

**Companion Piece to Ballot for Shoreland Protection Ordinance Amendment #13-2022**

**Public Hearing: March 29, 2023**

To keep the ballot as short as possible, details explaining the recommendations to support or oppose each ordinance change needed to be removed. This is a companion piece that explains the impact and why we ask for support or opposition. Everyone has the right to disagree with our conclusions and vote as they see fit.

**9.11 A.1. Strikes line requiring setback between septic tanks and soil absorption systems from lakes and other water courses. (*recommend oppose*)**

This is simply one of the overarching goals stated in the purpose of the underlying ordinance. There are no setbacks attached to this in this part of the ordinance. However, it makes sense to keep this line in and state that the county wants septic tanks and soil absorption systems to be regulated for setback. This impacts water quality through seepage of failing systems. It should remain in the ordinance as a guiding principle.

**9.11 A.3. Inserts new language requiring erosion control measures. (*recommend support*)**

As new overarching goal in the purpose of the underlying ordinance, it makes sense to require erosion control measures in permits, in order to prevent runoff into waterways and wetlands. This supports water quality.

**9.11 A.4. Inserts new language requiring water control measures. (*recommend support*)**

As new overarching goal in the purpose of the underlying ordinance, it makes sense to require water control measures such as best management practices, storm water facility or other methods to prevent pollution from entering the waterways. This supports water quality.

**9.33 B. Strikes “under \$2500 market value” for permit requirement on alteration of existing structures. Other conditions remain. (*recommend support*)**

Effectively, there are no improvements that can be made for under \$2500 today. But, ANY improvement made must still meet the other condition under this ordinance section, which is sufficient. Frankly, it is unknown why 9.33A wasn't modified the same way by removing the \$2500 condition on new structures in that section. Same argument applies.

**9.33 H. Zoning permit for erosion control and water control measures, and for landscaping is not required when part of an in-force 2-yr construction permit. (*recommend support*)**

This is part of the consolidation between a General Construction Permit (GCP) and a Shoreyard Alteration Permit (SAP). Currently, to do construction and landscaping in the 75foot setback from OHWM, you must take out both a GCP and an SAP. Extra cost and extra paperwork. Therefore, as long as a 2yr GCP is in force, an SAP will not be required. For consolidation, this makes sense.

**9.94 A.1.b.** Exempt structure - change “viewing area” to “access and viewing corridor” language consistent with Act 200 (2022). *(recommend support)*

Part of the change in this section is merely wording to be consistent with the language in Act 200, which is now part of Wisc. s.59.692. Nothing more than that. It should be supported.

**Changes side lot line setback for boathouse from 10 feet to 5 feet. *(recommend oppose)***

This part of the language changes the side lot line setback. It is a remnant from when Oneida Co had a pier ordinance. To be consistent, boathouses would have the same side lot line setback as docks and piers. However, now that docks and piers zoning is gone from the Oneida Co books and reverts back to DNR regulations, Zoning Technicians desired this change. However, it is inconsistent with 9.71 requiring side yards to be at least 10 feet wide (10 feet set back from side lot line).

Opposition is recommended since a building 5 ft from the side lot line in the Access and Viewing Corridor is aesthetically too close, and it invites disputes between neighbors regarding encroachment, and is inconsistent with 9.71 for other buildings not in the Vegetated Buffer Zone and within the Access and Viewing Corridor.

**9.94 A.1.j. Stairs allowed on exterior of boathouse. *(recommend oppose, violation of NR 115)***

As noted, this violates NR 115. The simple fact is that Wis. s. 59.692(1k)(a)(6), Wis. s. 59.692(1n)(d), and Natural Resources Administrative Code NR115(1)(b)1m define exempt structures. If it is not exempt in these statutes/code it is prohibited. Stairs on the side of a boathouse are not exempt under these statutes/code. Therefore they are prohibited. When the law changed to allow flat roofed boathouses to be used as party decks, no one thought to add a means to get up to it. In order for this to be allowed, Wis. s. 59,692 must be changed. Until then, stairs are prohibited by state law and no local ordinance may violate that.

**Concrete apron between boathouse and OHWM. *(recommend oppose, violation of NR 115)***

This is a similar situation to the stairs noted above. Since aprons are a separate structure and they are NOT exempt under the same statutes/code, they are prohibited.

9.94 A.1.k. Strikes line that boathouse construction must comply with 9.97. Redundant. *(recommend support)*

Self explanatory. This is redundant given the consolidation between the General Construction Permit and the Shoreyard Alteration Permit, which is supported earlier.

9.94 A.5. Walkways, stairways, and rail system subject to restrictions. *(recommend support)*

This section better defines the compliance requirements for installing walkways, stairways, and rail systems than the prior wording and helps consolidate the General Construction Permit and Shoreyard Alteration Permit.

