



**BOARD OF WATER  
AND SOIL RESOURCES**

## Minnesota Wetland Conservation Act Technical Evaluation Panel Form

This form can be used to document TEP findings and recommendations related to WCA decisions, determinations, enforcement and pre-application reviews.

<b>Local Government Unit:</b> Vadnais Lake Area WMO	<b>County:</b> Ramsey
<b>Landowner/Applicant:</b> Reuter Walton (Paul Keenan)	<b>Agent/Representative(s):</b> Travis Fristed - Braun
<b>Project Name:</b> Vadnais Heights Apartments (Replacement Plan) <b>Project No. (if any):</b> 7.2024	
<b>Project Location:</b> 3400 Arcade Street	

**Purpose of TEP Findings/Recommendation** - check all that apply and describe

<input checked="" type="checkbox"/> Pre-application review <input checked="" type="checkbox"/> Application Review (related to WCA Decision) <input type="checkbox"/> Local Government Road Wetland Replacement Program Eligibility <input type="checkbox"/> WCA Determination Request <input type="checkbox"/> Other (specify): <b>Describe:</b>
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**Meeting Type** – check all that apply and specify dates as applicable

<input checked="" type="checkbox"/> In-Person Meeting(s), Date(s): 8/1/24 <input checked="" type="checkbox"/> Electronic Exchanges (email, skype, etc.) <input type="checkbox"/> Onsite Review(s), Date(s): <input type="checkbox"/> Other (specify):
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### Findings and Recommendations

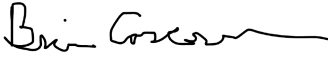
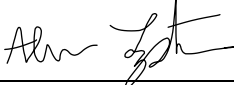
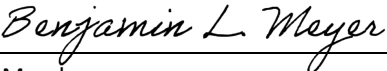
<p><b>See attached comments below. Response to comments needed by end of business day 8/9/2024.</b></p>
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<input type="checkbox"/> Attachment(s) (specify):
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### DNR Protected Waters and Shoreland Protection Zone

Will the project/activity affect DNR public waters, DNR public waters wetlands or wetlands within the shoreland protection zone? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, DNR representative is a member of the TEP.
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### Signatures

<input checked="" type="checkbox"/> LGU TEP Member: Brian Corcoran Signature: 	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 8/5/2024
<input checked="" type="checkbox"/> SWCD TEP Member: Alexis Lipstein Signature: 	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 8/6/2024
<input checked="" type="checkbox"/> BWSR TEP Member: Ben Meyer Signature: 	Agree with Findings & Recommendations: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 8/6/2024
<input type="checkbox"/> DNR TEP Member: Signature:	Agree with Findings & Recommendations: <input type="checkbox"/> Yes <input type="checkbox"/> No Date:

## FINDINGS REGARDING THE VADNAIS HEIGHTS APARTMENTS (REPLACEMENT PLAN) PROJECT

Project No. 7.2024

On 6/27/2024 consultant requested a pre-application meeting for a WCA Replacement Plan with the TEP.

On 7/12/2024 a virtual pre-application meeting for the WCA Replacement Plan with the TEP, consultant, applicant and City was held.

On 7/17/2024 TEP comments from pre-application meeting were sent to consultant and City via email. Comments below:

*“Just want to send a summary of the TEP comments from the 7/12/24 Vadnais Apartments pre-WCA Replacement Application mtg.*

- *recommend no-build for this site due to the protected wetland taking up most of the parcel and the amount of fill and impervious surface proposed*
- *The currently proposed design does not minimize any wetland impact at all and does not properly address the need for not only on-site stormwater treatment but the treatment and storage of stormwater from the surrounding drainage area.*
- *The current proposed stormwater pond seems undersized to be able to effectively treat the amount of water on this site given there is added runoff from the new impervious on top of the already existing runoff from the surrounding area.*
- *The current proposed design also does not take into account potential flooding issues. Routing all of the excess stormwater downstream will only cause more issues downstream.*
- *For minimization the possibility of reducing the building’s overall footprint and capacity should be considered as well as eliminating some surface parking spots. If the design minimized wetland impact and left some wetland intact on-site they would also need to comply with wetland buffer rules. Per VLAWMO’s website “Most small wetlands and storm ponds call for a buffer with an average of 20’ vegetative width and a minimum of 16’”. To comply with these rules may mean significantly reducing the buildings footprint and redesigning the surface parking lot.*
- *Not sure how they will ever get by the avoidance alternative and all of the other site constraints”*

On 7/18/2024 VLAWMO and City had meeting on pre-application comments in person.

