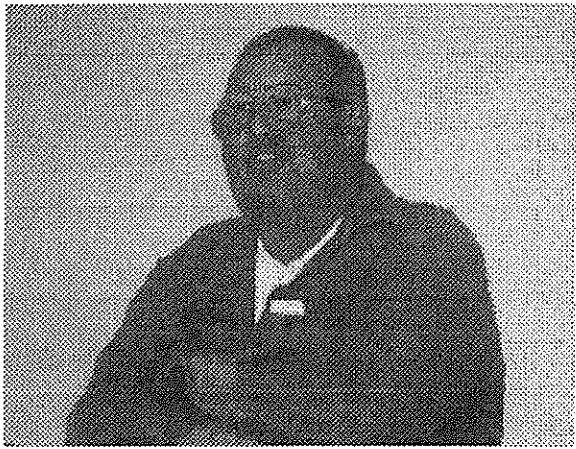


# The COLA Update

Hubbard County Coalition of Lake Associations (COLA), PO Box 746 Park Rapids MN 56470

Fall 1999



*Tom Blackmarr, Cass County Environmental Enforcement Officer, addresses the Hubbard County COLA Board at their September 1999 meeting*

## Enforcing the Shoreland Ordinance in Cass County

*by John Weber*

Cass County Environmental Enforcement Officer Tom Blackmarr was guest speaker at the September 30<sup>th</sup> COLA Board meeting.

He began his talk by citing three major changes in how Cass County deals with the Ordinance in the 6 years he's been enforcement officer:

1. The Shoreland Ordinance is enforceable if it has "musts" and "wills" and less "mays". Blackmarr remarked that "Six years ago, the Cass County Ordinance didn't have enough teeth to chew oatmeal," but this has now changed.
2. It is important that the Cass County Board of Commissioners be committed to the Shoreland Ordinance. Tom feels that whatever the Ordinance is, this commitment is important to its successful enforcement.

*(Continued on page 5)*



## Surface Water Use Legislation

*The Water Use Statute now in force in Minnesota was written in the days when rowboats and 5 Hp motors were the rule on our area lakes. Now things have changed; therefore the Minnesota Lakes Association in conjunction with the Crow Wing Lakes and Rivers Association (LARA) have proposed a revision of the current State Statute. A legislative hearing was held in Hackensack, MN in October. Here is the revised plan proposed by MLA and LARA.*

## Proposed Revisions to Minnesota Statute 86B--Water Use Policy

1. Change Title of Statute to Surface Water Use Policy.
2. Add to motorized watercraft section with definitions for motorized watercraft use:

**Transportation Use:** being used to move occupants from one location on the water surface to another. Examples: Point to Point travel, Sightseeing, Fishing.

**Recreational Use:** when any motorized watercraft is being used to "play" on the water surface

Examples: Towing water-skiers, water-boarding, tubes, etc; high speed travel when motorized watercraft is not being used for transportation purposes.

3. Add definitions of speeds such as Displacement Speed, Transition Speed, Planing speed and Slow No-wake speed.
4. Add Statewide Requirement for Use Zoning on all lakes.

**A. Environmental/Courtesy Zone:** 100 yards from natural shoreline where speed limits of 20 miles per hour must be observed.

*(Continued on page 4)*

## President's Message

Another year has passed in which some things have changed yet many have stayed the same. The lakeshore ordinances have gone into effect. Hopefully it will set a precedent for the future use of land and water. This in turn will leave the environment in as good or better condition for future generations. COLA members have to feel proud for our part in making this happen. We also have to keep up our support in this area and other matters that impact our community and the environment.

To the many speakers of the past year, we would like to extend our gratitude and thanks for their time and efforts in making each meeting interesting and sometimes challenging. With the passing of Tom Blackmarr of Cass County, the environmental enforcement community has lost a great pioneer and advocate of land and water preservation. His willingness to work with people is a good example for all that follow.

Acknowledgment of their efforts goes to all the volunteer committee members who have helped to make COLA run smoothly. Several new committees have been formed this year, which can only further benefit our mission.

With much appreciation and thanks, Hubbard County COLA said its good byes to two of the founders and steadfast advocates of this organization. Our best wishes to Emil and Bobbie Thomas!!

The year 2000 is now upon us and the members of the COLA organization will continue to be ready and willing to do our part to preserve and protect our natural resources. Keep up the good work and we'll see you at the meetings.