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9.94 A.7. *Bridges complying with state statutes. This ordinance complies with Act 200 (2022). (recommend support)*

Self-explanatory. Wis. s. 59.692 was amended through Act 200 (2022). This section complies with the language of the statutes.

9.94 A.8. *Fences meeting all conditions, per state statutes. (recommend support)*

This is new language and expands on the requirements under Wis. s. 59.692(1n)(d)7 specifically. It complies with the statute.

**9.94 C.1.c. Reduced Principal Structure Setback when buildings are on both adjacent properties (setback averaging). Strikes line on existing principal structures on adjacent properties located less than 75 ft from OHWM. (recommend oppose)**

This removes the requirement that the setback may be averaged when BOTH adjacent properties have structures that are less than 75 ft from OHWM. This is “setback averaging”. Under the original, if one of the adjacent structures was at 75 or more, then you could not use averaging, you must use 75 ft setback from OHWM. The change allows for a looser restriction on reduced setback.

**9.94 C.1.e. Reduced Principal Structure Setback. Strikes line prohibiting future expansion for principal structures that were permitted reduced setback, per Section 9.99C. (recommend oppose)**

With the change in Ch 9 Article 10 definition of Building Footprint, this allows the structure to be expanded by counting things like balconies, chimneys, decks, etc. in the area between 35 ft and 75 ft of the OHWM.

**9.94 C.2.c. Reduced Principal Structure Setback when building is on only one adjacent property. Strikes line on existing principal structures on adjacent properties located less than 75 ft from OHWM. (recommend oppose)**

Similar argument to 9.94 C.1.c. It removes the requirement.

**9.94 C.2.e. Reduced Principal Structure Setback. Strikes line prohibiting future expansion for principal structures that were permitted reduced setback, per Section 9.99C. (recommend oppose)**

Similar argument to 9.94 C.1.e

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**9.94 D.** Improvements. Entire section stricken. Portion that consolidates with exempt structure language *(recommend support)*

Part of the consolidation of the General Construction Permit and the Shoreyard Alteration Permit. It is consistent with earlier portions of the amendment. However.....

**Portion that removes vegetation protections/provisions language. *(recommend oppose)***

In the consolidation, the fundamentals of keeping the area vegetated, especially the Access and Viewing Corridor, environmentally sensitive areas, the cutting of trees and shrubs. This is an aesthetic issue as well as potentially impacting water quality. It should remain.

9.95 A. Vegetation. Inserts "landscaping" as prohibited in buffer. Inserts "or landscaping in the access and viewing corridor" as allowed. *(recommend support)*

Self-explanatory. This activity was not defined in the original ordinance and needed to be covered.

9.95 B.2. Replaces "viewing area" dimensions with new "access and viewing corridor" dimensions that comply with Act 200 (2022 aka s. 59692(1f)(b)1.). *(recommend support)*

Language is in compliance with the state statute and the ordinance needs to be updated to reflect that.

9.97 A. Replaces Shoreyard Alteration Permit Requirements new language to consolidate with construction permit. *(recommend support)*

As noted earlier, the consolidation of the GCP and SAP make sense. There is no objection to this.

9.97 C. NEW. Shoreyard Alteration Permit Exemptions. *(recommend support)*

With the consolidation of the GCP and SAP, there are still times when activity in the 75 foot setback would need an SAP not association with a GCP, such as shoreland restoration, etc.

**9.99 C.5. Strikes the line "Conforming principal structures permitted a reduced setback per section 9.94 are not permitted expansion under this section." *(recommend oppose)***

The author believes that expansion of structures with a reduced setback from the OHWM should not be allowed.

**Article 10 Definitions. Revises definition of building footprint. Include now balconies, chimneys, porches, decks, fireplaces, eaves. An attempt to expand footprint. *(recommend oppose)***

As noted, this is an attempt to use appurtenances to expand or encroach beyond the principal structure's footprint when dealing with reduced setbacks. It adds extra square footage of a building when remodeling or replacing.

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Article 10 Definitions. NEW – definition of erosion control device. *(recommend support)*  
This defines erosion control devices to be regulated in the ordinance. Nothing more.

Article 10 Definitions. NEW – definition of landscaping. *(recommend support)*  
Defines a term that was previously not well defined in the prior ordinance.

Article 10 Definitions. Strikes and replaces Structure definition. *(recommend support)*  
A more encompassing definition of a structure than previously.

**Article 10 Definitions. Strikes and replaces language of Principal Structure. *(recommend oppose)***  
A principal structure would now include appurtenances like decks and balconies to the structure. It is in conjunction to the Building Footprint definition, which is also opposed.

Article 10 Definitions. NEW – definition of vegetative buffer. *(recommend support)*  
This just restates what is in 59.692 and NR115.