



AGENDA OF THE PLANNING
COMMISSION
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
May 23rd, 2024
7:00 P.M.

CALL TO ORDER

PUBLIC FORUM

APPROVE AGENDA

REGULAR AGENDA

- A. Approve April 25, 2024, PC Meeting Minutes* (pp. 2-3)
- B. 24-01-VB (425 Lake) Variance* (pp. 4-20)
 - 1. Public Hearing
 - 2. Review and Discuss Variance Application
 - 3. Review City Planner Report
 - 4. Discuss and Recommendations to City Council
 - a. Commission Finding of Fact
 - b. Conditions of Support/Commission Action

ADJOURN

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 4/25/2024

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: — Andy Sorenson - Chairman, Michelle Maiers-Atakpu, Michael Kraemer, Casey Muhm

COMMISSIONERS ABSENT: Michael McKenzie

OTHERS PRESENT: Council Member Ryan Hankins

TO ORDER: Meeting called to order by Chairman Andy Sorenson at 7:03PM.

1. PUBLIC FORUM
 - a. none
2. APPROVE AGENDA
 - a. Motion by Muhm, 2nd by Maiers-Atakpu to approve agenda as presented. Vote: Yes -4, No – 0. Motion to approve agenda passed.
3. REGULAR AGENDA
 - a. Item A – Review/Approve February 22, 2024 Planning Commission Meeting Minutes.
 - i. Motion by Sorenson, 2nd by Muhm to approve the minutes. Vote: Yes – 3, No – 0, (Kraemer abstained to reflect his absence at the last meeting.)Motion to approve the minutes passed.
 - b. Item B – Variance Findings Form
 - i. The Planning Commission packets included for review three League of Minnesota Cities {LMC} variance related model documents and a copy of a revised sample of the Birchwood Village – Variance Findings Form prepared by Planning Commissioner Michael Mc Kenzie
 1. The titles of the sample documents included:
 - a. Resolution Adopting Findings of Fact, LMC Model Resolution.
 - b. Requirements for issuance of a zoning variance, LMC Model Ordinance.
 - c. Variance Application, LMC Model Form
 - d. Birchwood Village – Variance Findings Form edited by Mr. McKenzie.
 2. Examples of LMC Variance
 - ii. Planning Commission Recommendations:
 1. Planning Commission worked through and agreed upon draft edits of the Birchwood Village – Variance Findings Form authored

by Commissioner McKenzie. All changes were highlighted in the edited version.

2. **REQUEST FOR CITY STAFF ACTION**: The Planning Commission asked that the City Administrator and City Attorney review and comment on the edited Birchwood Village – Variance Findings Form before the next Planning Commission meeting. Planning Commissioner Casey Muhm will create the agreed upon Planning Commission edits to the form and forward it to City Administrator and City Attorney for review.

4. ADJOURN 7:52 PM

- a. Motion by Maiers-Atakpu, 2nd by Kraemer to adjourn meeting. Vote: Yes - 4, No – 0. Motion passed.

24-01-VB (425 Lake)



City of Birchwood Village

Petition for Variance Application

207 Birchwood Ave, Birchwood, MN 55110

Phone: 651-426-3403 Fax: 651-426-7747

Email: info@cityofbirchwood.com

FOR OFFICIAL USE ONLY

Application Received Date: 4-11-24 Amount Paid: \$ 4000.00

Payment Type (Circle One): Cash / Check / Money Order / Credit Card (online payment)

Check/Money Order # C42555642

Application Complete? Yes No If no, date application was deemed complete: 4/15/24

Signature of City Planner: Email confirmation received Date: 4/15/24

Completed requests for variances submitted prior to the first Thursday of the month will be considered by the Planning Commission at its next meeting on the fourth Thursday of the month. Requests submitted after the first Thursday of the month will be considered at the following meeting. All final decisions on variance applications are made by the City Council, which meets on the second Tuesday every month.

- Name of Applicant(s) Schifsky Companies LLC
 Address 5640 Memorial Dr
 City Stillwater State MN Zip Code 55082
 Business Phone 651.260.3248 Home Phone _____
- Address of Property Involved if different from above: 425 Lake Ave Birchwood Village
- Name of Property Owner(s) if different from above and describe Applicant's interest in the property:
Robert Davidson
- Specific Code Provision from which Variance is requested: OHWL Structure Setback
- Describe in narrative form what the Applicant is proposing to do that requires a variance:
Client is requesting to build a retaining wall 15' back from the ordinary high water level of White Bear Lake. The client is experiencing drainage and erosion issues on the hillside. The recommended fix is to build a retaining wall.

