POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday, July 25, 2024

The Planning Advisory Commission convened in regular session on Thursday, July 25, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: John Messenger, Roger Isdahl, Ivie Cooley, Ted Kannegiesser, Russell Barkeim, Mark Halls, Paul Gerde (County Commissioner) and Paul Wildman (County Commissioner /alternate)

Other Officials Present: David Green (Land & Resource Management, Director), Jessica Hill (Zoning Administrator) and Galen Gruber (Land Use Specialist II)

Call to Order

The meeting was called to order by Chairman Messenger at 6:50 p.m.

Acceptance of Agenda

There were no additions or corrections to the agenda noted. Gerde made a motion to approve the agenda as presented. Motion seconded by Halls. Motion carries unanimously.

Review minutes of June 27, 2024

The minutes of the Planning Advisory Commission meeting held on Thursday June 27, 2024 were submitted for approval. Motion by Barkeim to accept the minutes as written. Motion seconded by Isdahl. Motion carried unanimously.

Tabled/Old Business/Other Business:

Director Green describes the due process nature and the quasi-judicial manner in which the Planning Advisory Commission must act when considering requests for conditional use or interim use permits. Otherwise, there was no Tabled/Old Business to discuss.

New Business

Conditional Use Permit (C.U.P.) #24169 Shoreland Alteration

Application by Lloyd and Rwanda Campbell (PID #08-0576-601)

Applicant is seeking to permission alter the natural topographic landscape in a shore impact zone. The scope of work includes construction of an access stairway with landing as well as a boulder retaining wall for erosion control and stope stabilization. Based on the provided information, the project will involve greater than 50 cubic yards of grading and fill materials and will exceed 25 feet of working surface.

Chairman Messenger introduces the item, followed by a staff report as presented by Director Green. Director Green concludes that staff recommends that the application be approved of with conditions as presented in the staff report.

At 7:02 pm Chairman Messenger announces that the public hearing was in order and offers to receive comments from the audience. With no one providing comment in support of or against the application, the Chairman closed the public hearing.

Halls asks about the deployment of BMP to be used on site to control erosion during construction activities. Jerry Konz of JK Landscaping states that they will be utilizing erosion logs at the top of the slope and one or two rows of silt fencing at the shoreline. Shortly thereafter a motion is made by Gerde to recommend approval of the Conditional Use Permit provided that the conditions as identified in the staff report are complied with. This motion is seconded by Cooley. Motion carried unanimously. Conditions as follows:

1. Stormwater Best Management Practices (BMPs) are to stay in place until soils are stabilized/vegetated.
2. That prior to any construction activities, all necessary permits are secured from Township, County and State agencies including a NPDES permit if necessary.

Conditional Use Permit (C.U.P.) #24167 Shoreland Alteration

Application by Stephanie Howe and Randall Hagen (PID #09-0895-000)

Applicant is seeking permission to alter a bluff feature in an effort to provide access to the shoreline of Lake Minnewaska. The proposal includes widening an existing trail and using bolder to stabilize the banks of the bluff feature.

Chairman Messenger introduces the item, followed by a staff report as presented by Director Green. Director Green concludes that staff recommends that the application be approved of with conditions as presented in the staff report.

The applicants were provided time to comment on their proposed project. Stephanie Howe stated the they need the access path for purposes of property maintenance. There have been a number of trees downed in the area and they were having trouble getting to them in a safe manner. The want to utilize the existing trail in an effort to minimize additional tree removal. Halls asks about the surface of the trail. Howe responds that they will use either crushed limestone, crushed concrete or gravel.

At 7:12 pm Chairman Messenger announces that the public hearing was in order and offers to receive comments from the audience. With no one providing comment in support of or against the application, the Chairman closed the public hearing.

The Site Team reported that the hill and trail were very steep.

Halls inquires as to the condition of the rip rap at the shoreline. Hagen replied that "it's not bad, just need some landscaping maintenance." The Planning Advisory Commissioners mention that

they are comfortable with the trees remaining in place. There was some discussion of the conditions as proposed by staff including the verification of bluff stability by a professional engineer. Howe did not object to the condition and stated that she would seek out that information and present it to the Land & Resource Management staff.

