



JIM HOLPERIN

STATE SENATOR

**Testimony for
SENATE ENVIRONMENT COMMITTEE
Senator Jim Holperin
September 10, 2009**

I recommend that the Committee object to applying the impervious surface requirements of this rule 1,000 feet from the ordinary high water mark. I recommend application 300 feet back from the shore, for the following 3 reasons:

1. Equity. Everyone knows that lakeshore development occurs close to the shore. State rules currently require a 75 foot setback, which the newest version of the rule doesn't change, so that's typically where building starts. Perhaps 90% of lakeshore building is located from 75 to 200 feet back from the water's edge.

This new rule allows 30% of a lake lot to be covered by impervious surfaces like roofs, decks, driveways, garages and patios.

If my lot is 100 feet wide at the water and 300 feet deep, I have a 30,000 square foot piece of property. Do the math and I can have 9,000 square feet of impervious surface on my lot, with mitigation.

If my next door neighbor's lot is 100 feet wide at the water, but 700 feet deep, my neighbor can have 21,000 feet of impervious surface. Our houses are right next to each other. How is that fair? It's not, and the inconsistency of allowing properties located side by side to have vastly different impermeable surface allowances

will require each of us to try to explain to our voters, over and over, why we allowed this to happen. They will say, "it doesn't make sense!" Eventually we will have to concede that it doesn't and change the rule. Why not do that from the get go?

2. Environmental protection. This rule is correct to recognize that what's most critical to maintaining and improving water quality is the amount of run off that gets into a lake or stream. That's what impervious surface restrictions are designed to do.

But consider again the example I used above, and remember that almost all lakeshore buildings are typically clustered in the first 200 feet back from the lake.

The owner of a 100 x 300 foot lake lot is allowed 9,000 square feet of impervious surface. An adjacent parcel, which may happen to be 500 feet deep, is allowed 15,000 square feet. Another parcel on the same shore, but 700 feet deep, is allowed 21,000 square feet, all with mitigation. How is that good for the environment?

3. Enforcement. As environmentalists who care about lake and stream water quality I believe we need to be most concerned with what goes on nearest the water...in the first 300 feet back from the shore ...where most "lakeshore" construction and activity occurs.

But this rule, applied back 1,000 feet from the water's edge, is going to affect thousands and thousands of off water back lots. Many of these are existing small lots located along town and county roads. You can't see the water from them. Wait till these folks discover they can't replace a one car garage with a two car model because they are "too close to the water." They will say, "it doesn't make sense"...although they will probably say it differently than that...and they will be right.

As you will hear from others today, county zoning offices don't have the staff and, believe me, will not hire the staff to start dealing with these thousands and thousands of off water back lots. And you know the legislature is not going to authorize the DNR to hire more zoning enforcement personnel. The outcome will be fewer staff resources available to monitor the properties closest to the lake...the very properties that should be the focus of our limited resources.

My home county, Vilas County, has over 1,300 lakes. Vilas County is deeply concerned with water quality. Vilas County has had an impervious surface requirement in their shoreland zoning ordinance for over 10 years. Zoning Administrator Dawn Schmidt testified at our hearing up north last

week that the rule is working fine. It applies back 300 feet from the water's edge.

The rule is equitable. It applies back 300 feet from the shore, thus limiting impervious surfaces nearest the lake to 9,000 feet (with mitigation) for every 100 feet of lake frontage for everybody.

The rule is environmentally responsible since it concentrates on limiting runoff which is most likely to get into the lake.

The rule is enforceable. Dawn says her office gets very few calls or complaints about the rule's provisions. She receives only a half dozen or fewer requests each year for variances from the rule. Lake homeowners have very few problems with mitigation strategies when those are required.

Langlade County, another county with a large concentration of inland lakes, has had an impervious surface rule in place for several years. It applies back only 300 feet, so it is equitable and enforceable. There have been very few problems with that rule according to Zoning Administrator Becky Fritsch.

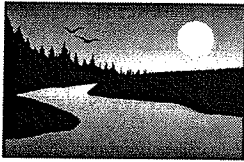
Again, committee members, my advice and request is to object to applying the impervious surface requirements of this rule back 1,000 feet from the water's edge. 300 feet is the better distance for all the reasons I mentioned.

Now, with the committee's consent, I would like to add just one additional comment.

This rule, like all state shoreland regulations, applies only to unincorporated areas. Cities, villages and any incorporated areas are completely exempt. But most of you have visited Minocqua, many of you have been in Three Lakes or Elcho. These are small downtowns in unincorporated towns. NR 115 applies to them.

Most of you have also visited Eagle River, Crandon or White Lake. These small downtowns, similar in every way to Minocqua and Three Lakes and Elcho, are incorporated and so NR 115 doesn't apply to them.

Next week I will be offering separate legislation exempting just the downtown areas of unincorporated towns from NR 115. I hope you can support that legislation.



RIVER ALLIANCE of Wisconsin

September 10, 2009

Senator Mark Miller, Chair, Senate Committee on the Environment
Members of the Senate Committee on the Environment
300 Southeast
State Capitol

Dear Senator Miller and Members of the Senate Committee on the Environment:

RE: CR 05-058, Shoreland Zoning

The River Alliance of Wisconsin recommends your approval of the proposed revisions to NR 115. As a member of the advisory committee to the Department of Natural Resources throughout the course of the rule revision process, we believe the proposal strikes the best balance possible. It provides flexibility for the counties to address the unique characteristics of their landscapes, waterways and existing development patterns, and provides clear, straight-forward minimum standards that should alleviate the inconsistent and sometimes unfortunate interpretation and application of the rules that has occurred over the last 40-plus years.

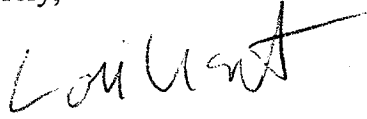
As an organization with protection and restoration of Wisconsin's rivers and streams as our mission, we have of course advocated for the most protective rule provisions possible. At the same time, we realize it would be impossible and unreasonable to apply our ideal set of regulations to every lake and river in the state. The proposed rule directly addresses the two aspects of shoreland development that have the most detrimental impacts on our waterways: removing shoreland vegetation and creating excess impervious surfaces. Limiting the amount of impervious surface that can be created and strengthening controls on vegetation removal are two giant steps forward in resource protection. In combination the standards proposed are very reasonable, especially in the most difficult situations to regulate fairly – that is, areas with substantial existing waterfront development. For areas with less development and a high degree of intact natural shoreline, counties will need to step up to the plate and build on the state's minimum standards.

While the development setbacks and vegetation retention requirements of course apply only to development of lots immediately adjacent to waterways, it is critical to the balanced approach of this rule that the impervious surface standards apply throughout the shoreland zone – 1000 feet from lakes and 300 feet from rivers and streams. This proposal is based on multiple studies, in Wisconsin and throughout the country (see attached), that demonstrate significant degradation of waterways with more than 10% impervious area in the *entire watershed*. Allowing up to 30% impervious surface in the portion of the watershed closest to the waterway, with no limit throughout the rest of the

watershed, is already a significant compromise from the threshold dictated by science and should not be altered.

Thank you for the opportunity to comment on the proposal; it is time to approve new shoreland development standards, and this proposal is the right one for Wisconsin.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Grant". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Lori Grant
River Protection Program



RIVER ALLIANCE OF WISCONSIN

Impacts of Development on Waterways

A. Removal of natural vegetation in a watershed degrades waterways

- Natural vegetation captures rain and allows it to evaporate. Roots and matted understory act as a sponge, holding water and allowing it to be taken up by plants and to percolate slowly into soil to replenish groundwater. Vegetation also captures pollutants carried in runoff and prevents them from entering waterways. Studies have shown that when as little as 15% of a watershed is cleared, *significant damage to streams can occur*. Damage to streams can begin when as little as 5% of natural land cover is removed. When at least 65% of natural land cover is preserved, a great deal of damage to the resource can be prevented¹.
- While maintaining natural vegetation throughout a watershed is important to the health of waterways, it is of critical importance immediately to adjacent to waterways. Trees and grasses overhanging water provide shade to control temperatures, and drop leaves which provide organic materials. Over time, trees and branches topple into the water and provide resting and hiding places for fish. Terrestrial insects drop in and provide a food source; studies have discovered that some fish, during certain seasons, rely almost exclusively on terrestrial insects. Removal of adjacent vegetation results in significant reductions in invertebrate and fish production. Studies have observed fish travel levels to be 2.5 higher and feeding rates 7 times higher along undeveloped shorelines as opposed to lakeshore lawns².
- In addition to providing physical benefits to waterways, maintaining adequate natural vegetation adjacent to streams and lakes prevents pollutants and sediments from entering the water through stormwater runoff. The most common pollutants are:

¹ Booth, D. and L. Reinelt, 1993. Consequences of Urbanization on Aquatic Systems – Measured Effects, Degradation Thresholds, and Corrective Strategies. In: Proceedings of Watershed 93. A National Conference on Watershed Management, March 21-24, 1993, Alexandria, Virginia, pp. 545-550.

² Bernthal, T, 1997. Effectiveness of Shoreland Zoning Standards to Meet Statutory Objectives: A Literature Review with Policy Implications. WI DNR PUBL-WI-505-97

- ◆ Phosphorus, the leading cause of algae and weed growth in lakes and rivers; the more shallow the lake, the greater its effect. One pound of phosphorus produces 500 pounds of algae.
- ◆ Nitrogen, also spurs weed growth, and breaks down into nitrates and ammonia, which can have toxic effects on invertebrates and fish.
- ◆ Fine sediments, have the biggest impact on streams, even at low levels, gradually degrading stream habitat, disrupting food sources and reducing fish reproduction success. Sediments fill in rocky streambeds, burying invertebrates and other food sources and smothering fish eggs. Large quantities of sediments can alter or block stream courses, leading to flooding and property damage.

B. Addition of impervious surface exacerbates waterway degradation

- Removal of vegetation increases the rate and volume of stormwater runoff; the addition of impervious surfaces provides a multiplier effect. With 1.5 inches of rain, pavement results in a 24-fold increase in the volume of runoff as grass. One pound of soil in a lawn holds 24% less water than one pound of soil in a forest and 15% less water than in a pound of pasture land. With big rains, the increased amount and velocity of runoff causes erosion, flooding, scours banks and bottoms washing away fish hiding places and eggs, eventually widening river channels and changing the habitat. When rain hits sun-warmed surfaces such as driveways and roofs, the runoff is also warmed, affecting the temperature of waterways receiving the runoff: warmer water holds less oxygen, impacting fish that need cool, clean water to survive.
- Just as the amount of clearing in a basin affects waterways, there is a clear link between percent of impervious surface and impairment of waters. Studies of 47 streams in Southeastern Wisconsin find a strong threshold of environmental damage to streams at or near 10 percent of imperviousness across a watershed³. The published study also cites similar findings across the nation: in Maryland, stream quality impairment became evident when watershed imperviousness reached 12 percent; in Washington State, stream studies and modeling reported a 10 percent threshold for declines in water quality, physical

³ Wang, L., J. Lyons, P. Kanehl, R. Bannerman and E. Emmons, 2001. Watershed Urbanization and Changes in Fish Communities in Southeastern Wisconsin Streams. Paper No. 99001 of the *Journal of the American Water Resources Association*.

habitat and biological integrity; and a review of a large number of studies from the east and west coasts concluded that hydrological, physical, chemical and biological characteristics of streams declined precipitously beyond 8 to 15 percent imperviousness, with 10 percent being the most commonly reported threshold.

- Local studies have also found that the proximity of impervious surface to a waterway is critical. One acre of impervious surface within 330 feet of a stream has the same negative impacts on fish populations as 10 acres of impervious surface greater than 330 feet from the stream⁴.
- Stormwater also picks up pollutants, including moss retardants from roof, oils and antifreeze residue on driveways and roads, excess fertilizer and naturally occurring components of soils such as phosphorus and nitrogen, and carries them straight into water. Lawns contribute 7 times as much phosphorus and 10 times as much nitrogen as forestland (2001-2002 USGS study in Forest and Vilas Counties). In Maine, two geographically comparable watersheds, one completely forested and the other with 40% intact forest plus a subdivision of one home per acre density, were studied. The partially developed watershed had 72% higher export of phosphorus into the water. In Dane County, studies showed the greatest increases in phosphorus in waterways with previously undisturbed riparian areas converted to urban or agricultural uses. In Lac La Belle, studies showed that increases in residential densities lead to increases in phosphorus loading, even when septic systems are replaced with sewers.
- In short, when natural riparian areas are converted to lawns and impervious surfaces added, increased runoff causes erosion, adds pollutants, increases stream temperatures, and degrades water quality and habitat.

C. Solutions

- Under its obligation to protect the public interest in navigable waters, including all those interests considered by common law, the state must enact rules that limit stormwater runoff. The simplest, least expensive means is clearly through limitation of land clearing, conversion of natural vegetation to grass and addition of impervious surfaces, especially in close proximity to waterways. Across the nation, local and state rules have mandated vegetated buffers adjacent to waterways to capture runoff and the pollutants and sediments carried by runoff. Studies have found a range of fully vegetated buffer widths

⁴ Wang, L., J. Lyons, P. Kanehl and R. Bannerman, 2001. Impacts of Urbanization on Stream Habitat and Fish Across Multiple Spatial Scales. WI DNR Environmental Management Vol. 28, No. 2, pp. 255-266

based on topography to be effective in removing pollutants and sediments:

- ◆ 35 feet can remove 60% of phosphorus, nitrogen and Total Suspended Solids
 - ◆ 25 feet achieves 70% sediment removal; 80 feet removes 80%
 - ◆ 200 feet removes 80% Total Suspended Solids
 - ◆ 200 feet removes 80% nitrogen
 - ◆ 115 feet removes 70% phosphorus; 275 feet removes 80%⁵
- A similar analysis in Georgia found that 100 feet of buffer is sufficient to trap sediments in most circumstances, unless there is a significant slope to the water. 100 feet was also found to be sufficient to capture phosphorus, and that "35 to 100 feet *native forested riparian buffers* should be restored along all streams."⁶

⁵ Desbonnet, A., V. Lee, P. Pogue, D. Reis, J. Boyd, J.Y. Willis and M. Imperial, 1995. Development of Coastal Vegetated Buffer Programs. Coastal Management 23:91-109.

