

6:30 PM

A thriving, connected community with deep roots: a great place to live for a lifetime.

A city that leads, serves, and governs to enhance the quality of life for all community members.

CHAIR: ROBERT GROHMANN
MEMBER: JIM SARCLETTI
MEMBER: DAN LESHER
MEMBER: MIKE SHERMAN
MEMBER: TINA ZELLMAN
MEMBER: J.D. LUDFORD

NOTE: TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE BE PRESENT AT 6:00 P.M.

Those with items on the agenda should reach out to their staff contact. Others who wish to participate in the meeting, please contact the City Administrator at 952-442-3100 or sfineran@waconia.org to make certain that you are called upon during the meeting.

1. **Call meeting to order and roll call**
2. **Adopt Agenda**
3. **Minutes Approval**
4. **New Business**
5. **Old Business**
 - 1) [After-The-Fact Steep Slope Alteration Permit request by Cornerstone Landscaping the property located at 233 Lakeview Terrace Boulevard](#) – CONTINUED
Motion recommending either approval or denial of the After-The-Fact Steep Slope Alteration Permit to allow improvements within a steep slope for the property located at 233 Lakeview Terrace Blvd.
6. **Other**
 - 1) [2021 Land Use Summary Presentation](#)
 - 2) [Staff Update](#)

Adjourn

Work Session



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: April 7, 2022

Item Name: After-The-Fact Steep Slope Alteration Permit request by Cornerstone Landscaping the property located at 233 Lakeview Terrace Boulevard – CONTINUED

Originating Department: Community Development

Presented by: Lane Braaten

Previous Council Action (if any):

Item Type (X only one):	Consent		Regular Session	X	Discussion Session	
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RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED (Include motion in proper format.)

Motion recommending either approval or denial of the After-The-Fact Steep Slope Alteration Permit to allow improvements within a steep slope for the property located at 233 Lakeview Terrace Blvd.

EXPLANATION OF AGENDA ITEM (Include a description of background, benefits, and recommendations.)

UPDATE

The Planning Commission initially discussed this application in September of 2021. At such time staff recommended that the Planning Commission continue the discussion to allow the applicant an opportunity to meet on site with representatives from Soil & Water and the DNR. The onsite meeting was done a few weeks after said meeting and the applicant provided their landscaping plan to both parties for review and comment. The DNR and Soil and Water provided comments back to the applicant, but neither of them received a response from Mr. Lovett.

In February of 2022 the applicant requested some additional time with the Planning Commission to discuss the permit application, which has brought us to consideration of the Steep Slope Permit application on April 7th. The applicant has provided additional information for review and consideration. Staff has provided the updated information to Soil & Water and the DNR. Their comments and responses are also attached.

Please note that I have included all of the pertinent information to date and organized the information chronologically to help the discussion on Thursday evening. I would offer that as a city we rely on experts like the DNR and Soil and Water to assist us in the review of such items like native vegetation and improvements within the shoreland area, especially bluff and steep slope areas.

Below is the written staff report comments included in the September Planning Commission packet with minor edits based on the additional information submitted by Tim Lovett with Cornerstone Landscaping.

BACKGROUND

Applicant: Tim Lovett/Cornerstone Landscaping

Property Owner: Michael and Sarah Swoboda

Address: 233 Lakeview Terrace Boulevard

PID# 752950260

Zoning: R-2, Single-Family Residential District

Special District: Shoreland Overlay District

REQUEST:

The City has received an after-the-fact Steep Slope Alteration Permit application from Tim Lovett/Cornerstone Landscaping (the “applicant”) to allow improvements within a steep slope on the property located at 233 Lakeview Terrace Boulevard. Specifically, the applicant is requesting approval for the existing improvements to remain as installed, while adding the addition plantings noted in the March 24th email to staff.

APPLICABLE ORDINANCE PROVISIONS:

1. Section 900.05 – District Regulations, Subd. 2.B – R-2, Single-Family Residential District
2. Section 900.06 – Supplementary Regulations, Subd. 7 – Shoreland Overlay District
3. Section 900.06 – Supplementary Regulations, Subd. 8 – Environmental Protection Regulations
4. Section 900.12 – Administration, Enforcement and Procedures, Subd. 11 – Land Alterations

DEFINITIONS:

Sensitive Resource Management – The preservation and management of areas unsuitable for development in their natural stage due to constraints such as shallow soils over groundwater to bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in the need of special protection.

Intensive Vegetation Clearing - The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

Shore Impact Zone – Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the structure setback.

Shoreland – Land located within the following distances from public water; 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and, 300 feet from a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Steep Slope – Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the sites soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, that are not bluffs.

STEEP SLOPE ALTERATION PERMIT PROCEDURES:

The City Code requires, prior to the commencement of any development on a steep slope, an application for a permit shall be made to the City for review and approval by the Planning Commission and City Council. Steep Slopes, as defined in the Shoreland Overlay District, are slopes exceeding 12% over a distance of 50 feet or more, which are not bluffs. Properties outside of the Shoreland Overlay District are also required to get approval of a Steep Slope Alteration Permit prior to commencement of any work for slopes of 18% or more.

The Shoreland Overlay District states “Local government officials must evaluate the possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of the public waters, assuming summer, leaf-on vegetation (emphasis added).”

In summary of the City Code, shoreland alterations are allowed as long as the applicant is not intensively clearing the vegetation on the steep slope, the structures on the property are reasonably screened as viewed from the water, pesticide use is minimized on the property, grading and or filling done in a way as not to detrimentally affect the lake or neighboring properties, exposure of bare ground is limited and methods to control soil erosion are put in place (see attached).

ENVIRONMENTAL PROTECTION REGULATIONS:

“Land alteration is the process of changing the existing landscape by excavating, filling, or grading... ..no land shall be altered, excavated, filled or graded and no vegetation removed without first obtaining a permit from the City.”

