

# Frequently Asked Questions

## General

### **What ordinances are administered by the Environmental Services Department?**

Our Department administers six ordinances. The E-911, subdivision, sign, septic, and adult use ordinances apply county-wide and the shoreland ordinance applies to land within 1000 feet of classified lakes and 500 feet of any river or stream.

### **What is the Department's contact information?**

Hubbard County Environmental Services  
301 Court Avenue  
Park Rapids, MN 56470

218-732-3890 phone

218-732-7993 fax

[www.co.hubbard.mn.us/environmental.htm](http://www.co.hubbard.mn.us/environmental.htm) (staff email addresses listed here)

### **What are the Department's hours of operation?**

The Department and courthouse normal hours of operation are Monday-Friday 8:00 a.m. – 4:30 p.m.

### **Who can sign for a permit?**

Only a property owner or an authorized agent for a property owner can obtain a permit. An "Authorized Agent" form must be completed for any party other than the property owner to obtain a permit. This form is available on the county website at: [www.co.hubbard.mn.us/forms.htm](http://www.co.hubbard.mn.us/forms.htm).

### **Where are applications and other forms available?**

All standard forms and applications are available on the county website at: [www.co.hubbard.mn.us/forms.htm](http://www.co.hubbard.mn.us/forms.htm) under the "Environmental Services" heading and at our office.

### **What forms of payment can be accepted for permits and applications?**

Cash or check. Checks are to be made payable to the "Hubbard County Auditor/Treasurer". Credit card payment is not available.

### **What permits are required outside of shoreland areas?**

County building permits are not required outside of shoreland areas.

County-wide, a permit is required for a E911 address, septic system, off-site advertising sign, and adult uses.

Please check with your local township for any permits, inspections, or approvals if your property is located in the following townships that have zoning regulations: Akeley, Badoura, Clay, Clover, Helga, Henrietta, Mantrap, Rockwood, Thorpe, or Todd. The list of township zoning contacts is found under the "Quick Links" list on the left side of the Environmental Services webpage.

## **E-911**

### **Does my driveway approach need to be completed in order to apply for an E911 address?**

Yes. An E911 address is based on an exact GPS coordinate which is taken at a standard location relative to the driveway. Thus, the driveway must be installed in order to accurately assign the E911 address.

### **Can an E911 address be assigned the same day the permit application is submitted?**

No, a site visit must be made to collect a GPS coordinate of the driveway location. This GPS coordinate is then entered into a software program that assigns a specific E911 address based on that exact driveway location. Once the address is assigned, a letter will be sent to you via US Mail that states the new E911 address. It generally takes several weeks for an E911 address request to be processed. The processing timeline varies due to a multitude of factors such as the number of pending address requests, weather, and other workload items.

### **If a sign becomes damaged, who do you contact for a replacement sign?**

Contact the Hubbard County Highway Department at 218-732-3302. The replacement sign cost is generally the landowner's responsibility.

### **Who installs the actual sign once the E911 address has been issued?**

The Hubbard County Highway Department will contact Gopher 1 and install the new E911 address blue blade and post. The sign is placed in a specific location per federal E911 standards so it is very important that it never be moved from the installed location.

### **Can an E911 sign be relocated by a property owner?**

No, an E911 sign marks a specific GPS coordinate location for emergency services and its designated location is based on federal E911 system standards. Moving an E911 sign from its installed location is a violation of the E911 ordinance and may impede emergency services' ability to locate your structure during an emergency response. Relocating a sign requires approval from the E911 Administrator, likely a change of the E911 address, and must be performed by the Highway Department.

## **Septic**

### **What is a septic system site evaluation?**

A site evaluation is an evaluation of a tract of land performed by a licensed septic professional that determines if the tract has adequate soils and space for a primary and alternate drainfield site. Soil borings are made as part of the evaluation and a written report documenting the evaluation results is

generated by the professional. Site evaluations are used for proposed property subdivisions to show that each proposed tract is capable of supporting a standard septic system.

### **Can I build a privy (outhouse) on my property?**

Yes. A septic permit is required for a privy (outhouse) as is a septic design from a licensed septic professional. Privies must meet setback requirements from lakes, rivers, streams, property lines, and applicable structures. A property owner must call the Environmental Services Department for an inspection of the privy once its construction is finished.

### **Are holding tanks allowed?**

Holding tanks are **ONLY** allowed in situations where a standard septic system (consisting of a tank and drainfield) cannot be installed. If there is room and adequate soils for a standard septic system, such a system must be installed. Holding tanks, when allowed, require an alarm, an annual pumping agreement, and submittal of all pumping receipts to the Environmental Services Department.

### **What determines the size and type of septic system needed for a property?**

A septic system's size is based on the number of bedrooms in a home, the number of water-using appliances in a home (such as a garbage disposal), and the type of soil located at the proposed drainfield site.

