

Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2023-053

Considered at Board of Managers Meeting: December 13, 2023

Application Received complete: November 7, 2023

Applicant: Brace Helgeson

Project: Helgeson Residence– The applicant is seeking an after-the-fact permit for construction of a home addition with driveway and earthen berm completed in 2015 and installation of a patio and associated landscaping completed in 2023.

Location: 6575 Pleasant View Way, Chanhassen, MN

Reviewer: Mathieu Nicklay, RPBCWD

Proposed Board Action

Manager _____ moved and Manager _____ seconded adoption of the following resolutions based on the permit report that follows and the presentation of the matter at the December 13, 2023 meeting of the managers:

Resolved that the application for Permit 2023-053 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report;

Resolved that on determination by the RPBCWD administrator that the conditions of approval have been met, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2023-053 to the applicant on behalf of RPBCWD.

Upon vote, the resolutions were adopted, _____ [VOTE TALLY].

Applicable Rule Conformance Summary

Rule	Issue	Conforms to RPBCWD Rules?	Comments
C	Erosion Control Plan	Yes	
D	Wetland Buffer	See comment	See rule-specific permit D1 related to recordation of buffer maintenance declaration.
J	Stormwater Management	See Comment	See rule-specific permit condition J1 related to recordation of buffer maintenance declaration.
L	Permit Fee Deposit	Yes	\$200 received September 22, 2023.
M	Financial Assurances	Yes	\$6,063.75 received October 11, 2023.

Project Description

The applicant is seeking an after-the-fact permit for the construction of a home addition with driveway and earthen berm completed in 2015 and installation of a patio and associated landscaping completed 2023 on an existing lot of record. The two phases of work on the property are referred to together herein as “the project.” The 2.28-acre project site is located at 6575 Pleasant View Way in Chanhassen, MN. As of the time of this report work at the site has been completed.

In 2015, concurrently with the construction of the home addition and earthen berm, dredging work took place in the public water wetland on the project site resulting in the creation of an open-water pond. This work was conducted without a permit. The Department of Natural Resources exercised enforcement authority and issued a restoration order (Exhibit 3) requiring removal of sod, regrading, and planting of the disturbed area with native wetland species on January 8, 2016 and subsequently determined that the site had been restored in compliance with the order and issued a Certificate of Satisfactory Restoration (Exhibit 4) on August 9, 2016.

The project included the establishment of a 2,815 square foot wetland buffer in 2023. The buffer is positioned to intercept the majority of stormwater flowing from and through the site and designed to encourage infiltration and provide treatment of stormwater flowing from the site to Lotus Lake.

Project Site Information	Area (acres)
Total Site Area	2.28
Existing Site Impervious	0.39
Post-project Site Impervious Area	0.45
Change in Site Impervious Area	0.03 (15% increase)
Total Disturbed Area	.85

Exhibits:

1. Permit Application received August 17, 2023
2. Project Plan Set dated January 5, 2015 (revised January 6, 2015, November 7, 2023)
3. Department of Natural Resources restoration order dated January 8, 2016
4. Department of Natural Resources Certificate of Satisfactory Restoration dated August 9, 2016

Rule Specific Permit Conditions

Rule C: Erosion and Sediment Control

Because the project altered 0.85 acres of land-surface area, the project must conform to the requirements in the RPBCWD Erosion and Sediment Control rule (Rule C, Subsection 2.1).

The erosion control plan included installation of silt fence perimeter control, weekly inspection, placement of a minimum of 6 inches of topsoil, decompaction of areas compacted during construction, and retention of native topsoil onsite. Site visits while the site was active showed that the erosion control plan was effectively implemented.

Rule D: Wetland and Creek Buffers

Because the project triggered a permit under RPBCWD Rule J, and the onsite wetland is downgradient from the construction activities, Rule D, Subsections 2.1a and 3.1 require buffer along the edge of the wetland downgradient of the activities.

Because the project site is an existing single-family property, Rule D, Subsection 3.2.d requires a wetland buffer with an average of 20 feet from the delineated edge of the wetland, minimum 10 feet. Because the property is existing single-family home property, wetland functions and values need not be determined; applicable buffer widths are stated in the table below.

Wetland ID	RPBCWD Wetland Value	Required Minimum Width (ft)	Required Average Width (ft)	Provided Minimum Width (ft)	Provided Average Width (ft)
Wetland 1	N/A	10	20	20	20

The plans required establishing native vegetation buffer extending an average of 20 feet from the delineated wetland edge, thus conforming to Rule D, Subsection 3.3.