PLANNING CONSIDERATIONS:

1. The applicant has completed improvements within the steep slope on the property and as a result an after-the-fact steep slope permit application is required.
2. The majority of the improvements are located within the Shore Impact Zone (SIZ), which is the area within 25 feet of the OHWL of Lake Waconia, which is to remain natural except for an access to the lake.
3. The Shoreland Alteration section of the City Code states that no intensive clearing of vegetation on a steep slope is allowed. The applicant has removed at least one tree and all of the existing vegetation on the slope and has replanted trees, sparse vegetation and spread mulch on the slope. The installed landscaping also includes the installation of grass and boulders within the steep slope and the SIZ.
4. Approval of the Steep Slope Land Alteration Permit request shall also serve as approval for the grading and filling to be done in conjunction with the proposed improvements. The grading shall be completed per the requirements stated in the City Code and as summarized below:
 - a. All operations shall be conducted within the property lines. Grading that extends over the property lines shall require easements from adjacent property owners.
 - b. Upon completion of filling operations the disturbed areas shall be restored with topsoil or other approved cover material and shall be reseeded to establish approved vegetation.
 - c. Finished grades shall not adversely affect adjacent properties.
 - d. Drainage facilities shall be provided to effectively divert or convey storm water run-off.
 - e. Provisions of effectively controlling fire, rodents, and dispersal of material by wind or by hauling to and from the site, and for general maintenance of the site shall be made.
 - f. The excavation of filling permit shall run for six (6) months unless a lesser or greater period is requested and approved by the City Council.
5. City staff contacted representatives from the DNR, the Carver County Water Management Organization (CCWMO), and Carver Soil & Water. The comments received have been attached to this memo for review.
6. Building permit for the home was issued in October of 2020 and noted no improvements in the steep slope area. It is staff's understanding that the home builder did not hire or complete the landscaping for this project.
7. The steep slope area is identified on the Certificate of Survey. The dark dotted line (highlighted emphasis added by staff) identifies the top of the steep slope prior to any work on the site. The survey also identifies significant trees within the area.
8. Staff initially visited the property on August 3rd based on a complaint received. The landscaper completed the work and staff again visited the property on August 16th. The pictures taken during each of these visits have been attached or consideration.

RECOMMENDATION

The Planning Commission should review the after-the-fact Steep Slope Alteration Permit application based upon the information stated above and the attached information and make a recommendation to the City Council.

Upon a formal recommendation by the Planning Commission this application will be forwarded to the City Council for review at their upcoming meeting on April 18th, 2022.

If the Planning Commission chooses to recommend approval of the Steep Slope Permit for Tim Lovett/Cornerstone Landscaping, staff would recommend the approval upon the following conditions:

1. Approval of the after-the-fact Steep Slope Land Alteration Permit request shall also serve as approval for the after-the-fact grading and excavation that has been done in conjunction with the proposed improvements.
2. The applicant shall submit a revised landscape plan that satisfies the recommendations of Carver Soil & Water. The final landscape plan should be reviewed and approved by Soil & Water prior to a final review by the Planning Commission and City Council.
3. A permit from the CCWMO may also be required if they classify this property as a "sensitive area". The applicant shall obtain any necessary permits required by the CCWMO.

Attachments:

1. [Location Map 233 Lakeview Terrace Blvd.pdf](#)
2. [Certificate of Survey 233 Lakeview Terrace Boulevard.pdf](#)
3. [Initial Submittal by Cornerstone Landscaping.pdf](#)
4. [August 3rd 2021 Photographs taken by Staff prior to initial planting.pdf](#)

5. [August 16th 2021 Photographs taken by Staff after planting.pdf](#)
6. [August 24th EMAIL Comments S Ristow Carver Soil and Water.pdf](#)
7. [August 26th 2021 MN DNR Comments Taylor Huinker.pdf](#)
8. [November 16th 2021 Carver Soil and Water Letter Seth Ristow.pdf](#)
9. [November 17th 2021 MN DNR Letter Taylor Huinker.pdf](#)
10. [March 24 2022 Submittal by Cornerstone Landscaping.pdf](#)
11. [March 29 2022 MN DNR Email with Attached Letter.pdf](#)
12. [March 31 2022 Carver Soil & Water Email with Attachment.pdf](#)

FINANCIAL IMPLICATIONS:

Funding Sources & Uses:

Budget Information:

_____ Budgeted

_____ Non Budgeted

_____ Amendment Required

ADVISORY BOARD RECOMMENDATIONS:

Planning Commission

Parks and Recreation Board

Safari Island Advisory Board

Other



SWOBODA RESIDENCE

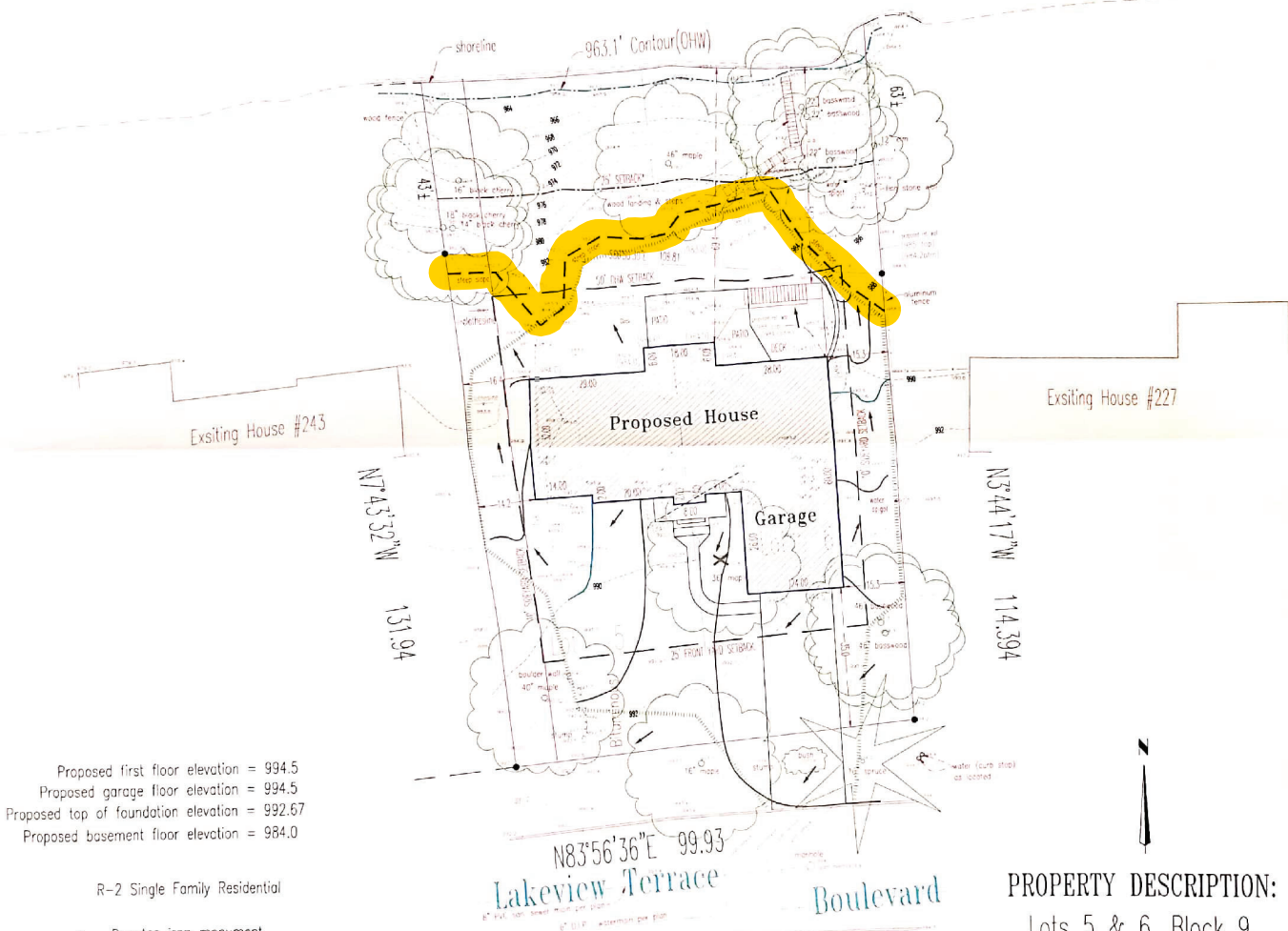
CERTIFICATE OF SURVEY

LAKE WACONIA (f.k.a. Clearwater Lake)

OHW: 963.1 ft (N.G.V.D. 1929)

Lake Elevation: 962.5 ft (N.G.V.D. 1929) April 5, 2020

Highest recorded: 963.91 ft (N.G.V.D. 1929) July 11, 1993



Proposed first floor elevation = 994.5
 Proposed garage floor elevation = 994.5
 Proposed top of foundation elevation = 992.67
 Proposed basement floor elevation = 984.0

R-2 Single Family Residential

- Denotes iron monument
- Denotes found monument
- Denotes proposed elevation
- Denotes existing elevation
- Denotes proposed surface drainage
- ✕ Denotes tree to be removed
- Denotes proposed silt fence / erosion control

-Proposed retaining wall design by others
 -See approved final building plans for construction dimensions and details

Proposed Hardcover:	
House & Garage (include city)	3,362 Sq. Ft.
Driveway & Apron	644 Sq. Ft.
Patio	415 Sq. Ft.
Sidewalk	143 Sq. Ft.
	4,564 Sq. Ft.
Parcel Area	18,257.5 Sq. Ft.
Impervious Surface	25%

PROPERTY DESCRIPTION:

Lots 5 & 6, Block 9,
 HARMS LAKEVIEW TERRACE

SITE ADDRESS:

233 Lakeview Terrace Blvd
 Waconia, MN

DEMARS-GABRIEL
 LAND SURVEYORS, INC.
 2317 W. 93rd St.
 Bloomington, MN 55431
 763-559-0908
 612-751-6785
 dec@qwestoffice.net

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.

As surveyed by me this 30th day of July, 2020.

Revised: 8/25/2020

David E. Crook Minn. Reg. No. 22414

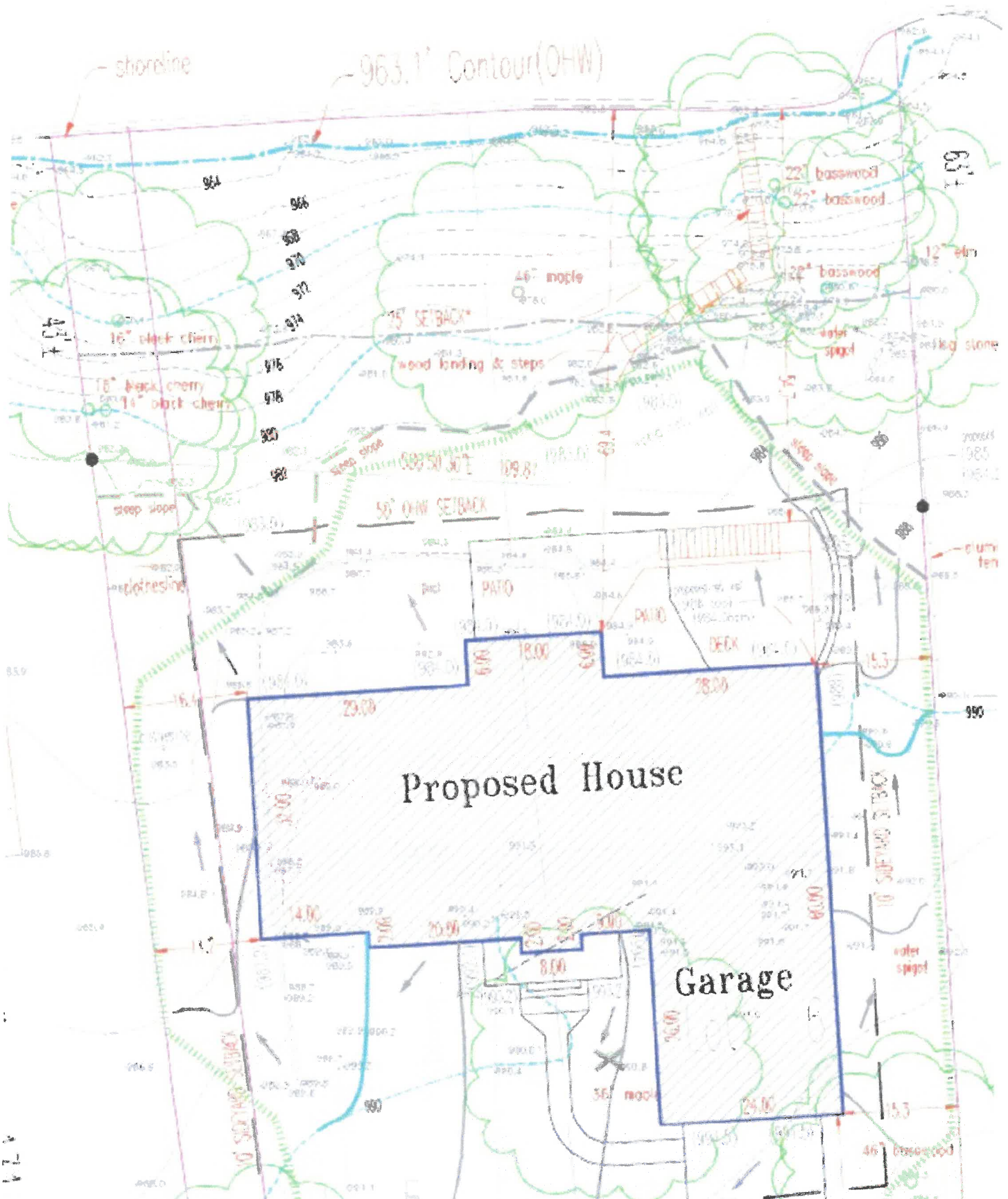
File No.
 14746C

Book-Page

Scale
 1"=20'