The type of septic system is determined by the licensed septic professional designing the system and is based on the soil conditions located at the proposed drainfield site and the property topography and elevations of the system components.

### **What is the general process for installing a septic system?**

1. Contact a licensed septic professional to visit the property and develop a septic system design.
2. Submit the design to the Environmental Services Department for review.
3. If the design is approved, then a septic permit per the design must be obtained.
4. The contractor installing the septic system contacts the Environmental Services Department to schedule an inspection of the septic system installation.
5. If the installation passes inspection, a certificate of compliance will be mailed to the property owner which completes the process.

### **What is a compliance inspection?**

A compliance inspection is performed by a licensed septic professional to determine if a septic system meets state septic system operating criteria. The inspection consists of checking to see if: 1. the septic tanks are watertight, 2. the drainfield meets the required vertical separation distance from the periodically saturated layer (where there is evidence of groundwater presence), and 3. the system isn't surfacing up onto the ground or backing up into the structure(s) serviced by the system. A compliance inspection performed on a new septic system installation is valid for five years. A compliance inspection performed on an existing septic system is valid for three years.

**Shoreland**

## **What is the jurisdiction of the Hubbard County Shoreland Ordinance?**

This ordinance applies to land within 1000 feet of classified lakes and 500 feet of any river or stream. A list of classified lakes may be found in Article II of the shoreland ordinance.

## **What is an ordinary high water level?**

"Ordinary high water level" means the boundary of waterbasins, watercourses, public waters, and public waters wetlands, and:

- the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

The ordinary high water level (OHWL) may be above or below the actual water level at any given point in time. Many lakes have a DNR set static elevation for the ordinary high water level. Lakes lacking a set elevation have their OHWLs determined by using a DNR protocol that assesses several vegetative and water-based indicators.

The DNR has jurisdiction on the area below the OHWL. The County has jurisdiction on the area above the OHWL.

Because the OHWL may not match the water level at a given point in time, when measuring setbacks from the OHWL, it is very important to properly locate the OHWL. Licensed land surveyors can locate established OHWLs or our department can locate OHWLs for a site visit fee.

## **How do I know if my property lies within the shoreland jurisdiction?**

Please see the following link to the Hubbard County WebFusion parcel data mapping program which provides a shoreland zoning map layer for your assistance: [http://www.co.hubbard.mn.us/wf2\\_hubbardpublic/Default.aspx](http://www.co.hubbard.mn.us/wf2_hubbardpublic/Default.aspx). Or contact the Department to speak with a staff person who can look up your property and assist you with this determination.

## **What items require a permit?**

Permits are required for all structures including but not limited to homes, additions, garages, storage buildings, guest cabins, decks, platforms, etc. Permits are also required for septic systems, erection of signs, and any shoreland alteration. Permits are valid for a period of one year from the date of issue. Building contractor license numbers are required for all building permits. **If in doubt, please contact us before you start!**

## **Does a pre-built shed or a structure without a foundation require a permit?**

Yes. Both types of structures require a building permit in order to be placed on a property.

## **Can a fish house be left along the shore?**

No. A fish house is a structure and therefore must be stored at a location that meets all setback requirements – including the ordinary high water mark setback – during the portion of a calendar year when it isn't placed on the ice. As long as a fish house is currently licensed, a building permit is not required to seasonally store it on a property.

### **How are setbacks measured?**

Setbacks are measured as the shortest horizontal distance between the nearest points of two items. On structures, the nearest point is typically the eave overhang.

### **What are the structure and onsite sewage treatment system setbacks?**

Structure setbacks from the ordinary high water mark differ depending on the lake or river/stream classification.

#### **Lakes:**

General Development: 75 feet    Recreational Development: 100 feet    Natural Environment: 150 feet

#### **Rivers/Streams:**

Tributary: 150 feet    Forested: 150 feet    Special Protection: 200 feet    Remote: 300 feet

#### **All other structure setbacks are consistent:**

Side lot line: 10 feet

Unplatted cemetery: 50 feet

Federal, State or County highway right-of-way: 50 feet

Other public road right-of-ways: 20 feet

Top of bluff: 30 feet (also must meet or exceed lake or river setback)

#### **Onsite sewage treatment system setbacks are consistent on all classified lakes, rivers or streams:**

#### **Watertight septic tank or pump tank:**

Well: 50 feet

Occupied building: 10 feet

Property line: 10 feet

#### **Soil absorption system (drainfield):**

Well: 50 feet (Double if shallow well <50 feet of casing)

Lake, river or stream: 150 feet

Occupied building: 20 feet

Bottom of drainfield to water table: 3 feet

Property line: 10 feet

### **Can I place a temporary structure on my property?**

Temporary structures such as recreational vehicles may be placed on a property as long as they meet all structure setback requirements. Temporary structures left on a property for more than 180 consecutive days shall be considered a permanent structure and thus must have a permit.

