

## ARTICLE 28--DIRT MOVING

The standards in this Article shall apply to dirt moving activity within the Shoreland District.

### 28.1 POLICY

It is the policy of the County Board that protection of wetlands, protected waters, sensitive slopes and bluff areas, and related land resources is essential to the welfare of the County and adopts a dirt moving permit review process to protect those resources.

### 28.2 APPLICABILITY AND PERMITS

- A. The standards in this Article shall apply to all dirt moving, activities within the Shoreland District. Except as specified in B, 1 through ~~4~~ 2 below, dirt moving activities shall require permits and may require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, grading plans with profile view, and drainage plans including erosion and sediment control.
- B. The following activities shall not require a permit but must meet the provisions of Articles 28.
  1. **Dirt moving associated with construction of structures.** Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate dirt moving permit.
  2. **Small landscaping projects.** Placement up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill/dirt moving is not located within a bluff or shore impact zone 1.
  3. **Private roads or driveways.** The construction of a driveway, access road, or parking area provided that they:
    - a. Meet the structure setback from the ordinary high water level from public waters,
    - b. Are properly screened from adjacent properties and public waters
    - c. Are not located within wetlands, unless permitted under Article 39 of this Ordinance
    - d. Are not in a bluff or shore impact zone 1 or 2
  4. **Approved agricultural road.** Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Land Services Department.
  5. **Wetland habitat improvements with approved plan.** The creation of wetland habitat improvements, except in shore impact zone 1, by way of excavation/dredging of wetlands, consistent with Article 39 of this ordinance. Spoils shall be deposited in a manner consistent with this ordinance and shall require a permit from the Department if the deposits occur in the Shoreland District.

6. **Approved agricultural improvements.** The construction of livestock watering ponds, agricultural manure treatment facilities and conservation projects approved by the Natural Resource Conservation Service (NRCS), Soil and Water Conservation District (SWCD) and/or other regulatory agencies, only in the RLZ.
7. **Rip rap that meets standards.** Placement of natural rock rip-rap, including the necessary grading of the shoreline and placement of a filter blanket is allowed if it meets all applicable DNR rip-rap requirements and is not in wetlands.
8. **Wetland Replacement Plan.** A dirt moving permit is not required if a wetland replacement plan, exemption or no-loss has been approved pursuant to Minnesota Rules Chapter 8420. This dirt moving activity does not apply towards the cumulative amount prescribed in 28.5 F of this article.
9. **Normal Agricultural Practices:** To include but not be limited to tillage, planting, harvesting, fencing, and proper disposal of animal mortalities pursuant to all state and federal agricultural regulations.

### 28.3 STANDARDS FOR DIRT MOVING ACTIVITIES IN SHORELAND AREAS

#### A ACTIVITIES IN THE SHORE IMPACT ZONE 1

Dirt moving activities in shore impact zone 1 shall require shoreline alteration permits and meet the following standards:

1. **Sand Blanket.** The maximum dimensions shall not exceed 30 feet parallel to the OHWL by 15 feet landward from the OHWL and shall be located within the view corridor. Additionally, the natural slope of the area under the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials. Sand blankets shall be limited to 10 cubic yards.
2. **Upland Fill.** A total of up to 30 cubic yards of dirt moving may be permitted, including a sand blanket, if applicable. Permit applications must be accompanied by a site plan. Applications to move larger quantities shall be processed as conditional uses.
3. **No wetland filling shall be allowed in shore impact zone 1.**
4. **Annual Ice ridges.** Annual Ice Ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:
  - a. There shall be no topsoil or vegetative matter deposited in the lake.
  - ~~b. Work shall be completed by September 1 after the damage takes place. Any dirt moving from regrading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.~~
  - c. Depositing any sand below the OHWL is subject to DNR public waters permit rules.
  - d. Temporary erosion and sediment control best management practices shall be implemented.

- 5. Historic Ice Ridges.** On those ice ridges with well established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
- a. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
  - b. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.
  - c. On water oriented commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
  - d. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
  - e. A stormwater management plan meeting the standards of Article 41 of this ordinance must be approved by the Department prior to any dirt moving.
  - f. All disturbed material shall be graded landward or removed from the site.
  - g. Any alteration below the OHWL may require approval from the Department of Natural Resources and/or U.S. Army Corps of Engineers.

**B. ACTIVITIES IN SHORE IMPACT ZONE 2**

Dirt moving activities in shore impact zone 2 shall require shoreline alteration permits and meet the following standards:

- 1. **Upland Fill.** 10 to 50 cubic yards of dirt moving may be permitted. An application must be accompanied by a site plan.
- 2. Applications to move larger quantities shall be processed as conditional uses.

**C. ACTIVITIES IN THE REAR LOT ZONE (RLZ)**

Dirt moving activities in the rear lot zone shall require shoreline alteration permits and meet the following standards:

- 1. 10 to 100 cubic yards of dirt may be moved with a permit.
- 2. Moving larger quantities shall be processed as conditional uses and require a permit by a site plan.

**28.4 GENERAL STANDARDS**

**A** All dirt moving activities shall comply with the standards in Article 41 of this Ordinance.

**B** Soil used as fill shall be free of State-regulated contaminants.

- C Exposure of bare ground.** Dirt moving must be designed to ensure that the smallest amount of bare ground is exposed for the shortest period of time.
1. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
  2. Permanent vegetative coverage shall be established within 21 days of the completion of construction, or when vegetation establishment is not possible, other protective measures such as erosion control fabric or mulch blankets shall be installed until permanent vegetation can be established.
- D Bluffs.** Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under Article 11.9 of this ordinance.
- E Steep slope stabilization.** Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the Department.
- F Dirt moving permits are cumulative.** All Dirt moving permits shall be cumulative according to Article 28.4 not to exceed permitted amounts for the life of the property.
- G Access across wetlands.** Lake access across wetlands in shore impact zone 1 shall be by boardwalk according to Article 11.15 of this Ordinance.

## 28.5 MINE PIT LAKES

Due to the fragile nature of slopes along those lakes created due to the cessation of mineral mining activities the following shall apply:

- A Setback.** There shall be no dirt moving/filling or excavating within 125 feet of an eroding bluff or steep slope. Where slumping is evident, the setback shall be measured from the top edge of the eroding bluff or crest of a steep slope.
- B Erosion control.** Slope and bluff erosion control measures and time frame for implementation shall be submitted to and approved by the Department.
- C Access.** Access down steep slopes or bluffs shall be by above ground stairways.
- D Blasting prohibited.** Blasting for foundation/footings is prohibited in mine pit areas.
- E Other provisions.** All other Shoreland Alteration provisions of this Ordinance shall apply.