COON CREEK WATERSHED DISTRICT
PERMIT REVIEW

MEETING DATE: January 9, 2017
AGENDA NUMBER: 18
FILE NUMBER: 16-161
ITEM: Harley-Davidson - Blaine

RECOMMENDATION: Table with 11 Stipulations

APPLICANT: DWR Holdings, LLC - Dale Rhoads
3637 S. Memorial Drive
Tulsa, OK 74145

PURPOSE: Construction of a new motorcycle dealership and associated parking lots.

LOCATION: 98th Avenue NE & Ulysses Street NE in Blaine, MN
**APPLICABILITY:**
1. Any work in or adjacent to wetlands, lakes or water courses
2. One or more cumulative acres of land disturbance
3. Excavation or filling or a combination of excavation and filling of sand or other excavation or fill material including the laying, repairing, replacing or enlarging of a culvert or an underground pipe or facility where it crosses a public ditch or waters of the state.
4. Endangered, Threatened or Special concern species, elements or communities

**EXHIBITS:**
1. Grading and Development Application Signed & Dated 12-6-16, received 12-27-16.
2. Preliminary Project Schedule, undated, received 12-27-16.
4. Plan Set from ISG AEEP, dated 12-09-16, received 12-27-16.
5. Geotechnical Evaluation Report by Braun Intertec dated 10-8-16, received 12-27-16.
6. Phase I Environmental Site Assessment by Terracon, dated 8-11-16, received 12-27-16.

**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 not a public ditch on the property.

Erosion and Sediment Control: Soils affected by the proposal are Lino and Isanti.
- Stabilizing vegetation is proposed for disturbed areas within seven (7) days of rough grading.
- Soil stockpiles have been proposed to be fitted with sediment-trapping measures to prevent soil loss.
- 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.
- Stabilization adequate to prevent erosion has been provided at the outlets of all storm sewer pipes.
- All storm sewer inlets are 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 been made to minimize transport of sediment (mud) by runoff or vehicle racking onto the paved surface.
- Provisions have been made for cleaning road surfaces where sediment is transported by the end of the day.
- Construction entrance points are clearly located on the erosion and sediment control plan.
- The erosion and sediment control plan provides for the repair and maintenance of all temporary and permanent erosion and sediment control practices.

Dewatering: Shallow ground water does not exist on site. The project does not require dewatering.

Floodplain: There is no floodplain on the property according to the District model and FEMA.

High Water Flooding: Information has been provided to substantiate low floor elevations. Low floor elevations do not meet the criteria for the City of Blaine; 2 ft above mottled, 2 ft above 100 yr.

Groundwater: Geotechnical information collected in September of 2016 indicates long term groundwater elevation is present at 7.5 feet below the surface.
The site is not within a Municipal Drinking Water Supply Area (DWSMA).

The project site is within a 10 Year Well Head Protection Area and a Drinking Water Supply Management Area (Blaine 10).

It is unknown if the proposal contains a land use discouraged or prohibited by the Safe Drinking Water Supply Act (SDSA). Those uses may include:

- Vehicle or equipment maintenance/fueling area
- Underground storage tanks
- Storage and use of petroleum products
- Storage and use of petroleum products exceeding fifty-five (55) gallons

An acceptable contingency plan for preventing hazardous materials from contaminating the shallow/surficial aquifer should flood, fire, wind or other natural catastrophe, equipment failure or releases occur is not needed.

**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:** The Owner of the Stormwater Management features and treatment practices is Harley Davidson. The Stormwater Treatment Practices (STPs) consisting of the following:

<table>
<thead>
<tr>
<th>Stormwater Treatment Practices</th>
<th>Number</th>
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<tbody>
<tr>
<td>Basins (all filtration practices/non-wet basins)</td>
<td>5</td>
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</table>

Inspection and maintenance of stormwater facilities will be the responsibility of Harley Davidson. A maintenance agreement has not been executed. The applicant has not submitted a Maintenance Plan for each Stormwater Treatment Practice.

**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 not provided.

**Stormwater & Hydrology:** Infiltration is not allowed within the project area due to potential contamination from an adjacent SuperAmerica gas station. The stormwater management system uses 5 filtration basins and a grass swale. Stormwater leaving the site is discharged into a well-defined receiving channel or pipe and routed to a public drainage system.

The rate of post-development runoff from the site does not exceed predevelopment rates to a rate which would interfere with sensitive downstream land uses. Properties and waterways downstream from the project are protected from erosion due to increases in
the volume, velocity and peak water flow rates of stormwater runoff. Concentrated storm water leaving a site is discharged directly into a well-defined natural or man-made off-site receiving channel or pipe. All on-site constructed storm water conveyance channels are constructed to withstand the expected velocity from a 2-year frequency storm without erosion.

**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 cause extreme fluctuations of water levels or temperature changes.

**Impairments:** This project is within one (1) mile and drains to an Impaired Water. The Impaired Water is Springbrook. Springbrook 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 not 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 exist on-site according to the 1987 Federal manual, NWI, PWI and Soil Survey. Wetlands have been delineated. The most recent delineation was completed on October 17, 2016. The wetland boundary has been checked.