### **What can I do to a structure without having to obtain a permit?**

This is referred to as "**repairs and maintenance**" which is defined as:

- 1) Work performed on the interior of a structure;
- 2) Work performed on the exterior of the structure to include the following:
  - a) Painting, replacement of siding, windows, doors, soffit, fascia, re-roofing (to include shingles and sheeting), roofing (if roofing replacement does not increase the height by more than two feet, or increase living space) and ornamentation. This also includes replacement of rotten or deteriorated material associated with the replacement of above items that is solely necessary for replacement of the item;
  - b) Additional doors and windows;
  - c) Repairs to foundation provided the existing foundation type is not modified or changed.
  - d) Incidental repairs to decks and platforms (i.e. new floor board and/or railings).

Under no conditions shall repairs and maintenance constitute replacement of the main structural frame, walls, or changes in the exterior dimensions.

Please see Section 510 of the shoreland ordinance for the complete list of information on this subject.

### **What is a non-conforming structure?**

Buildings or structures that were legally constructed prior to the adoption of shoreland controls, but that do not meet the provisions of the current shoreland ordinance.

### **Can I make an addition to a nonconforming structure?**

No additions are allowed to nonconforming accessory structures.

No additions are allowed to nonconforming principal residential dwellings located in shore or bluff impact zones.

Additions cannot be made waterward.

Structures constructed wholly or partially by variance require a new variance for any subsequent additions or alterations.

Due to the complexity and uniqueness of each individual situation, please contact the department for an appointment to review and discuss your building plan ideas. We are always willing to assist you and visit your property if needed. Checking to see what the ordinance will allow before you get started can prevent a lot of problems.

Please see Section 704 of the shoreland ordinance for additional regulations.

### **Can I put a deck or platform on a nonconforming structure?**

Decks/platforms may be constructed by permit onto a nonconforming principal residential dwelling. Deck encroachment toward the ordinary high water must not exceed 15% of the dwelling's existing setback from the ordinary high water level or encroach closer than 30 feet from the ordinary high water level, whichever is more restrictive. Platform encroachment toward the ordinary high water level cannot encroach closer than 30 feet from the ordinary high water level and a platform cannot exceed 400 square feet in size. Decks or platforms shall not be roofed or screened.

Decks/platforms cannot be constructed onto nonconforming accessory structures.

Please see Section 706 of the shoreland ordinance for additional regulations.

### **What vegetation may be legally altered on my lakeshore property?**

Vegetative alterations are covered in Section 901 of the shoreland ordinance.

No clearing is allowed in the Shore Impact Zone (SIZ) (which is ½ of the structure setback), the Bluff Impact Zone (BIZ), or on steep slopes except for access paths and shoreline recreation use areas as stated in Section 901. Pruning and limbing of trees and shrubs is allowed in the SIZ, but the tree/shrub itself cannot be cut down. Dead, dying or diseased vegetation may be removed in the SIZ. A 6-foot wide walking access only access path may be cleared to the lake. Clear cutting is not allowed. Any structures or facilities on a property must remain at least 50 percent screened as viewed from the water during summer leaf-on conditions.

Outside the SIZ, BIZ, or steep slopes, there are no vegetative alteration regulations.

### **Can I move any dirt on my property without a permit?**

Please reference Section 902 of the shoreland ordinance for ALL the grading and filling regulations.

On steep slopes or within shore and bluff impact zones, up to five cubic yards of material may be moved per year without a permit. However, any vegetated area must remain vegetated after any material is moved. No new non-vegetated areas (e.g. sand beaches) can be created.

In the area between the shore impact zone and the structure setback line, and outside of steep slopes, shore impact zones, and bluff impact zones, up to ten cubic yards of material may be moved per year without a permit.

Beyond the structure setback line, permits are not required for material movement so long as the project area does not impact a wetland, steep slope, or bluff impact zone (BIZ).

### **Can I put rock rip-rap on my shoreline to address an erosion problem?**

Yes, if a legitimate shoreline erosion problem is confirmed by the Environmental Services Department. A permit is required and the specifications listed in Section 902, Item 5.K of the shoreland ordinance (shown below) along with DNR requirements must be followed.

Rip-rap criteria:

1. finished slope does not exceed three feet horizontal to one foot vertical
2. the rip-rap doesn't extend more than ten feet landward from the OHWL
3. the rip-rap doesn't exceed more than three feet in height above the OHWL
4. the Environmental Services Department determines there is a legitimate erosion problem

### **Can I put in my driveway without a permit?**

Yes. Driveways or access roads into your property can be installed provided they meet the 10 foot property line setback (this setback does not apply to recorded driveway easements that describe a specific easement location) and do not encroach any closer than the required lake, river or stream setback. They must also not impact any wetlands or bluff impact zones.