Prepared for:

Mathews + Vesek
 Construction



Erosion

Swobota Survey



Tim Lovett <csilandscaping@yahoo.com>
To: Tim Lovett <csilandscaping@yahoo.com>

* Only topsoil was disturbed
where necessary for plantings

csilandscaping@.../Inbox

Aug 23 at 1:39 PM

* Existing root system was left
in place.

* Old wash-outs & shelf filter restored

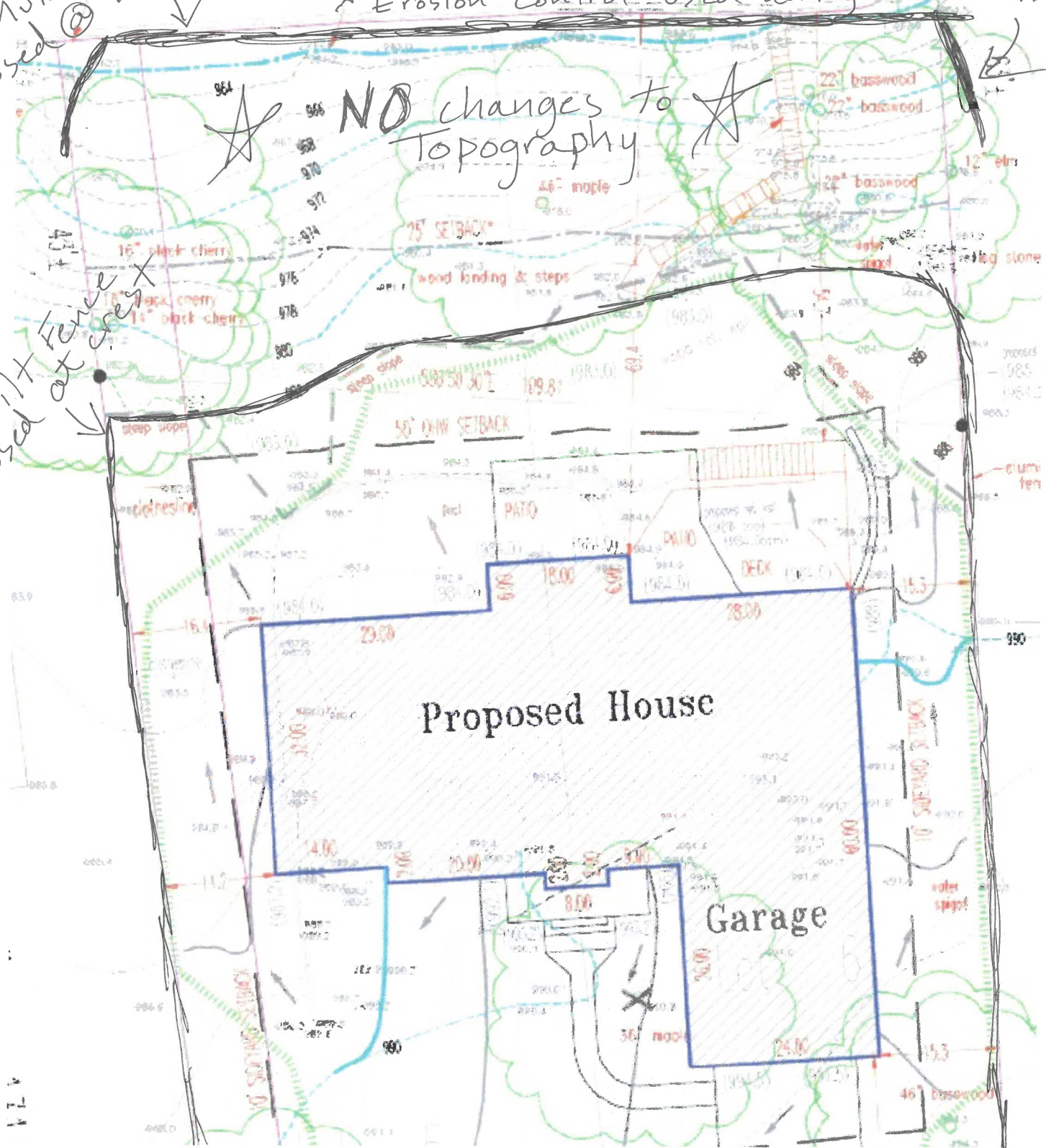
* Double shredded hardwood mulch installed as
ground cover until plantings spread

* Erosion Control used during construction

* NO changes to
Topography

Mulch logs
used @ Lake

Silt fence
used at creek



(No Subject)

csilandscaping@.../inbox

TL Tim Lovett <csilandscaping@yahoo.com>
To: Tim Lovett <csilandscaping@yahoo.com>

Aug 23 at 2:47 PM



[Sent from Yahoo Mail for iPhone](#)

Swobota planting plan

csilandscaping@.../Inbox



Tim Lovett <csilandscaping@yahoo.com>
To: Tim Lovett <csilandscaping@yahoo.com>

Aug 23 at 2:33 PM



List of items:

Double Shredded Mulch (39)
Granite Boulder (31)
Weigelia Red Prince (5)
Purple Sand Cherry (6)
Karl Foerster Feather Reed Grass Green (12)
Hydrangea Endless Summer Blue (7)
verigated dogwood (8)
pink muhly (10)
rose fountain (9)
white azalia (4)
pink azalia (7)
Maple Autumn Blaze Fall Red (3)
Crimson barberry (6)
White hydrangea (3)
Creeping phlox (21)

[Sent from Yahoo Mail for iPhone](#)





















Lane Braaten

From: Seth Ristow <sristow@co.carver.mn.us>
Sent: Tuesday, August 24, 2021 12:33 PM
To: Lane Braaten; Paul Moline; Huinker, Taylor (DNR)
Subject: RE: 233 Lakeview Terrace

My review and recommendations below.

