

What you should know

About the new Oneida County

Shoreland Protection Ordinance

Public Hearing March 29, 2 p.m., County Courthouse

The newly amended Shoreland Protection Ordinance (SPO) aims to (1) streamline permitting for development while (2) still protecting our lakes and streams. It largely achieves the first objective. It falls far short on the second. The net effect of several new provisions is to enable more development in critical near-shore areas (within 75 feet of the water) where it poses the greatest risk to sensitive environments and water quality. Please take note:

Our waters need more protection, not less. The long-term trend has been toward less protective shoreland zoning. With Act 55 in 2015, the state took away local authority to enact protections beyond statewide minimum standards (NR 115). The new SPO further weakens protective rules.

This should be illegal. The SPO does not prohibit clear-cutting within the Access and Viewing Corridor, which can encompass 35% of the width of a waterfront lot. Clear-cutting destroys natural scenery, removes critical habitat, and creates a pathway for runoff pollution. Vilas County and other counties prohibit clear-cutting in the Access



and Viewing Corridor. Oneida County should also enact protections for this ecologically and aesthetically significant zone.

Language on preserving vegetation in sensitive areas should be retained. The amended

SPO removes a section on the fundamentals of persevering vegetation (for example, limiting the cutting of trees and shrubs) in near-shore areas, especially the AVC. This section should be restored, as preserving vegetation has benefits for scenic values and water quality.

Boathouse setbacks should not be reduced. The new ordinance cuts the required setback from neighboring property lines from 10 feet to 5 feet. This is aesthetically objectionable, invites animosity between neighbors, and inconsistent with required setbacks for other buildings.

The SPO must conform to state requirements. At least two provisions of the new SPO appear to conflict with state standards under NR 115: include allowing exterior stairs for boathouses, allowing a concrete apron between the boathouse and the water.

Building setbacks from the water should not be weakened. The new ordinance is more lenient with “setback averaging,” allowed when parcels next to a property to be developed have a home or cabin inside the normally require 75-foot setback from the water. This would lead to more development closer to the water than the usual setback, thus more loss of critical near-shore habitat and increased risk of runoff pollution.

Septic system setbacks should be mentioned. Improperly placed septic systems can cause significant water pollution. The new SPO does not mention the required 50-foot setback from the water. The mention of this requirement should be retained.

The definition of “building footprint” should not be expanded. In reference to structures within the 75-foot setback, the ordinance would revise the definition of “building footprint” to include not just the main home or cabin but also amenities such as balconies, chimneys, porches, decks, fireplaces and eaves. This would allow enlargement of the building in remodeling or replacement, eliminating more critical near-shore habitat, and creating more impervious surfaces and risk of runoff. Enlarged structures should be moved outside the 75-foot setback.

The Oneida County Shoreland Protection Ordinance was established for purposes that include maintaining safe and healthful conditions and preventing and controlling water pollution, protecting fish and aquatic life, preserving wetlands, and preserving and restoring shoreland vegetation and natural scenery. Some provisions of the emended SPO are arguably in conflict with these objectives. The county Planning and Development Committee should revise the ordinance to accommodate the concerns outlined above.