COON CREEK WATERSHED DISTRICT
PERMIT REVIEW

MEETING DATE: August 12, 2019
AGENDA NUMBER: 19-149
FILE NUMBER: 19-149
ITEM: Kurt Carr Residence & Request for Variance

RECOMMENDATION: Approve with 2 Stipulations

APPLICANT: Kurt Carr
1113 97th Lane NW
Coon Rapids, MN 55433

PURPOSE: Residential Deck Construction

LOCATION: 1113 97th Lane NW, Coon Rapids, MN 55433

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.

EXHIBITS:
1. Erosion and Sediment Control Plan (1 sheet); by VAA, dated 7/31/2019, received 7/31/2019.
3. Email from Joe Brozek showing rough architectural plan; by Joe Brozek, dated 7/25/2019, received 7/31/2019.

PREVIOUS ACTION TAKEN: This is a new application.

FINDINGS:
Pre-application Meeting: The project as submitted has not received a general review during a pre-application meeting.

Ditches: There is a public ditch on the property. The public ditch is Lower Coon Creek 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 Alluvial land, mixed, frequently flooded.
• Stabilizing vegetation is not 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 protected from sediment deposition. Single row of bio-log in addition to vegetated buffer greater than 50 feet.
• 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 is not required to pass through a sediment basin or other sediment trapping BMP with equal or greater storage capacity.
• No storm sewer proposed as part of this project.
• Storm sewer inlets will not be impacted by 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 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 as part of this project.

Floodplain: There is floodplain on the property according to the District model and FEMA. The District’s floodplain elevation to the north and south of the site is at 828.2 feet and 827.8 feet, respectively. The project does not propose to place fill within the floodplain. Compensatory storage is not needed. There are no flooding concerns upstream or downstream.

High Water Flooding: Information to substantiate low floor elevations is not required as there are no new structures proposed as part of this project.

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

**Maintenance:** No Stormwater Management features are proposed as part of this project. A maintenance agreement is not required.

Easements: The proposed project does include a ditch maintenance easement. A ditch maintenance easement is not required. The proposed project is within the ditch easement and the applicant is requesting a variance to encroach approximately 10ft.

**Stormwater & Hydrology:** Infiltration is allowed within the project area. The 1-inch infiltration is achieved via overland flow.

No changes to stormwater runoff are expected as part of the project. 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. No concentrated storm water expected as part of the project. No on-site constructed storm water conveyance channels will be constructed 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 via overland flow. 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 the Mississippi River. The Mississippi River is impaired for Aquatic Life, Aquatic Recreation, and Aquatic Consumption. The major stressors are fecal coliform, macroinvertebrate bioassessment, PCB, and Mercury. There is an EPA approved Total Maximum Daily Load (TMDL) for Mercury. There is not an EPA approved 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. Wetlands have not been delineated.
**Wetland Replacement Plan:** A wetland replacement plan has not been submitted and is not required.

**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 does not need to.

If the project is present, the project does not propose substantial adverse alteration or significant detrimental impact on a species or removal of a plant species will occur.

**Performance Escrow:** $2,005  
**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 + (0.01 ac * $500/ac = $2,005</td>
<td>1. Receipt of escrows.</td>
</tr>
</tbody>
</table>

**Soils & Erosion Control:** Stabilizing vegetation is not 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.

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.

2. Update Erosion and Sediment Control Plan to include the following:
   a. Add note to stabilize disturbed soils within 7 days of rough grading.
   b. Add note that soil stockpiles will be fit with sediment-trapping measures and will be stabilized within 7 days of inactivity to prevent soil loss.
   c. Add note that measures will be taken to minimize sediment tracking and accumulation on paved surfaces.
   d. Add note to sweep tracked sediment by end of day.
   e. Show construction entrance point on plan.
   f. Add note to repair and maintain all temporary and permanent erosion and sediment control practices.
   g. Provide bio-log detail that shows bio-logs staked into ground.
The erosion and sediment control plan does not provide for the repair and maintenance of all temporary and permanent erosion and sediment control practices.

VARIANCE REQUEST FINDINGS:
The applicant has requested a variance from the ditch easement regulations. Rule 12.1 dedicates an easement of 100 feet (50’ either side of centerline) on Lower Coon Creek. This easement is platted on the property. The proposed project is within the ditch easement and the applicant is requesting a variance to encroach approximately 10ft. The applicant is requesting the variance due to the location of the house and the feasible location for the deck. The location of the deck is consistent with the approved site design. District Rule 14.1 finds that
1. The action will be keeping with spirit and intent of the rules.
2. 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: Approve permit with 2 Stipulations.
Stipulations:
1. Receipt of escrows.
2. Update Erosion and Sediment Control Plan to include the following:
   a. Add note to stabilize disturbed soils within 7 days of rough grading.
   b. Add note that soil stockpiles will be fit with sediment-trapping measures and will be stabilized within 7 days of inactivity to prevent soil loss.
   c. Add note that measures will be taken to minimize sediment tracking and accumulation on paved surfaces.
   d. Add note to sweep tracked sediment by end of day.
   e. Show construction entrance point on plan.
   f. Add note to repair and maintain all temporary and permanent erosion and sediment control practices.
   g. Provide bio-log detail that shows bio-logs staked into ground.