

**FACT SHEET  
GRADING AND FILLING  
CARLTON COUNTY ZONING ORDINANCE #27**

**WHY IS IT REGULATED?** Alterations of vegetation and topography are regulated within shoreland to prevent erosion into public waters, reduce excess nutrients like phosphorous and nitrogen from washing into the lake, preserve shoreland aesthetics and historic values, prevent bank slumping, and to protect fish and wildlife habitat. The preservation of existing native vegetation and soils are a priority in shoreland. A list of vegetation native to Carlton County can be obtained at the Planning and Zoning Office.

**DEFINITIONS:**

**ORDINARY HIGH WATER LEVEL (OHWL):** The boundary of public waters and wetlands is the elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. This point is commonly where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For rivers and streams, the OHWL is the elevation at the top of the bank of the channel.

**SHORE IMPACT ZONE:** The shore impact zone is the land located between the ordinary high water level (OHWL) of a public water and a line parallel to it at a setback of 50% of the structure setback.

**GRADING AND FILLING:** Soil materials that are removed from an area of land such as an excavation (grading) and soil materials that are added to an area of land (filling). The soil graded plus the soil filled equals the total disturbance.

**CARLTON COUNTY ZONING ORDINANCE #27 - Article 4, Section 5, Subd. H 10B:**

This section of the ordinance regulates topographic alterations such as grading and filling. Permits shall be required for grading and filling activities within 300 feet of any lake, river or stream. However, no separate grading and filling permit shall be required for grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways that are constructed in a manner that complies with the requirements below.

**GRADING AND FILLING PERMIT**

A permit for grading and filling activities shall be obtained from the Zoning Administrator for the following grading and filling activities:

- ☞ The movement (total disturbance) of between 5 and 10 cubic yards of material per site within a bluff, red clay bluff zone or steep slope.
- ☞ The movement (total disturbance) of between 10 to 50 cubic yards of material per site within the shore impact zone, but outside a bluff, red clay bluff zone or steep slope.
- ☞ The movement (total disturbance) of more than 50 cubic yards of material per site outside of the shore impact zone and bluff impact zone.

**CONDITIONAL USE PERMIT**

A conditional use permit shall be required from the County Board for grading and filling activities that involve the following:

- ☞ The movement (total disturbance) of 10 or more cubic yards of material per site within a bluff, red clay bluff zone or steep slope.
- ☞ The movement (total disturbance) of more than 50 cubic yards of material per site within the shore and bluff impact zones.
- ☞ Plans for a grading and filling conditional use permit shall be prepared and submitted by an engineer, soil scientist, landscape designer, or other qualified professional and include the following information:
  - existing and final topography utilizing 2 foot contours;
  - a site restoration plan showing trees to be removed and replaced, and final ground cover;
  - a drainage and erosion control plan showing the type and location of erosion control measures to be used;
  - a development plan showing how the re-contoured lot may be developed in a manner consistent with Ordinance #27; and
  - the plan shall be reviewed by the Soil and Water Conservation District before commencement of grading and filling activity.

**PERMIT STANDARDS**

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All grading and filling permits shall comply with the following standards:

- ☞ The applicant shall prepare and submit a plan for review showing existing and proposed contours, erosion control plan, and final ground cover. If required, the plan shall be reviewed by the Soil and Water Conservation District.
- ☞ Alterations must be designed and conducted in a manner that ensures only the smallest area of soil is exposed for the shortest time possible.
- ☞ Mulches or similar materials must be used for temporary bare soil coverage and permanent vegetation established within a reasonable period of time.
- ☞ Methods to minimize soil erosion and trap sediments before they reach any surface water feature must be used. Methods to trap sediments must be in place before soil disturbances begin.
- ☞ Fill or excavated material shall not be placed upon/within bluffs, bluff impact zones, or steep slopes.
- ☞ Any alterations below the OHWL of public waters must be authorized by the Department of Natural Resources.
- ☞ Alterations to topography must be accessory to a permitted use or conditional use and not adversely affect adjacent or nearby properties.
- ☞ After-the-fact alterations will require submittal of and adherence to an approved restoration plan that mitigates the extent of the violation.

### **TIPS TO CONSIDER:**

- ☞ Verify with the Carlton County Planning and Zoning Office that you are not disturbing a wetland. Grading and filling in a wetland requires a separate permit process.
- ☞ Plan to preserve existing vegetation as much as possible. Vegetation will naturally curb erosion, improve the appearance and value of your property, and reduce the cost of landscaping later. **As a reminder, removal of any vegetation within the building setback of lakes, rivers and streams is regulated under Carlton County Ordinance #27.** Please call Carlton County Planning and Zoning before removing any vegetation.
- ☞ Discuss clearing limits with your contractor in advance. Field mark these limits with ribbons or flagging. Flag particular trees and shrubs that you want protected. Remember to keep heavy machinery away from trees to avoid compacting their roots, otherwise they will die a few years later.
- ☞ Discuss with your contractor exactly which erosion control measures will be used, who is responsible for the purchase of the erosion control supplies (silt fencing, seed, mulch, etc.), and who is responsible for implementation. Timely stabilization with the appropriate materials will save you time and money and help minimize the impact of your activity on surface waters.
- ☞ Plan earth moving activities early enough in the year so that you can revegetate the site by September 15th. Plan to mulch disturbed areas over the winter if construction is delayed past September 15th. This will protect bare soil from spring runoff.
- ☞ Before doing anything else, install a filter barrier on the downslope side of the construction area. This barrier should include a silt fence and embedded hay bales. Trench silt fencing in about 6 inches. Trench and stake hay bales (4 inch trench, 2 stakes per bale).
- ☞ When earth moving, separate topsoil so it can be spread back on top of the site. You'll have greater success in establishing a new lawn or buffer strip area, and you won't have the added expense of buying topsoil. Ring the downslope edge of topsoil stockpiles with silt fencing and/or embedded hay bales.
- ☞ Install an erosion control blanket and anchor properly so the soil and seed won't wash away. Always follow the manufacturers instructions for installation of erosion control blankets. This is not a place to cut corners as loss of soil, seed and mulch will cost you more in the end.
- ☞ The best time to seed in Minnesota is late summer (mid-August to mid-September) due to favorable conditions for germination and growth. Seeding can be done in the spring from mid-May to mid-June; however, weeds and high summer temperatures often reduce the chance of success.