6. Type of Project:

- New Construction (empty lot)
- Addition
- Demolition
- Landscaping
- Repair or removal of nonconforming structure
- Other (describe) _____

7. Type of Structure Involved:

- | | |
|--|--|
| <input type="checkbox"/> Single Dwelling | <input type="checkbox"/> Double Dwelling |
| <input type="checkbox"/> Garage | <input type="checkbox"/> Addition |
| <input type="checkbox"/> Tennis Court | <input type="checkbox"/> Pool |
| <input type="checkbox"/> Grading/Filling | |
| <input checked="" type="checkbox"/> Other (describe) <u>Build retaining wall</u> | |

8. Using the criteria from the City Code for a variance (see last page), explain why a variance is justified in this situation and describe what "Practical Difficulties" exist:

The erosion of the hillside is a constant battle due to the elevations of the lot.

Building a retaining wall would help prevent soil from eroding down the hill into the lake.

9. Describe any measures the Applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property:

The retaining wall will create less water running down the hill, and eroding the hillside

into the lake. When heavy rains come the water washes dirt into the lake because

the slope on the hillside is too steep.

10. Describe any alternatives the Applicant considered (if any) that do not require a variance:

11. Can an emergency vehicle (Fire Truck or Ambulance) access all structures on the property after the proposed change? Yes No

12. Does the proposed change bring any other nonconforming use into conformity with the City Building Code? Yes No

If yes, explain: _____

13. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District? Yes No

If yes, please identify the regulations AND attach evidence demonstrating compliance:

14. Please provide the applicable information in the following Table:

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot	12,713		
2. Maximum Impervious Surface (25% of item 1)			
3. Roof Surface	3,832		
4. Sidewalks			
5. Driveways			
6. Other Impervious Surface	70	103	
7. Total of Items 3-6			
8. Percent Impervious Surface	30.69%	31.50%	0.81%

15. Please attach the following:

- Legal description of property.
- Plot plan drawn to scale showing existing and proposed new and changed structures on the lot. Also show existing structures on adjacent lots.

Criteria for Granting a Variance. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission may issue recommendations to the City Council for variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

SUBD. 1.

- A. Variances shall only be permitted
 - i. when they are in harmony with the general purposes and intent of the ordinance and
 - ii. when the variances are consistent with the comprehensive plan.
- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. "Practical difficulties," as used in connection with the granting of a variance, means that

- i. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- ii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.
- iii. The granting of a variance will result in no increase in the amount of water draining from the property.
- iv. Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
- v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

NOTICE:

***The City and its representatives accept no responsibility for errors and/or damages caused due to incomplete and/or inaccurate information herein. It is the responsibility of the applicant to ensure the accuracy and completeness of this information.**

***The City will hold applicant responsible for any damage to public property that occurs in the course of performing the activities of this permit.**

***Under penalty of perjury the applicant declares that the information provided in and enclosed herewith is complete and all documents represented are true and correct representations of the actual project/building that will be built in conformance with such representation if approved.**

