



Crow Wing County Water Plan News

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

Land Use Regulations

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This Issue's focus: **Land Use**

Each issue we will focus on one part of the Crow Wing Comprehensive Local Water Plan.

To view the water plan, please go to the Crow Wing County website (link on back page)

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Land is regulated in many ways. Primarily, land is regulated by how humans use it. There are local, state, and federal regulations that apply to some aspect of land use.

At the County level, a Land Use (or Zoning) Ordinance is the official book of rules and regulations. This document groups similar types of land uses together into land use districts (formerly "zoning" districts) and then outlines specific uses and standards (i.e. rules) for development of these types of lands. It also incorporates standards set by the state of Minnesota.

In Crow Wing County, the Zoning Ordinance was recently revised and is now referred to as the "Land Use Ordinance." Article 1 outlines the reasons for having land use regulations:

It is the purpose of this ordinance to protect, preserve, and enhance the quality of the lakes, rivers, forests, wetlands, natural land forms, and open spaces of Crow Wing County for future generations. Further, it is the goal of this ordinance to promote the health, safety, general welfare, and orderly development of Crow Wing County by:

- ◇ ***Regulating land use in accordance with the County Comprehensive Plan.***
- ◇ ***Promoting orderly development of the residential, business, industrial, recreational and public areas of Crow Wing County.***
- ◇ ***Dividing the County into land use districts.***
- ◇ ***Regulating the location, height, and bulk of structures.***
- ◇ ***Preserving the economic and natural environmental values of***

shorelands.

- ◇ ***Regulating setbacks.***
- ◇ ***Regulating sizes of lots, yards, and other open spaces.***
- ◇ ***Preventing overcrowding of land and undue concentration of structures.***
- ◇ ***Encouraging compatible developments of different land use and the most appropriate use of land within the County.***
- ◇ ***Maintaining and enhancing the quality and condition of natural resources within the County.***
- ◇ ***Providing adequate access to air, direct sunlight, and convenience of access to property.***
- ◇ ***Bringing all non-complying subsurface sewage treatment systems into compliance.***

This ordinance is also intended to protect the shoreland of public waters and the shorelands of the Mississippi River and Headwaters Lakes it flows through, and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use and protection of waters and related land resources.

One goal of the new Land Use Ordinance for Crow Wing County is to clarify the land use districts within the County. Specific attention was focused on the creation of a shoreland district, which includes all property within 1000 feet from a lake and 300 feet from a stream. Other classifications include rural residential (in increments of 1, 2.5, 5, 10, and 20 acres), commercial / industrial classes, and agricultural / forestry.

Continued on page 3...



Water Plan Integration into Crow Wing County Land Use Ordinance

The current Crow Wing County Water Plan was adopted in 2008. 6 priority concerns were identified with the goal to protect the surface and groundwater resources of the county. Under each priority concern are action steps that specifically lay out tasks to accomplish the goal. The changes to the Crow Wing County Land Use Ordinance are a reflection of many of these priority concerns and action steps. Below are some examples of this integration of the water plan into the Land Use Ordinance:

Priority Concern 2: Address Stormwater Runoff to Minimize Impacts to Water:

Action 1: Educate riparian and non-riparian property owners on stormwater issues and support best management practices (BMPs) to prevent/correct stormwater runoff and erosion. (e.g. raingardens, shoreland revegetation, vegetative swales, etc.)

Action 7: Provide education for contractors, developers, realtors, the business community, and local officials on stormwater management.

Along with the extended 60 day public comment period, a number of public hearings, meetings with stakeholders, radio and newspaper spots were about the proposed Ordinance. Crow Wing County also hosted 3 workshops this spring related to stormwater management and shoreline protection. In addition, all County field staff are certified as erosion and stormwater installers.

Action 2: Encourage LGUs to require stormwater management plans for all riparian development and redevelopment before issuing permits.

Crow Wing County Land Use Ordinance Article 11.5 requires performance standards in conjunction with the issuance of any permit in the Shoreland Protection Zone (within 500 ft of a lake). Depending on the project, this ranges from simple best management practices (BMPs) to development and implementation of a plan to treat stormwater runoff from a 1" storm event.

Action 3: Encourage LGUs to require shoreland mitigation for all variances on riparian properties.

Crow Wing County Land Use Ordinance Article 7.4 requires that when evaluating a project, the planning commission and board of adjustment must make sure that erosion control and stormwater are provided. In addition, according to Article 7.5 a shoreline vegetative buffer may be required as a condition of approval.

Action 5: Encourage LGUs to monitor and ensure compliance with the best management practices or other requirements of stormwater management plans and pursue appropriate enforcement measures for violations of the permit.

Crow Wing County Land Use Ordinance Article 41.2 requires that Crow Wing County Environmental Services staff are required to inspect stormwater management systems in the field after construction. Field staff also review permits and pursue enforcement actions as warranted.