To conform to the RPBCWD Rule D the following revisions are needed:

- D1. Locations of permanent, free-standing buffer markers installed in accordance with RPBCWD Rule D, Subsection 3.4.C.
- D2. Buffer areas and maintenance requirements must be documented in a declaration recorded after review and approval by RPBCWD in accordance with Rule D, Subsection 3.5.

Rule J: Stormwater Management

Because the project involved the disturbance of 0.85 acres of land-surface area and the site is an existing single-family home property within 500 feet of the ordinary high-water level of Lotus Lake and drains to Lotus Lake, the project required a permit under RPBCWD’s Stormwater Management rule (Rule J, Subsections 2.1.a and 2.2.a.1; 3.4).

Subsection 3.4 requires implementation of a stormwater-management practice consistent with guidance promulgated by the State of Minnesota. The buffer constitutes a stormwater-management practice under state guidelines, complying with Rule J.

To conform to RPBCWD Rule J the following condition must be met:

- J1. Buffer areas, markers and maintenance requirements must be documented in a declaration recorded after review and approval by RPBCWD in accordance with Rule J, Subsection 3.7.

Rule L: Permit Fee Deposit:

The RPBCWD permit fee schedule adopted in February 2020 requires permit applicants to deposit \$200 to be held in escrow and applied to cover the \$10 permit-processing fee and reimburse RPBCWD for permit review and inspection-related costs and when a permit application is approved, the deposit must be replenished to the applicable deposit amount by the applicant before the permit will be issued to cover actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules. A permit fee deposit of \$200 was received on September 22, 2023. If the costs of review, administration, inspections and closeout-related or other regulatory activities exceed the fee deposit amount, the applicant will be required to replenish the deposit to the original amount or such lesser amount as the RPBCWD administrator deems sufficient within 30 days of receiving notice that such deposit is due. The administrator will close out the relevant application or permit and revoke prior approvals, if any, if the permit-fee deposit is not timely replenished.

Rule M: Financial Assurance:

	Unit	Unit Cost	# of Units	Total
Rule C: Erosion Control				
Silt Fence	LF	\$2.50	205	\$512.50
Rule D: Wetland Buffers				
Buffer	Ea	\$5,000	1	\$5000.00
Contingency (10%)		10%		\$551.25
Total Financial Assurance				\$6,063.75

Applicable General Requirements:

1. Construction must be consistent with the plans, specifications, and models that were submitted by the applicant that were the basis of permit approval. The date(s) of the approved plans, specifications, and modeling are listed on the permit. The grant of the permit does not in any way relieve the permittee, its engineer, or other professional consultants of responsibility for the permitted work.
2. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
3. The issuance of this permit does not convey any rights to either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
4. In all cases where the doing by the permittee of anything authorized by this permit involves the taking, using or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements or interests, the permittee, before proceeding therewith, must acquire all necessary property rights and interest.
5. RPBCWD's determination to issue this permit was made in reliance on the information provided by the applicant. Any substantive change in the work affecting the nature and extent of applicability of RPBCWD regulatory requirements or substantive changes in the methods or means of compliance with RPBCWD regulatory requirements must be the subject of an application for a permit modification to the RPBCWD.
6. If the conditions herein are met and the permit is issued by RPBCWD, the applicant, by accepting the permit, grants access to the site of the work at all reasonable times during and after construction to authorized representatives of the RPBCWD for inspection of the work.

Findings

1. The submitted application is supported by the information necessary, plan sheets and erosion control plan for review.
2. The proposed project conformed to Rule C and will conform to Rules D and J if the Rule Specific Permit Conditions listed above are met.

Recommendation:

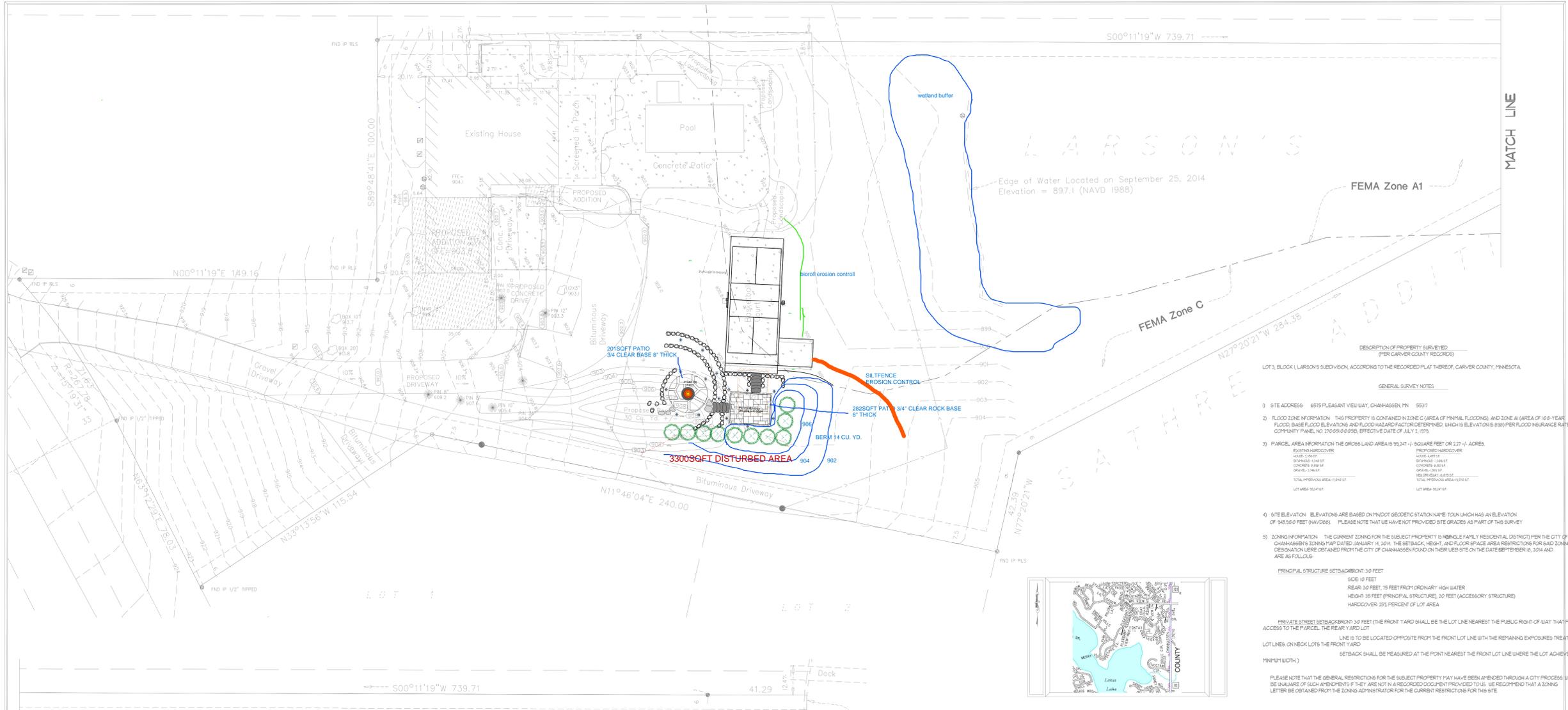
Approval of the permit contingent upon:

1. Buffer areas and maintenance requirements must be documented in a declaration recorded after review and approval by RPBCWD in accordance with Rule D, Subsection 3.5.

By accepting the permit, when issued, the applicant agrees to the following stipulations:

1. Continued compliance with General Requirements
2. Providing the following additional close-out materials:

- a. Documentation that disturbed pervious areas remaining pervious have been decompacted per Rule C.2c criteria
3. Replenish the permit fee deposit to the original amount or such lesser amount as the RPBCWD administrator determines sufficient within 45 days of receiving notice that such deposit is due in order to cover continued actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules.



DESCRIPTION OF PROPERTY SURVEYED
(PER CARVER COUNTY RECORDS)

LOT 3, BLOCK 1, LARSON'S SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, CARVER COUNTY, MINNESOTA

GENERAL SURVEY NOTES

- 1) SITE ADDRESS: 6575 PLEASANT VIEW WAY, CHANHASSEN, MN 55317
- 2) FLOOD ZONE INFORMATION: THIS PROPERTY IS CONTAINED IN ZONE C (AREA OF MINIMAL FLOODING), AND ZONE A1 (AREA OF 100-YEAR FLOOD BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTOR DETERMINED, WHICH IS ELEVATION 895.0) PER FLOOD INSURANCE RATE MAP, COMPANY PANEL NO. 270-85-0099B, EFFECTIVE DATE OF JULY 1, 1979.
- 3) PARCEL AREA INFORMATION: THE GRASSY LAND AREA IS 95,347.11 SQUARE FEET OR 2.17 ACRES.