233 Lakeview Terrace Blvd. Review
Seth Ristow (Carver SWCD)
Landscape Restoration Specialist

Review

- What was all installed? No real plan
- What is a shelf filter and where is it located?
- Was bottom slope removed or altered? Turf below wall looks new
- Where large trees removed?
- Was irrigation added?
- Proposed vegetation is not native
- Vegetation is sparsely spaced giving potential for erosion. Previous vegetation had much better erosion control capability
- Proposed vegetation is purely aesthetic and has low habitat value

Recommendations

- Use only vegetation native to Midwest. No varieties
- Remove recently installed vegetation except trees
- Remove excessive bouldering
- Plant native trees, shrubs, grasses, flowers, and sedges
- Plant grasses and flowers no more than 18" on center and use diverse mix of plants that bloom throughout the season
- Manage area as habitat not formal landscape
- Do not use mulch in future and let plants spread
- Consult with contractor that understands native plant establishment and maintenance
- Create an establishment and maintenance plan to avoid issues in the future
- Do not irrigate area once established. Typically, 2-3 months

Seth Ristow | Landscape Restoration Specialist | Carver Soil & Water Conservation District |

11360 US-212 | Cologne, MN 55322 | Office: 952-466-5264 | Cell: 334-707-4202 | sristow@co.carver.mn.us



From: Lane Braaten <LBraaten@waconia.org>
Sent: Tuesday, August 24, 2021 9:16 AM

Ecological and Water Resources
1200 Warner Road
St. Paul, MN 55106

August 26, 2021

Lane Braaten
Community Development Director
City of Waconia
201 South Vine Street
Waconia, MN 55387

RE: 233 Lakeview Terrace Blvd – After-the-Fact Steep Slope Permit

Dear Lane,

DNR has reviewed the after-the-fact steep slope permit for 233 Lakeview Terrace Blvd. The work that was conducted consists of clearing of the existing vegetation, including a large tree, installation of mulch, a number of boulders and sparse vegetation.

The Waconia Shoreland Ordinance states that “intensive vegetation clearing within the shore impact zone and on steep slopes is not allowed”, but does allow “limited clearing of trees and shrubs and cutting, pruning and trimming of trees ... to provide a view to the water from the principal dwelling site, in the shore impact zone and on steep slopes”. The work that was conducted at this location is intensive clearing and is clearly not consistent with these provisions. The DNR would have strongly objected and recommended denial of the steep slope permit, had it been applied for. As such, the City should require restoration of this steep slope area in shoreland.

DNR recommends implementation of a restoration plan reviewed and approved by the Carver County Soil and Water Conservation District. The restoration should consist of the thorough addition of native plants and trees, limited to no use of mulch and removal of boulders. The Waconia Shoreland Ordinance specifically states “mulches or similar materials must be used, **where necessary**, for **temporary** bare soil coverage, and a permanent vegetation cover must be established as soon as possible”. The mulch placed at this location is intended for permanent, landscaping purposes, without the intent of permanent vegetation cover. The plan submitted states the roots of the previous vegetation were left in place, but as they are covered in mulch, they provide little to no benefit, especially given the lack added live plants.

A healthy shore impact zone is vital for the health of a lake and serves as a buffer between upland and the water. The work done at this location has removed almost all of the benefits of previously existing shoreland area, including vegetation cover, which encourages soil erosion (or mulch) and nutrients to flow directly to the

lake. Studies of Minnesota lakes have shown that the removal of natural vegetation near the shoreline reduces the amount of habitat available to songbirds and amphibians and reduces fish-nesting. Many of these problems could be prevented or minimized if an area of native plants is maintained or restored.

Waconia's Shoreland Ordinance allows for modest shoreland work to be conducted in order to allow landowners to enjoy a view of the lake. The work done at this location very much exceeds what is allowable and should be restored in order to be in compliance with the shoreland ordinance in order to protect the lake's health and provide valuable habitat for wildlife.

Thank you for the opportunity to comment on this application.

Sincerely,

A handwritten signature in cursive script that reads "Taylor Huinker".

Taylor Huinker
Area Hydrologist

CC: Daniel Petrik, Lake and River Shoreland Program Manager
Jack Gleason, South District Hydrologist Supervisor



Carver County Soil and Water Conservation District

11360 US-212

Cologne, MN 55322

November 16, 2021

Lane Braaten
Community Development Director
City of Waconia
201 South Vine Street
Waconia, MN 55387

Dear Lane,

I have reviewed the After the Fact Steep Slope Permit for the Swobota residence at 233 Lakeview Terrace. Since the landscaping that has been done violates the Waconia Shoreland Ordinance and has a lesser water quality and habitat value, I recommend a restoration of the area with a diverse thick native planting.

The recently constructed landscaping on the steep slope in my opinion was constructed for mainly aesthetic value and lake access. Previously the area (approximately 4600SF) was covered with a full tree canopy and a thickly vegetated understory layer. That would have provided excellent slope stability and cover for a diverse number of species. The new landscape is a dark colored mulched hillside with non-native and natives (native plants breed for horticulture value). The plants have large spaces between groupings which could potentially lead to erosion. On the bottom of the slope in the riparian area is Kentucky Bluegrass sod down to the riprap. The sod has limited environmental value and could potentially contribute to nutrients being added to the lake through fertilization. The riparian zone typically has the highest habitat value to other species planting Kentucky Bluegrass turf removes almost all available habitat in that area.

With Lake Waconia continually losing important habitat areas through development and landscape updates I think it is important to restore areas that have violated your Shoreland Ordinance or other ordinances. At 233 Lakeview Terrace I recommend removing all recently planted non-native species. Leaving the Purple Sand Cherries and Autumn Blaze Maples. The area should be planted with a diverse combination of native plants. I would recommend having at least 3 blooming species per season and incorporating shrubs and trees. Planting flowers and grass plugs 18" on center would help stabilize the area quickly and provide habitat. This would mean planting approximately 1,500 plugs if planted with shrubs and trees. The turf being in the riparian area should be replaced with a thick native buffer. The

homeowner may want to contact a native plant contractor that specializes in native plantings to assist in restoring the area and coming up with an establishment and maintenance plan. Native plantings greatly benefit from regular maintenance during establishment and limited maintenance once established. The native planting could be designed to be both aesthetically pleasing and an environmental enhancement. I am happy to provide the landowner and the city guidance on the restoration of this site.

Sincerely,

A handwritten signature in black ink, appearing to read 'Seth Ristow', with a stylized, cursive script.

