

Shoreland Ordinance Guide

If, when you look around your lake, and you like some of the things that you see, you can thank the Shoreland Ordinance we have had for the past 25 years for playing a part in protecting the water quality, the pristine "Northwoods Look" and all the other things that make up our lake environment. If you want it to continue to be the way it is, then it is up to you to participate in this very important process of Shoreland Ordinance Revision. Whatever your views may be on this subject, they will be welcome at the public hearings scheduled for this summer (see back page) We urge your participation either in writing or in person.

Frank Smith, President Coalition of Lake Associations (COLA)

The material in this special edition of the COLA Update was prepared in cooperation with the COLA Shoreland Ordinance committee. John Weber Chairman and member of the Spider Lake Association, Joyce Wilson, Fish Hook Association, Rich Rothermel, Potato Lake Association, Paul Child, COLA Vice President and 5/6th Crow Wing Lake Association, and Jerry Lamp, Lake Belle Taine Association.

When you read this special Shoreland Ordinance section, please give some thought to what the effect of some of these changes will have twenty five years from now. Think about what kind of place Hubbard County and our lovely lakes will be in 2022. Will it look like some of the urbanized lakes that are found near the Twin Cities? Or will it still be clean, quiet and a place of renewal for humans and a friendly habitat for wildlife. What you personally do at these hearings coming up in the next two months may have a substantial effect on the outcome.

Shoreland Ordinance Proposed Revisions

Section 501 thru 502.6(Septic Setback)

Proposed Change to Ordinance

Changes drainfield setback from 150 feet for all types of classifications to 75 ft for R&D lakes and 50 ft for General Development lakes. In addition, the proposal is to reduce the vertical separation from moist earth (water table) from four feet to three feet.

COLA opposes this change. When Hubbard County adopted it's original ordinance in 1974, it placed the septic setback at 150 feet since the land around most lakes is glacial till that is sandy and very porous. The 150 ft setback and the four foot vertical separation from moist soil insures removal of the majority of the active Phosphorous from the effluent thus protecting the water quality of our lakes. Sandy soil such as we have here can allow nutrients and pathogens (bacteria) to move freely. The present day clarity of our lakes as well as the excellent water quality shows that this 150 foot separation is effective. **To reduce it now would be a gigantic step backwards.** Due to the fact that there has been very little research on the movement of phosphorous in soil coupled with the fact that EPA recommends four foot separation, COLA supports the current language of 150 ft setback and four foot vertical separation that currently exists in the ordinance.

Section 511 Temporary Structures

(New Revisions requested by Environmental Services)
Defines **temporary** structures and sets rules for RV Storage.

COLA supports this effort by ESO Environmental Services Office) to clarify the Ordinance

This provides language that was not previously in the Ordinance.

ESO would get questions on RV's etc. for which they did not have answers. This proposal now defines how these situations will be handled. Uninhabited RV's may be stored on a lot without being considered temporary structures. This language does not prohibit RV's etc. but will require getting a permit when the structure exceeds the temporary time period (180 days) days.

Section 601(Storage buildings at lakeshore)

Changed language to allow one water oriented structure 250 sq ft max with permission to have a deck on top. Structure would be allowed within 10' of lakeshore and would include gazebos, fish cleaning houses etc. With an allowable 3' foundation and deck railings, this lakeshore building could be as high as 17 feet. Existing structures could be torn down and rebuilt.

The COLA position is to oppose any lakeside structures (with one exception- see below)

This provision could lead to the proliferation of large structures by the lakeshore. Such structures would lead to deterioration of water quality as well and degradation of the appearance of the lakeshore. It could also lead to a loss of property value for lakeshore property owners. **Correspondence received by COLA to date is overwhelmingly against this revision.** However the COLA board voted to allow the construction of small temporary structures in the case of a property owner with a debilitating handicap or permanent medical problems. The language currently in the Ordinance regarding variance procedure provides adequate provision for granting a medical variance for a temporary structure where the need is indicated to allow the property owner full use of his property.

Section 513 Fish House and Dark House Storage

States a fish house can be stored on a residential lot and exempts it from being considered an accessory building providing that the fishhouse license is maintained and that the **fish house is stored at or back of the structure setback line (100-150 ft)**

COLA supports this new section

This is a new section requested by ESO to address a problem that has been around for years. Some lakeshore property owners do not like the fact that they now will have to move their fish house away from the shore. COLA supports this section on the basis that it provides more protection from runoff and does a good job of defining the status of these structures without denying anyone the use of such a structure for its intended purpose.