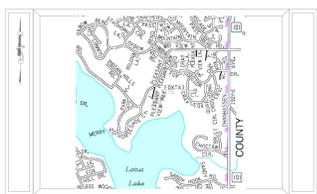
EXISTING HARDSCAPE		PROPOSED HARDSCAPE	
HOUSE: 3,393 SF	DRIVEWAY: 4,000 SF	HOUSE: 4,000 SF	DRIVEWAY: 4,000 SF
CONCRETE: 8,910 SF	GRASS: 1,962 SF	CONCRETE: 8,910 SF	GRASS: 1,962 SF
TOTAL PROPOSED AREA: 13,865 SF			
LOT AREA: 95,347.11 SF			
- 4) SITE ELEVATION: ELEVATIONS ARE BASED ON NAD 83 DATUM GEODETIC STATION NAME TON (WHICH HAS AN ELEVATION OF 1455.0 FEET (NAVD83)). PLEASE NOTE THAT WE HAVE NOT PROVIDED SITE GRACES AS PART OF THIS SURVEY.
- 5) ZONING INFORMATION: THE CURRENT ZONING FOR THE SUBJECT PROPERTY IS RINGLE FAMILI RESIDENTIAL DISTRICT (PER THE CITY OF CHANHASSEN'S ZONING MAP DATED JANUARY 14, 2014). THE SETBACK HEIGHT AND FLOOR SPACE AREA RESTRICTIONS FOR SAID ZONING DESIGNATION WERE OBTAINED FROM THE CITY OF CHANHASSEN FOUND ON THEIR WEB SITE ON THE DATE SEPTEMBER 8, 2014 AND ARE AS FOLLOWS:

PRINCIPAL STRUCTURE SETBACK: 30 FEET
 SIDE: 10 FEET
 REAR: 30 FEET, 15 FEET FROM ORDINARY HIGH WATER
 HEIGHT: 35 FEET (PRINCIPAL STRUCTURE), 10 FEET (ACCESSORY STRUCTURE)
 HARDCOVER: 35% PERCENT OF LOT AREA

PRIVATE STREET SETBACK: 30 FEET (THE FRONT YARD SHALL BE THE LOT LINE NEAREST THE PUBLIC RIGHT-OF-WAY THAT PROVIDES ACCESS TO THE PARCEL, THE REAR YARD LOT)
 LINE IS TO BE LOCATED OPPOSITE FROM THE FRONT LOT LINE WITH THE REMAINING EXPOSURES TREATED AS SIDE LOT LINES ON NECK LOTS THE FRONT YARD
 SETBACK SHALL BE MEASURED AT THE POINT NEAREST THE FRONT LOT LINE WHERE THE LOT ACHIEVES A 100-FOOT MINIMUM WIDTH

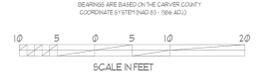
PLEASE NOTE THAT THE GENERAL RESTRICTIONS FOR THE SUBJECT PROPERTY MAY HAVE BEEN AMENDED THROUGH A CITY PROCESS. WE COULD BE UNAWARE OF SUCH AMENDMENTS IF THEY ARE NOT IN A RECORDED DOCUMENT PROVIDED TO US. WE RECOMMEND THAT A ZONING LETTER BE OBTAINED FROM THE ZONING ADMINISTRATOR FOR THE CURRENT RESTRICTIONS FOR THIS SITE.

- 6) UTILITIES: WE HAVE SHOWN THE LOCATION OF UTILITIES ON THE SURVEYED PROPERTY BY OBSERVED EVIDENCE ONLY. THERE MAY BE UNDERGROUND UTILITIES ENCUMBERING THE SUBJECT PROPERTY WE ARE UNAWARE. PLEASE NOTE THAT WE HAVE NOT PLACED A Gopher ONE CALL FOR THIS SURVEY. THERE MAY OR MAY NOT BE UNDERGROUND UTILITIES IN THE HAPPED AREA, THEREFORE EXTENSIVE CARE MUST BE EXERCISED BEFORE ANY EXCAVATION TAKE PLACE ON OR NEAR THIS SITE. BEFORE DIGGING, YOU ARE REQUIRED BY LAW TO NOTIFY Gopher STATE ONE CALL AT LEAST 48 HOURS IN ADVANCE AT 651-684-0002.
- 7) WE HAVE SURVEYED THIS PROPERTY WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE EASEMENTS OF RECORD THAT ARE NOT SHOWN HEREON.
- 8) THE LEGAL DESCRIPTION WAS OBTAINED FROM COUNTY TAX RECORDS. THIS MAY OR MAY NOT BE THE LEGAL DESCRIPTION OF RECORD.
- 9) WE HAVE LABELED THE POSSIBLE LOCATION OF PLEASANT VIEW PER COUNTY GIS MAPPING. WE HAVE NOT BEEN PROVIDED A DOCUMENT DENOTING THE LOCATION OF SAID WAY.
- 10) WE HAVE SHOWN PROPOSED SITE IMPROVEMENTS PER A PLAN PREPARED BY OUTDOOR ESCAPES DATED 10-13-14.



