



# Crow Wing County Water Plan News

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To Protect, Preserve, & Improve Water Resources in Crow Wing County

## Shoreline Alteration Permits —Frequently Asked Questions

by Mitch Brinks

The Land Use Ordinance revision in 2011 created a new land use classifications for all residential lands within 1000 feet of lakes and 300 feet of streams. A new Shoreland Alteration Permit was also developed that applies to land and vegetation alteration activities within this Shoreland Zone. It is a \$150 umbrella-style permit that includes items such as: beaches (sand blankets), stairways, patios, retaining walls, water oriented accessory structures, shoreline recreational use area, ice ridges, and general dirt moving. This article addresses some of the more common questions that our office has received in the last year about this permit.

### What is a water-oriented accessory structure?

The 2011 ordinance revision now allows a small, above ground building or other improvement such as a patio or deck, which because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of water-oriented accessory structures are sheds, gazebos, screen houses, fish houses, pump houses, and detached decks and patios. These structures are limited to 120 sq. feet in size, 12 feet in height, must meet a 20 foot setback to the public water, and cannot be used for human habitation. It also cannot be located in the bluff impact zone, which is the 30 foot protected area around all sides of a bluff. A Shoreland Alteration Permit is required.

### Do I need a permit to fix my ice ridge?

Crow Wing County regulates ice ridges differently depending on if they are annual or historic. The ordinance defines an annual ice ridge as a “linear mound of

lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.” A historic ice ridge is essentially an annual ridge that has been left for 2 or more years and typically has vegetation established on it.

A one-time 15 foot cut can be made in a historic ice ridge provided that a berm or diversion is installed landward of the ice ridge to prevent erosion from upland runoff. A Shoreland Alteration Permit would be required to conduct this work.

For an annual ice ridge, no permit is required to re-grade ridges that consist solely of sand material. Previously, annual ridges of dirt & sod did require a permit to re-grade. However, the mild winter of 2011-2012 caused extensive shoreline activity resulting in the creation of new annual ice ridges across the larger lakes in Crow Wing County. The mild weather has caused the ice to move in extreme and unusual ways, creating ice ridges that are often hundreds or thousands of feet long around area lakes. Because of this, the Crow Wing County Land Services Department is waiving shoreland alteration permit requirements for the re-grading of annual ice ridges on General Development (GD) and Recreational Development (RD) lakes effective March 21, 2012 and ending July 16, 2012, provided:

1. All work done shall be the minimal amount needed to re-grade the annual ice ridge caused during the winter of 2011-2012.



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Environmental Services

**CROW WING COUNTY**  
BRAINERD, MINNESOTA 56401

## Shoreland Alteration Permits—FAQs (continued)

2. *There shall be no topsoil, vegetative matter, or sand deposited in the lake unless approved by the DNR.*
3. *Any dirt moving that uses materials from the annual ice ridge and placed on the remainder of the property shall require a permit.*
4. *Property owners shall implement erosion control best management practices during the construction period to include at minimum perimeter protection and vegetation stabilization as needed.*

All permit requests in Crow Wing County require a compliant septic system. If it has been more than 3 years since an inspection was done on an existing system or 5 years on a new system, an inspection must be completed before a permit can be issued. A list of state-licensed inspectors can be found by typing “septic system” in the search box at [www.co.crow-wing.mn.us](http://www.co.crow-wing.mn.us)

### Performance Standards

In addition, the Ordinance has performance standards that may apply depending on the amount of impervious surface coverage and distance from a lake or stream. Projects with over 15% impervious surface require a stormwater plan to be developed to manage the first 1 inch of rainfall over a 24 hour period. Projects with over 20% impervious surface require an analysis of their shoreline to determine if a vegetative buffer is required. This Shoreline Rapid Assessment Model (SRAM) looks at the amount of disturbance along the shoreline as well as the presence of existing vegetation and issues a score that either results in a required no-mow buffer of 0, 10, 15, or 20 feet. For properties within 500 feet of a lake or 150 feet of a stream, a septic assessment is required to verify that the contents of a septic tank have been pumped within the last 3 years or that the tank was reviewed and found that no pumping was necessary.

### Crossing a wetland to access the lake

Where wetlands exist adjacent to lakeshore, boardwalks are an approved option for accessing the lake. The Minnesota Wetland Conservation Act (WCA) considers an elevated boardwalk a reasonable and prudent alternative to using fill to access the lake. The posts and pilings needed to support the boardwalk do not count as a wetland impact or ‘fill.’ Crow Wing County allows up to a 6 foot wide elevated boardwalk (or 8 feet if commercial property) with a shoreland alteration permit. Boardwalks may be placed on temporary or permanent supports, may have railings attached, but shall meet property line setbacks.