With no other comments or questions, Barkeim makes a motion to recommend approval of the Conditional Use Permit provided that the conditions as identified in the staff report are complied with. This motion is seconded by Cooley. Motion carried unanimously. Conditions as follows:

1. Submittal of a stormwater/erosion control plan which includes the installation of two (2) best management practices prior to construction.
2. Verification of bluff stability by a professional engineer is completed and a report is submitted to the Director Land & Resource Management.
3. No structures are to be installed on the bluff or within the bluff impact zone.
4. Vegetation clearing beyond the scope of the project is prohibited.

Conditional Use Permit (C.U.P.) #24164 Shoreland Alteration

Application by Glacial Lake Landscaping on behalf of Gary and Wendy St. Aubin

(PID #02-0392-000)

Applicant is seeking permission to replace an existing retaining wall near the shoreline of Lake Amelia. The retaining wall is very near the OHWL of the lake.

Chairman Messenger introduces the item, followed by a staff report as presented by Galen Gruber (LUS II). Gruber provides background information on the physical nature of the individual property as well as the environmental impacts associated with wave and ice action. He concludes that "staff supports a recommendation of approval with conditions as presented in the staff report."

The applicants were provided time to comment on their proposed project. Gary St. Aubin. Owner and Kevin Sack, landscape contractor, provide their perspective on the history of the existing retaining wall and the proposed scope of work. Isdahl asks "what is the purpose of the wall? And follows up with the question is rip rap a better solution?" Sack states that in his opinion, "if built correctly, the retaining wall can be very effective at preventing further erosion." The reason that the owner wants to keep the wall is that it provides for a beach area that may otherwise be rock rip rap and less desirable. Another question was asked about the ability of the retaining wall to withstand the impact of the spring ice push. Sack responded that no wall is guaranteed to withstand the forces associated with an ice push. At this time, the conversation turned to the issue of OHW as it relates to the retaining wall and the potential for needing DNR approval. Owner St. Aubin mentions an issue with the OHW determination being in a different location than was determined by County Highway Department staff several years ago. Gruber explained how he arrived at the OHW determination but also expressly stated that he was not a

registered surveyor. Isdahl states that it would be a good idea for a survey to have been done in advanced of the PAC hearing. Halls asks question regarding water elevation and if there is a control structure on the lake. There is a control structure at the far SW end of the lake.

At 7:48 pm Chairman Messenger announces that the public hearing was in order and offers to receive comments from the audience. There was one person, Randy St. Aubin speaking in favor of the proposed project. He also stated that he hoped that there would be no DNR involvement. With no one other comments in support of or against the application, the Chairman closed the public hearing.

Site Team comments included:

- I'm not a landscaper and I don't know much about OHW. I know nothing about hydrology. (TK)
- I don't even know how to spell hydrology. (RB)
- I don't think that rip rap is the right solution. (IC)

Cooley made a motion to recommend approval of the Conditional Use Permit provided that the conditions as identified in the staff report are complied with. This motion is seconded by Gerde. Motion carried with Hall opposed. Conditions as follows:

1. The top of wall elevations of the replacement wall shall not be constructed at a greater elevation than the existing wall.
2. Prior to obtaining a *Shoreland Alteration* permit, the applicant must provide a survey of the project site detailing the existing and proposed grade elevations and ordinary high-water level adjacent to the wall, and if necessary, evidence of conformance with MN Statute 103G.245 and 103G.405 relating to approval from the MN DNR Commissioner.
3. Prior to any construction activities, all required permits must be secured from Township, County and State agencies including a NPDES permit if necessary.

Conditional Use Permit (C.U.P.) #24165 Shoreland Alteration

Application by Glacial Lake Landscaping on behalf of Michael Schultz and Cheryl Bosshart

(PID #02-0393-000)

Applicant is seeking permission to replace an existing retaining wall near the shoreline of Lake Amelia. The retaining wall is very near the OHWL of the lake.

Chairman Messenger introduces the item, followed by a staff report as presented by Galen Gruber (LUS II). Gruber provides background information on the physical nature of the individual property as well as the environmental impacts associated with wave and ice action. He concludes that "staff supports a recommendation of approval with conditions as presented in the staff report."

The applicants were provided time to comment on their proposed project. Michael Schultz, owner and Kevin Sack, landscape contractor, provide their perspective on the history of the existing retaining wall and the proposed scope of work. There was some brief discussion on the how the wall came into existence and its location relative to the OHW. It was apparent that the wall is at or below the OHW and would require DNR approval in advance of County approval.