Check with State, County, or Township officials for road approach permit requirements.

### **Can I construct stairs going down to the lake?**

Stairways, lifts, and landings are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings are allowed without a permit provided that the maximum width is 4 feet and each landing does not exceed 32 sq. ft. Construction materials must be environmentally friendly. Canopies or roofs are not allowed. In-ground stairways on slopes over 18% require a plan prepared by a licensed engineer and a grading and filling permit. Mechanized lifts require a permit and both a pre and post-inspection by the Department. Please see Section 507.2 of the shoreland ordinance for all the applicable regulations.

## **Sign**

### **What kind of sign requires a permit?**

An off-site advertising sign requires a permit and must comply with the ordinance regulations concerning height, dimensions, lighting, and spacing from existing off-site advertising signs. "Off-site" means a sign advertising an establishment, merchandise, service, or entertainment that is not sold, produced, manufactured, or furnished at the property on which the sign is located.

An on-site advertising sign does NOT require a permit. "On-site" means a sign that pertains to the use of the premises and/or property on which the sign is located. However, on-site signs MUST comply with regulations concerning height, dimensions, lighting, etc.

### **What are "Scenic Byways"?**

Scenic Byways are roadways with special scenic qualities that the County seeks to protect. Two such byways exist in the County: the Lake Country Scenic Byway and the Great River Road. Roads comprising these byways are T.H. 34, T.H. 71 from T.H. 34 to T.H. 200, T.H. 200 from T.H. 71 to the Clearwater Co. line, and C.S.A.H. 2.

On-site signs are allowed in scenic byways. Off-site signs are only allowed within certain distances of municipalities and specific roadway intersections.

## **Subdivision**

### **Is there an approval process required in order to subdivide property?**

Yes. All property subdivisions require County approval. Subdivisions are processed in two ways: 1. plats, and 2. administrative subdivisions.

### **What subdivision types require a plat?**

In shoreland areas, a plat is required for the following three subdivision types:

1. if three or more lots that are each less than five acres in size are being created;
2. if six or more lots that are each five acres or greater in size are being created; and
3. if more than a combination of two lots that are each less than five acres in size and three lots that are each five acres or more in size is being created.

Outside shoreland areas, a plat is required for any lot being created that is less than five acres in size.

### **What subdivision types are processed as administrative subdivisions?**

1. property line adjustments, exchanges of abutting land between owners, and additions of land to an existing lot.
2. shoreland area subdivisions that do not require a plat.
3. non-shoreland area subdivisions that do not require a plat.

### **What is the minimum platted lot size?**

In shoreland areas, the minimum lot size requirements are the same for plats and administrative subdivisions and vary depending on the lake or river/stream classification. The lot size requirements are listed in Article V of the shoreland ordinance.

Outside shoreland areas, the minimum platted lot size is 2.25 acres except for commercial use lots created in townships with land use ordinances that allow commercial lot sizes smaller than 2.25 acres – in which case the township's commercial minimum lot size is allowed.

### **What is the minimum administrative subdivision lot size?**

In shoreland areas, the minimum lot size requirements vary depending on the lake or river/stream classification and if the lot is riparian (abutting a lake or river/stream) or nonriparian (not abutting a lake or river/stream). The lot size requirements are listed in Article V of the shoreland ordinance.

Outside shoreland areas, the minimum lot size requirement is five acres which can include road right-of-way.

### **Can a landlocked piece of property be created?**

No. Any new lot being created must either: 1. abut an existing public road or 2. have a contiguous, minimum 33' width ingress and egress easement connecting it to a public road.

## **Water**

### **Where can I get my well water tested?**

Water test kits are available at the Environmental Services Department at no charge. Once a sample is taken, you mail it to a testing lab in the shipping box the test kit comes in. Fees must be sent in with the sample to the testing lab. The testing fees vary depending on which water tests are requested.

### **Where can I find information on a well?**

The Minnesota Department of Health (MDH) maintains an online database of drilled well records it has received. The database is geographic information system (GIS) based and located at: <http://mdh-agua.health.state.mn.us/cwi/cwiViewer.htm>. If a well is not recorded in the database, it may have been drilled prior to when MDH started collecting records, the well information may not have been submitted to MDH, or MDH may not have inputted the well information into the database yet.

## **Wetlands**

### **Who is the contact for wetland-related issues?**

The Hubbard County Soil and Water Conservation District (SWCD) administers the Wetland Conservation Act (WCA) in Hubbard County. The SWCD District Manager serves as the WCA Administrator. The SWCD is located in the USDA Service Center on the back side of the Park Rapids City Hall, 212 ½ 2<sup>nd</sup> Street W, 218-732-0121, [www.hubbardswcd.org](http://www.hubbardswcd.org)