⁶ Wengers, S. 1999. A Review of the Scientific Literature on Riparian Buffer Width, Extent and Vegetation. Institute of Ecology, University of Georgia.

WISCONSIN

Town of Oshkosh

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|-----------------------------------------------------------------------|--------------|--------------------------------------------------------------------------|--------------|
| Gerald R. Frey, Chairman, 4804 Island View Dr., Oshkosh, WI 54901 | 920-233-2391 | Phil Grundy, Fire Chief, 1801 W. Cty. Y, Oshkosh, WI 54904 | 920-231-7933 |
| Carol J. Kaufmann, Supervisor, 2677 Indian Pt. Rd., Oshkosh, WI 54901 | 920-231-4668 | Todd Zak, Fire Inspector, 2261 Indian Pt. Rd., Oshkosh, WI 54901 | 920-231-7086 |
| Jim Erdman, Supervisor, 2492 Hickory La., Oshkosh, WI 54901 | 920-233-3618 | Steve Hill, First Responder Dept., 640 Olson Ave, Oshkosh, WI 54901 | 920-231-5709 |
| Jeannette B. Merten, Clerk, 1065 Cozy La., Oshkosh, WI 54901 | 920-235-7771 | Dave Frank, Building Inspector, 4660 Sandy Beach Ln., Oshkosh, WI 54901 | 920-233-1999 |
| Maribeth Gabert, Treasurer, 4543 Plummers Pt. Rd., Oshkosh, WI 54904 | 920-231-0179 | Troy Zacharias, Assessor, 500 W. 7 th St., Kaukauna, WI 54130 | 920-766-7323 |

Date: September, 2009

To: NR115 Rewrite Review Committee Members

Re: **NEED CHANGES TO NR115 REWRITE**

The driving force behind this Shoreland Zoning Rewrite has been DNR obsession with mandatory buffers. H2O quality was the initial reason.

Municipal stormwater draining directly into State waters possibly requiring every city lot to have a front yard buffer quieted this issue. Natural beauty enhancement is the replacement justification.

The Town of Oshkosh suggested a voluntary property tax-incentive program several times in written and oral comments throughout the Rewrite process. A voluntary program would have willing participants rather than angry victims.

During negotiations, DNR lawyers stated a voluntary buffer program was "off the table".

The proposed mitigation rule hammers old plats with small lots. High taxes are paid on waterfront property for the view alone. Some riparian owners rebuilding won't accept a buffer. Worn-out structure will be patched instead of rebuilt and four-story (35') residential silos will sprout. This is not scenic beauty enhancement.

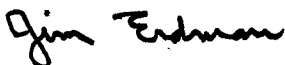
If you won't reconsider a voluntary property tax-incentive program, then at a minimum in old plats allow:

- 1) Setback averaging and principle structure replacement without mitigation.
- 2) 20% impervious surface standard.

These changes would encourage small structure replacement, clean up old properties, and enhance scenic beauty.

TOWN OF OSHKOSH

Respectfully,



Jim Erdman
Town Supervisor

JE/jbm

Cc: Gerald Frey, Town Chairman
Carol Kaufmann, Town Supervisor
Maribeth Gabert, Town Treasurer

Summary of Town of Minocqua objections to NR 115 —

- 1. Current law and this proposed rule are not applied uniformly. (Example, the rule would apply in Minocqua but not in Eagle River.)**
- 2. The rule does not take into account existing development patterns in long-existing business areas.**
- 3. The 30% impervious surface component would make thousands of properties non-conforming.**

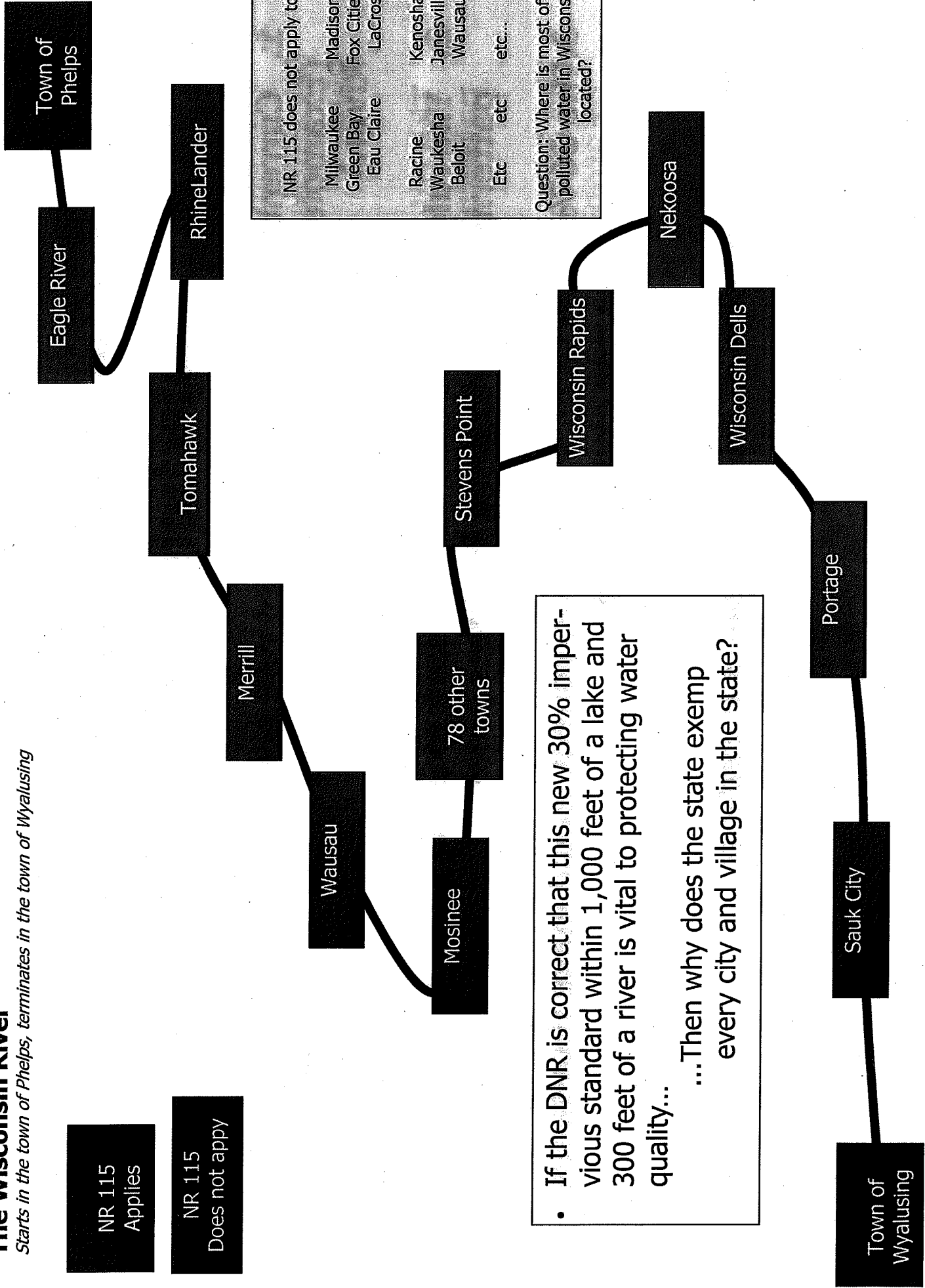
Note: The removal of the 50% rule is excellent!

The Wisconsin River

Starts in the town of Phelps, terminates in the town of Wyalusing

NR 115 Applies

NR 115 Does not apply

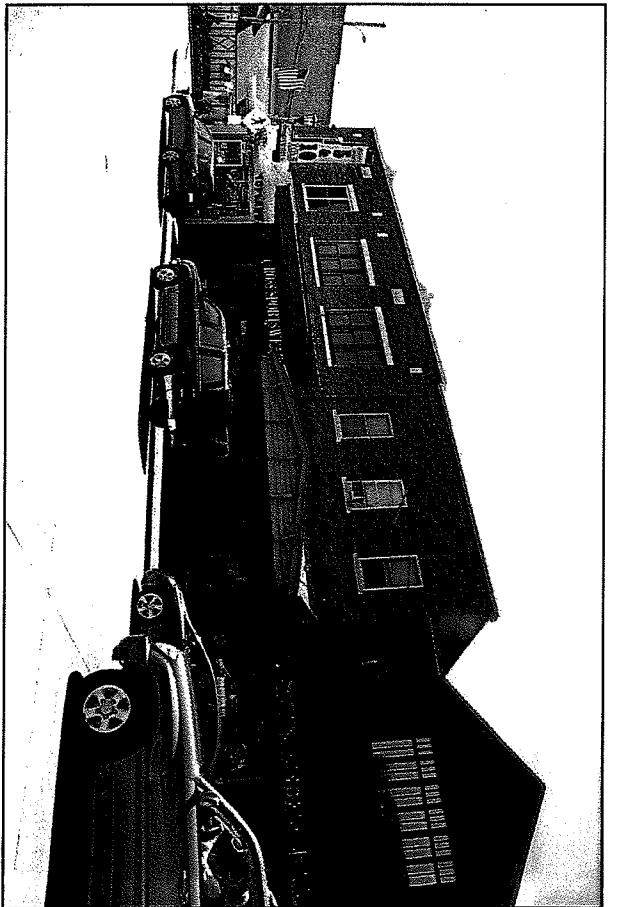


NR 115 does not apply to:

| | |
|------------|------------|
| Milwaukee | Madison |
| Green Bay | Fox Cities |
| Eau Claire | LaCrosse |
| Racine | Kenosha |
| Waukesha | Jamesville |
| Beloit | Wausau |
| Etc | etc... |

Question: Where is most of our polluted water in Wisconsin located?

• If the DNR is correct that this new 30% imper-
 vious standard within 1,000 feet of a lake and
 300 feet of a river is vital to protecting water
 quality...
 ...Then why does the state exemp
 every city and village in the state?

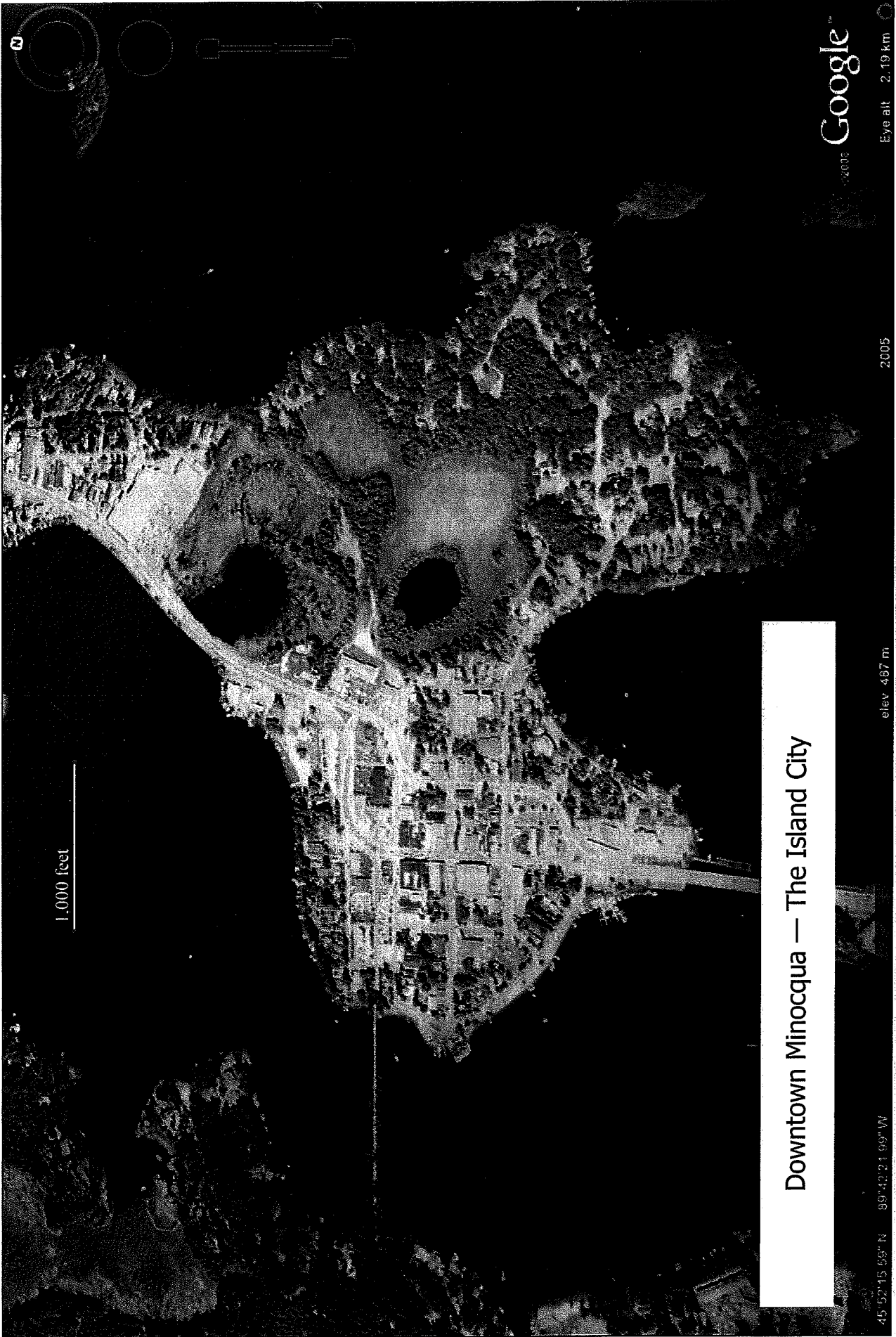


This rule should not move forward as proposed as it does not take into account existing development patterns such as downtown Minocqua.