Action 6: Encourage and support innovative stormwater management techniques.

Prior to a permit being issued, field staff meet onsite with the landowner to discuss the project, including stormwater management techniques that might apply.

Priority Concern 4: Address Wastewater needs throughout the County:

Action 1: Ensure all Subsurface Sewage Treatment Systems (SSTS) have certificates of compliance as required by Minnesota Statute 7080 and system upgrades are completed when non-compliance is identified.

Crow Wing County Land Use Ordinance Article 37.10 requires a current compliance inspection to be on file when applying for a zoning permit. Article 37.11 requires compliance inspections also be conducted for sales or transfers of property. Article 37.7 requires that failed systems be upgraded or replaced in compliance with MN Rules 7080.0060.

Action 2: Ensure that LGUs maintain current records of SSTS compliance that are tied to real estate parcel records.

Crow Wing County Zoning Ordinance Article 37.15 requires that the county maintain septic records.

Action 4: Educate property owners on SSTS compliance requirements and promote education on proper system maintenance and operation.

Crow Wing County recently completed a septic assessment program to help residents better understand how to better manage their system and also to determine if their tank needed pumping.

Priority Concern 5: Minimize the adverse effects of development on water quality countywide (pg 10):

Action 1: Identify sensitive shorelands countywide using DNR criteria.

Action 2: Develop new regulatory tools to protect water quality, including the establishment of special protection zones for sensitive shorelands and wetland setbacks.

Crow Wing County Land Use Ordinance Article 4.3 states that the County Board may assign a sensitive shoreland (SS) district classification to the shoreland district adjacent to a bay of a lake, or to a clearly defined portion of the shoreline of a lake. The area considered for such classification must have a DNR Sensitive Lakeshore Survey Report.

Action 8: Enforce the Wetland Conservation Act.

Article 39.1 makes it clear that Crow Wing County is now the local government unit for administration of the wetland conservation act where County land use is being administered.

In addition to the above action steps, page 18 of the water plan states that **buffer strips of natural vegetation in the shore impact zone, use of pervious surfaces, and application of phosphorus free fertilizer should continue to be promoted and supported to reduce stormwater runoff from individual properties. Maintaining lawns down to the waters edge can allow 5 to 10 times the amount of runoff to reach surface waters compared to a forested shoreline or vegetated shoreline.**

Crow Wing County Land Use Ordinance Article 27.6 requires a no maintenance shoreline buffer as a condition of a permit for lots with impervious surface coverage of between 20 and 25% as well as for any variance and conditional use permit. Article 27 identifies the shoreline vegetation standards that must be followed.

Another goal of the Land Use Ordinance was to focus on outcomes, rather than prescriptive, one-size-fits-all regulations. Having performance standards that apply depending on the desired use of a property allows landowners the flexibility in project design while at the same time protecting our water resources.

Examples of performance standards that were introduced in the Ordinance revisions include added requirements for stormwater management and shoreline buffers with a higher amount of impervious surface. A landowner will still be allowed to have up to 25% impervious surface coverage on his property, but if the percent coverage is over 15%, a stormwater plan will be required before a permit will be granted. If the percent coverage is over 20%, a shoreline rapid assessment of the shoreline will be conducted to determine if a no-mow shoreline buffer will be necessary. The goal of these stormwater plans is to design them to be site-specific in order to collect and infiltrate the runoff from a 1" rain event. Crow Wing County has 3 land services specialists that each serve 1/3 of the County, providing onsite assistance to landowners with questions about stormwater management, septic systems, and permitting issues.

Another important thing to note in the revised Land Use Ordinance permitting structure is the Shoreland Alteration Permit. The Shoreland Alteration Permit is a flat rate, umbrella permit that allows an applicant to conduct a number of activities in the Shoreland Zone that are not included under a building permit. These include: sand blankets (i.e. beaches), ice ridge alteration, stairways, patios, retaining walls, vegetation removal, & general dirt moving. In addition to these activities, landowners are now allowed to construct a 12x10' accessory structure (shed) by the shoreline as long as it is 20 feet back from the Ordinary High Water

level, has a maximum height of 12 feet, and meets all other setbacks. A Shoreland Alteration Permit is required for this structure. All permits require a current compliance inspection and assessment.

An important aspect of regulating land is the ability to understand and plan for future growth and development. Phase 2 of the Crow Wing County Ordinance revision process involves the development of a future land use map. A future land use map is a visual representation of the County's future plans for growth and development. It is different from a zoning map in that its boundaries are not binding. Significant public input, especially at the township level, is part of the future land use map development process. In addition, spatial data pertaining to natural resources, economic development, housing, and transportation are gathered and analyzed as part of this process. In Crow Wing County, future land use is largely driven by the existing transportation networks, the location of our lakes and rivers, and the commercial / industrial centers. The development of this map is planned to take place in 2011.

