

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	JUNE 30, 2017	<b>PROJECT ADDRESS</b>	7214 167 <sup>TH</sup> TERRACE
<b>PROJECT. TITLE</b>	7214 167 <sup>TH</sup> TERRACE VARIANCE REQUEST		
<b>ESCROW #</b>			
<b>DEPARTMENT:</b>	Engineering		
<b>TECHNICAL REVIEWER:</b>	Name: Leonard Linton Phone: 763 433-9834 Email: llinton@ci.ramsey.mn.us		

We have received an application for a variance request to place a fence in a drainage and utility easement, crossing between a pond and the overflow area. The project is located in the Brookfield Addition Development.

**History**

The Brookfield Addition is a 179 acre residential development located in the north central part of the City. The land was in agricultural production prior to development. Several wetlands were delineated on the site including the one on this property. The development plans proposed leaving the wetland in place, with homes on the northeast and northwest sides of the wetland and constructing a stormwater pond on the southwest side of the wetland. The grading plan indicated that water from the pond would flow into the wetland during the 100 year event.

The lot in question is triangular shaped and encompassed the southern half of this wetland. The wetland is covered by drainage and utility easements on all of the lots.

Staff received a fence application in June 2016, requesting to place a fence along the perimeter of the lot. This would have placed a barrier across the overflow from the pond to the wetland. The City does not allow placement of barriers in storm water management areas. Fences have been allowed in drainage and utility easements adjacent to ponds when the base of the fence is above the 100 year high water level of the pond. This fence would have been below the 100 year high water level so the application was denied. Staff reviewed the project file prior to denying this request. The approved grading plan indicated that the normal water level of the wetland was 871.0, with the 100 year elevation of the wetland and pond at 872.56. Staff had phone conversations and discussions with the applicant at the building department counter several times after denying the application. Staff did offer an option to place a fence on the lot closer to the house, keeping the fence above the 100 year water elevation but the applicant rejected this option.

### **Observations**

Staff reviewed all of the available data after the variance request was received. Sources reviewed included the 2003 aerial photographs and point data commissioned by the City, the Anoka County GIS website which has aerial photos from 2005, 2008, 2011, 2014 and 2016, and Google Earth which has aerial photographs dating back to 1991. We also looked at the CAD files provided by the developer.

All of the photos viewed prior to development showed row crops were planted through this area. There were some years where the water level appeared to be higher, and some where the water level appeared to be lower. The wetland vegetation mostly disappeared after the site was graded, especially after homes were built adjacent to the wetland.

The plans stated the normal water level of this wetland was 871.0. The lowest elevation we found from the 2003 aerial information was 871.5, the CAD files showed an elevation of 872.0.

Becky Wozney from the Anoka Conservation District visited the site last summer at the request of the applicant. She observed that there was some wetland vegetation; however, the area was not a functioning wetland. Staff has requested another site visit with Becky Wozney and a representative from the Board of Water and Soil Resources to determine the status of the wetland. The visit had not happened when the agenda was published.

### **Recommendation**

Staff recommendation will be dependent on the determination of the wetland status.

If the wetland is still partially functioning then staff recommends denying the variance to allow placing a fence around most of the perimeter of the back yard. Staff would support placing a fence along the northerly line of the property to define the property boundaries and address the trespassing concerns the applicant has raised. Staff would also support placing a closed fence near the house to separate the children and pets from the pond.

If the wetland is nonfunctioning and does not need wetland protection then staff would support the variance request to place the fence around the entire perimeter of the back yard.