If the rule does move forward, then every city and village in the state should be forced to follow it **OR** non-incorporated village areas need to be exempted.

Downtown Minocqua. To the right, 50 foot lot. Only 30% could have impervious surface.





1,000 feet

Downtown Minocqua — The Island City

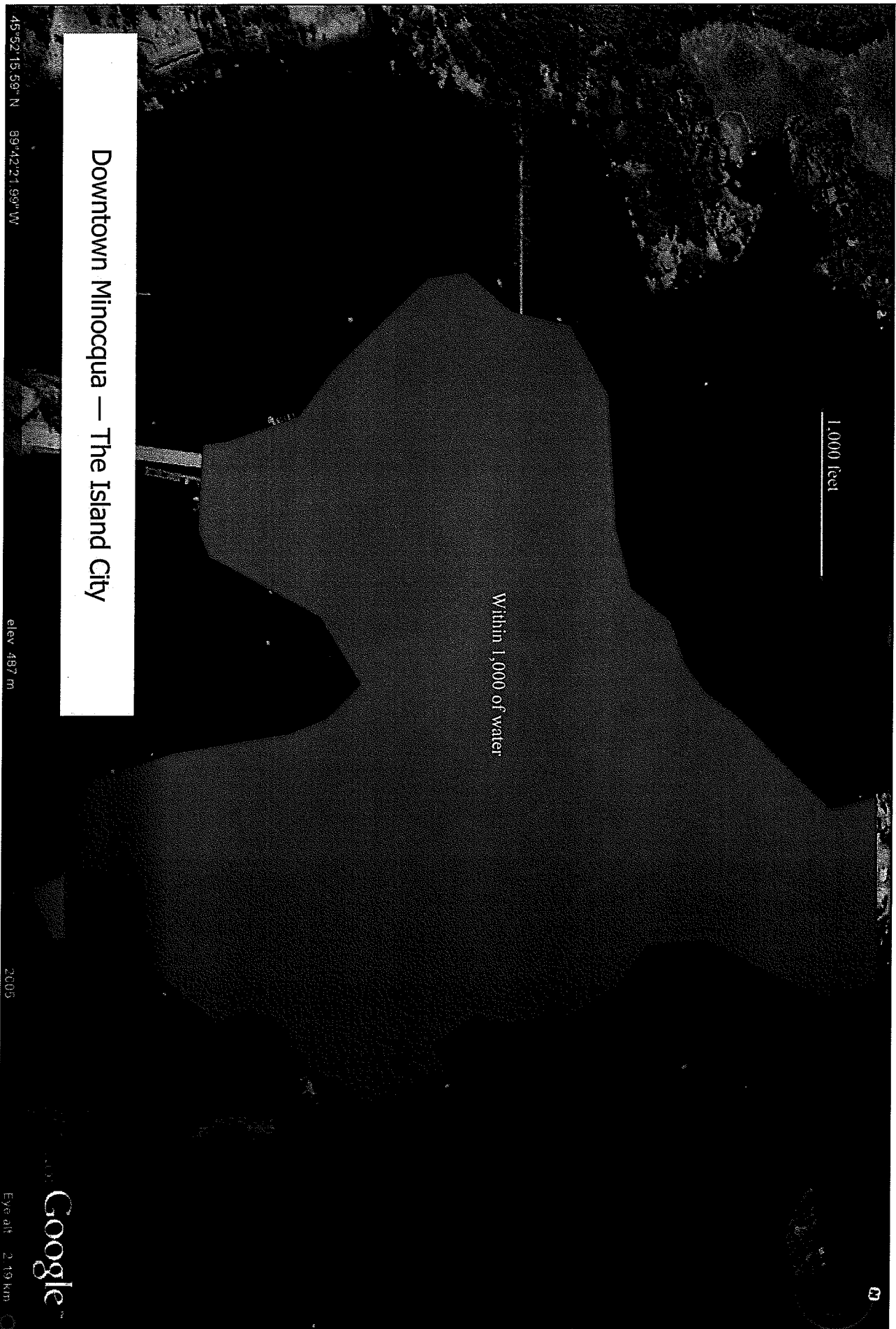
Google

Eye alt 2.19 km

2005

elev 487 m

45°52'15.58" N 90°42'21.99" W



1,000 feet

Downtown Minocqua — The Island City

Within 1,000 of water

45°52'15.59" N 89°42'21.99" W

elev 497 m

2005

Eye alt 2.19 km

Google



Highway 51 north of Island and Highway 70 West

The monster of
non-conformity

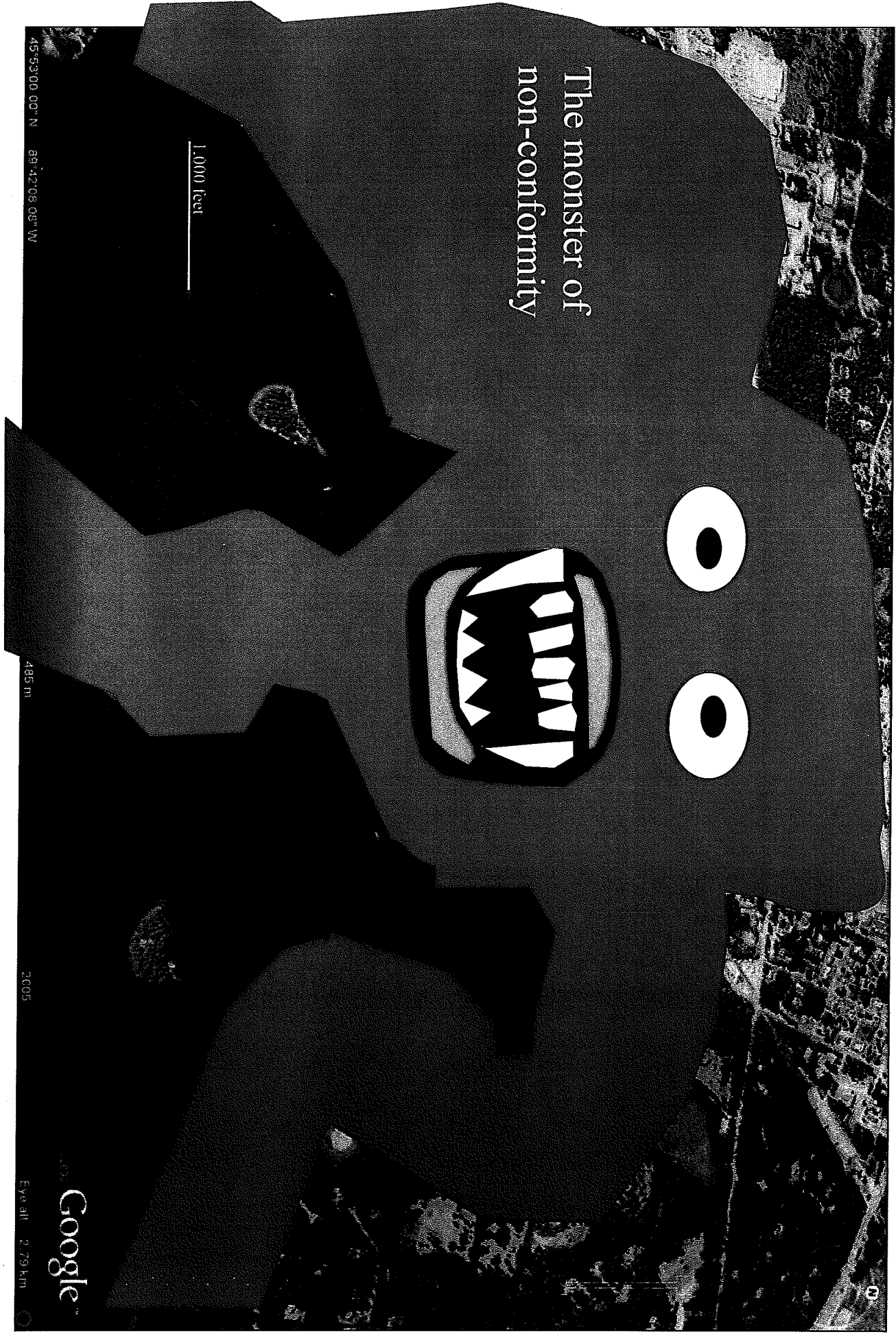
1,000 feet

45°53'00.00" N 89°42'08.00" W

485 m

2005

Google
Eye alt: 2.79 km



**Oneida County
Planning & Zoning Department**

Courthouse Building

PO Box 400

Rhineland WI 54501-0400

Telephone 715/369-6130

FAX 715/369-6268

Email: zoning@co.oneida.wi.us

September 4, 2009

Senator Mark Miller, Chairman
Committee on Environment
State Capitol, Rm 409 South
PO Box 7882
Madison WI 53708

Dear Senator Miller:

Thank you for agreeing to hold a listening session in Three Lakes, Wisconsin on Clearinghouse Rule 05-058, relating to minimum standards for County Shoreland Zoning Ordinances.

Oneida County is blessed with over 1,000 lakes and miles of rivers and streams. In 2008, Oneida County issued 1,204 zoning permits for a total valuation of \$64,005,772. The Planning and Zoning Department staff consists of 14 positions, which four years ago, consisted of 19 positions.

NR 115, as written, will significantly increase the workload for the Oneida County Planning and Zoning Department. The number of permits will dramatically increase for Oneida County shoreland property owners. Permits will be required for construction, development, reconstruction, structural alterations or moving of buildings or structures regardless of the size or dollar amount if located within 1000 feet of a lake or 300 feet of a navigable stream.

The proposed impervious surface requirements will require additional review time for permits and additional staff onsite prior to the issuance of these permits. Furthermore, the County will be required to conduct periodic inspections of the work in progress to ensure compliance. Currently, Oneida County does not conduct onsite inspections for all zoning permit applications. The number of onsite inspections currently being conducted will more than double in order to administer the proposed language.

There will be a large cost to the County to amend existing ordinance language in order to comply with the proposed NR 115. The last comprehensive ordinance re-write in 2001 cost approximately \$163,000.

In addition, it will cost Oneida County approximately \$320,000 for implementation and administration of the proposed language. Currently Planning and Zoning Department's state-wide are attending budget hearings where they are being

directed to reduce budgets through elimination of services, reduction of costs and elimination of positions.

The NR 115 code revision will affect:

- resources, both water and land
- zoning departments and the codes they administer
- landowners within 1,000 feet of a lake or 300 feet of a navigable streams
- users of navigable waters
- County budgets to cover costs to amend ordinances
- contractors
- taxpayers
- future generations

Oneida County has reviewed the draft and is in opposition to certain code sections. The following is a list of the sections we are opposed to and recommended revisions needed prior to adoption of the draft by the Natural Resources board.

1. NR 115.05(1)(e)3. Opposed to requiring non-riparian lots within the 1,000 ft and 300 ft shoreland jurisdiction to meet impervious surface limits.

We recommend that only riparian lots be required to meet impervious surface limits.

2. NR 115.05 (1)(e)3. Opposed to the 15% impervious surface limit which creates numerous nonconforming structures/uses. Oneida County appreciates the adjustment from 10% to 15% in the draft, but since NR 115 sets minimum state standards, a 20% limit would create fewer nonconforming structures/uses.

We recommend a 20% impervious surface limit (with no mitigation) on riparian lots and 30% impervious surface limit with mitigation and flexibility for counties to be more restrictive.

3. NR 115.05(1)(e)3. Opposed to the provision in the nonconforming structures and uses section that states "all other provisions of the Shoreland ordinance shall be met" because it prevents the replacement and relocation of a nonconforming principle structure on a lot that exceeds the 30% impervious surface limit even if the building is relocated to a compliant setback location without a variance to the 30%. Additionally, NR 115(1)(g)6.g. is in direct conflict with Wis. Stats. §59.692(1s)(a) which allows reconstruction of structures that are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation.

We recommend that NR 115.05(1)(g)6.g. be deleted.

As a result of the hearings before the Natural Resources Board, the Board's decision was to not require variances for structures over the

30% impervious surface limits if mold, wind, fire infestation applies and they will create language to that effect.

4. NR 115.05(2). Opposed to the provision in the establishment of the land division review section which requires county review of land divisions in shoreland areas which create three (3) or more parcels or building sites of five (5) acres each or less within a five (5) year period.

We recommend that Wis. Stats. §236.02(12) be followed which defines subdivision. Inconsistent definitions cause administrative problems.

5. NR 115.05(4). Opposed to the provisions within the adoption of administrative and enforcement section, that requires written notice within 10 days to be given to regional offices of the department when a "permit is issued under sub. (1)(b)" which is anytime counties issue a permit for a structure with a setback less than 75 feet. The section also requires "copies of all proposed land divisions submitted to the county for review under sub.(2)" and "the grant or denial of copies of any permit granted under sub. (1)(g).

We recommend that these three (3) sections be deleted. These are all administrative functions that are guided by codes. The department can obtain this information through annual audits/reports.

As a result of the hearings before the Natural Resources Board, the Board decided that administrative permits will not be required to be submitted within 10 days or at all, unless the department decides they provide some value to them and then may ask for copies or they can do an audit on an annual basis. DNR staff was directed to create language to reflect this change.

6. NR 115.05(1)(e). Opposed to the inclusion of the term "structural alteration" be subject to impervious surface limits.

We recommend that the term "structural alteration" be deleted. This term is vague and could apply to something as minor as replacing a window with a door which has no impact on the resource.

As a result of the hearings before the Natural Resources Board, the Board decided that structural alteration will be removed from the rule. Exact language to reflect his change to follow.