Shoreland Ordinance Proposed Revisions

Section 705 Non Conforming Structures

This has language to better define additions to non conforming structures. For structures less than 800 square ft. new language would allow a 50% addition or a second story not to exceed 8ft in wall height. It would also allow an addition to be 6ft higher than the original structure.

COLA opposes the portion of this change that would allow for expansion of structures within the shoreland impact zone but will support it for non conforming structures out of the shoreland impact zone.

Cautionary notes: Impact on septic systems should be considered.

A two story addition could block a neighbors view on narrow lots. Neighbors should be advised of permit applications and be allowed to express their views on any action that will have a possible detrimental effect.

Planning Commission

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Richard Strub	(218)224-3224
Walter Wermerskirchen	732-4180



The goal of life is living in agreement with nature

Zeno (From Diogenes Laertius 335-363 BC)

Section 902 Topographic Alterations

Language added to allow a 15 foot cut through permanent ice ridges by permit. Previously this was a variance process

COLA opposes this change. Although 10 ft. cuts in ice ridges have routinely been allowed by variance, this action should not be undertaken lightly. There has to be genuine hardship as established by the Board of Adjustment procedures. In general, there is a hardship when a reasonable use of the property including access to the lake is not possible without removal of some portion of the ice ridge. However, making this a permit action with sufficient width to make it usable as a boat ramp, will be a disaster for many lakes. It will permit removal of this very important natural barrier to increased runoff. Wherever possible, property owners should be encouraged to share access with neighbors or to use public accesses for taking boats in and out of the water on a given lake.

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Shoreland Ordinance Schedule of Public Hearings Summer of 1997

June 10 Planning Commission regular June meeting They reviewed the Shoreland Ordinance changes for the last time. No additional changes were made at that meeting

June 12 Start of Public Comment period Environmental Services Office completes draft copy of Shoreland Ordinance and makes it available to the public at a cost of \$3.00 per copy.

Persons wishing to make written comments on any of the changes proposed by the Planning Commission may do so by writing to:

*Stu Haines, Chairman
Hubbard County Planning Commission
Hubbard County Courthouse,
Park Rapids MN 56470*

July 12 First of two Public Hearings by the Planning Commission This hearing will be held in the basement of the Hubbard County Courthouse at 7:00 PM. All written comments submitted during the public comment period (June 12 to July 12) will be read into the record at this time. In addition, any person may speak at the public hearing by signing up at the start of the meeting an intention to speak. In addition, after all signed speakers have spoken, there will be a call for other input from the public until anyone wishing to speak has been heard.

July 15 Public Hearing by Planning Commission in Northern Hubbard County On this day, an additional Public Hearing will be held at the Rockwood Township Hall (About 4 miles west of US 71 on County 9) at 7:00 PM to allow input from public in the northern part of the County. Procedure the same as for the Park Rapids Meeting.

July 22 Planning Commission Special Meeting at the Hubbard County Courthouse at 10:00 AM to make determine their final recommendation to the Board of Commissioners. **This meeting is open to the public, but the public may not speak at this session.** The Planning Commission will then forward its final recommendation to the County Board of Commissioners

-August 4 The Hubbard County Board of Commissioners special meeting to consider the proposed changes to the Shoreland Ordinance forwarded by the Planning Commission. **The public may attend, but no public input will be allowed at this meeting** If they are unable to complete the review on August 4th, additional meetings will be scheduled on the 5th and 6th until all the Ordinance has been reviewed. **It is highly possible that the voting position of each Commissioner on each proposed revision will be indicated during this process.** This will give interested parties time to provide additional phone or written input to each Commissioner prior to their formal public hearing on the Ordinance

August 22 The Board of Commissioners formal public hearing in the Basement of the Hubbard County Courthouse at 7:00 PM. Procedure for testimony before the Commissioners is the same as that used in the Planning Commission hearings. Written input from the public received after the Planning Commission hearings will be read into the record. Shortly after all public input is given at the Commissioners Public Hearing, a vote will be taken to adopt a **final version of the Shoreland Ordinance.**