



CITY OF ORONO

Street Address:
2750 Kelley Parkway
Orono, MN 55356

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Crystal Bay, MN 55323

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10 May 2022

Paul Taunton
9980 Deerbrook Dr
Chanhassen, MN 55317

Sent via Certified Mail (letter only):
7015 1520 0000 3575 7358

**Re: City Code Violation at 3600 Ivy Place, Orono
Lot 2, Block 1, Ivy Place**

Dear Mr. Taunton:

The City of Orono and the Minnehaha Creek Watershed District have received complaints regarding activity on the property located at 3600 Ivy Place in Orono including unpermitted shoreline grading, vegetation removal, sand and rip rap installation. In response, a City of Orono official inspected your property on May 5, 2022 and observed landscaping and unpermitted site work on the property in violation of Orono City Code. Additionally, please be advised the property is subject to the approved plan relating to the new home building permit RSP20-000132; Minnehaha Creek Watershed (MCWD) Shoreline Maintenance Declaration (Document No. T5036119, attached); and MCWD permit #17-367 (attached) issued as part of the City-approved Ivy Place Plat and in conjunction with a MCWD wetland variance.

Your immediate attention to this matter is required. The violations cited on the above premises are as follows:

- **Disturbance/removal of the Shoreline Stabilization measures within the easement area installed by the City via the Shoreline Maintenance Declaration as Document No. T5036119**
- **Floodplain Alteration – Sand/fill placed within the floodplain (City Code Art. VIII Floodplain Management).**
- **Absence of erosion control measures (City Code Sec. 79-6).**
- **Installation of hardcover (wall/border) within the 75-foot setback (City Code Sec. 78-1279 & 78-1680).**
- **Violation of the approved building permit plan (RPS20-000132)**
- **Installation of new rip rap which does not conform to the requirements of Document No. T5036119**

As a result of the above activities, the City has issued a **Stop Work** order. As this time, as a courtesy, the City has not ceased the on-going construction work on the home on the property. Failure to respond appropriately to this notice may result in issuance of a full Stop Work order, which will halt construction activities as well as the site work.

In order to resolve the above violations, the property must be brought into compliance with the requirements listed within Document No. T5036119, and MCWD permit #17-367. The wetland buffer (as shown on Page C3.2 of the attached permit #17-367) should be staked in order to establish the boundary for the lawn area. This staked buffer area shall be planted in accordance with the requirements outlined in the aforementioned documents. The imported sand, in excess of the sand blanket which was approved with MCWD permit #17-367, must be removed from the property, as well as the stone wall/border within the 75-foot setback. Reference Page 2 and Sheet C3.2. A 4-foot wide mowed path through the wetland buffer is permitted to access the new sand beach area.

On the cove side of the property, an underwater sanitary sewer line was protected by the shoreline stabilization project; the shoreline must be restored to the condition as outlined in the Shoreline Maintenance Declaration, including the rip rap improvements. A 4-foot wide mowed path through the wetland buffer is permitted to access the dock area. The shoreline stabilization project was undertaken by the City in beginning in 2012 and, with the MCWD's oversight, was subject to a 3 year maintenance schedule with ongoing monitoring. The City's investment in this restoration project in 2012 was \$68,597.58. Your rip rap project destroyed years of work and vegetation establishment. Once you re-establish the shoreline vegetation and emergent planting zone per the plans (Attachments C & D within Document No. T5036119), the City will re-start the 3-year monitoring and maintenance timelines. The financial responsibility for monitoring and maintenance will be assigned to you at the City's hourly rate.

The required actions must be commenced upon receipt of this notice, and **completed prior to occupancy of the home**. Failure to comply with the corrective actions may result in this matter being forwarded to the City's Attorney for prosecution and will result in a delay in your home construction project. Please feel free to contact me at 952.249.4627 or by email at mcurtis@ci.orono.mn.us if you have any questions on the above requirements.

Sincerely,
CITY OF ORONO



Melanie Curtis
Planner

Enclosures:

MCWD Permit #17-367

Shoreline Maintenance Declaration - Doc. No. T5036119

Drainage & Shoreline Stabilization Easement – Doc. No. T5010662

Maintenance Declaration for Stormwater Facilities - Doc. No. T05539813

Copies via Email:

Paul Taunton, Property Owner + US Mail with enclosures
Adam Edwards, Orono City Administrator
Kayla Westerlund, MCWD Permitting Program Manager
Daren Willenbring, Denali Custom Homes

Frequently Asked Questions

What is code enforcement?

The Orono City Council has established goals and expectations for the general health, safety, welfare, and aesthetic standard of the community.

These expectations are adopted as law in the City Code. Planning, Zoning, Building staff and Police Officers provide enforcement services for violations of the City Code that impact the safety and quality of life of the community. While code enforcement primarily maintains quality of life standards, it also plays an important role in the early identification and mitigation of unsafe exterior hazards, public health hazards, and compliance with humane pet standards.

How is the complaint process initiated?

The code enforcement process is typically initiated in one of several ways: 1) in response to a complaint by an individual, 2) as a consequence of an action (i.e. an application for a building permit or a zoning variance); or 3) observation of a code violation by the staff.

Minnesota state law prohibits the release of the identity of individuals who make a complaint. Minn. Stat. § 13.44 states: *The identity of individuals who register complaints with government entities concerning violations of state or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.*

Why am I receiving a formal letter and not a courtesy phone call?

Your property has one or more city code violations. The city, in most circumstances, is required to provide a written notification to the owner of the property.

What happens if I ignore this order?

Additional penalties including criminal prosecution are possible. Your immediate attention is required. Do not ignore this order.

What if my tenant is the party responsible for creating the violation?

You are receiving this notice because you are the owner of record and are ultimately responsible for ensuring that the violation(s) listed in this notice are corrected. You may also be subject to fees for corrective action initiated by the city and/or fines for failure to comply.