7. Previous drafts of the proposed NR 115 included language that would address a growing issue within Oneida County regarding where the ordinary high water mark (OHWM) is located on a lake or stream. The previous drafts included language that would address the location of the OHWM. §115.13 Shoreland Setbacks stated "If a wetland extends more than 40 feet between open water and the wetland/upland boundary, the County may establish a setback of 35 feet landward from the

wetland/upland boundary." Oneida County believes this is very important in assisting the public in establishing setbacks on their property and also when calculating impervious surfaces.

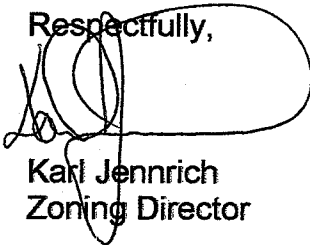
8. Oneida County, since 2001, has permitted the complete replacement and reconstruction of any principal building located less than 75 feet from the OHWM. The proposed language found in §115.05 (1)(e) & (g) would allow any structure located less than 35 feet from the OHWM to be maintained and repaired, but does not allow them to be reconstructed or replaced if located less than 35 feet from the OHWM. It should also be noted that both sections as it relates to accessory structures do not allow replacement or any alterations unless it is an existing driveway, walkway, patio or similar surface.

We recommend creating language that would allow principal structures less than 75 feet from the OHWM replacement/reconstruction and language that would treat all accessory structures equally.

Oneida County would like to thank the Department for addressing many of our previously submitted concerns related to the proposed changes to NR 115. Oneida County understands that there are many positive reasons for revising NR 115, mainly due to the fact that NR 115 is 40+ years old and the nonconforming language is out-of-date. The latest draft provides more flexibility based on mitigation and has eliminated many of the problematic language, definitions and sections that created much opposition throughout the state.

On behalf of Oneida County I would like to thank you for allowing me this opportunity to voice Oneida County's concerns as it related to the proposed changes to Chapter NR 115, Wisconsin Shoreland Protection Program.

Respectfully,



Karl Jennrich
Zoning Director

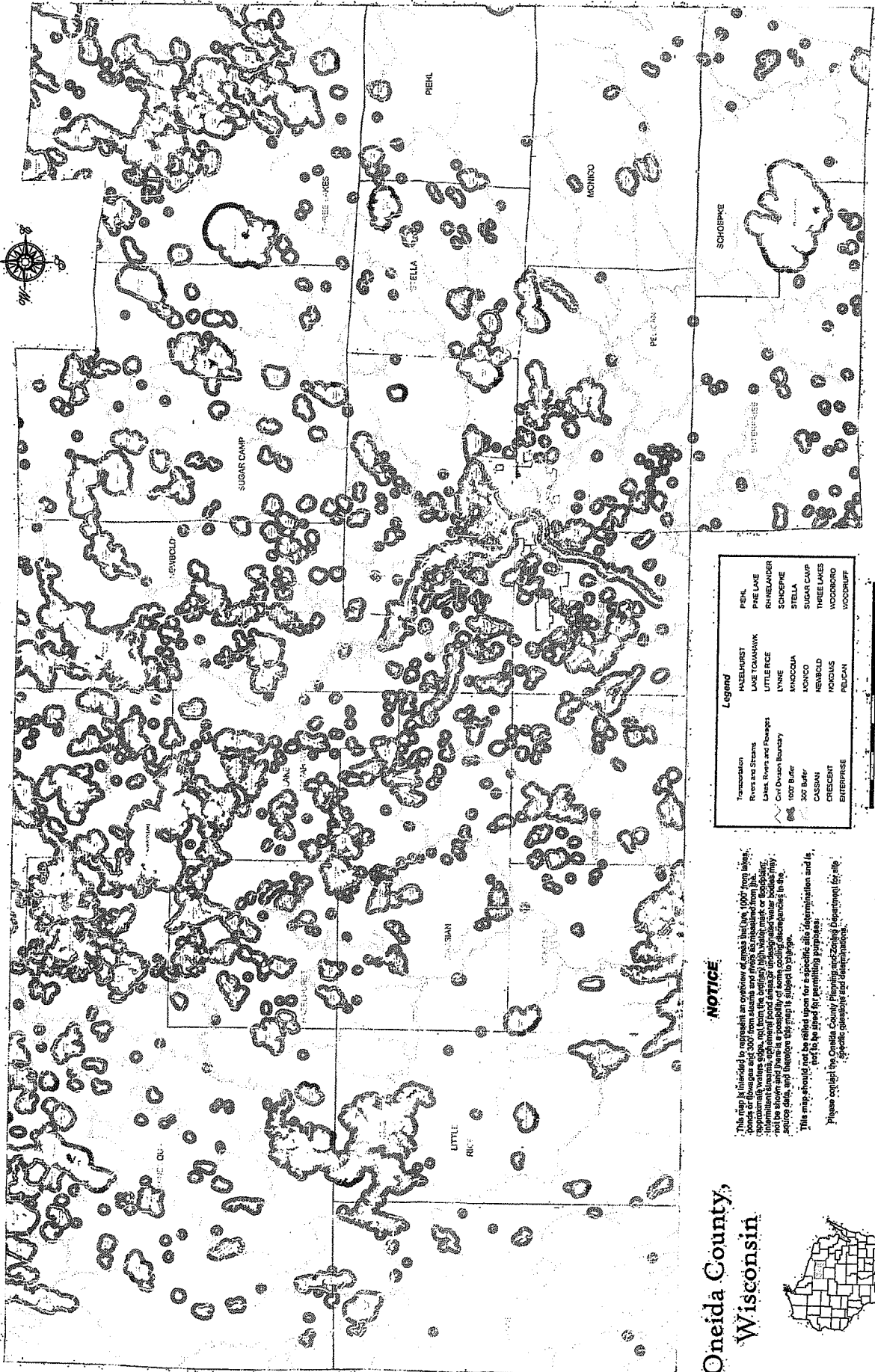
KJ/ljd

Enclosures

CC: VIA Email:

Senator Robert Jauch
Senator Robert Wirch
Senator Neal Kedzie
Senator Luther Olsen

Approximate Waterbody Buffers

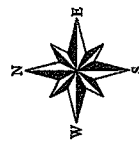
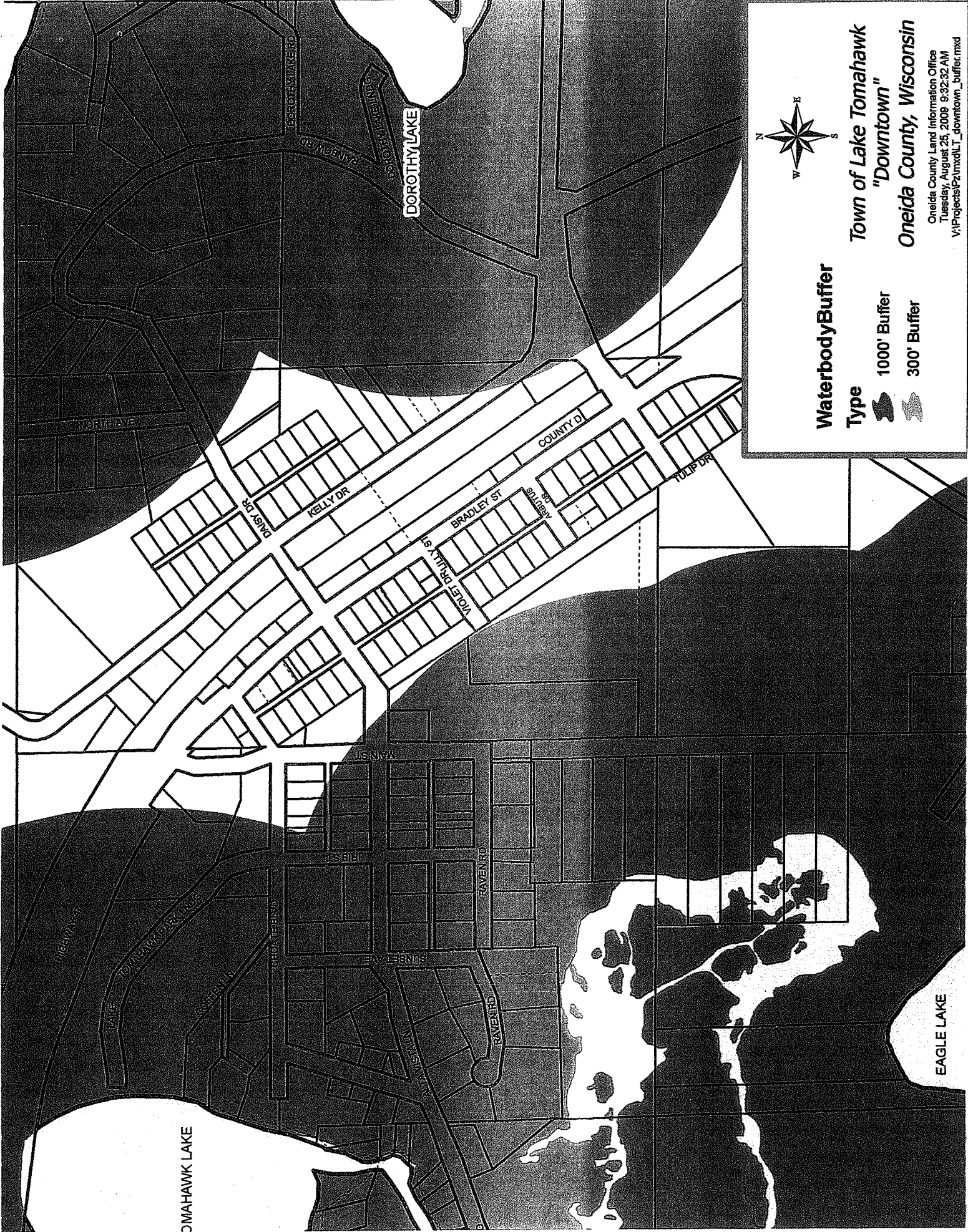


NOTICE

This map is provided for informational purposes only. It is not intended to be used as a legal document. The map is based on aerial photography and is not intended to be used for legal purposes. The map is not intended to be used for legal purposes. The map is not intended to be used for legal purposes.



Oneida County,
Wisconsin





**Town of Lake Tomahawk
"Downtown"
Oneida County, Wisconsin**

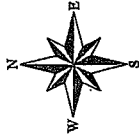
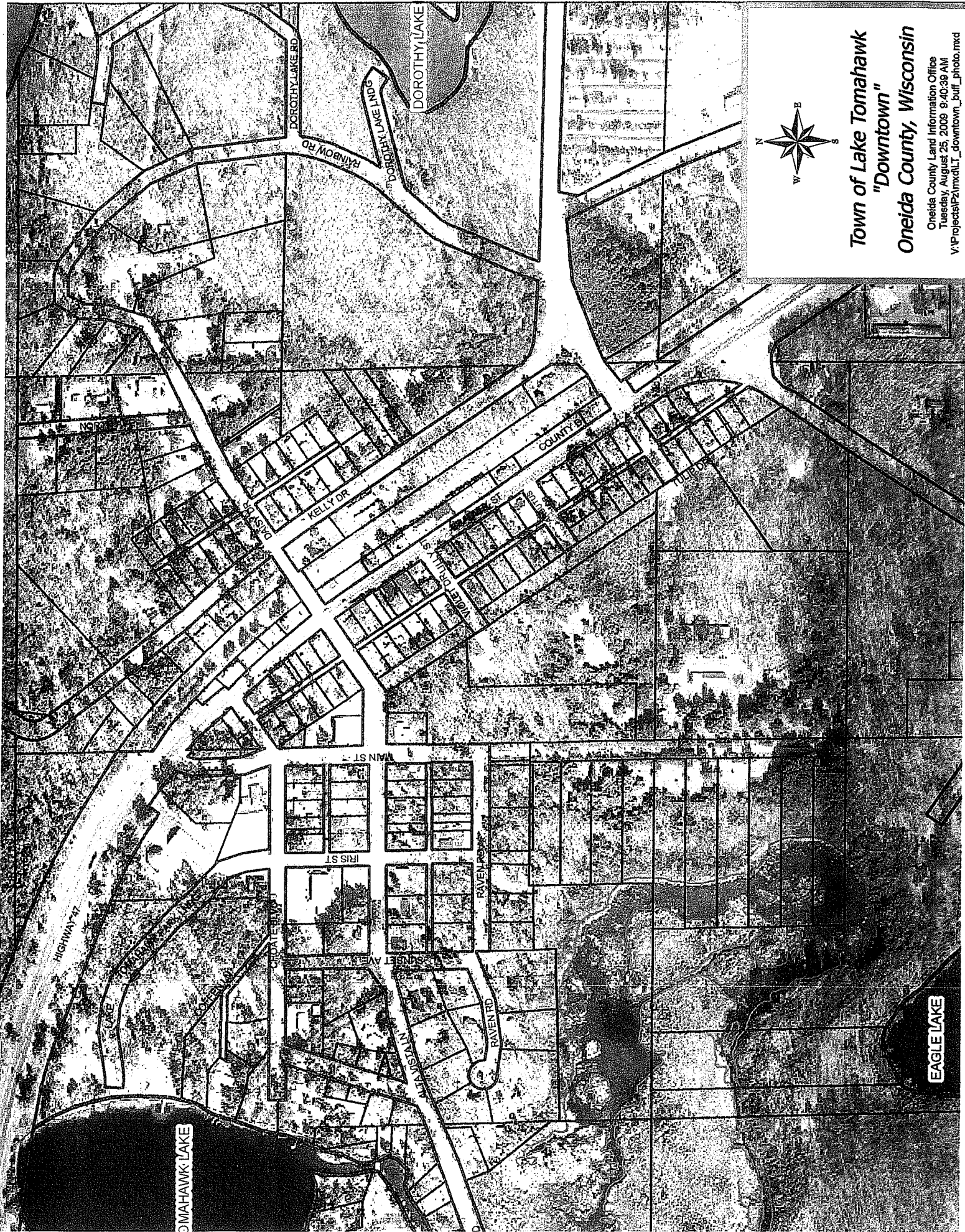
WaterbodyBuffer

