-inch infiltration is achieved. The stormwater management system utilizes a basin which is pretreated via overland flow. Calculations have been provided that illustrate the 1-inch infiltration volume is achieved below outlet.

Drainage sensitive uses do not exist downstream from the proposed site. The rate of post-development runoff from the site may exceed predevelopment rates; however, rates will not interfere with downstream land uses. Volume, velocity, and peak water flow rates of stormwater runoff are not expected to increase as part of this project. No concentrated storm water is expected as part of the project. No on-site constructed storm water conveyance channels are proposed as part of the project.

**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 an infiltration basin and via overland flow. The basin is 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 not within one (1) mile of an Impaired Water.

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

**Wetlands:** Wetlands do exist on-site according to the 1987 Federal manual, NWI, PWI and Soil Survey. Wetlands have been delineated. The most recent delineation was approved on 1/8/2019. The wetland boundary has been checked.

The wetland is not a DNR protected water.

The total proposed wetland impact is 20 square feet. The impact is through fill in one location as shown below:

Previous wetland impacts on this property used the full de minimis amount allowed. 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 does not need to contact the DNR area hydrologist and does need to contact the Corps of Engineers.

The project is within the wetland buffer and the applicant is requesting a variance from the buffer regulations.

Two or more 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 feasible and prudent alternative 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 basic purpose of the project cannot be accomplished while avoiding the wetland on site;
   3) The applicant has made a good faith attempt in pursuing alternatives;
   4) The applicant has demonstrated that the activity will minimize wetland impacts through:
      a. modifying the size and configuration of the project by shifting the addition to the west to impact less wetland.

_Wetland Replacement Plan:_ A wetland replacement plan has been submitted. A replacement plan application has been submitted. The wetland replacement plan has been sent to TEP members for comment.

Replacement is proposed to be through purchasing wetland credits at a ratio of 2:1. The credits will be purchased through wetland bank #1537.

The TEP has not approved the wetland mitigation plan. The application is in comment period.

_Wildlife:_ The proposed project does not include endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors. The applicant has not contacted the MDNR natural heritage or endangered species program and is not required to.

The project does not propose substantial adverse alteration or significant detrimental impact on a species or removal of a plant species.

_Performance Escrow:_ $2,045.00
_Wetland Escrow:_ $ N/A
There are not ditch liens on the property.

**ISSUES/CONCERNS:**

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>NEED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escrows: $2,000 + (0.09 ac * $500/ac = $2,045.00</td>
<td>1. Receipt of escrows.</td>
</tr>
<tr>
<td>Soils &amp; Erosion Control: District requires all stabilization vegetation be within seven (7) days of rough grading or inactivity.</td>
<td>2. Update Grading, Drainage, and Erosion Control Plan to include the following:</td>
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<td>Soil stockpile have not been proposed to be fitted with sediment-trapping measures to prevent soil loss and so not have a note to stabilize within seven (7) days of inactivity.</td>
<td>a. Provide note that disturbed soils will be stabilized within 7 days of rough grading or inactivity.</td>
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<tr>
<td>Adjacent properties are not protected from sediment deposition.</td>
<td>b. Provide note that soil stockpiles will be fitted with sediment-trapping measures to prevent soil loss and be stabilized within 7 days of inactivity.</td>
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<td>Construction schedules detailing when sediment trapping measures will occur; stabilization of earthen structures and the general timing of construction phases have not been provided.</td>
<td>c. Show silt fence between compensatory storage and 169th Ave NE.</td>
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<td>All storm sewer inlets are not protected from sediment-laden water during construction.</td>
<td>d. Provide construction schedule.</td>
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<tr>
<td>Provisions have not been made to minimize transport of sediment by runoff or vehicle tracking onto paved surface.</td>
<td>e. Provide inlet protection for inlets adjacent to driveway on north side of 169th Ave NE.</td>
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<td>Provision have not been made for cleaning road surfaces where sediment is transported by the end of the day.</td>
<td>f. Update plans to show construction access route and staging area. Provide provisions to minimize tracked sediment and sweep tracked sediment daily.</td>
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<td>Construction entrance points are not clearly located on the erosion and sediment control plan.</td>
<td>g. Clearly show construction entrance points on plans.</td>
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<tr>
<td>Details not provided for ESC (perimeter control, concrete washout, inlet protection, etc.)</td>
<td>h. Provide details of ESC devices to be used during construction.</td>
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**Wetlands:** Wetland credits are proposed to be purchased to replace the wetland impacts.
A wetland replacement plan has been provided. The replacement plan is in the comment period. The LGU has not approved the replacement plan.

3. Provide proof of purchase for wetland credits.
4. An approved replacement plan must be issued.

**Floodplain:** The plans do not depict the District Floodplain according to Atlas 14.

5. Update plans to depict the District Floodplain using the Atlas 14 model (NAVD88).

**VARIANCE REQUEST FINDINGS:**
The proposed project has requested a variance from two standards:
1. Rule 8.2 Wetland Buffer Strips
2. Rule 12.1 Ditch Easements.

The first variance is being requested for the wetland buffer standard. The proposed project would not meet the required 15ft buffer for Type 2 Wetlands due to lack of space on the property.

The second variance is being requested for the ditch easement located on the property for Prairie Creek. The proposed project would encroach 15 feet into the easement due to the adjacent wetlands on the property and the necessary site design of the building. There would still be 35 feet from the center line of the ditch to the building.

The applicant has considered alternatives and this proposal would cause the least impacts and still meet the project purpose and need. The site will utilize adequate BMPs that will mitigate for the two variances and reduce any harmful impacts. Access for maintenance is likely still available on the west side of the ditch.

District Rule 14.1 finds that:
1. There are unique circumstances with the location of the existing building and wetlands that cause a hardship.
2. The action will be keeping with spirit and intent of the rules.
3. The encroachment will not adversely affect the public, health, safety or welfare and is not likely to impact future ditch maintenance.

**Conclusion:** Approval of Variance request is recommended.

**RECOMMENDATION:** Table permit with 5 Stipulations

**Stipulations:**
1. Receipt of escrows.
2. Update Grading, Drainage, and Erosion Control Plan to include the following:
   a. Provide note that disturbed soils will be stabilized within 7 days of rough grading or inactivity.
b. Provide note that soil stockpiles will be fitted with sediment-trapping measures to prevent soil loss and be stabilized within 7 days of inactivity.

c. Show silt fence between compensatory storage and 169th Ave NE.

d. Provide construction schedule.

e. Provide inlet protection for inlets adjacent to driveway on north side of 169th Ave NE.

f. Update plans to show construction access route and staging area. Provide provisions to minimize tracked sediment and sweep tracked sediment daily.

g. Clearly show construction entrance points on plans.

h. Provide details of ESC devices to be used during construction.

3. Provide proof of purchase for wetland credits.

4. An approved replacement plan must be issued.

5. Update plans to depict the District Floodplain using the Atlas 14 model (NAVD88).