Seth Ristow

Carver Soil and Water Conservation District

Landscape Restoration Specialist



Ecological and Water Resources
1200 Warner Road
St. Paul, MN 55106

November 17, 2021

Lane Braaten
Community Development Director
City of Waconia
201 South Vine Street
Waconia, MN 55387

RE: 233 Lakeview Terrace Blvd – After-the-Fact Steep Slope Permit

Dear Lane,

DNR has reviewed the after-the-fact steep slope permit for 233 Lakeview Terrace Blvd and conducted a site visit on October 27, 2021. The work that was reviewed consisted of cutting the existing vegetation, including a two large trees, and installation of mulch, boulders, and trees and shrubs.

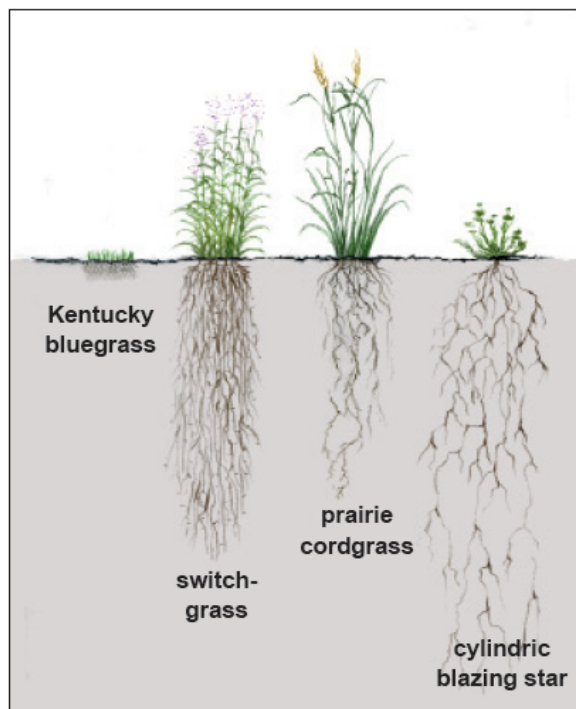
The Waconia Shoreland Ordinance states that “intensive vegetation clearing within the shore impact zone and on steep slopes is not allowed”, but does allow “limited clearing of trees and shrubs and cutting, pruning and trimming of trees ... to provide a view to the water from the principal dwelling site, in the shore impact zone and on steep slopes”. The work that was conducted at this location cleared the site of the two existing mature trees and all the scrubby brush. The steep slope was planted with almost exclusively non-native plants and trees and left with a large amount of open area only covered with mulch. A strip of sod was installed along a “filter bench” along the lake’s edge. DNR would have strongly objected and recommended denial of the steep slope permit, had it been applied for. As such, the City should require restoration of this steep slope area in shoreland.

One mature tree was leaning considerably, so it is understandable that this was removed due to a safety hazard. However, it is unclear why the other large tree was removed, given the lack of any other large trees within the view of the lake. The Waconia Shoreland Ordinance states “the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced” (Section 900.06, Subd. 7, F(2a)). The removal of this large tree makes the house **completely** visible from the water and this action was absolutely inconsistent with the shoreland ordinance. Even with the three trees planted, it will take time for them to mature and screen the house from the water and disappointingly cannot be practically restored at this time.

What can be restored, is the rest of the planting. DNR recommends the steep slope receive supplemental plantings of trees and native shrubs, grasses, and forbs, as directed by the Carver County Soil and Water Conservation District. Additionally, a majority of the shrubs already planted should be replaced with native shrubs and plants. Given how steep the slope is and how all the existing cover has been stripped, it is extremely important for thick vegetation with robust root systems to be established. The existing state of the slope is not adequate.

It is also imperative that the mulch be limited to this one time application. The Waconia Shoreland Ordinance specifically states “mulches or similar materials must be used, **where necessary**, for **temporary** bare soil coverage, and a permanent vegetation cover must be established as soon as possible”. The mulch placed at this location appears to be largely intended for permanent, landscaping purposes, without the intent of permanent vegetation cover. The plan submitted states the roots of the previous vegetation were left in place, but as they are covered in mulch, they provide little benefit, especially given the lack added live plants.

A strip of turf grass was installed between the steep slope and riprap shoreline and with the purpose of serving as a filter bench due to a negative slope. No plans were produced showing the design of this filter bench, so it is unknown if this feature is truly a negative slope. It was stated during the site visit that the filter bench consists of sod on top of dirt. When planted with native vegetation, this buffer area provides functions critical to the health of the lake. Native plants have deep root systems which work to slow erosion, decrease ice damage and increase rain infiltration and nutrient uptake. Sod does not provide the same habitat or water quality benefits, even with a negative slope (see graphic below which contrasts the root structure of Kentucky bluegrass with native vegetation). Additionally, when water levels are high, waves may overtop the riprap and begin to undercut the sod, due to a lack of root structure. As such, the sod should be replaced with native plants in order to provide a robust root structure. A small area by the access path can remain in sod.



The picture contrasts the shallow (2-3 inches) roots of Kentucky bluegrass to the deep (3-5 feet) and dense roots of native grasses. The root systems of native grasses may be effective for preventing erosion.

A healthy shore impact zone is vital for the health of a lake and serves as a buffer between upland and the water. The work done at this location has removed almost all of the benefits of previously existing shoreland area, including vegetation cover, which encourages soil erosion and nutrients to flow directly to the lake. Studies of Minnesota lakes have shown that the removal of natural vegetation near the shoreline reduces the amount of habitat available to songbirds and amphibians and reduces fish-nesting. Many of these problems could be prevented or minimized if an area of native plants is maintained or restored.

Waconia's Shoreland Ordinance allows for modest shoreland work to be conducted in order to allow landowners to enjoy a view of the lake. The work done at this location was done with apparent disregard for the Waconia Shoreland Ordinance and should be restored to come into compliance in order to protect the lake's health and provide valuable habitat for wildlife. The landowner and landscaper commented during the site visit that one of their goals was to keep the lake healthy. The direction provided by this letter and from the Carver County SWCD will guide their project towards meeting that goal.

Thank you for the opportunity to comment on this application.

Sincerely,

A handwritten signature in cursive script that reads "Taylor Huinker".