- Type
-  1000' Buffer
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TOMAHAWK LAKE

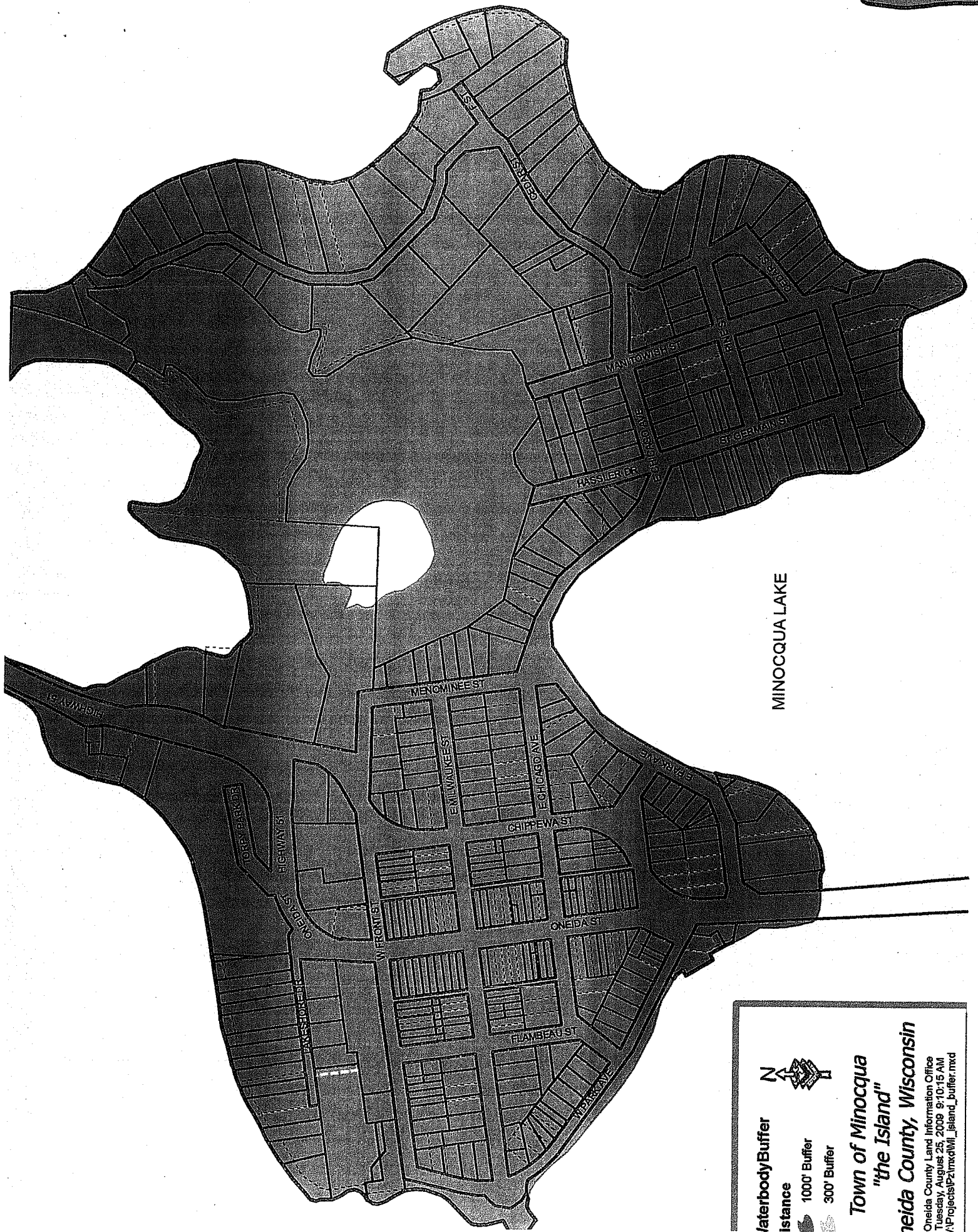
EAGLE LAKE



**Town of Lake Tomahawk
"Downtown"
Oneida County, Wisconsin**

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EAGLE LAKE

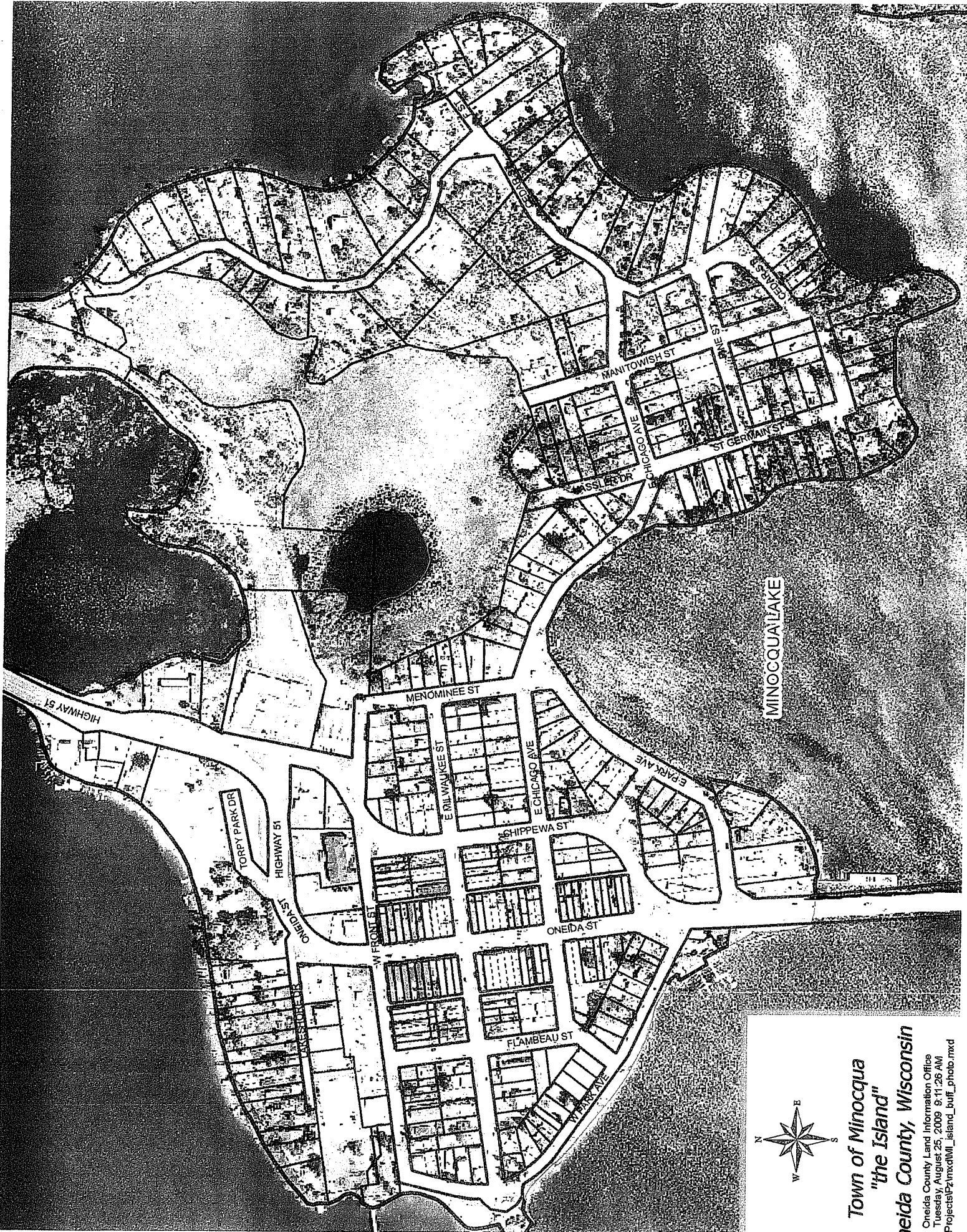


MINOCQUA LAKE

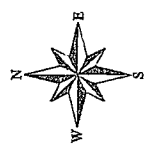
laterbodyBuffer
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**Town of Minocqua
 "the Island"**
 Oneida County, Wisconsin

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MINOCQUA LAKE



**Town of Minocqua
"the Island"
Oneida County, Wisconsin**

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MAPLE LAKE

Waterbody Buffer

Distance

-  1000' Buffer
-  300' Buffer

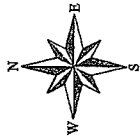


**Town of Three Lakes
"Downtown"**
Oneida County, Wisconsin

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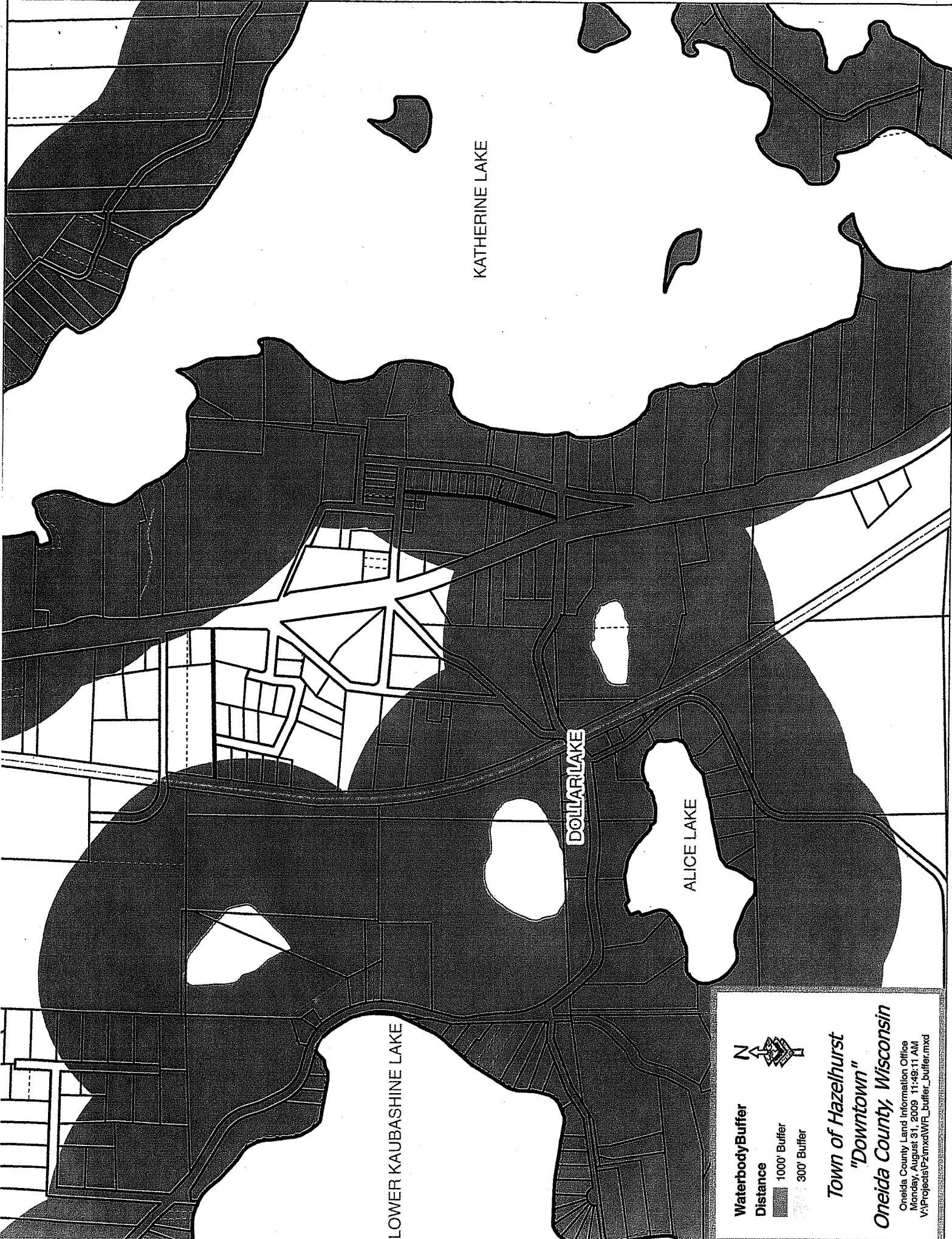


MAPLE LAKE



**Town of Three Lakes
"Downtown"**

Oneida County, Wisconsin
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KATHERINE LAKE