The Crow Wing County Land Use Ordinance revisions process has been open and transparent, with an extended public comment period. The County Board, with much input from landowners, arrived at this Ordinance after months of discussion and debate. As a result, the Ordinance is more clear and understandable and its length was reduced by 80 pages.

Landowners are encouraged to contact the Land Services Department for more information. A factsheet has been developed that better explains some of these changes and is available on the county website: www.co.crow-wing.mn.us As a reminder, the Crow Wing County Land Use Ordinance only applies to the unincorporated portions of Crow Wing County.



Adopt a River Program

<http://www.dnr.state.mn.us/adoptriver/index.html>



Adopt-a-River is looking for people to cleanup Minnesota's shoreline. The program works for everyone including; individuals, families, students, recreationists, service groups, businesses, and conservation organizations. All you need to do is find some water and register.

If a volunteer registers for a particular piece of shoreline, that person or group needs to do an annual cleanup for two years in a row. The reason for requiring a two-year commitment is to allow enough time for the volunteers to see a change as a result of their efforts. This makes the work much more rewarding. Assistance for participants includes a free cleanup/organizing kit, bags and gloves, and other logistical support. A newsletter and related stewardship information is also available.

The program sends out a how-to kit to potential volunteers. The how-to kit is a capsule of the program answering all of the basic questions a volunteer might ask, such as "Why would I want to get involved?". The kit also tells how to organize a cleanup. The kit contains a registration form for you to "adopt" a specific piece of shoreline. The program allows you to adopt many parts of a watershed, from public accesses to lakes, streams, rivers, ponds, wetlands and ravines. Results from your cleanup are able to be reported online.

For more information, please follow the link above.

Text and photo courtesy of MN DNR.



[Grants—Approved](#)

Stormwater Runoff Reduction for 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

Stormwater and Shoreline restoration Grants Available

Crow Wing Soil & Water Conservation District (SWCD) and the 30 Lakes Watershed District have grants available to help offset the cost of stormwater and shoreline projects. Projects are limited to specific lakes and watersheds, so please contact Crow Wing SWCD @ 218-828-6197 and the 30 Lakes Watershed District @ 218-828-0243 for more information.

Lake Assessments

The Crow Wing County Land Services Department is working with BWSR, the Initiative Foundation, and local lake associations to perform water quality assessments on lakes 500-1000 acres in size. This effort builds on efforts conducted several years ago to assess all of the 1000+ acre lakes in Crow Wing County. Those assessments as well as one-page water quality factsheets are available on the Crow Wing website.

[Grants—Pending](#)

Protecting Sensitive Shoreland in North Central Minnesota Using Conservation Easements

The Lessard Sams Outdoor Heritage Council recently announced that Crow Wing, Cass, and Aitkin Counties along with the Minnesota Land Trust and Leech Lake Area Watershed Foundation are recommended to receive up to \$1 million in funding to pay for the closing costs associated with establishing conservation easements on large parcels of sensitive shorelines. Funding is still pending approval from the state legislature. For more information, contact Paula West @ 218-675-5773

Upcoming Events

Crow Wing County Citizen Lake Monitoring Workshop = May 10, 2011

Tuesday, May 10, 2011 from 5:00 to 8:00 PM at the Northland Arboretum, Brainerd. Sponsors: MN Waters & Crow Wing SWCD

Whitefish Area Property Owner's Association (WAPOA) Shoreland Restoration Night & Contest = June 8, 2011

WAPOA invites landowners to a shoreline restoration social event on June 8 at Moonlite Bay in Crosslake. See www.wapoa.org

Leader Lions, City of Lake Shore, & Crow Wing Basin Forage Council: Land & Water Summer Tour = July 11, 2011

8:00 - 3:00 Living Savior Lutheran Church. Bus / boat tour with speakers, site visits, and demonstrations of local best practices

Crow Wing County News

Zoning Ordinance Changes

On March 22, the County Board of Commissioners approved the proposed changes to the County Land Use Ordinance. The changes officially took effect on April 22, 2011. Several factsheets explaining these changes have been posted to the Environmental Services section of the Crow Wing County website at www.co.crow-wing.mn.us

Website Updates

CWC Environmental Services is in the process of updating our website. All of the water/wetlands information is now accessible from one main link. In addition, we are adding information related to specific lakes and rivers, including studies & assessments, association contact information, maps, photos, and more. If you have anything to submit, please let us know.

Well Test Kits for Nitrates

A limited number of free test kits are available if you would like your well water tested for nitrates. In addition, Crow Wing County plans to conduct a free nitrate testing clinic during the Crow Wing County fair in August. Contact Mitch for more info.

We are looking for your feedback!

If you have any comments or items to contribute, please contact: Mitch Brinks @ 218-824-1128 or mitch.brinks@co.crow-wing.mn.us



Check us out on the web!

www.co.crow-wing.mn.us