Taylor Huinker
Area Hydrologist

CC: Daniel Petrik, Lake and River Shoreland Program Manager
Jack Gleason, South District Hydrologist Supervisor
Seth Ristow, Carver County SWCD

Lane Braaten

From: Tim Lovett <csilandscaping@yahoo.com>
Sent: Thursday, March 24, 2022 2:17 PM
To: Lane Braaten
Subject: Fw: 233 Lakeview Terrace Blvd

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Thursday, March 24, 2022, 1:22 PM, Tim Lovett <csilandscaping@yahoo.com> wrote:

Proposal to finish and close steep slope permit as follows:

Install additional native plantings as recommended by MN DNR, in order to establish a deep root system, and reestablish natural habitat within the Shoreland zone:

- 30 switchgrass plugs
- 9 bush junipers
- 15 wolfberry shrubs
- 15 blue grama plugs

Native Plant Encyclopedia

Blue Grama

Bouteloua gracilis



Recommended Planting Range

Description

Blue grama is a major prairie grass of drier, shortgrass prairies of North America. It is rare as far east as eastern Minnesota. In our area, it grows on dunes, bluffs, gravelly ridges or places where it is less crowded by taller prairie grasses. Does best on well-drained sandy soil. Forms low, spreading clumps, with small curling leaves.



Select thumbnails to enlarge

Life Form: Grasses, Sedges and Rushes

Habitat: Upland Dry

Exposure: Full Sun

Height: 0.5-1.0 ft

Spacing: 1 ft

Flower Color:

Bloom Time:

Native Plant Encyclopedia

Bush Juniper

Juniperus communis var. *depressa*

(previously: *Juniperus communis depressa*)



Recommended Planting Range

Description

Bush juniper grows on dry, rocky or sandy, low-nutrient soil in full sun where it forms large, spreading bushes. Prickly, but useful for hot, dry slopes.



Select thumbnails to enlarge

Life Form: Trees and Shrubs

Habitat: Upland Dry

Exposure: Full Sun

Height: 1.5-5.0 ft

Spacing: 8-20 ft

Flower Color:

Bloom Time:

Native Plant Encyclopedia

Switchgrass

Panicum virgatum



Recommended Planting Range

Description

Switchgrass is a common and important grass in North American prairies. It is widely planted in grassland restorations because it provides both summer and winter habitat to a variety of native animal species. It spreads by rhizomes and can dominate areas in which it is planted making it difficult for other species to establish later on.



Select thumbnails to enlarge

Life Form: Grasses, Sedges and Rushes

Habitat: Transitional, Upland Moist, Upland Dry

Exposure: Full Sun

Height: 3.0-5.0 ft

Spacing: 2-3 ft

Flower Color:

Bloom Time:

Native Plant Encyclopedia

Wolfberry

Symphoricarpos occidentalis



Recommended Planting Range

Description

Wolfberry is a common shrub of prairies. It also grows in woodlands if the tree cover is sparse and some light reaches the shrub layer. It grows on dry soil of varying textures (sandy, gravelly, silty or loamy). On rich soils, it spreads readily and forms colonies.



Select thumbnails to enlarge

Life Form: Trees and Shrubs

Habitat: Upland Moist, Upland Dry

Exposure: Full Sun

Height: 2.0-4.0 ft

Spacing: 3-5 ft

Flower Color: Whitish Pink

Bloom Time: June August



Lane Braaten

From: Huinker, Taylor (DNR) <Taylor.Huinker@state.mn.us>
Sent: Tuesday, March 29, 2022 9:44 AM
To: Lane Braaten; sristow@co.carver.mn.us
Cc: Petrik, Daniel (DNR)
Subject: RE: 233 Lakeview Terrace Blvd
Attachments: 2021-11-17 233LakeviewTerraceBlvdCommentLtr.pdf

Lane,

Thank you for sending the additional information provided by Tim Lovett. I have attached my previous comment letter from November 2021 regarding this site, as it appears these comments were almost completely unaddressed by the new proposal. Of particular concern are the lack of any change to the filter bench and the lack of consultation with Carver County SWCD on the proposed additional plantings, including the type and number of plants. No explanation has been provided as to why none of the DNR or SWCD comments were addressed in the new proposal. My November 2021 comments still stand.

Thank you,
Taylor

Taylor Huinker

South Metro Area Hydrologist | Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road
St. Paul, MN 55106
Phone: 651-259-5790
Email: taylor.huinker@state.mn.us
mndnr.gov



Ecological and Water Resources
1200 Warner Road
St. Paul, MN 55106

November 17, 2021

Lane Braaten
Community Development Director
City of Waconia
201 South Vine Street
Waconia, MN 55387

RE: 233 Lakeview Terrace Blvd – After-the-Fact Steep Slope Permit

Dear Lane,

DNR has reviewed the after-the-fact steep slope permit for 233 Lakeview Terrace Blvd and conducted a site visit on October 27, 2021. The work that was reviewed consisted of cutting the existing vegetation, including a two large trees, and installation of mulch, boulders, and trees and shrubs.

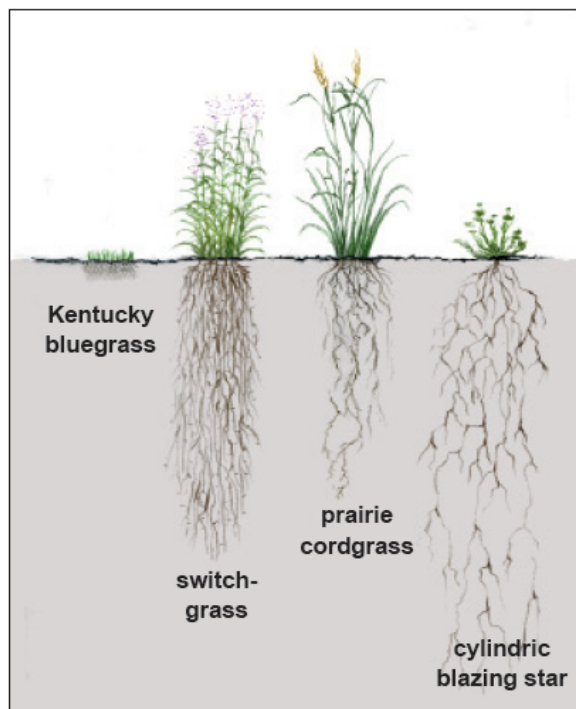
The Waconia Shoreland Ordinance states that “intensive vegetation clearing within the shore impact zone and on steep slopes is not allowed”, but does allow “limited clearing of trees and shrubs and cutting, pruning and trimming of trees ... to provide a view to the water from the principal dwelling site, in the shore impact zone and on steep slopes”. The work that was conducted at this location cleared the site of the two existing mature trees and all the scrubby brush. The steep slope was planted with almost exclusively non-native plants and trees and left with a large amount of open area only covered with mulch. A strip of sod was installed along a “filter bench” along the lake’s edge. DNR would have strongly objected and recommended denial of the steep slope permit, had it been applied for. As such, the City should require restoration of this steep slope area in shoreland.