DOLLAR LAKE

ALICE LAKE

LOWER KAUBASHINE LAKE

Waterbody Buffer

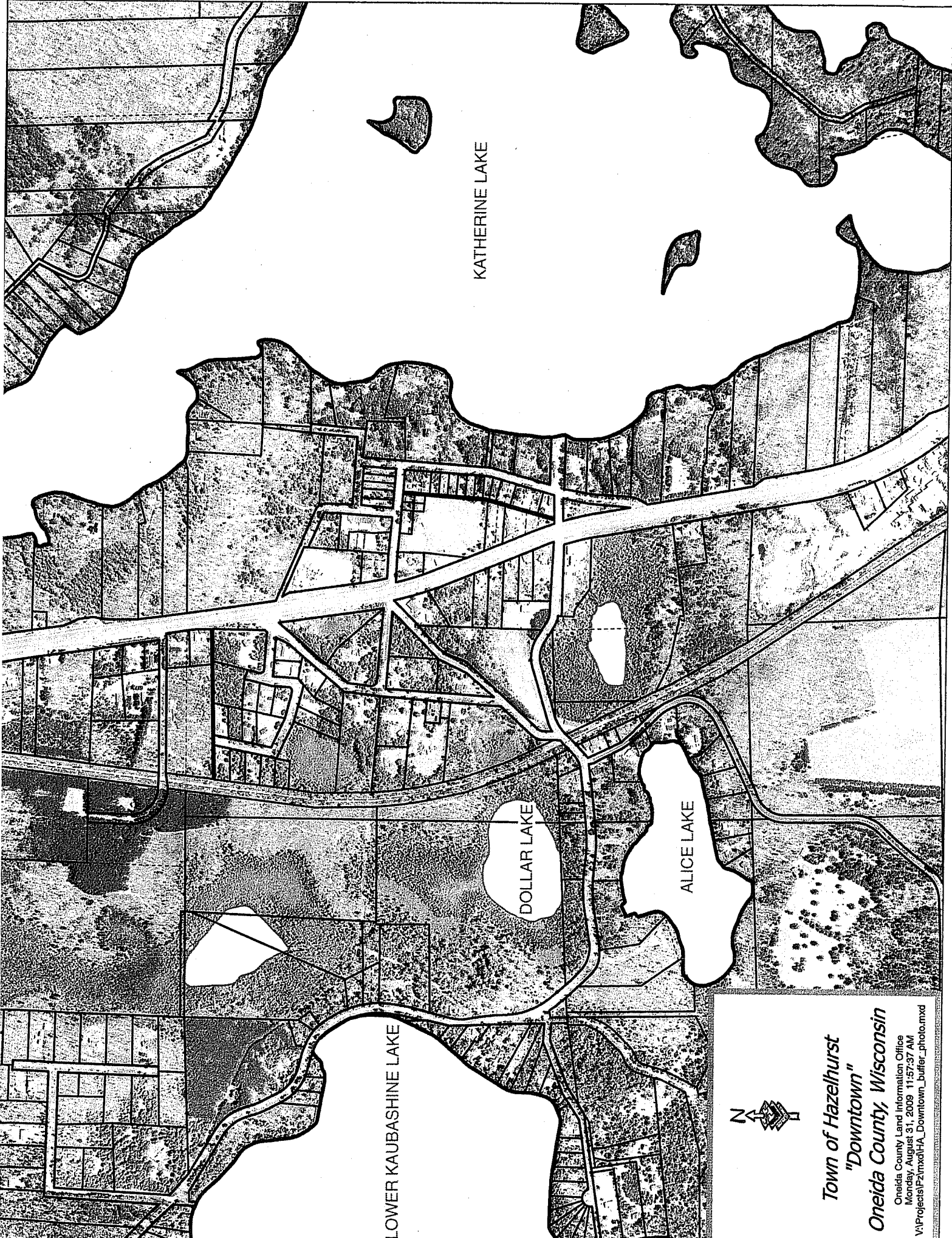
Distance

- 1000' Buffer
- 300' Buffer

Town of Hazelhurst
"Downtown"
Oneida County, Wisconsin

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KATHERINE LAKE

LOWER KAUBASHINE LAKE

DOLLAR LAKE

ALICE LAKE



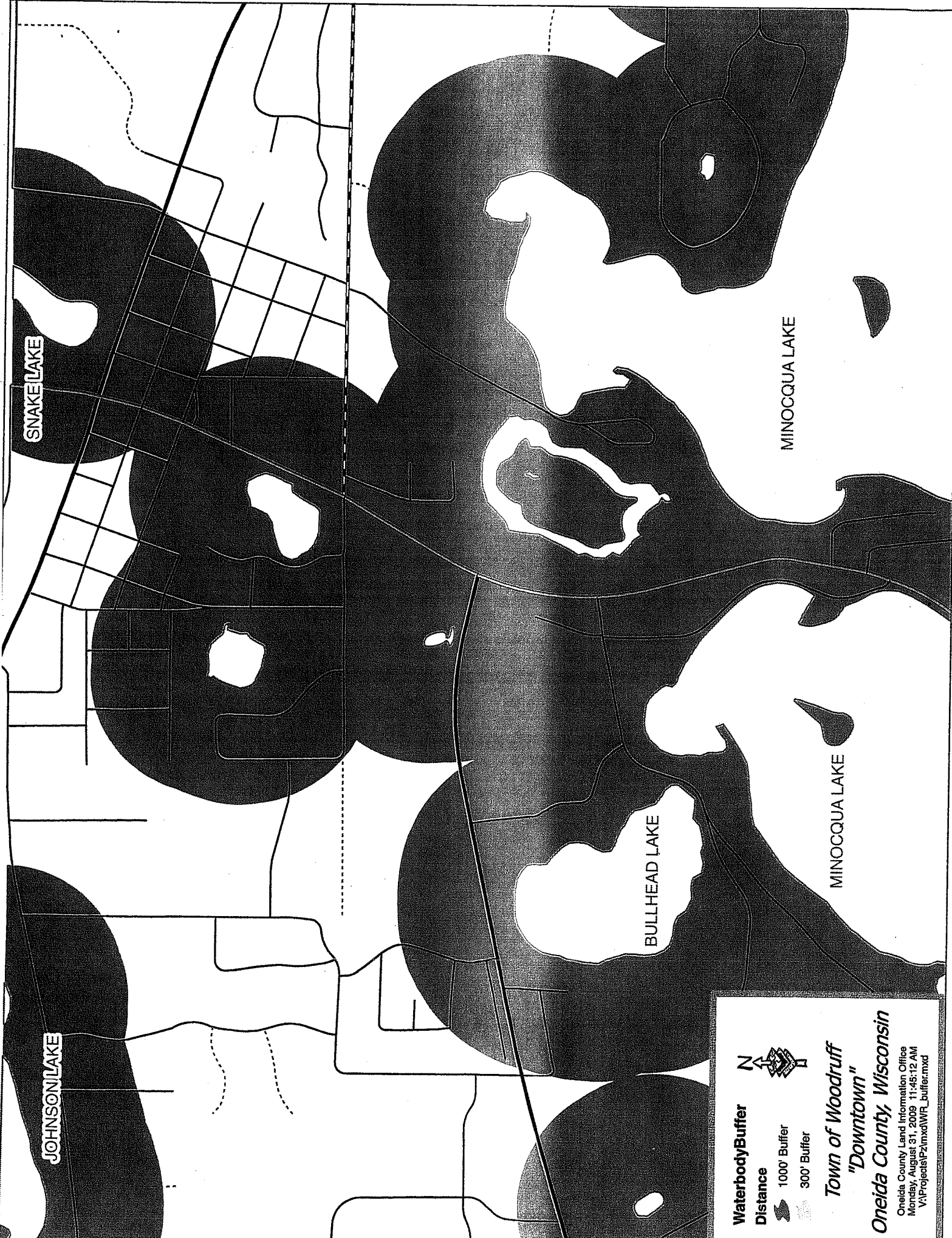
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Oneida County, Wisconsin*

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*Town of Woodruff
"Downtown"*
Oneida County, Wisconsin

Oneida County Land Information Office
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JOHNSON LAKE