SURVEY LEGEND

- | | |
|-------------------------|---------------------------|
| ● CAST IRON MONUMENT | □ BITUMINOUS |
| □ CATCH BASIN | □ CTV |
| △ FLARED END SECTION | □ CONCRETE CURB |
| × GATE VALVE | □ CONCRETE |
| ○ GUY WIRE | ○ CONTOUR EXISTING |
| ○ HYDRANT | ○ CONTOUR PROPOSED |
| ○ SURVEY MONUMENT SET | ○ DRAIN TILE |
| ○ SURVEY MONUMENT FOUND | ○ ELECTRIC UNDERGROUND |
| ○ SURVEY CONTROL POINT | ○ FENCE |
| ○ LIGHT POLE | ○ FIBER OPTIC UNDERGROUND |
| ○ POWER POLE | ○ GAS UNDERGROUND |
| ○ SANITARY MANHOLE | ○ OVERHEAD UTILITY |
| ○ SANITARY CLEANOUT | ○ RAILROAD TRACKS |
| ○ TELEPHONE MANHOLE | ○ SANITARY SEWER |
| ○ TELEPHONE PEDESTAL | ○ STORM SEWER |
| ○ GROUND ELEVATION | ○ TELEPHONE UNDERGROUND |
| ○ STORM DRAIN | ○ UTILITY UNDERGROUND |
| ○ STORM MANHOLE | ○ WATERMAIN |
| ○ YARD LIGHT | |
| ○ A/C UNIT | |
| ○ CABLE TV PEDESTAL | |
| ○ ELECTRIC TRANSFORMER | |
| ○ ELECTRIC MANHOLE | |
| ○ ELECTRIC METER | |
| ○ GAS METER | |
| ○ GAS VALVE | |
| ○ GUARD RAIL | |
| ○ HAND HOLE | |
| ○ SOL BORING | |
| ○ TREE CONIFEROUS | |
| ○ TREE DECIDUOUS | |
| ○ TELEPHONE MANHOLE | |
| ○ TELEPHONE PEDESTAL | |
| ○ TRAFFIC SIGNAL | |
| ○ UTILITY MANHOLE | |
| ○ UTILITY PEDESTAL | |
| ○ WELL | |



MATCH LINE

FIELD CREW	NO.	BY	DATE	REVISIONS
CL	1	RLS	1-5-15	ADDED PROPOSED GRADED
DRAWN BY	2	RLS	1-6-15	CHANGED GFE
CHECKED BY				
DATE				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INCUR THE LIABILITY OF SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATED THIS 20 DAY OF JANUARY, 2015.

RORY L. STINTELEN, PLS
RORY@SATHRE.COM

MINNESOTA LICENSE NO. 44965

SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAY ZATA, MN 55391 (952) 476-6000

REGISTERED PROFESSIONAL SURVEYORS
 AND PLANNERS

TWP.116 - RGE.23 - SEC.01
 CARVER COUNTY

CHANHASSEN,
 MINNESOTA

LOT CERTIFICATE

PREPARED FOR:
6575 PLEASANT VIEW WAY

FILE NO.
 35165-0-01



AMENDED PUBLIC WATERS RESTORATION AND REPLACEMENT ORDER

CDO #
867236

RPN

Pursuant to Minnesota Statutes, Section 103G.2372 and Minnesota Rules, part 6115.0255, the Commissioner of Natural Resources hereby orders Brace Helgeson, 6575 Pleasant View Way, Chanhassen, MN 55317 to remove sod and any associated soil from a previously excavated wetland area of Lotus Lake (10-6) on parcel #254000030 at Section 01, T116-R23W, Carver County, Minnesota.