The wetland is not a DNR protected water.

The total proposed wetland impact is 9,147.60 square feet. The impact is through fill in 2 locations. Applicant needs to provide a map showing the locations.

The de minimis is 400 sf. The proposed project results in wetland impact 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 does not need to contact the DNR area hydrologist and the Corps of Engineers.

Two or more alternatives, plus the proposed project, have been submitted. On-site sequencing does not apply. The avoidance alternatives are considered good faith efforts.
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) Alternatives are demonstrably cost prohibitive such that the only available alternatives would make the projected cost substantially greater than the costs normally associated with similar projects.

**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. Comments are due January 17, 2017.
Replacement is proposed to be through purchasing wetland credits from the City of Blaine’s wetland bank #1573 at a ratio of 2:1.

**Wildlife:**
The proposed project may include endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors.
The endangered or threatened species, rare natural community are unknown
The applicant has contacted the MDNR natural heritage or endangered species program.
The applicant has indicated that contact was made December 2, 2016
MDNR has not responded to the applicant.
It is unknown if the project is present, if it will propose substantial adverse alteration or significant detrimental impact on a species or removal of a plant species will occur.

**Performance Escrow:** $4,950.00  
**Wetland Escrow:** N/A  
There are not ditch liens on the property.

### ISSUES/CONCERNS:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>NEED</th>
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<tbody>
<tr>
<td>Escrows: $2,000 + (5.9 ac * $500/ac) = $4,950.00</td>
<td>1. Receipt of escrows.</td>
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<tr>
<td><strong>Stormwater &amp; Hydraulics:</strong> The applicant is meeting the volume management requirement equivalent to infiltrating runoff from the first inch of precipitation. A post construction test on the filtration basin will be required to verify the assumed infiltration rates are obtained.</td>
<td>2. The applicant must acknowledge that they will conduct a post construction test on the filtration basin by filling the basin to a minimum depth of 6 inches with water and monitor the time necessary to drain. The Coon Creek Watershed District shall be notified prior to the test to witness the results.</td>
</tr>
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<td><strong>Soils &amp; Erosion Control:</strong> District requires all stabilization vegetation be within seven (7) days of rough grading or inactivity.</td>
<td>3. Update construction plans to stabilize vegetation in 7 days of rough grading or inactivity.</td>
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<td>Infiltration basins are not protected from erosion and sedimentation during construction. After initial grading the District requires that infiltration basins be completely surrounded by erosion control measures to prevent the basin from clogging.</td>
<td>4. After initial grading completely surrounded the proposed infiltration basins with erosion control measures to prevent the basin from clogging.</td>
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<td>It is unclear if dewatering is needed during the construction of the proposed project.</td>
<td>5. 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.</td>
</tr>
</tbody>
</table>
**Water Quality:** All discharges into wetlands/water quality basins are not pretreated by a sediment sump manhole. These sump manholes are not designed correctly for water quality treatment prior to discharge into a wetland or receiving water.

**Maintenance:** It is unknown who will be responsible for the inspection and maintenance of stormwater facilities. A maintenance agreement has not been executed. The applicant has not submitted a Maintenance Plan for each Stormwater Treatment Practice.

**Wetlands:** The wetland replacement plan has not been approved by the TEP. A map showing locations of the impacted wetlands must be provided to the TEP.

**Wildlife:** The proposed project may include endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors.

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<th>Stipulations</th>
<th>6. Note: this will be addressed in the O&amp;M agreement under Maintenance for filtration basins with direct incoming flow. Sump basins need to be on the incoming flow side of the filtration basins to provide pretreatment.</th>
</tr>
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<tr>
<td>7. Provide an O&amp;M Agreement that meets District requirements.</td>
<td>8. Wetland Replacement Plan must be approved by the TEP. A map showing locations of the impacted wetlands must be provided to TEP.</td>
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<td>9. Proof of purchase of wetland credits must be provided to CCWD</td>
<td>10. Provide documentation from the DNR if the proposed project includes endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors.</td>
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<tr>
<td>11. Provide full size set of plans</td>
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**RECOMMENDATION:** Table with 11 Stipulations

**Stipulations:**

1. Receipt of escrows.
2. The applicant must acknowledge that they will conduct a post construction test on the filtration basins by filling the basin to a minimum depth of 6 inches with water and monitor the time necessary to drain. The Coon Creek Watershed District shall be notified prior to the test to witness the results.
3. Update construction plans to stabilize vegetation in 7 days of rough grading or inactivity.
4. Provide utility plan showing sump manholes, other pre-treatment devices and pipe and outlet inverts and devices or methods used to keep filtration basins free of sediment.

5. 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.

6. Provide additional information on how vehicles will be fueled on site and how petroleum products will be handled and contained.

7. Provide an O&M Agreement that meets District requirements.

8. Wetland Replacement Plan must be approved by the TEP.

9. Proof of purchase of wetland credits must be provided to CCWD.

10. Provide documentation from the DNR if the proposed project includes endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors.

11. Provide full size set of plans