SNAKE LAKE

BULLHEAD LAKE

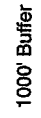
MINOCQUA LAKE

MINOCQUA LAKE



Waterbody Buffer

Distance



1000' Buffer



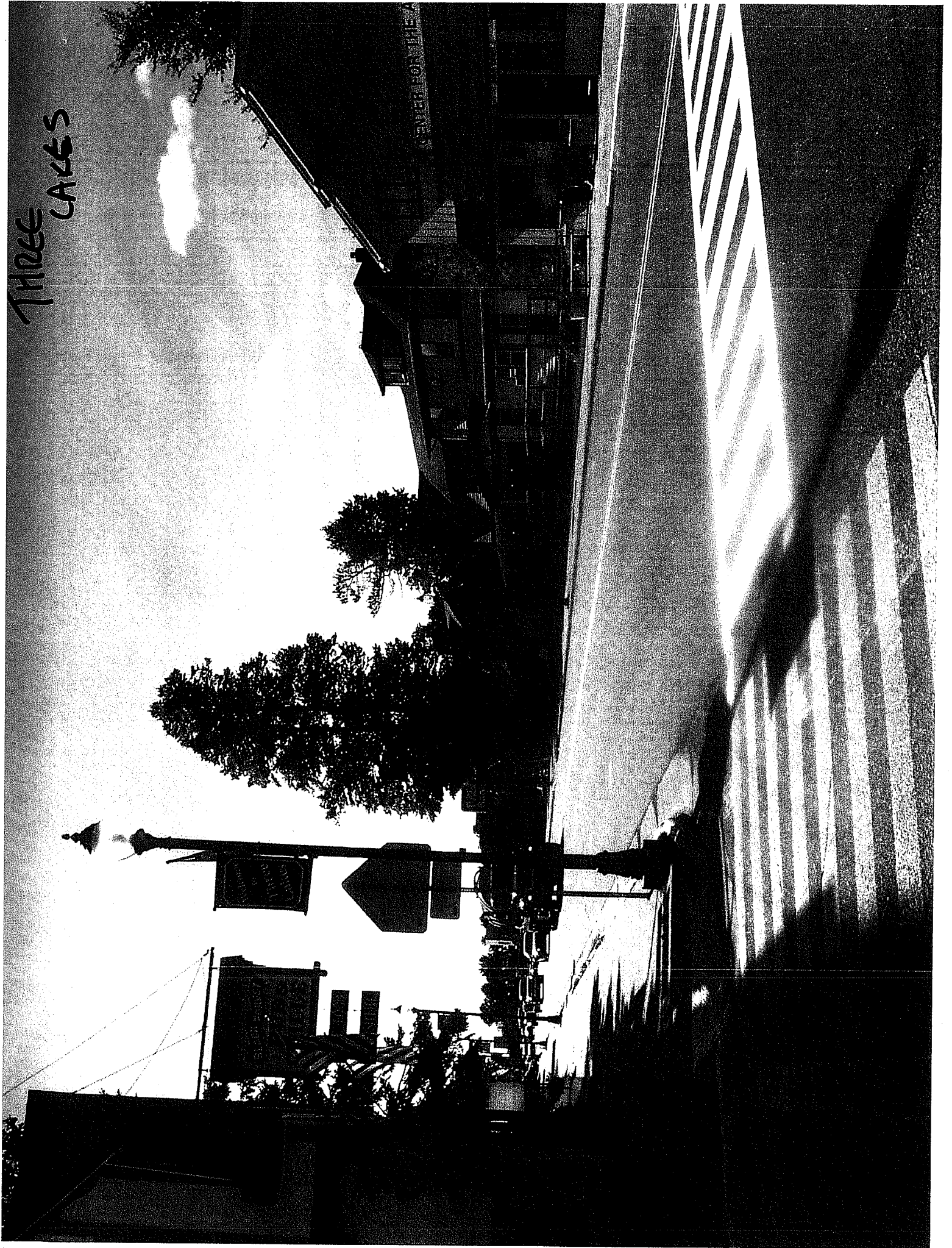
300' Buffer

*Town of Woodruff
"Downtown"*

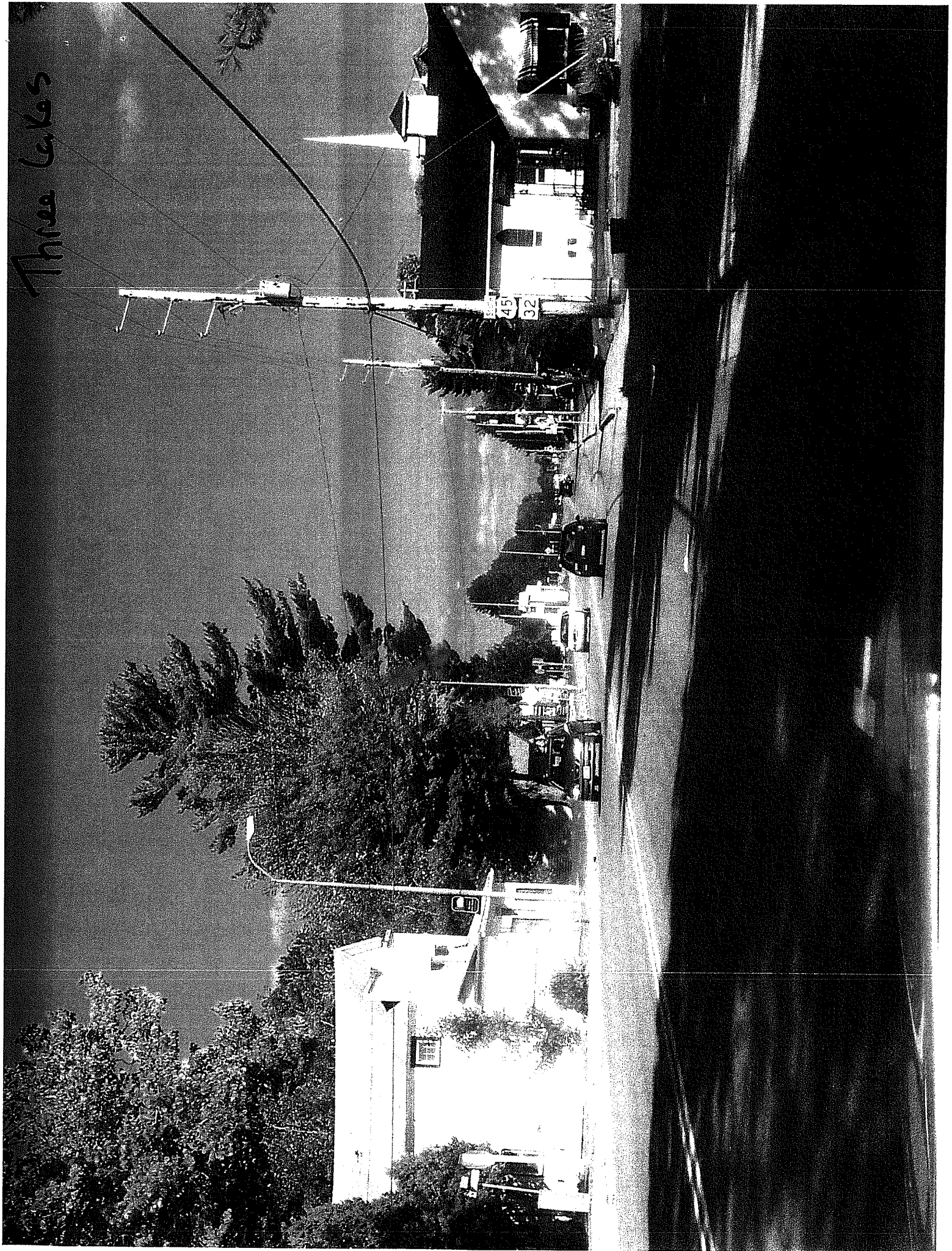
Oneida County, Wisconsin

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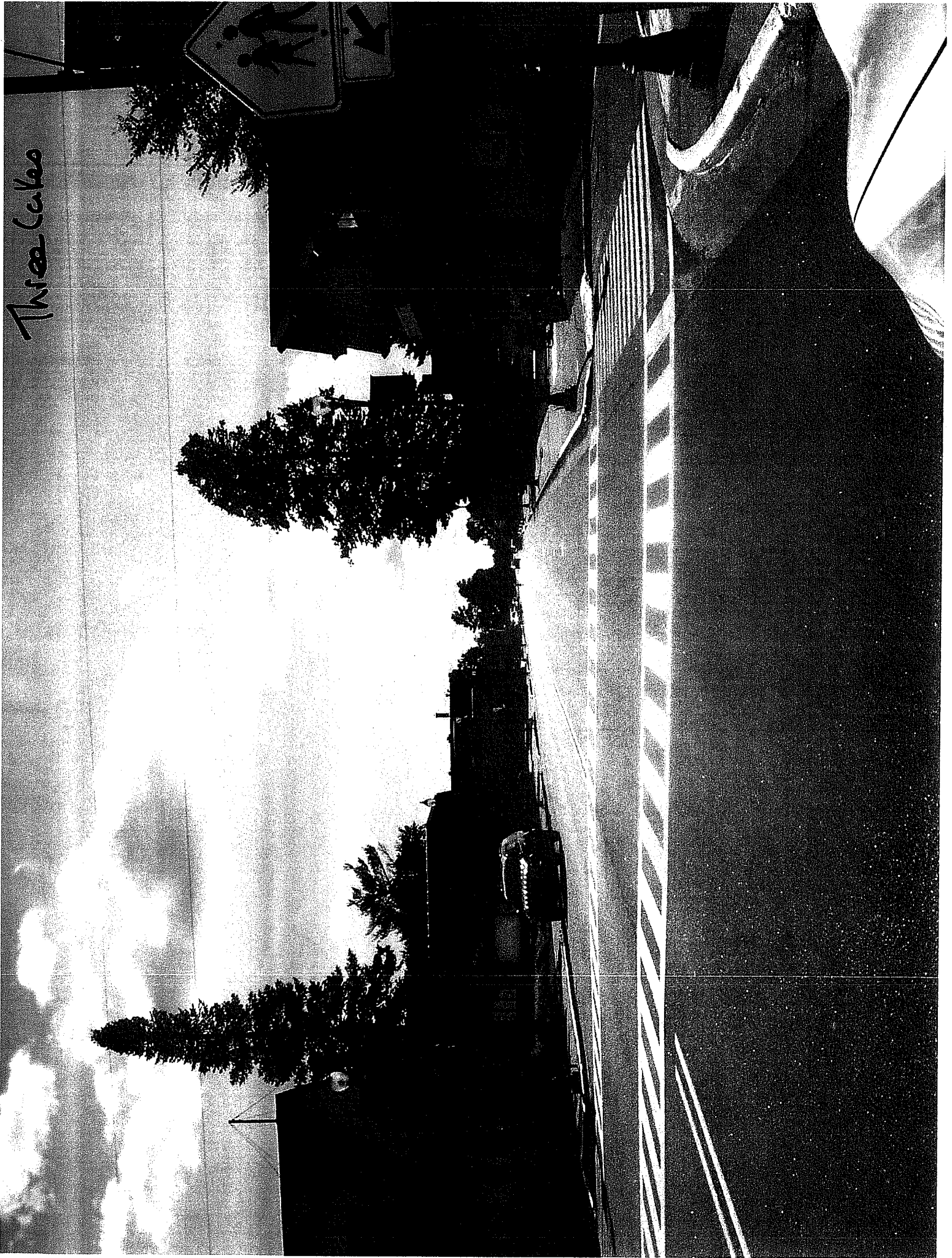
THREE
CAGES



Three Lakes



Three Cakes

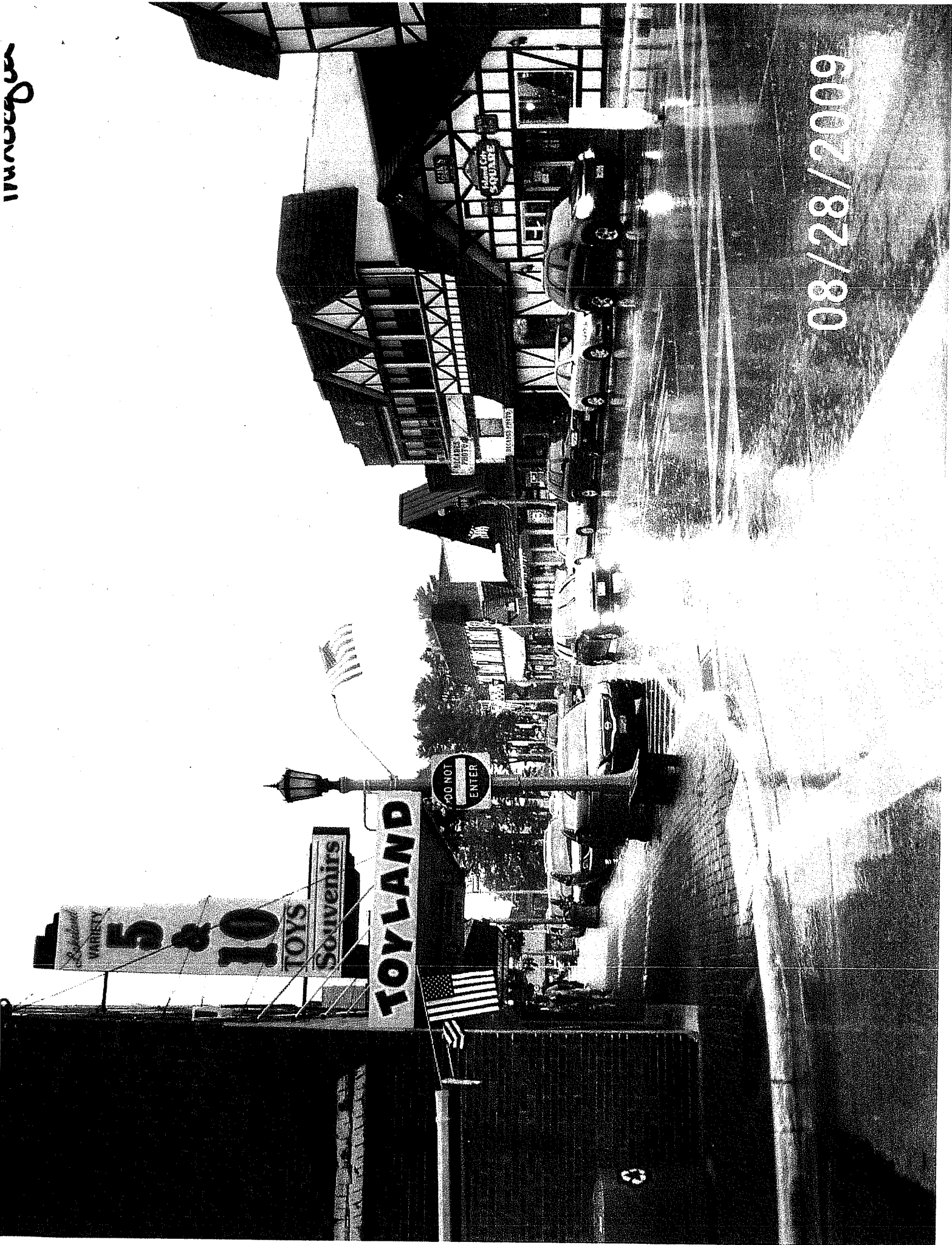


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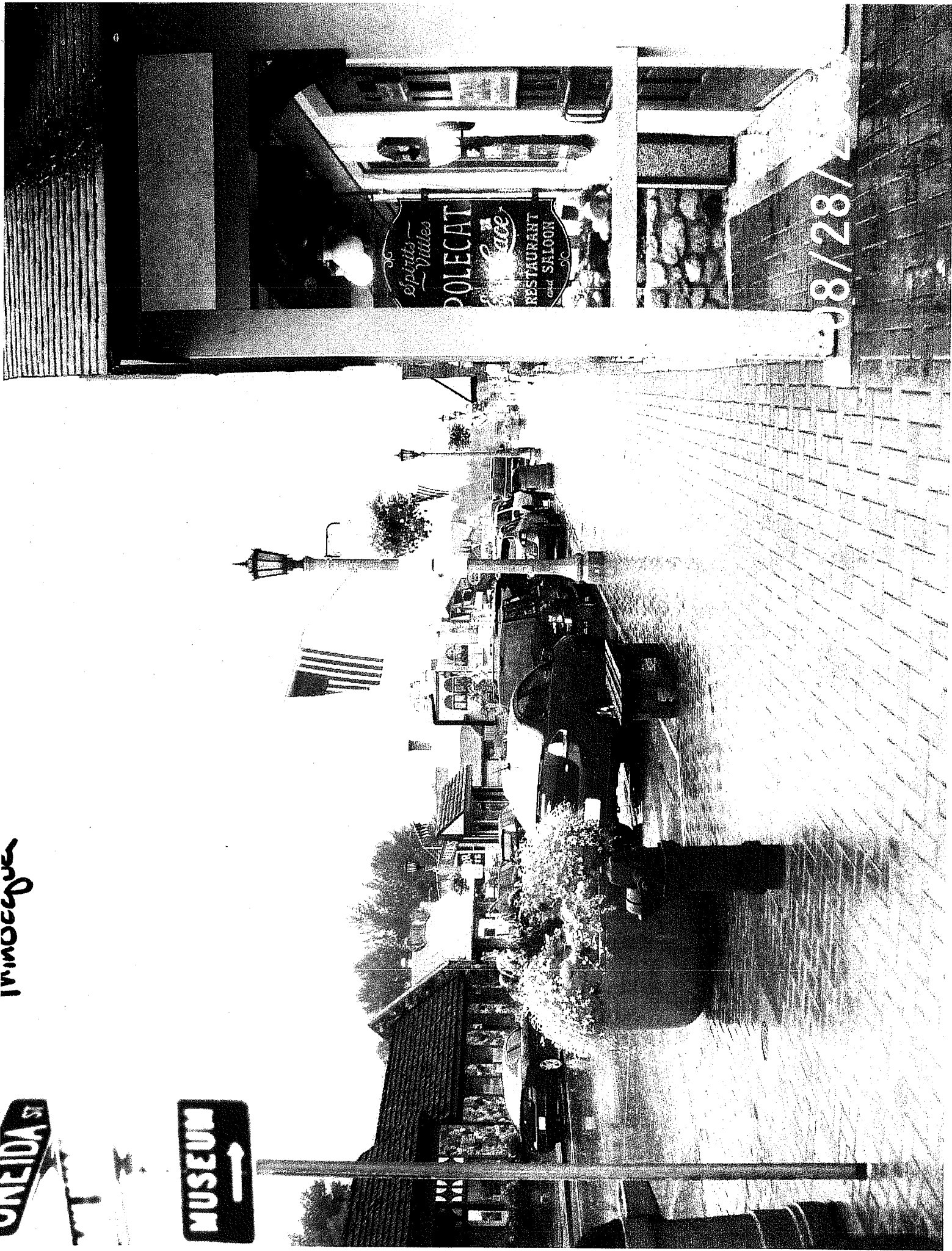


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Irvington

Irvington St

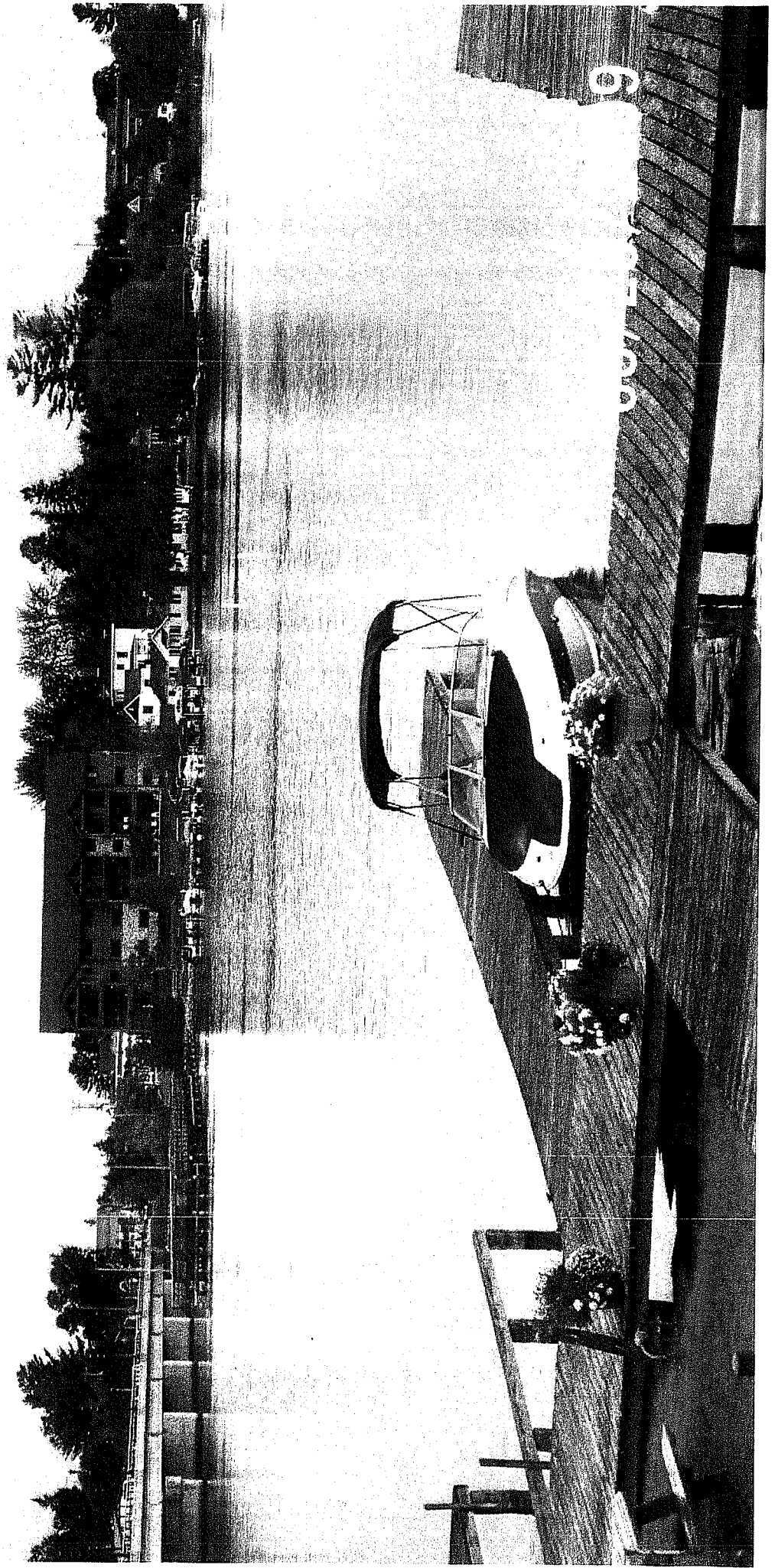
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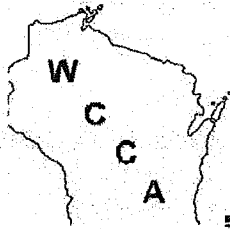


