

Regular Planning Commission

6. 1.

Meeting Date: 08/03/2017

By: Chris Anderson, Community
Development

Information

Title:

Discussion Item: Update on Variance Request for a Fence Installation at 7214 167th Terrace NW; Case of Brandon Sis

Purpose/Background:

At the July 6 Planning Commission meeting, a Public Hearing was held regarding a request to construct a fence partially within a stormwater management area, including wetland. Representatives from both the Anoka Conservation District (ACD) and the Board of Water and Soil Resources (BWSR) were going to visit the property at 7214 167th Terrace NW (the "Subject Property") to make a determination about the status of the wetland area. However, at the time of the Public Hearing, that site visit had not occurred. Ultimately, the Planning Commission closed the Public Hearing but tabled action on the requested variance until additional information was received on the wetland status.

Representatives from BWSR and ACD conducted a site visit on the Subject Property the week of July 10. City Staff met with ACD staff and did a follow up site visit of the Subject Property the week of July 17. It was found that the wetland area still meets the criteria to be defined as a wetland, both on the Subject Property as well as many of the surrounding properties. It appears that there have been some significant encroachments into the wetland area, with fill, sod, structures, etc., over time. It is clear that there is a broader wetland encroachment issue than just the request for the Subject Property.

As was noted in the ACD review, it is unclear whether encroachments were the result of the initial development itself, the builder(s), or past/current homeowners. Additional time is needed to explore what options are available to resolve the cumulative encroachments rather than attempting to address them individually. This likely will require broader policy discussion with, and direction from, the City Council as to how best to address this issue. Staff believes that it will ultimately be beneficial for all of these property owners to look at this matter (and available options) holistically and therefore does not recommend any action by the Planning Commission this evening.

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Staff would recommend taking no action on this item this evening and allow Staff to explore options for resolving the encroachments holistically rather than on an individual basis.

Action:

No action needed.

Attachments

Site Location Map

Staff Review Memo

Aerial with Wetlands Overlaid

Aerial with Impacted Wetlands

Aerial with Wetlands and Fence Proposal

Form Review

Inbox

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 07/28/2017

Reviewed By

Tim Gladhill

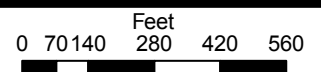
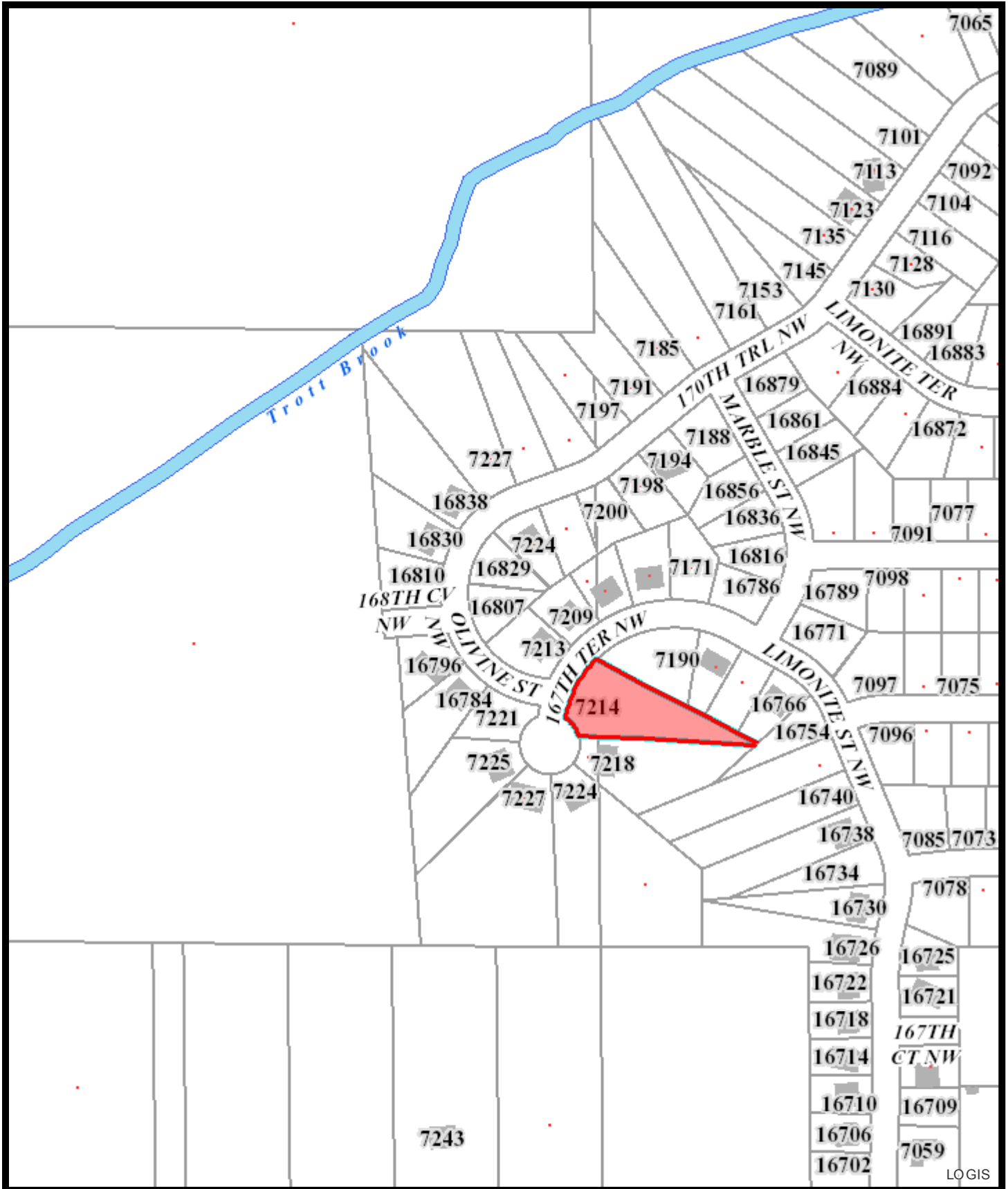
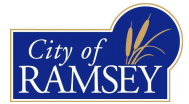
Date

07/28/2017 09:26 AM

Started On: 07/27/2017 03:49 PM

Site Location Map

Brandon Sis - Variance



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

DATE	JULY 25, 2017	PROJECT ADDRESS	7214 167 TH TERRACE
PROJECT. TITLE	7214 167 TH TERRACE VARIANCE REQUEST FOLLOW-UP REPORT		
ESCROW #			
DEPARTMENT:	Engineering		
TECHNICAL REVIEWER:	Name: Leonard Linton Phone: 763 433-9834 Email: llinton@ci.ramsey.mn.us		

The history of this project was presented in a technical review report dated June 30, 2017. The report was part of the planning commission case where the request for a variance was presented. The staff recommendation was to have the Anoka Conservation District and BWSR visit the site and determine if the wetland conditions were still present.

Representatives from the Anoka Conservation District and BWSR visited the site the week of July 10th. They determined that there are wetland species present on this lot, hydric soils are present and groundwater is approximately 12” below the surface. City Staff visited the site with the representative from Anoka Conservation District the week of July 17th. We are including the text of the email from Anoka Conservation district below summarizing our visit.

Thanks for meeting me out on this site on Tuesday, July 18th.

We observed the area in question; which is primarily a low spot directly behind the attached deck at the above address. This area was previously delineated as wetland prior to platting. After reviewing the site, I was able to observe that the soils were hydric (soils formed under saturated or inundated conditions) based on the redox concentrations (iron mottles) after coring holes from 20” to 24” in depth. There is some evidence that there is either eroded soils or fill placed in these areas but it is unknown when this had taken place. I will assume it was prior or during development and not by the current landowner. This wetland had been farmed in the past and it is possible it was from past farming practices. Secondly, hydrophytic vegetation (plants found in saturated or inundated conditions) were found within the area in question. Willow (*Salix bebbiana*), red-osier dogwood (*Cornus sericea*) and trembling aspen (*Populus tremuloides*) are the common woody plants. The herbaceous layer was primarily lawn grasses, sedges (*Carex* spp.), and reed canary grass (*Phalaris arundinacea*). Lastly, we observed hydrology after encountering saturated soils from 8” to 12” below the surface and standing water in the hole at about 12”. In addition, there was evidence of

ponding because portions of the lawn had died and evidence of a pump that was disabled at the lowest spot in the lawn. The 30 days prior to our site visit had normal amounts of precipitation.

I appears that the wetland boundary has been modified because of past lot grading and lawn practices. It would be difficult to determine who did what and when, though.

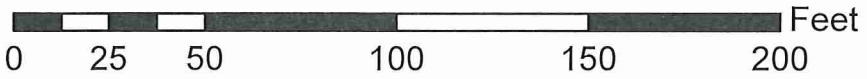
Staff has used GIS to look at aerial photographs and contours of the site. The photographs are from 2003, 2006, 2008, 2011, 2014 and 2016. They show the progression of home construction in this area. The 2008 photo shows that no homes had been constructed on this lot or the ones sharing the common lot line. The 2011 photo show that two homes had been constructed on adjoining lots. The 2014 photo shows that there is a home on this lot and each of the adjoining lots.

The contours are from 2003 and 2011. The 2003 contours are prior to construction of the subdivision and correlate with the approved grading plan. The 2011 contours are after the grading was completed and the project sat dormant for several years. Comparing the grading plan with the 2011 contours indicate the 874 contour has shifted 10 to 20 feet into the wetland. The 874 contour was shown at the outside edge of the wetland on the approved grading plan.