Signature of Applicant: Carson J Schifsky Date: 4/10/2024

CERTIFICATE OF SURVEY

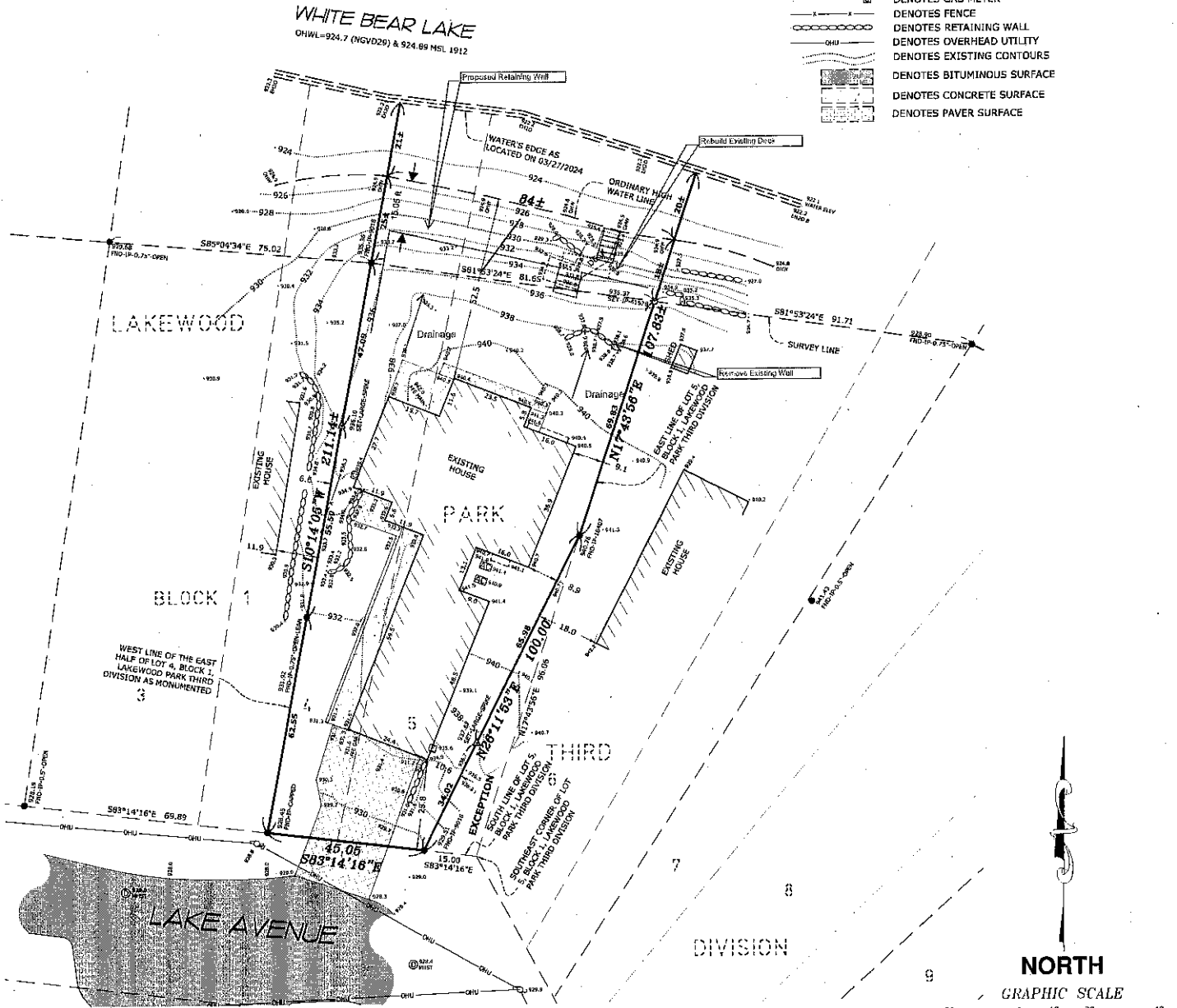
~for~ **BLAISER POOLS**
 ~of~ **425 LAKE AVENUE**
BIRCHWOOD, MN

BENCHMARK

DNR PAINT MARK ON SLAB OF
 PUMPHOUSE AT MATOSKA PARK
 ELEVATION: 928.74
 DATUM: MSL 1912

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ▲ DENOTES SET PKNAIL
- ▭ DENOTES AIR CONDITIONING UNIT
- ⊠ DENOTES ELECTRICAL BOX
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ⊙ DENOTES POWER POLE
- ⊕ DENOTES STORM SEWER MANHOLE
- ⊗ DENOTES GAS METER
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES OVERHEAD UTILITY
- DENOTES EXISTING CONTOURS
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE



PROPERTY DESCRIPTION: Per Warranty Deed Doc. No. 845086

The East Half of Lot 4, Block 1, LAKEWOOD PARK THIRD DIVISION, Washington County, Minnesota.

ALSO: Lot 5, Block 1, LAKEWOOD PARK THIRD DIVISION, EXCEPT a triangular piece, commencing at the Southeast corner of Lot 5, thence Westerly along the South line of said Lot 5, a distance of 15 feet; thence Northeasterly to a point where a diagonal line 100 feet in length would intersect the East line of said Lot 5, thence Southerly along said East line of said Lot 5 to the point of beginning, Washington County, Minnesota.

IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA ABOVE OHWL	12,713 SQ. FT.
EXISTING HOUSE AND GARAGE AND OVERHANGS	3,832 SQ. FT.
EXISTING PAVERS AND DRIVEWAY	1,027 SQ. FT.
EXISTING CONCRETE	162 SQ. FT.
EXISTING RETAINING WALL	79 SQ. FT.
TOTAL IMPERVIOUS SURFACE	5,111 SQ. FT.
PERCENT IMPERVIOUS	40.2%

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 03/27/2024.
- Bearings shown are on the Washington County Coordinate System.
- Parcel ID Number: 30-030-21-13-0011 & 30-030-21-13-0012.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

(Signature)
 JASON E. RUD
 Date: 04/04/2024 License No. 41578

DRAWN BY: RCD	JOB NO: 24.0225BT	DATE: 03/28/2024	
CHECK BY: DSM	FIELD CREW: DT/RW		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

E. G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

City of Birchwood Village

Intellipay <noreply@intellipay.com>

Thu 4/11/2024 10:40 AM

To:City of Birchwood Village <info@cityofbirchwood.com>

City of Birchwood Village

Payment Receipt

Schifsky Companies
3476 Lake Elmo Ave
Lake Elmo MN 55042
651.260.3248
carson@schifskycompanies.com

Your bank account will be debited the amount of the payment.

Please ensure there are sufficient funds available in your bank account to cover this amount.

Customer Account:	Variance Permit
Invoice:	C42555642
Payment Amount:	\$4,000.00
Service Fee:	\$2.00
Payment Total:	\$4,002.00
Payment Date:	04/11/2024
Bank Name:	
Bank Account:	Checking account ending in 225
Reference Number	C42555642P72426111
Comments:	
Payment Origin:	Online Payment Terminal
Agent:	Online Payment Page
Merchant#:	M8145

Other

Explain: Variance Permit

Thank you,
City of Birchwood Village
Support: 651-426-3403 Email: info@cityofbirchwood.com

* The service fee is non-refundable.

STAFF REPORT

Meeting Date(s): May 23, 2024 Planning Commission
June 11, 2024 City Council

Scope: OHWL Setback Variance
Applicant: Schifsky Companies, LLC

Representative: Carson Schifsky
Property Location: 425 Lake Avenue

Report prepared by Ben Wikstrom, Planning Consultant

ATTACHMENTS

1. Application
2. Survey/site plan
3. Pictures

BACKGROUND

Schifsky Companies, LLC (Carson Schifsky) has applied for a variance to allow construction of a retaining wall within the Ordinary High Water Line setback from White Bear Lake. The property can be seen in the aerial below, taken from the Washington County GIS website:



SURROUNDING USES

North: White Bear Lake
East: Single-family home
South: Lake Avenue and City park
West: Single-family home