On 7/23/2024 VLAWMO received a complete replacement plan application for Vadnais Apartments and application was noticed to the TEP and those requiring noticing.

On 8/1/2024 TEP held an in-person meeting to review application and provide comments on Vadnais Apartments replacement plan application. Comments below:

- MN Rules, part 8420.0520, Subpart 1. **Requirement.** The local government unit must not approve a wetland replacement plan unless the local government unit finds that the applicant has demonstrated that the activity impacting a wetland complies with all of the following principles in descending order or priority:
  - A) avoids direct or indirect impacts that may destroy or diminish the wetland under the criteria in subpart 3
  - B) minimizes impacts by limiting the degree or magnitude of the wetland activity and its implementation under the criteria in subpart 4
  - C) rectifies impacts by repairing, rehabilitating, or restoring the affected wetland under the criteria in subpart 5
  - D) reduces or eliminates impacts over time by operating the project in a manner that preserves and maintains the remaining wetland under the criteria in subpart 6
  - E) replaces unavoidable impacts by restoring or, if wetland restoration opportunities are not reasonably available, creating replacement wetland areas having equal or greater public value as provided for in parts 8420.0500 and 8420.0522 to 8420.0528

Avoidance:

1. MN Rules, part 8420.0520, subp. 3.C(2)(a) “it is capable of being done from an engineering point of view.”

*Application states poor site conditions; a 0.69 acre wetland in the middle of the parcel which accounts for 39% of the parcel area; high groundwater levels 2-4 feet below the surface; structurally poor and unstable soils.*

2. MN Rules, part 8420.0520, subp. 3.C(2)(c) “it is consistent with reasonable requirements of the public health, safety, and welfare.”

*The application includes statements pertaining to poor soil suitability for development because of high groundwater levels observed 2-4 feet below the soil surface. Building an apartment building on a property with 39% wetland coverage including a high groundwater table making the soils “structurally poor”. The applicant should provide additional information pertaining to the feasibility and safety of constructing a four-level apartment building on “structurally poor” soils, has not demonstrated to be consistent with storm water management criteria, not considering drainage to site and the surrounding street and neighborhood catchments. Current analysis does not quantify all the areas currently contributing stormwater to the site and possible flooding concerns.*

3. MN Rules, part 8420.0520, subp. 3.C(3)(a) “whether the basic project purpose can be reasonably accomplished using one or more other sites in the same general area that would avoid wetland impacts. An alternate site must not be excluded from consideration only because it includes or requires an area not owned by the applicant that could reasonably be obtained, used, expanded, or managed to fulfill the basic purpose of the proposed project”

*Application shows 2 alternative sites in the City, the only limiting factor of which listed was the land needing to be purchased. The applicant has not demonstrated that these alternatives cannot be reasonably obtained through further negotiations with the sellers, applicant has not shown all existing QCT areas within the city of Vadnais heights. Applicant has not shown all available parcels of land within the QCT area selected or if applicant has exhausted all other offsite alternatives in surrounding area? The application states MET Council Plan sets a goal in the 7-county metro area.*

4. MN Rules, part 8420.0520, subp. 3.C(3)(c) “whether reasonable modification of the size, scope, configuration, or density of the project would avoid impacts to wetlands.”

*Application does not address this. The application lists an alternative building footprint which completely avoids wetland impacts but rejects the alternative for reasons that do not seem justifiable. Ex. Building height restrictions (variances could be sought), stormwater management accommodation (variances and use of existing wetland as stormwater management with pretreatment could be explored), small area of developable land (does not explain why this deems the alternative unviable).*

5. MN Rules, part 8420.0520, subp. 3.C(3)(d) “efforts by the applicant to accommodate or remove constraints on alternatives imposed by zoning standards or infrastructure, including requests for conditional use permits, variances, or planned unit developments.”