Findings of Fact:

1. On-site investigation on November 10, 2015 by DNR Area Hydrologist Jennie Skancke, Riley Purgatory Bluff Creek Watershed District manager Claire Bleser and DNR Conservation Officer Jackie Glaser revealed that earthen material and wetland vegetation had been excavated from DNR public water #10-6P and placed in a spoils pile on the parcel. A portion of the excavated area appears to have been graded and planted with sod.
2. Carver County property tax data indicates that this parcel is owned by Brace Helgeson.
3. State rules (*Minnesota Rules* 6115.0190 and 6115.0201) contain specific standards for placement of fill and excavation that alter the course, current, or cross-section of public waters.

Order

You shall accomplish restoration by doing the following:

1. Area Hydrologist Jennie Skancke will flag an area of sod for removal by April 1, 2015.
2. Develop a planting plan for the area and submit to the Area Hydrologist for approval by May 1, 2015. The planting plan must include seedling plugs and may include a native wetland seed mix. Erosion and sediment control measures must be detailed in the plan.
3. Remove sod and grade to a 3:1 slope in flagged area. Disturbed shoreline must be stabilized using temporary erosion control measures. The removal must occur by June 1, 2016.
4. Plant the area with native wetland species. Planting must occur by June 15, 2016. Appropriate seedling plugs must be used.
5. You must contact Area Hydrologist Jennie Skancke at 651-259-5790 within seven days of completing the work required by this Order. The culmination of successful restoration is the issuance of a *Certificate of Satisfactory Restoration*.
6. You must obtain any other necessary local, state and federal authorizations for the work being ordered.

This Order is final and binding on you, unless within 30 days of the date on which it was served on you, you appeal the terms and conditions of this restoration order to the commissioner by filing a written request for review. Please mail any such request to: DNR Ecological and Water Resources, Violations Coordinator, 500 Lafayette Rd., St. Paul, MN 55155-4032

Violation of this order is a misdemeanor.

Order
Created by

Jennie Skancke

Jennie Skancke

1/8/2016

DNR Hydrologist Signature

Printed Name

Date

Order
Served by

Jackie Glaser

451

Jackie Glaser

01/11/16

Conservation Officer Signature

Badge #

Printed Name

Date

Officer Issuance Record: in person; or by certified mail on 01/11/16
[Date]

Attachments

EC:: Carver County SWCD, Mike Wanous
City of Chanhassen, Terry Jeffery
DNR Enforcement, Jacqueline Glaser
DNR Enforcement, Keith Bertram
DNR Fisheries, Daryl Ellison
DNR Violations Coordinator, John Gleason

DNR Wildlife, Diana Regenscheid
DNR EWR Regional Mgr, Terri Yearwood
DNR EWR District Mgr, Jeanne Daniels
US. Army Corps of Engineers, Melissa Jenny

Minnesota Department of Natural Resources

Ecological and Water Resources Division
Central Region Headquarters
1200 Warner Road, Saint Paul MN 55106
Telephone: (651) 259-5845
Fax: (651) 772-7977



PUBLIC WATERS *CERTIFICATE OF SATISFACTORY RESTORATION*

August 9, 2016

Brace Helgeson
6575 Pleasant View Way
Chanhassen, MN 55317

Public Water: Lotus Lake **County:** Carver
Public Water Restoration Order: 867236
Public Waters Work Permit Application: NA

Dear Mr. Helgeson,

The actions taken to comply with the conditions of the restoration order issued January 11, 2016 have been determined to be complete. The flagged portion of the shoreline has been planted with wetland plants and stabilized to prevent further erosion. **The restoration order is hereby satisfied.**

Thank you for your cooperation in this matter. Should you have questions regarding this issue, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jennie Skancke". The signature is written in a cursive, flowing style.

Jennie Skancke
Area Hydrologist
651-259-5790
Jennie.Skancke@state.mn.us

EC:: Carver County SWCD, Mike Wanous
Carver County, Jason Mielke
City of Chanhassen, Terry Jeffery
RPBCWD, Claire Bleser
DNR Enforcement, Keith Bertram

DNR Enforcement, Leah Weyandt
DNR Fisheries, Daryl Ellison
DNR Violations Coordinator, John
Gleason

DNR Wildlife, Diana Regenscheid
DNR EWR Regional Mgr, Terri Yearwood
DNR EWR District Mgr, Jeanne Daniels

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