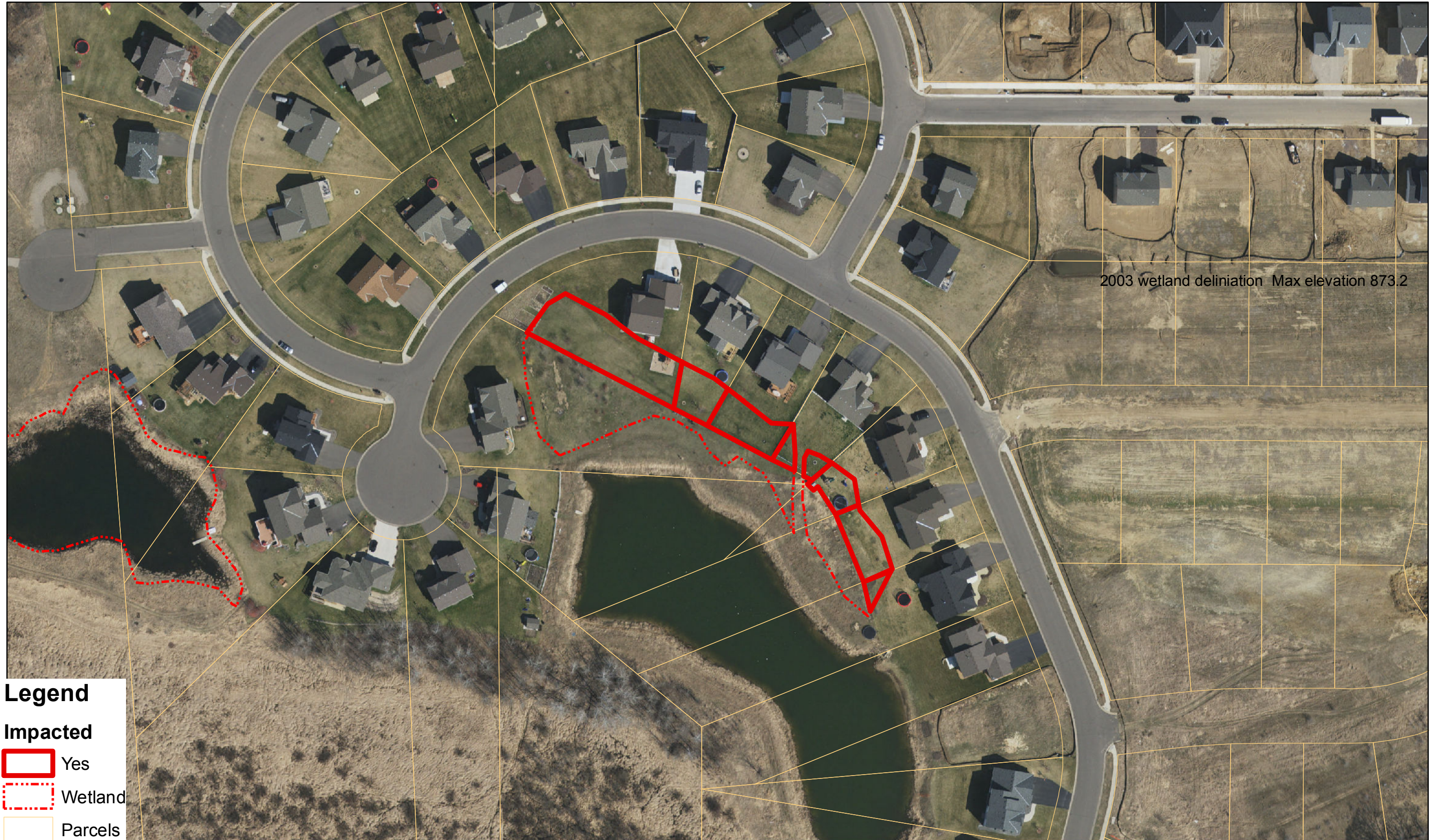
The planning commission was clear in stating that the wetland must be preserved if Anoka Conservation District and BWSR determine that is still functioning. Based on the field observations, wetland vegetation, soils and hydrology are present on this lot. The lots to the north east appeared to have been filled and leveled up to the common property line, the vegetation was predominantly sod. We did not go onto those lots to look for wetland indicators.

Testimony at the public hearing indicated that the stormwater pond occasionally fills up and flows onto the subject property which is what was predicted by the stormwater model for the development.

7214 167th Terrace Variance Request



7214 167th Terrace Variance Request



2003 wetland delineation Max elevation 873.2

Legend


Impacted

 Yes

 Wetland

 Parcels

2011 Aerial Photo

 Feet
0 25 50 100 150 200

7214 167th Terrace Variance Request



Legend

- Proposed_Fence
- Wetland
- Parcels

2011 Aerial Photo