*Application does not identify why this project has to be in the QST. Applicant mentions getting tax benefit from developing in a QCT. However economic feasibility is not a valid reason to cause significant wetland impacts. Other sites with fewer constraints and more upland acreage would be more economically feasible.*

6. MN Rules, part 8420.0520, subp. 3.C(3)(f) “the amount, distribution, condition, and public value of wetlands and associated resources to be affected by the project and the potential for direct and indirect effects over time”

*This wetland was a mitigation site for road impacts in mid-90’s and collects neighborhood runoff. The wetland receives drainage from the neighborhood and surrounding streets. Therefor there is public value in terms of flood storage and water quality improvements regardless of its status as a mitigation site.*

### Minimization

7. MN Rules, part 8420.0520, subp. 4.A “the spatial requirements of the project”

*Application does not show alternative designs.*

8. MN Rules, part 8420.0520, subp. 4.B “the location of existing structural or natural features that may dictate the placement or configuration of the project”

*39.4% of this property is wetland. Based on the application there are 1.14 acres of upland that is developable, not considering any other site constraints besides the wetland (e.g.*

*setbacks, utilities, etc.), the applicant states in the "Purpose and Need" section that the project site selection was based partially on finding property with enough "net acres of developable land" to make the project financially viable. A property with nearly half of the area being undevelopable due to wetlands does not appear to be a feasible site for high density residential development.*

9. MN Rules, part 8420.0520, subp. 4.C "the purpose of the project and how the purpose relates to placement, configuration, or density"

*No alternative site configurations were shown in the application.*

10. MN Rules, part 8420.0520, subp. 4.D "the sensitivity of the site design to the natural features of the site, including topography, hydrology, and existing vegetation"

*This wetland was a mitigation site for road impacts in mid-90's and collects neighborhood runoff, Existing vegetation and hydrology would be significantly altered and disturbed through this project. There is not enough space to provide onsite mitigation of these impacts and thus the design is not sensitive to the existing natural features.*

11. MN Rules, part 8420.0520, subp. 4.E "the value, function, and spatial distribution of the wetlands on the site"

*Applicant has not demonstrated site to be consistent with storm water management criteria, not considering drainage to site in stormwater analysis, flooding concerns.*

12. MN Rules, part 8420.0520, subp. 4.F "individual and cumulative impacts"

*Application does not provide information on how 0.08 wetland will maintain hydrology with parking lot to northwest and a 12-ft deep storm pond to the southeast. Outlets inverts of storm pond look to be at the 908ft elevation, wetland looks to be at 913ft elevation based on plan sheet L1-1.*

13. MN Rules, part 8420.0520, subp. 4.G "an applicant's efforts to:"

- (1) "modify the size, scope, configuration, or density of the project"

*Applicant has not shown alternatives.*

- (2) "remove or accommodate site constraints including zoning, infrastructure, access, or natural features"

*Applicant has not shown effort to accommodate site constraints, almost complete impact of wetland.*

- (3) "confine impacts to the fringe or periphery of the wetland"

*.61acres of .69 acres of wetland permanently impacted.*

- (4) “otherwise minimize impacts”

*No alternative designs provided in the application.*

14. MN Rules, part 8420.0520, subp. 5 “Temporary impacts must be rectified by repairing, rehabilitating, or restoring the affected wetland according to the no-loss provisions of part 8420.0415, item H”

*There are no temporary impacts from this project See comment under Subp 6.*

15. MN Rules, part 8420.0520, subp. 6. “After an activity is completed, further impacts must be reduced or eliminated by maintaining, operating, and managing the project in a manner that preserves and maintains remaining wetland functions. The local government unit must require applicants to implement best management practices to protect wetland functions”

*Plan Sheet C4-2 shows 0.08 acres of wetland being avoided (between the stormpond and the proposed building/parking lot). In practice, this would appear to be a narrow strip of wetland between a stormpond (constructed in wetland) and the parking lot. The depth of the ponds is proposed to be 12 feet deeper than the “undisturbed” wetland elevation and the normal water level of the pond is planned to be at about 5 feet lower than the “undisturbed” wetland. How will hydrology be maintained in the undisturbed wetland where there could be a possible drainage effect from the adjacent deep pond? The applicant needs to demonstrate the project’s compliance with reduction of impacts over time.*

16. MN Rules, part 8420.0520, subp. 7 “Unavoidable impacts that remain after efforts to minimize, rectify, or reduce or eliminate them must be replaced according to parts 8420.0522 to 8420.0528”

*Per comments above these impacts have not been determined unavoidable.*

Responses to TEP finding needed by end of business day 8-9-2024.

There is a 2<sup>nd</sup> TEP meeting scheduled on 8-12-2024 at 1pm at Vadnais Heights City Hall to go through applicant responses to 8-1-2024 TEP comments.