Boardwalks may be used in conjunction with the De Minimis Exemption provision in the Minnesota Wetland Conservation Act that allows either 100 or 400 sq. ft. of wetland fill in the Shoreland Zone of a lake or stream.

The amount allowed depends on the wetland type and can only be used outside the building setback. The above, right photo shows a landowner using 400 sq. ft. of fill to extend a 4 ft wide path 100 ft into the wetland and then using an elevated boardwalk the rest of the way. For more information on wetlands and boardwalks, please type wetlands into the search box at [www.co.crow-wing.mn.us](http://www.co.crow-wing.mn.us)



*The Land Services Department is committed to providing excellent customer service while helping landowners make wise choices that protect Crow Wing County’s extraordinary natural resources.*

*Citizens are encouraged to contact the Environmental Services Office at (218) 824-1125 or [environmental.services@co.crow-wing.mn.us](mailto:environmental.services@co.crow-wing.mn.us) to discuss land use and water protection activities. Crow Wing County information and resources can be found at [www.co.crow-wing.mn.us](http://www.co.crow-wing.mn.us)*



## Crow Wing County News

### **Free Nitrate Testing**

The Crow Wing County Land Services Department, in association with the Minnesota Department of Agriculture, is pleased to offer free nitrate testing for residents of Crow Wing County and surrounding areas. "Landowners can bring in a fresh sample of water from their tap to the Land Services Building anytime that we are open. The test takes a matter of seconds and can often be conducted while they wait" stated Water Protection Specialist Mitch Brinks. For best results, a 1 cup sample should be taken after running the tap for several minutes and before any filtering is done. A disposable bottle or container should be used to collect the sample in case County staff is unable to run the test right away. In that case, the results will be sent to the landowner. Participants are also encouraged to bring the unique well number which can be found on the well and the approximate depth of the well.

Nitrates are a common contaminant found in many wells in Minnesota. Too many nitrates in drinking water can cause serious health problems for young infants, including "blue baby syndrome" (or methemoglobinemia). Nitrates in our environment come from decomposition of plants and animal wastes. People also add nitrates to the environment in the form of fertilizers. Although natural nitrate levels in Minnesota are generally quite low, elevated levels are often found in agricultural areas where nitrate sources are often concentrated. Nitrates are tasteless and odorless, so routine testing is important, especially for landowners with shallow wells. If high nitrate levels are detected, landowners will be directed to a certified lab for further analysis.

### **Crow Wing County Receives DNR Grant to Conduct Inspections for Aquatic Invasive Species**

Crow Wing County, in partnership with the Whitefish Area Property Owners Association and the Pelican Lakes Association received a \$7,750 Watercraft Inspection Grant from the Department of Natural Resources to inspect watercraft at public landings for Aquatic Invasive Species on the Whitefish Chain of Lakes.

Last summer, County watercraft inspectors successfully prevented a boat carrying Eurasian Water Milfoil from entering Lower Hay Lake on the Whitefish Chain of Lakes. This summer, in addition to the Whitefish Chain, Crow Wing County will also provide an inspector for the County owned Jones Bay Public Access on the west side of Pelican Lake. "Crow Wing County is committed to doing our part to prevent the spread of AIS by monitoring one of our most heavily used public landings," stated Water Protection Specialist Mitch Brinks.

The Crow Wing County Land Services Department will be accepting applications for two full time seasonal watercraft inspectors. The positions will run from approximately May 9, 2012 through September 3, 2012. An announcement with more specifics about the position is located on page 4 of this newsletter. Interested applicants are encouraged to contact Mitch Brinks at (218) 824-1128

### **50% One-time Expansion to Non-Conforming Structures to Expire January 1, 2013**

Currently, the Crow Wing County Land Use Ordinance allows the footprint of a legal non-conforming structure (built prior to 1970), be expanded by up to 50% of the size of the existing structure provided that the non-conformity is not increased and that the expansion does not occur in Shore Impact Zone 1 (the first 1/2 of the setback). This provision of the Ordinance will expire at the end of 2012. so Crow Wing County is encouraging folks who are thinking about taking advantage of this provision to get a permit soon. Building permits are good for 2 years.

