

# Lower Rum River Watershed Management Organization

## Andover-Anoka-Coon Rapids-Ramsey 2015 First Avenue • Anoka, MN 55303

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To: Lower Rum River Watershed Management Organization

From: Barr Engineering Company

Date: **Revised** November 20, 2008

Re: Permit #2003-07: Ramsey Town Center: Ramsey

Project Approval History: The Ramsey Town Center project was first approved in late 2003 and revised plans were approved in mid-2004. The development is bound by Armstrong Boulevard on the west, Ramsey Boulevard on the east, railroad tracks on the south, and Bunker Lake Boulevard along a portion of the north boundary. The applicant submitted revised plans and requested an updated approval to reflect the revised plans.

The revised plans included a minor lot reconfiguration in the northwest portion of the project and revised grading plans for two of the wetland mitigation areas. The net result is a reduction in the proposed wetland banking from the approved total of 1.66 acres each, of new wetland credit (NWC) and public value credit (PVC) to 0.42 acres of NWC and 0.42 acres of PVC. The northwest wetland mitigation area was reduced in size to accommodate an observation well and to stay out of a 100 foot clear zone along Armstrong Boulevard. The west-northwest wetland mitigation area has been reduced in size slightly to accommodate the reconfiguration of several lots along Armstrong Boulevard and to give the mitigation wetland a more natural edge.

No changes are proposed to the overall wetland impacts. The general overall design of the mitigation areas, including normal water levels, outlet elevations, typical proposed ground elevation, and vegetation establishment plans did not change. The effective changes to the approved Wetland Replacement Plan include replacing Sheets 1 of 4, 2 of 4, and 3 of 4 titled: "Ramsey Town Center On-Site Wetland Mitigation and Replacement Plan," dated 6/17/04 with those containing revision dates of 10/14/05. Proof of recording the legal documents to protect the wetland mitigation areas has not been provided.

Approval of the revised change was given, with the following conditions:

1. Provide proof of recording the *Declaration of Restrictions and Covenants (DOR)* and *Affidavit of Landowner* before impacting wetlands.
2. Provide the *Consent to Replacement* form if any parties other than the applicant have an interest in the land.

Project Update: To date, we have not received the required three legal documents mentioned above. However, the applicant, Ramsey Town Center, LLC has claimed bankruptcy. On September 30, 2008 a site meeting was conducted to review the status of the project. The meeting included Dennis Rodacker (Anoka Conservation District), Mark Wilson (Barr Engineering Company, representing the LRRWMO), and Steve Jankowski (City of Ramsey/LRRWMO). During the meeting it was confirmed that a portion of the approved wetland impacts have taken place. Yet, all of the WCA required on-site mitigation has yet to be graded. In addition, the graded wetland creation areas require vegetation management, monitoring, and a survey to

determine if they were constructed as proposed. Mr. Jankowski, during the meeting, indicated that more than one bank likely owns both the graded and yet-to-be graded wetland replacement areas. In the course of the meeting, Mr. Rodacker indicated that since wetland impacts have taken place and the applicant no longer exists, the LRRWMO is responsible to ensure that the minimum required WCA wetland replacement is conducted to compensate for completed wetland impacts. At the commencement of the meeting, Mr. Rodacker and Mr. Wilson stated that LRRWMO should conduct a survey to determine the area of impacted and created wetlands.

On November 4, 2008, a meeting was held at the Board of Water and Soil Resources (BWSR) main office in St. Paul, in part, to receive feedback regarding on-going projects, including Ramsey Town Center. The meeting included Jason Jensen (DNR Wetland Enforcement Officer), BWSR representatives, Mr. Rodacker and Mr. Wilson. During the meeting, Mr. Jensen indicated that if requested by LRRWMO, he could issue a deed restriction on the property, prior to the numerous banks selling property, which includes the proposed and created wetland areas. BWSR staff indicated that a wetland delineation should be conducted in order to determine the accurate impacted and created wetland areas. BWSR staff further stated that if completed wetland impacts exceed required minimum WCA mitigation, additional replacement is required but not on-site. Yet, LRRWMO should make attempts to follow WCA wetland siting.

WCA Recommendations: We recommend the following primary actions, based on recent input provided by both the DNR and BWSR:

1. Request that the DNR issue a deed restriction on the property, prior to the numerous banks selling areas which currently and are proposed to include wetland replacement areas.
2. Accurately determine completed wetland impacts and graded wetland creation areas.

If additional wetland mitigation area is needed, LRRWMO has the option to either follow the approved Wetland Replacement Plan and create additional wetlands as proposed, or revise plans to create on-site or off-site replacement. However, LRRWMO should make attempts to follow WCA wetland siting.