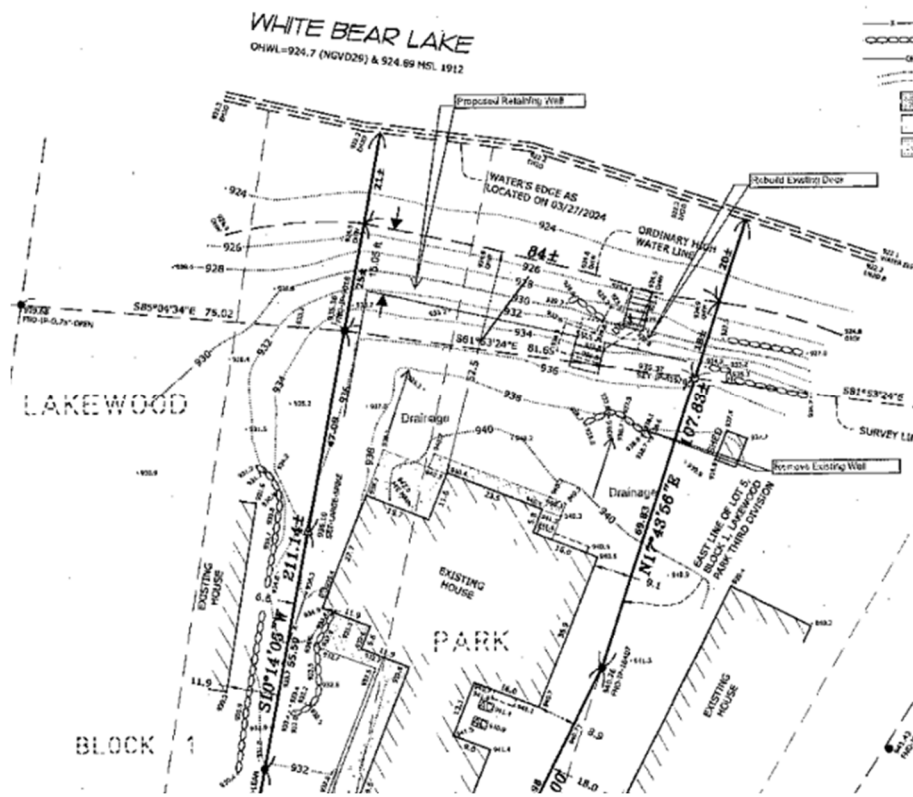
PROPOSED CONSTRUCTION

The applicant is proposing to construct the retaining wall to mitigate erosion problems that are occurring on site. The top of wall would be 12” in width, for a length of 33’. The area of impact is shown on the pictures below, followed by an example of the type of wall (brochure attached).





The applicant is also proposing replacement of an existing decking area, with “similar dimensions” according to written correspondence with the homeowner. The deck may need to be shifted slightly to the east to allow for proper and effective construction of the retaining wall. The deck must remain the same size or be smaller. No pictures of the deck were available at the time of this report, although the location is called out on the survey that was submitted.



APPLICANT COMMENT

From the application:

5. Describe in narrative form what the Applicant is proposing to do that requires a variance:
Client is requesting to build a retaining wall 15' back from the ordinary high water level of
White Bear Lake. The client is experiencing drainage and erosion issues on the
hillside. The recommended fix is to build a retaining wall.

8. Using the criteria from the City Code for a variance (see last page), explain why a variance is justified in this situation and describe what "Practical Difficulties" exist:
The erosion of the hillside is a constant battle due to the elevations of the lot.
Building a retaining wall would help prevent soil from eroding down the hill into the lake.

9. Describe any measures the Applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property:
The retaining wall will create less water running down the hill, and eroding the hillside
into the lake. When heavy rains come the water washes dirt into the lake because
the slope on the hillside is too steep.

STAFF ANALYSIS

For an explanation of a variance analysis, here is an excerpt from the ordinance:

SUBD. 1.

A. Variances shall only be permitted

i. when they are in harmony with the general purposes and intent of the ordinance and

ii. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. *"Practical difficulties," as used in connection with the granting of a variance, means that:*

i. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.

- ii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.*
- iii. The granting of a variance will result in no increase in the amount of water draining from the property.*
- iv. Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.*
- v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.*
- vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.*

STAFF COMMENT

The proposed retaining wall meets the above criteria for a variance, and will address a problem with erosion that is evident on the site. The applicant must receive approval from the Rice Creek Watershed District, which is in process, and any approval of the variance should be contingent on receiving that approval. Any other applicable approvals (WBCD, DNR) are also required prior to construction.

One item of note is the impervious surface. The survey shows a total impervious percentage on site of 40.2%, while the chart on the application shows 31.69%. It appears that the existing pavers and concrete elsewhere on site were left off the chart. The 33 s.f. of additional retaining wall is assumed to be correct for one tier of wall. That is staff's understanding of the proposed wall design based on correspondence from the applicant, and seems to make sense with a 50-foot wide lot. If that is the case, the proposed impervious percentage on the chart is calculated incorrectly (it adds 103 s.f. to the existing total, rather than just the new 33 s.f.). The applicant should be present to clarify. Regardless, the amount of impervious to be added is negligible, and necessary for the mitigation. 33 s.f. of additional surface would be 0.2%; 103 s.f. of additional surface would be 0.81%.

As we have discussed before, most communities will not calculate the top of a wall as impervious, especially one at 12" wide, as there is no impact on runoff from that small width (many ordinances exclude sidewalks or other surfaces less than 3' in width). The other items that have been previously discussed with similar applications that also apply here are the fact that this lot is legally non-conforming based on the size and width of the lot (12,713 s.f. and 50' in width) compared to current ordinance requirements (15,000 s.f. riparian lots and 80' in width at the OHWL setback); and that the impervious limit is already exceeded, making that non-conforming, as well. Any change, whether negligible or not, will be increasing the non-conformity. Whether these items require additional variances to be granted or should be at least noted, and if the City Code should be reviewed to address the many non-conforming situations (and impervious regulations) in the City should be a topic of discussion.