At 8:07 pm Chairman Messenger announces that the public hearing was in order and offers to receive comments from the audience. There was one person, Randy St. Aubin speaking in favor of the proposed project. He stated that there had been a retaining wall on the site for at least twenty years. also stated that he hoped that there would be no DNR involvement. With no one other comments in support of or against the application, the Chairman closed the public hearing.

Site Team comments included:

- I think that it will look great when it's done. (IC)

There was some discussion regarding Condition #1 as provided in the staff report. If the wall was to be moved further inward (above the OHW), the elevation of the wall would increase relative to its current elevation. So, the PAC member recognized that the height of the wall, if it is reconstructed, should be consistent with the adjacent retaining wall, if reconstructed. Also, there is discussion relating to Condition #3 clarifying that the permit required is specifically a Shoreland Alteration permit (this comment is relative to CUPs 24163, 24164 and 24165). Isdahl made a motion to recommend approval of the Conditional Use Permit provided that the conditions as identified in the staff report and as amended are complied with. This motion is seconded by Barkeim. Motion carried with Hall opposed. Conditions as follows:

1. The top of the wall elevation is minimum necessary to address erosion control issue
2. At least within ten (10) feet of adjoining property lines, the wall shall transition to a permittable, alternative form of stabilization capable of buffering wave energy transferred from the wall. If the adjoining property's shoreline also has a retaining wall which abuts the property line, the two walls shall be tied together so as to prevent a weak transition and potential point of failure.
3. Prior to obtaining a *Shoreland Alteration* permit, the applicant must provide a survey of the project site detailing the existing and proposed grade elevations and ordinary high water level adjacent to the wall and if necessary evidence of conformance with MN Statute 103G.245 and 103G.405 relating to approval from the MN DNR Commissioner.
4. Prior to any construction activities, all required permits must be secured from Township, County and State agencies including a NPDES permit if necessary.

Conditional Use Permit (C.U.P.) #24163 Shoreland Alteration

Application by Glacial Lake Landscaping on behalf of Randy and Jill Duevel

(PID #02-0394-000)

Applicant is seeking permission to replace an existing retaining wall near the shoreline of Lake Amelia. The retaining wall is very near the OHWL of the lake.

Chairman Messenger introduces the item, followed by a staff report as presented by Galen Gruber (LUS II). Gruber provides background information on the physical nature of the individual property as well as the environmental impacts associated with wave and ice action. He concludes that "staff supports a recommendation of approval with conditions as presented in the staff report."

The applicants were provided time to comment on their proposed project. Kevin Sack, landscape contractor, provided perspective on the proposed project including commenting on obvious impacts of erosion along the shoreline of the property. He said that the owner wanted a retaining wall so that it would be consistent with the adjoining properties.

At 8:18 pm Chairman Messenger announces that the public hearing was in order and offers to receive comments from the audience. Both Randy and Gary St. Aubin spoke in favor of the proposed project. With no other comments to be received, the Chairman closed the public hearing.

Members of the PAC Site Team provided comments including a question from Cooley: what will happen to the tree. Landscaper Kevin Sack response that it may be difficult to work around with a retaining wall. Otherwise, there was no clear or definitive response to the question asked.

Barkeim made a motion to recommend approval of the Conditional Use Permit provided that the conditions as identified and as amended in the staff report are complied with. This motion is seconded by Gerde. Motion carried with Hall opposed. Conditions as follows:

1. The top of the wall elevation is minimum necessary to address erosion control issue
2. At least within ten (10) feet of adjoining property lines, the wall shall transition to a permittable, alternative form of stabilization capable of buffering wave energy transferred from the wall. If the adjoining property's shoreline also has a retaining wall which abuts the property line, the two walls shall be tied together so as to prevent a weak transition and potential point of failure.
3. Prior to obtaining a *Shoreland Alteration* permit, the applicant must provide a survey of the project site detailing the existing and proposed grade elevations and ordinary high-water level adjacent to the wall and if necessary evidence of conformance with MN Statute 103G.245 and 103G.405 relating to approval from the MN DNR Commissioner.
4. Prior to any construction activities, all required permits must be secured from Township, County and State agencies including a NPDES permit if necessary That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.

Old Business

There was no old business to discuss

Adjournment At 8:32 p.m. a motion was made by Barkeim to adjourn the Planning Advisory Commission meeting. Motion seconded by Kannegiesser. Motion carried with no dissenting votes noted.

Respectfully submitted,

David Green

David Green, Director
Pope County Land & Resource Management