### **Crow Wing County Named as Finalist for Environmental Initiative Award**

In addition to winning awards in 2011 from the Association of Minnesota Counties (AMC), Brainerd Area Environmental Learning Network (BAELN), and the U.S. Environmental Protection Agency, Crow Wing County was recently named a finalist for the 2012 Environmental Initiative Award for the 2011 Land Use Ordinance Revision. For more information on the Environmental Initiative and the finalists, go to: [www.environmental-initiative.org](http://www.environmental-initiative.org)



### Grants—Available to Landowners

#### **Cedar Lake**

The Crow Wing County Land Services Department and the Aitkin Soil & Water Conservation District (SWCD) were awarded a grant to provide technical services to implement stormwater and agricultural BMPs, establish shoreline vegetative buffers, and conduct forest management in the shoreland areas of Cedar Lake, which is located between Deerwood and Aitkin. The funding source for this grant is the Clean Water Fund, which is administered by the Board of Water and Soil Resources (BWSR) with funding from the Clean Water Amendment that was passed by voters in 2008. Interested landowners should contact Mitch Brinks @ 218-824-1128 or [mitch.brinks@co.crow-wing.mn.us](mailto:mitch.brinks@co.crow-wing.mn.us)

#### **Mille Lacs Lake**

Aitkin, Crow Wing, and Mille Lacs Soil & Water Conservation District have been awarded a grant for shoreline buffers / stabilization projects, rain gardens, conservation easements and agricultural best management practices within the watershed of Mille Lacs Lake. Eligible projects typically require a 50% funding match from landowners. Lakes in Crow Wing County that are within the Mille Lacs Lake watershed include Borden, Partridge, Turtle, Round (north of Garrison), Smith, Holt, Camp, and Little Whitefish. Contact Melissa Barrick with Crow Wing SWCD @ 218-828-6197.

#### **Various Lakes**

Crow Wing Soil & Water Conservation District (SWCD), Department of Natural Resources, and the 30 Lakes Watershed District have grants available to help offset the cost of stormwater and shoreline projects. For more information, please contact Crow Wing SWCD @ 218-828-6197, DNR @ 218-833-8648, 30 Lakes Watershed District @ 218-828-0243.

#### **Conservation Easements**

The Minnesota State legislature recently approved a grant for *Protecting Sensitive Shoreland in North Central Minnesota Using Conservation Easements*. Crow Wing, Cass, and Aitkin Counties in partnership with the Minnesota Land Trust and Leech Lake Area Watershed Foundation will receive approximately \$1 million in funding to pay for the closing costs associated with establishing conservation easements on large parcels of sensitive shorelines. For more information on program eligibility, contact Mitch Brinks @ 218-824-1128 or [mitch.brinks@co.crow-wing.mn.us](mailto:mitch.brinks@co.crow-wing.mn.us)

#### **Well Sealing**

Crow Wing County Land Services recently received a BWSR Clean Water Fund grant for \$20,000 to start a 50/50 cost-share program for sealing abandoned / unused wells. For more information, please contact Mitch Brinks @ 218-824-1128.

### Job opening

#### **Crow Wing County Seasonal Watercraft Inspector**

This is a great opportunity for two individuals to help protect the Whitefish Chain of Lakes and Pelican Lake from aquatic invasive species by inspecting watercraft at public landings. This full-time assignment will work mainly on the weekends and runs from approximately May 1 – Sept 3. A background in natural resources is desirable. Salary: \$7.75/hr plus mileage. Satisfaction of background check & drug test is required. For additional information & to apply online visit [www.co.crow-wing.mn.us](http://www.co.crow-wing.mn.us) or contact Human Resource, 326 Laurel St, Suite 12, Brainerd MN. 218-822-7030 or email [cwcemployment@co.crow-wing.mn.us](mailto:cwcemployment@co.crow-wing.mn.us). Positions are open until filled. EOE

## Upcoming Events

#### **Lake Association Open House—Friday May 11 from 10:00 AM to 3:00 PM**

Crow Wing County, in association with the Crow Wing Lakes & Rivers Alliance (LARA), Crow Wing Soil & Water Conservation District (SWCD), 30 Lakes Watershed District, and the Department of Natural Resources (DNR) Shoreline Habitat Program are pleased to host an open house for lake association representatives to come in and receive news and information related to lakes within Crow Wing County. Staff will be on hand to provide information and to answer questions about:

- ◇ Land Use Regulations (an updated DVD video will also be provided to bring back to your association meeting)
- ◇ Aquatic invasive species
- ◇ Updated lake assessments on larger lakes (available on all Crow Wing County lakes that are over 500 acres in size)
- ◇ Conservation Easements
- ◇ Nitrate testing (available on-site)
- ◇ Stormwater Management
- ◇ Shoreline Buffers
- ◇ Videos and other new resources available on the Crow Wing County website