Jim Naber

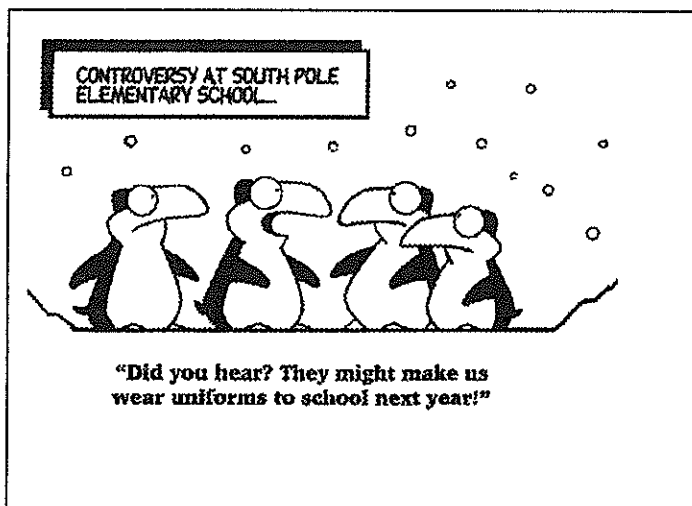
## Restore the Shore Program

*by Paul Child*

Recently COLA initiated the Restore the Shore Program to encourage lake residents to plant vegetation on areas that had been clearcut down to the shore. Jerry Knoblich, who is coordinating the program, reports that the response has been very encouraging. Basically, the program makes it easy for members to order trees and shrubs. Because the orders must be for bundles of 25 when submitted to the Hubbard County Soil and Water Conservation District, Jerry can combine orders. Thus far there have been over 1750 trees and shrubs ordered by 12 lake associations. Of these about half are for shrubs and half for trees.

Of the shrubs, the lilacs and the amur maple were the most popular. The Norway pine, the white cedar and blue spruce were the most popular trees, and the sugar maple the most popular deciduous tree. It is interesting that of the 25 offerings, Jerry got an order for every variety though some were small orders. Costs of the 25 piece bundles vary from \$7.50 to \$25.00. Sizes are in the 12-20 inch range for the shrubs and from 10-24 inches with the trees.

Although Jerry is in the process of consolidating the orders and submitting them to the Soil and Water Conservation District, there may still be time to submit additional orders; call him at 218-732-7687. The trees and shrubs will be delivered early next May.



## Benefits of Shoreland Ordinance

*by Marlene Weber*

The high water on most of our lakes should make us very glad to have the Shoreland Ordinance! By following the Ordinance, we eliminate many problems. It helps assure that development around the lakes will preserve clean water and natural beauty. Before the Ordinance, homes were built close to the shore and these homes are now having problems.

If we are 100 feet back (on Recreational Development Lakes) and maintain a proper septic system and if we have left a wide buffer zone of woody vegetation along the shoreline, we can weather the changes over the years. If you don't have a buffer zone, do start planning one now. A broad expanse of clear grassy lawn down to the water may be detrimental to long term water quality. Trees and shrubs hold the soil in place and minimize runoff. The leaves that fall in the autumn help hold moisture too. Also, leaving the emergent vegetation in the water slows wave action and protects the shoreline.

Many people move here from the cities and suburbs to "get away from it all." It is important to realize we live in a natural environment here. We should strive to walk softly on the earth and make a minimal impact. In that way nature can continue a natural ebb and flow and balance, and we all will benefit.

### Humorous Advertisements

Girl wanted to assist magician in cutting-off-head illusion. Blue Cross and salary.

For sale: antique desk suitable for lady with thick legs and large drawers.

Now is your chance to have your ears pierced and get an extra pair to take home, too.

We do not tear your clothing with machinery. We do it carefully by hand.

Great Dames for sale.

Tired of cleaning yourself? Let me do it.

## Cass County Ordinance Enforcement

*(continued from page 1)*

3. Cass County took the politics out of enforcement by handling zoning violations through the enforcement system. Violations are not presented to the County board. He feels this creates a "level playing field."

Blackmarr mentioned that Cass County actually has two zoning Ordinances. The Shoreland Ordinance covers the first 1320 feet back from the shore. (Remember that Hubbard County has 1000 ft.). In addition, Cass County now has countywide zoning, which covers any property outside of the Shoreland Zone. (Hubbard County has a countywide ISTS septic system Ordinance). Townships can have other zoning regulations but most do not in Hubbard County.

