

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #20-256**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR FILL IN A FLOODPLAIN  
ASSOCIATED WITH A RETAINING WALL AT 7349 168<sup>TH</sup> CIR NW**

**RECITALS**

1. John and JoDell Seaman, hereafter referred to as “Property Owners”, properly applied for Conditional Use Permit for fill in a floodplain on the following described property located in the City of Ramsey:  
  
Lot 9, Block 2, Brookfield 8<sup>th</sup> Addition, Anoka County, Minnesota  
  
(the ‘Subject Property’);
2. That the Property Owners placed fill in the back yard of the Subject Property to create a flatter backyard with a retaining wall.
3. That the Subject Property is partially in the DNR Floodplain, including where the fill was placed.
4. That the Subject Property is encumbered by a Conservation and Trail Easement that does not allow fill to be placed.
5. That the City can process a Conditional Use Permit (CUP) for the fill associated with the retaining wall if the fill is certified to create no rise, which is defined as less than 0.0 foot of rise and reviewed by the DNR.
6. That if the fill is found to have created rise, defined as more than 0.0 feet of rise, then the City is unable to process the Conditional Use Permit.

**FINDINGS OF FACT**

1. That the **fill will not** be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.
2. That the **fill will not** substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the **fill will** be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
4. That the **fill will not** be hazardous to existing or future neighboring uses.
5. That the **fill will not** impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That the **fill will not** create excessive additional requirements at public cost for public facilities and services and **will not** be detrimental to the economic welfare of the community.

7. That the **fill will not** involve uses, activities and equipment that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

1. That the Ramsey City Council hereby **approves/denies** the Conditional Use Permit for fill within a floodplain contingent upon the following conditions:
  - a. Conformance with Staff Review and approval of plans by the City Engineer.
  - b. Review to final legal form by City Attorney.
  - c. Removing/amending Conservation and Trail Easement on the Subject Property so that retaining wall is in conformance.
  - d. Review of modeling to ensure that fill has created no rise (Certificate of No Rise required, confirming that the fill has no created more than a 0.0 foot rise)
2. That the Ramsey City Council directs Staff to begin the process of vacating the Conservation and Trail Easement on the Subject Property and bring back final settlement offer.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk