COON CREEK WATERSHED DISTRICT
PERMIT REVIEW

MEETING DATE: July 10, 2017
AGENDA NUMBER: 14
FILE NUMBER: 17-109
ITEM: Lindbo Deck Variance Request

RECOMMENDATION: Approve with 1 Stipulation

APPLICANT: Leif Lindbo
9772 Vale St NE
Coon Rapids, MN 55433

PURPOSE: Request for a variance to the 50 ft. ditch easement for backyard adjacent to Coon Creek (CD-57), Coon Rapids.

LOCATION: North of intersection of Vale St NW and Unity St NW, Coon Rapids, MN

APPLICABILITY:
1. Within 1 mile of an impaired waters.
2. Any work within or adjacent to a Public ditch within the Watershed District.
3. Any work in or adjacent to wetlands, lakes or water courses
4. The lands and waters that have been, or may be covered by the regional flood.
5. High water table, outwash and organic soils
6. High infiltration soils
7. Highly erodible soils

EXHIBITS:
1. Deck details and location (3 sheets); by unknown, undated, received 5/2/17.
2. Project Schedule; by unknown, undated, received 5/2/17.
3. Variance Request, received 7/5/17.

PREVIOUS ACTION TAKEN: The proposed project was denied by the CCWD Board on June 26, 2017. This is a variance request to the denied application.

Ditches: There is a public ditch on the property. The public ditch is Lower Coon Creek according to the public drainage map. The elevations and grades through this property are 819.4 ft MSL and 0.12% slope. Alternatives to repair and additional drainage have been considered and reviewed. The ditch is a 5th order stream. The ditch serves the primary role of trunk drainage system. The ditch serves approximately acres of agricultural land. Land use in the area is Single Family Residential and vacant. There are flooding concerns upstream and downstream. The ditch has been inspected. Existing elevations, slopes and condition of ditch are good. The ditch is not in need of repair. Alternatives to repair and additional drainage have been considered and reviewed.

Erosion and Sediment Control: Soils affected by the proposal are Alluvial. Installation of deck footings only groundwork expected as part of the project.
- Stabilizing vegetation is proposed for disturbed areas within seven (7) days of rough grading.
- Soil stockpiles are not anticipated as part of the project.
- 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 inlets or outlets proposed as part of the project.
- All work adjacent to water or related resource has taken precautions to contain sediment, and stabilize the work area during construction.
- Sediment tracking not anticipated as part of the project.
- Construction entrance points are not clearly located on the erosion and sediment control plan.

Dewatering: Shallow ground water may exist on site. The project does not require dewatering.
**Floodplain:** There is no floodplain on the property according to the District model and FEMA. The District’s floodplain elevation is at 828.3 feet. The project does not propose to place fill within the floodplain. The total floodplain impact is 0 acre-feet.

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

**Groundwater:** Geotechnical information was not provided and is not needed.

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).

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

**Local Planning & Zoning:** The proposed project is not consistent with local planning and zoning. Approximately 50% of the deck is proposed to be located in a Drainage & Utility Easement. A variance has been requested.

**Maintenance:** No Stormwater Management features or treatment practices are proposed as part of the project.

Easements: The proposed project does not include ditch maintenance easement. A ditch maintenance easement is not required.

**Stormwater & Hydrology:** Infiltration is allowed within the project area. The 1-inch infiltration is achieved via overland flow. 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. No increases in the volume, velocity and peak water flow rates of stormwater runoff are expected as part of the project. No concentrated storm water anticipated as part of the project. No on-site constructed storm water conveyance channels are proposed.

**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 of and drains to an Impaired Water. The Impaired Water is Lower Coon Creek. Lower Coon Creek is 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 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:** Wetlands do not exist on-site according to the 1987 Federal manual, NWI, PWI and Soil Survey.

**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.

**Performance Escrow:** $2000.10
**Wetland Escrow:** $ N/A

There are not ditch liens on the property.

**VARIANCE REQUEST**
**History and Considerations:**
The Lindbo Deck project was last seen by the Board at the June 26, 2017 Board meeting where it was denied. Mr. & Mrs. Lindbo submitted a Variance Request on July 5, 2017 for a variance from the 50’ easement from Coon Creek for their lot. The Lindbos wish to build a deck that encroaches into the Drainage & Utility easement.

The applicants have provided several alternatives for the proposed project. The first alternative suggested not building a deck which they believe to be not practical as the house is intended to have one. The second is to modify the design which would cause the deck to extend beyond the sides of the home affecting its use and the value of the home. The third is to pursue the deck as presented.

Variances are intended to provide relief where strict compliance with the rules, regulations, and policies of the District create an undue hardship.

1. The strict enforcement of the rules would cause undue hardship because of circumstances unique to the property under consideration.
The applicant indicated that failure to grant the variance would result in undue hardship because of circumstances specific to this lot. Circumstances include the lot having an irregular shape due to the nature of coon creek and a neighboring property’s pond, the easement is not a wetland area or a flood zone, it does not run adjacent to a ditch or access area and there are no pipes within the easement for a variance to adversely affect.

2. It is demonstrated that such action will be in keeping with the spirit and intent of the District rules, regulations and policies.

The applicant states it is not their intent to alter, violate or otherwise cause undue harm to the watershed and that the deck plans demonstrate that a variance would not interfere with the intent of the easement.

3. The proposed activity for which the variance is sought will not adversely affect the Public Health, Safety, or Welfare.

The variance will not infringe on the integrity of floodplain or wetland. It would not impede access to the creek or pipes because the property on the easement does not contain any of these features.

Conclusion: The permit review policy and rule states that the applicant must satisfy all 3 of the criteria. Staff has reviewed the variance request and believe that all 3 criteria have been met. Because of the shape of the lot, Coon Creek’s natural path and a neighboring pond, the easement sits at an odd angle on the property preventing a deck from being added to the house under current regulations. This creates a hardship unique to this property. The deck would not be in floodplain or wetland and will not cause water quality or flooding issues. The deck would not impede access to Coon Creek or access to nearby piping. It doesn’t appear that the deck would cause public safety issues. The deck will not interfere with the intent and spirit of district rules as there are no foreseeable detrimental impacts to natural resources. Staff recommends approval of the variance request.

Board Options:
1. Approve the Request for Variance
2. Deny the Request for Variance

Recommendation: Approve Request for Variance with 1 Stipulation.
1. Receipt of Escrows, $2000.10