Blackmarr believes there are two ways to handle violations. The first thing to be done is to talk things over with the person who has the violation. He feels 99 percent of the infractions have been handled successfully this way. An administrative fee of \$45.00/hour is paid by the landowner to compensate the county for Blackmarr's time. When a matter is resolved in this manner, it is not publicized.

If mediation fails, then the matter must be taken to court. In Blackmarr's experience, this has only happened five times in 1000 violations over the past six years. Court cases are handled as misdemeanors through the criminal code, rather than the civil code. Handling court cases in this matter has several advantages:

- ◆ Speed: A County Attorney files the misdemeanor complaint with a judge who hears the case quickly and passes judgement.
- ◆ Teeth: Punishment for a guilty judgement is up to \$700 fine, 90 days in jail or both.
- ◆ Cost effective: Many of the expensive aspects of civil prosecution are totally bypassed or severely reduced.

The Cass County Planning Commission and Board of Adjustment do not consider applications or

properties with current violations if they have not been corrected. Tom stated it is very hard to show a true "hardship" exists. In Cass County violations are not excused by "after the fact" permits and variances.

The pro-active nature of Tom Blackmarr's enforcement philosophy became evident as he talked. It was to his advantage that he was a burly ex-Navy Seal and was deputized by the Cass County Sheriff's Department. But he blanketed Cass County with his enforcement efforts - "spreading the pain" as he called it. In six years he feels that lakes were already becoming clearer. He realizes that most of the violators he deals with "are generally a little bit too selfish" in what they want to do on their property. Actions of landowners or agents such as septic pumpers, realtors, contractors etc. are held accountable in Cass County. Because contractors should know better, said Tom, he started out much tougher on them. Every contractor was given one chance. There have been no second time problems in Tom's six years. He also takes lots of pictures.

Someone asked Tom about clear cutting trees and shrubs in impact zones near lakes. He said that aerial photos are taken each year in Cass County. Where clear cutting has taken place, the County Forester uses the aerial photos to determine how many trees have been cut. Violators are required to replace "inch for inch" in trees that are at least one-inch or larger in diameter. Corrections must be made by October 15<sup>th</sup> of the year the violation was cited. The county also requires that new plantings must survive at least five years.

He concluded by saying it was not a "hard sell" for Cass County Commissioners to create his enforcement position since it kept them out of the political spotlight. (It was pointed out that COLA President Jim Naber had sent a personal invitation to each of the Hubbard County Commissioners to attend this special COLA meeting, but none showed up)

Tom said "Enough people have called in sufficient violations to last me until 2002." Unfortunately, such will not be the case. Others will have to carry on his work. Tom Blackmarr died of a heart attack at age 57 on Friday, October 8<sup>th</sup>. His work can serve as an inspiration to add Hubbard County to the growing list of counties (Cass, St. Louis, Crow Wing and most recently, Aitkin) that use the criminal route in enforcing county zoning/shoreland ordinances.

**Member Lake Associations:**

5/6 Crow Wing	Big Sand	Fish Hook	Kabekona	Portage
8th Crow Wing	Blue	Gilmore	Little Sand	Potato
Bad Ax	Eagle	Ham Lake	Long	Spider
Belle Taine	East Crooked	Hinds	Lower Crow Wings	Stony
Big Mantrap	Emma/Stocking/Bottle	Island (south)	Palmer	

**Officers**

<b>President</b>	Jim Naber
<b>Vice President</b>	Jerry Lamp
<b>Secretary</b>	Judy Novak
<b>Treasurer</b>	John Weber

**COLA Update Staff**

<b>Editor</b>	Frank Smith
<b>Production</b>	Ted Spencer
<b>Mailing</b>	Rich Rothermel
<b>Writers</b>	Paul and Judy Child
	John and Marlene Weber
	Ted Spencer
	Sam Zibit

*In this issue: Enforcing the Shoreland Ordinance in Cass County  
Surface Water Use Legislation*

*"Restore the Shore" Program*

*Benefits of Shoreland Ordinance*

*Lakewater Sampling Program and results for 1999*

*Notes on Feedlot discussion by Planning Commission*

*Lake Association News*

*Plus*

*A special historical section*

***Memories of Bygone Days***

*(Excerpts from the COLA Historical Archives)*

Non Profit  
Organization  
US Postage Paid  
Permit #64  
Park Rapids MN  
56470

The COLA Update  
Hubbard County Coalition of Lake Associations (COLA)  
PO Box 746  
Park Rapids MN 56470  
(Printed on Recycled Paper)