One mature tree was leaning considerably, so it is understandable that this was removed due to a safety hazard. However, it is unclear why the other large tree was removed, given the lack of any other large trees within the view of the lake. The Waconia Shoreland Ordinance states “the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced” (Section 900.06, Subd. 7, F(2a)). The removal of this large tree makes the house **completely** visible from the water and this action was absolutely inconsistent with the shoreland ordinance. Even with the three trees planted, it will take time for them to mature and screen the house from the water and disappointingly cannot be practically restored at this time.

What can be restored, is the rest of the planting. DNR recommends the steep slope receive supplemental plantings of trees and native shrubs, grasses, and forbs, as directed by the Carver County Soil and Water Conservation District. Additionally, a majority of the shrubs already planted should be replaced with native shrubs and plants. Given how steep the slope is and how all the existing cover has been stripped, it is extremely important for thick vegetation with robust root systems to be established. The existing state of the slope is not adequate.

It is also imperative that the mulch be limited to this one time application. The Waconia Shoreland Ordinance specifically states “mulches or similar materials must be used, **where necessary**, for **temporary** bare soil coverage, and a permanent vegetation cover must be established as soon as possible”. The mulch placed at this location appears to be largely intended for permanent, landscaping purposes, without the intent of permanent vegetation cover. The plan submitted states the roots of the previous vegetation were left in place, but as they are covered in mulch, they provide little benefit, especially given the lack added live plants.

A strip of turf grass was installed between the steep slope and riprap shoreline and with the purpose of serving as a filter bench due to a negative slope. No plans were produced showing the design of this filter bench, so it is unknown if this feature is truly a negative slope. It was stated during the site visit that the filter bench consists of sod on top of dirt. When planted with native vegetation, this buffer area provides functions critical to the health of the lake. Native plants have deep root systems which work to slow erosion, decrease ice damage and increase rain infiltration and nutrient uptake. Sod does not provide the same habitat or water quality benefits, even with a negative slope (see graphic below which contrasts the root structure of Kentucky bluegrass with native vegetation). Additionally, when water levels are high, waves may overtop the riprap and begin to undercut the sod, due to a lack of root structure. As such, the sod should be replaced with native plants in order to provide a robust root structure. A small area by the access path can remain in sod.



The picture contrasts the shallow (2-3 inches) roots of Kentucky bluegrass to the deep (3-5 feet) and dense roots of native grasses. The root systems of native grasses may be effective for preventing erosion.

A healthy shore impact zone is vital for the health of a lake and serves as a buffer between upland and the water. The work done at this location has removed almost all of the benefits of previously existing shoreland area, including vegetation cover, which encourages soil erosion and nutrients to flow directly to the lake. Studies of Minnesota lakes have shown that the removal of natural vegetation near the shoreline reduces the amount of habitat available to songbirds and amphibians and reduces fish-nesting. Many of these problems could be prevented or minimized if an area of native plants is maintained or restored.

Waconia's Shoreland Ordinance allows for modest shoreland work to be conducted in order to allow landowners to enjoy a view of the lake. The work done at this location was done with apparent disregard for the Waconia Shoreland Ordinance and should be restored to come into compliance in order to protect the lake's health and provide valuable habitat for wildlife. The landowner and landscaper commented during the site visit that one of their goals was to keep the lake healthy. The direction provided by this letter and from the Carver County SWCD will guide their project towards meeting that goal.

Thank you for the opportunity to comment on this application.

Sincerely,

A handwritten signature in cursive script that reads "Taylor Huinker".

Taylor Huinker
Area Hydrologist

CC: Daniel Petrik, Lake and River Shoreland Program Manager
Jack Gleason, South District Hydrologist Supervisor
Seth Ristow, Carver County SWCD

Lane Braaten

From: Seth Ristow <sristow@co.carver.mn.us>
Sent: Thursday, March 31, 2022 8:38 AM
To: Huinker, Taylor (DNR); Lane Braaten
Subject: RE: 233 Lakeview Terrace Blvd
Attachments: Example Plan.pdf

Hi Lane,

I've reviewed the information submitted by Tim Lovett for 233 Lakeview Terrace Blvd. Although the plants that were selected are native species that would be suited for the site, the proposal doesn't suffice as a restoration. It seems that none of our initial comments were considered. No planting plan was included as part of the new submittal. I would recommend a professional landscape planting plan and a plant schedule with common names, scientific names, and quantities be included.

In my first letter I recommend removing non-native species and replace with 1500+ native plant plugs and shrubs. Tim's proposal is to randomly add 69 native plants to planting that violates the shoreland ordinance. This would not only not work for restoration, but would also look aesthetically awkward.

The homeowners may want to contact a landscaping company that specializes in native plantings to restore the site. Attached is an example of what a planting plan looks like.

Seth Ristow | Landscape Restoration Specialist | Carver Soil & Water Conservation District |

11360 US-212 | Cologne, MN 55322 | Office: 952-466-5264 | Cell: 334-707-4202 | sristow@co.carver.mn.us





REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		April 7, 2022					
Item Name:		2021 Land Use Summary Presentation					
Originating Department:		Community Development					
Presented by:		Ethan Nelson					
Previous Council Action (if any):							
Item Type (X only one):		Consent		Regular Session	X	Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
<u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:		April 7, 2022					
Item Name:		Staff Update					
Originating Department:		Community Development					
Presented by:		Lane Braaten					
Previous Council Action (if any):							
Item Type (X only one):		Consent		Regular Session	X	Discussion Session	
RECOMMENDATIONS/COUNCIL ACTION/MOTION REQUESTED <i>(Include motion in proper format.)</i>							
EXPLANATION OF AGENDA ITEM <i>(Include a description of background, benefits, and recommendations.)</i>							
<u>Attachments:</u>							
FINANCIAL IMPLICATIONS:				ADVISORY BOARD RECOMMENDATIONS:			
Funding Sources & Uses:							
Budget Information:				Planning Commission			
_____ Budgeted				Parks and Recreation Board			
_____ Non Budgeted				Safari Island Advisory Board			
_____ Amendment Required				Other			