In this case, the proposed construction seems necessary to address a problem and the impact on stormwater is negligible or non-existent.

STAFF RECOMMENDATION

Staff recommends approval of the variance application at 425 Lake Avenue, based on the following findings:

1. A retaining wall is necessary to mitigate an erosion problem on the slope to the lake within the OHWL setback.
2. A retaining wall is a reasonable request to mitigate the problem.
3. The character of the neighborhood would not be altered with approval of the variance.
4. Neighborhood property values will not be diminished with approval of the variance and construction of the wall.
5. The slope of the property, creating the need for the wall and variance, was not established by the applicant.
6. If the applicant receives approval of all necessary jurisdictional permits, the City concurs that the proposed construction is necessary and reasonable.
7. The deck area to be replaced must be of the same size as or smaller than the existing structure.

Fw: Fw: 425 Lake Street RCWD

Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Mon 5/13/2024 9:56 AM

To: Carson Schifsky <carson@schifskycompanies.com>

Cc: Ben Wikstrom <benwikstrom@gmail.com>; Alan Kantrud <hakantrud@protonmail.com>; AGrace@ricecreek.org <AGrace@ricecreek.org>; Patrick Hughes <PHughes@ricecreek.org>; Andy Sorenson <asconstruction@me.com>; Michelle Maiers-Atakpu <pmatakpu@comcast.net>; Mike Kraemer <mrkraemer50@gmail.com>; MICHAEL McKenzie <mgmcke31@comcast.net>; Casey Muhm <casey.muhm@gmail.com>

Bcc: Margaret Ford <margaret.ford@cityofbirchwood.com>; Ryan Hankins <ryan.hankins@cityofbirchwood.com>; Kathy Weier <kathy.weier@cityofbirchwood.com>; Mark Foster <mark.foster@cityofbirchwood.com>; Justin McCarthy <justin.mccarthy@cityofbirchwood.com>

Hi Carson,

I hope you are doing well. I just wanted to let you know that we have received guidance from our attorney that any decision that is made with regard to the variance will need to be put on hold until the permitting from RCDW is secure. You may want to begin the permitting process to avoid hold up however, as you are aware, it is uncertain as to the outcome of the variance request until it goes through the process. We are still on tap for the variance to be reviewed at the 5/23/24 Planning Committee meeting at 7PM and then at the City Council Meeting on June 11th at 6:45PM. Please let me know if you have any questions. Thanks.



Rebecca Kellen, MBA

City Administrator

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.com

website: <http://www.cityofbirchwood.com/>



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From: H.A.Kantrud <hakantrud@protonmail.com>

Sent: Monday, May 13, 2024 9:42 AM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Cc: Ben Wikstrom <benwikstrom@gmail.com>

Subject: Re: Fw: 425 Lake Street RCWD

We would typically put the decision from our body on hold until they have that in-hand...

H. Alan

"Conservatives pride themselves on resisting change, which is as it should be. But intelligent deference to tradition and stability can evolve into intellectual sloth and moral fanaticism, as when conservatives

simply decline to look up from dogma because the effort to raise their heads and reconsider is too great." William F. Buckley

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Sent with [Proton Mail](#) secure email.

On Monday, May 13th, 2024 at 9:35 AM, Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com> wrote:

Hi Alan,

I received this from RCWD in regard to the variance we have on tap for the upcoming planning commission meeting. I believe this would cover our needs with respect to the RCDW permit they will be required to have. They want to make sure the variance is approved prior to getting that permit. Please confirm that this would suffice for our purposes, if that is the case. Thanks.



Rebecca Kellen, MBA

City Administrator

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.com

website: <http://www.cityofbirchwood.com/>



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From: Anna Grace <AGrace@ricecreek.org>
Sent: Monday, May 13, 2024 9:27 AM
To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>
Cc: Patrick Hughes <PHughes@ricecreek.org>
Subject: 425 Lake Street RCWD

Good Morning Rebecca,

I am reaching out regarding the 425 Lake Street backyard landscaping project.

The landscaper has indicated the City would like to see comments from Rice Creek ahead of the May 23rd Planning Commission meeting.

I have relayed to the landscaper a Rule E, Floodplain Alteration and Rule D, Erosion and Sediment Control permit will be required. The bracketed information below was shared with Schifsky Companies.

Is this sufficient for the Planning Commission's variance review?

[If the project applies for RCWD permit application with the guidance below, the project is found to be compliant with Rules E and D, the 48-hour notice to the Board is complete, the project addresses any CAPROC items, RCWD would then issue the permit. From review of the current plans, no RCWD variance is required for the project. Typical Administrative permit review process for work within the floodplain.

From review of the plans a RCWD permit for Rule D and E will be required.

- [Rule E, Floodplain Alteration](#) the RCWD 100-year regulatory floodplain elevation for the site extends off White Bear Lake and is 927.2 NAVD 88. Work within the floodplain triggers Rule E and D.
- [Rule D, Erosion and Sediment Control Plans](#) Rule 2(a)(3), Any land-disturbing activity that requires a District permit under a rule other than Rule D."

DNR regulates below the OHW. The RCWD regulatory floodplain elevation off White Bear Lake is 927.2 NAVD 88.

-

General RCWD permit submittal guidance:

1. The RCWD application form can be found [here](#). The application must be signed by the current landowner(s). From review of Washington County Maps, the current listed owner of the parcel is Coyleen Davidson.
2. Please deliver or mail the application fee in the form of a check to the RCWD office. The total application fee is \$300. The RCWD office is located at 4325 Pheasant Ridge Dr. NE #611, Blaine, MN, 55449. The building is open Monday through Friday from 8:00 a.m. to 4:30 p.m.
3. Please create a short project narrative discussing the proposed work.
 1. Be sure to include further details of proposed deck and stairs within narrative – concrete pilings, etc.?
4. Items to add to the survey for RCWD:

1. Add erosion control and stabilization methods to the plan set with a key.
 - Erosion control measures should be located down gradient of all land disturbing activities. **As land disturbance is proposed within 50 feet of a waterbody redundant erosion control BMPs are recommended in these locations.**
 - Here is a MPCA link for additional BMP guidance, [https://stormwater.pca.state.mn.us/index.php/Sediment_control_practices - Perimeter controls for disturbed areas](https://stormwater.pca.state.mn.us/index.php/Sediment_control_practices_-_Perimeter_controls_for_disturbed_areas)
 - **For disturbed areas what is the proposed stabilization method seeding, sodding, etc.?**
2. Update work areas/land disturbance areas to include stairs and deck.
3. Based on the below RCWD definitions, state the total area of proposed new and/or reconstructed impervious surface. If none, please state – if removing impervious surface please state the square footage:
 - RCWD defines Impervious Surface as, a compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. Including but not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.
 - RCWD defines, Reconstruction as, removal of an impervious surface such that the underlying structural aggregate base is effectively removed, and the underlying native soil exposed.
4. State the RCWD regulatory floodplain elevation of White Bear Lake 927.2 NAVD 88
5. The project will need to calculate any cut (removal) and fill within the floodplain. Compensatory floodplain storage volume is not required for a one-time deposition of up to 100 cubic yards of fill, per parcel, if there is no adverse impact to the 100-Year Flood Elevation. If 100 cubic yards or greater is proposed, mitigation is required for the entirety of fill. Calculations showing worked out methodology will need to be provided between OHW and RCWD 100-year floodplain. For example, this calculation could be $(LxWxD)/27 = \text{cubic yards}$. Ensure to include rock, sand, dirt, concrete, etc.

All application items, except for the fee, can be submitted electronically to my email address.

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General RCWD Administrative Permit Process Timeline:

- Application items are submitted and reviewed for completeness (my guidance list above are the intake items needed).
- Once any **incomplete items** (missing items) are addressed, the application moves onto review.
- RCWD staff will reach out with any comments or concerns. Given workload and time of year this is typically 10-15 business days.
- Once any comments and concerns are addressed, the application will be noticed for the 48-hour comment period to the Board for Administrative CAPROC (Conditional Approval Pending Receipt of Changes).
- Once any CAPROC items are addressed by the project team RCWD can issue the permit. **]**

Thank you,

Anna Grace

Regulatory Technician

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