9/8/28/2

Delectable
 RESTAURANT
 and SALOON

Minocqua





Wisconsin
County Code
Administrators

September 8, 2009

Committee on Environment
Senator Mark Miller, Chairperson
Room 317 East
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Miller,

The WCCA would like to express its gratitude in allowing our organization to testify and express our concerns over the proposed NR115 revisions. The Wisconsin County Code Administrators Executive Board voted to refocus our efforts in preserving natural resource and using our expertise as county employees who administer and enforce NR115 in promulgating the new rules.

Our organization still has concerns and comments on the following proposed rules:

NR 115.05(1)(e)3: Opposed to requiring nonriparian lots within the 1000'/300' shoreland jurisdiction to meet impervious surface limits. We feel that only the adjacent property has the most impact on the water resources; in addition, it would be feasible for us to administer the impervious surface limits within 300 feet of the shoreland.

NR 115.05(1)(e)3: Opposed to 15% impervious surface limit which creates numerous nonconforming structures/uses. We appreciate the adjustment from 10% to 15% in the draft, but since NR115 sets minimum state standards, a 20% limit would create fewer nonconforming structures/uses and counties can be more restrictive.

The most important item for our organization is **implementation**. We still feel the following items need to be addressed before the code is adopted by the State Legislation.

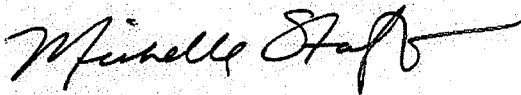
- 1) Provision of state monies (like non-point-DATCP funds) to counties for NR115 implementation and administration. Competing for a lake protection grant to implement and administer the shoreland program is not an acceptable alternative as there is no assurance of continual financial support. Grant money can not be used for enforcing shoreland zoning regulations.
- 2) Training/Education programs.
- 3) Availability of technical assistance in the field with adequate staffing by the Department to serve all counties.

- 4) The need to shift responsibilities to other agencies (state/local) for certain portions of code compliance (i.e., shoreland restoration, mitigation).
- 5) Education of general public, contractors, etc.

We ask that training/education programs be available, education to the general public be available, and water management specialist be available to assist the counties in this implementation. As the Department of Natural Resources cuts staff, water management specialists are not being replaced causing our zoning departments not to get support we need from the Department of Natural Resources.

We again want to thank the Committee on Environment for this opportunity to express our concerns of the proposed rule. We hope that our concerns still can be addressed as we are the front line educators, administrators, enforcers, and defenders of the great responsibility and challenge of protecting our water resources.

Sincerely,



Michelle Staff
WCCA President
Jefferson County Planning and Zoning Department
320 S. Main St. Rm. 201
Jefferson, WI 53549

Cc Via E-Mail: Senator Robert Jauch
Senator Robert Wirch
Senator Neal Kedzie
Senator Luther Olsen
WCCA Executive Board

Waushara County
Land Conservation & Zoning
P.O. Box 1109
Wautoma, WI 54982-1109
(920) 787-0453
Fax (920) 787-6516
E mail lcdzoning.courthouse@co.waushara.wi.us

DATE:9/2/2009

TO: Senate Committee on Environment
Senator Mark Miller, Chair
Senator Robert Wirch
Senator Neal Kedzie
Senator Luther Olsen
Senator Robert Jauch

RE: Clearinghouse Rule 05-058
Proposed Revisions to NR115, Wisconsin Administrative Code
Shoreland Zoning

I appreciate this opportunity to share my perspective on how these proposed revisions to shoreland zoning affect not only thousands of lake and stream properties in Waushara County, but many other rural landowners and taxpayers throughout the State of Wisconsin. I will keep my comments brief.

I have been employed by Waushara County for 33 years, the last 28 as County Zoning Administrator, and the last 8 as Director of Land Conservation and Zoning. With 96 lakes and 150 miles of trout streams, I am intimately familiar with shoreland zoning and its effects on riparian properties.

I am also aware that the current NR115 is 40 years old and is in desperate need of work. Compared to the first two drafts, this is by far the most palatable for landowners and counties, and contains the most common sense. Therefore, I support the proposed revisions, with two exceptions:

- The impervious surface limitations
- The lack of financial assistance for implementation

As a person deeply involved every day in water quality issues, I recognize the importance of preserving the integrity of our ground and surface water resources. I also recognize that limiting impervious surfaces is one way to protect those resources. However, as an Administrator I also have to look at how laws are applied, and my conclusion is that the impervious surface provisions will come at a price. They will be costly and difficult for the lake property owner, and they will be equally as costly and difficult for the counties.

I therefore respectfully suggest that the impervious surface limitations be stricken from the proposal. If that is not your decision, then increasing the thresholds and limiting these restrictions to only riparian lots (rather than all lands within the shoreland area) would at least reduce the burden to the taxpayers and the counties.

My second concern is the same as everyone else's – money. If these provisions pass, it will be the third state legislative directive in less than a year that increase workload for county zoning offices – all without funding in very difficult economic times. We have already reduced staff because of these difficult times, and may have to again, so it is a struggle for us to administer existing duties, much less new ones. It will also force counties to re-write their codes within two years. Without planners, we have no resources to do this. DNR's response is to have us compete with the other 71 counties for limited money available through the lake protection grant program. That is not an acceptable alternative, as there is no assurance of financial support to meet the inflexible deadlines contained within these revisions. If segregated dollars cannot be provided as part of this proposal, then I suggest these inflexible deadlines be extended until counties are able to obtain financial assistance in re-writing their codes.

In closing, I once again want to thank the Committee Chair and all the members for this opportunity to testify, and I stand ready to answer any questions you may have.

Thank you.

Mark Schumacher

Mark Schumacher, Director
Waushara County Land Conservation & Zoning

Testimony of Russ Rasmussen, Department of Natural Resources, on NR 115 Shoreland Protection Rules

**Public Hearing of the Senate Committee on Environment
September 10, 2009**

Thank you chairman Miller and members of the committee for the opportunity to come before you today on an important issue to the waters of our state – our shorelands. The rule that we are discussing today was first passed in 1968.

Tourism is a \$13 billion dollar a year industry in Wisconsin and one of the key reasons for that vibrant industry is our abundant, clean, rivers, lakes, wetlands and streams.

Fishing alone is a \$2.3 billion dollar industry in our state, supporting more than 30,000 jobs.

We know that recent studies have shown that a decline in water clarity reduces property values and that the high quality of our water resources is cited as a key reason why Wisconsin business executives rate our state high for our quality of life – a key ingredient in the recipe necessary to attract jobs to our state.

Yet, determining how we should protect our public waterways is a challenge when we also want to respect private property rights. Everyone wants to use our public waters for a variety of purposes which aren't always compatible. So I suppose it is no surprise that the rule before you today took seven years to develop.

Thirty public hearings statewide, eleven listening sessions, multiple Advisory Committee meetings, and over 10,000 individual comments – all to get to where we are today.

I also want to publicly thank several great DNR staff members for their tremendous efforts on this rule. Gregg Breese and Liesa Lehmann in particular worked tirelessly to get this package completed.

In 2002, the Department of Natural Resources began the process to revise the state's shoreland protection rules, known as NR 115. The final revisions to NR 115, adopted by our Natural Resources Board in late June, were the result of balancing all the public comments on the last public hearing draft. These rule revisions update the standards for development within 1000 feet of a lake or within 300 feet of a stream or river, which are the distances established as the defined water quality management area in Wisconsin law.

The rule revisions achieve three important goals:

1. The revisions provide **greater flexibility for shoreland owners** to maintain their existing homes and property, and even to expand their footprint in exchange for offsetting the impacts of their development.
2. The revisions **improve protection for water quality, habitat and natural scenic beauty** through clear limits on impervious surfaces, vegetation clearing and building height near shore.

Why are we revising these rules?

Development patterns along our lakes and rivers have changed significantly, from the small, family cottage of 40 years ago, to the larger year-round homes and multi-family development of today. Over time, many counties have gone beyond the standards of NR 115 to adopt innovative approaches, but they are looking for up-to-date statewide rules to provide better clarity and allow for consistent statewide application of standards. Ongoing scientific research has shown that revised minimum standards, especially relating to impervious surfaces, are critical to protecting Wisconsin lakes and streams.

The current proposal recognizes the science of shoreland protection, the value of waterfront property, the past work that counties have put into creating and enforcing shoreland zoning ordinances, and the desire for flexibility in development coupled with the demand that the current levels of lake and river protection not be reduced.

What are the key provisions?

Lot Sizes

- Requirements for new lot sizes have not changed.
- Counties may allow development on smaller substandard lots if they were not legally combined, don't have a structure straddling a shared lot line, and can be built in compliance with all other shoreland requirements.

Building setbacks

- The minimum setback will continue to be 75 feet from the shoreline.
- Structures exempted by other state or federal laws can be allowed within 75 feet.
- Setback averaging is clarified, for areas where a pattern of development already exists.

Vegetation

- Vegetation is generally protected within the first 35-feet from the shoreline, to provide a more functional buffer protecting habitat and water quality.
- Within this buffer, property owners can clear vegetation for an access and viewing corridor, and they can continue mowing and other normal maintenance.
- Trees and shrubs can be removed within the buffer if they are exotic or invasive species, diseased or damaged, or an imminent safety hazard – but the removed trees and shrubs must be replaced.
- Trees and shrubs can be removed within the buffer as part of a sustainable forestry plan.

Impervious surfaces

- To provide habitat and protect water quality, counties must regulate the total percentage of impervious surface (IS) cover on lots in the shoreland zone.
- Scientific studies have shown that adverse impacts to water quality begin when 10% of the watershed that drains to it is made up of impervious surface – not just riparian lots. These adverse impacts increase as impervious surface increases.
- We have proposed that the total impervious surface allowance is 15%. This limit may be exceeded up to a maximum of 30%, if the property owner offsets the impacts of their development through some mitigation measures.

- Routine maintenance of all existing impervious surfaces is allowed, and at-grade structures like driveways and patios can be replaced as needed.
- Lots with more than 30% cover may not add more impervious surfaces if the addition increases the total area of impervious surface but owners can keep what they currently have.
- These impervious surface limitations apply to all lots within the shoreland zone, which is defined in statute as 300 feet from a river or stream, and 1,000 feet from a lake. Some citizens testifying at previous hearings advocated that the 1,000 foot limit from a lake be reduced to 300 feet. The public hearing draft of the rule used the 300-foot distance, but this provision was modified in response to public comment, and to create a balanced protection of water quality, habitat and natural scenic beauty in combination with other rule provisions that were relaxed. Some key provisions that were relaxed in response to public comment include:
 1. Increased the impervious surface allowance from a 10% general limit, and up to 20% if mitigation measures were implemented, to the proposed rule which allows a 15% general impervious surface limit and up to 30% with mitigation.
 2. Limited the 35 foot height restriction in the rule so that it applies only to structures within the first 75 feet from the water – it previously was proposed to apply up to 300 feet.
 3. Provided greater flexibility for property owners to expand or even rebuild existing structures that are closer than 75-feet from the water.

Application in unincorporated areas

- In accordance with statute – specifically s. 59.692 (1m) – the rule applies only in unincorporated areas. This has also been an area of comment, but I want to note that this is a statutory requirement that, as you know, cannot be altered through the administrative rule-making process.
- While people may disagree on this applicability provision, the department is taking the step to revise the shoreland zoning minimum requirements to improve water quality where it can.

Nonconforming structures and uses

- The 50% rule that limited the cost of improvements to nonconforming structure has been removed.
- The revisions allow continued lawful use and routine maintenance of nonconforming structures that are closer than 75-feet to the shoreline.
- The revisions allow for expansion of nonconforming principal structures located between 35 and 75 feet of the ordinary high-water mark with a county permit, provided key requirements are met, including mitigation to offset the impacts.
- Added provision allowing relocation of nonconforming principal structures within 75 feet of the ordinary high-water mark with a county permit, when no compliant building location exists, and provided key requirements are met, including mitigation to offset impacts.

Timeline

- Counties have two years to update their ordinances, from the date these rule revisions go into effect. DNR is developing model ordinance language to provide counties with standardized text.

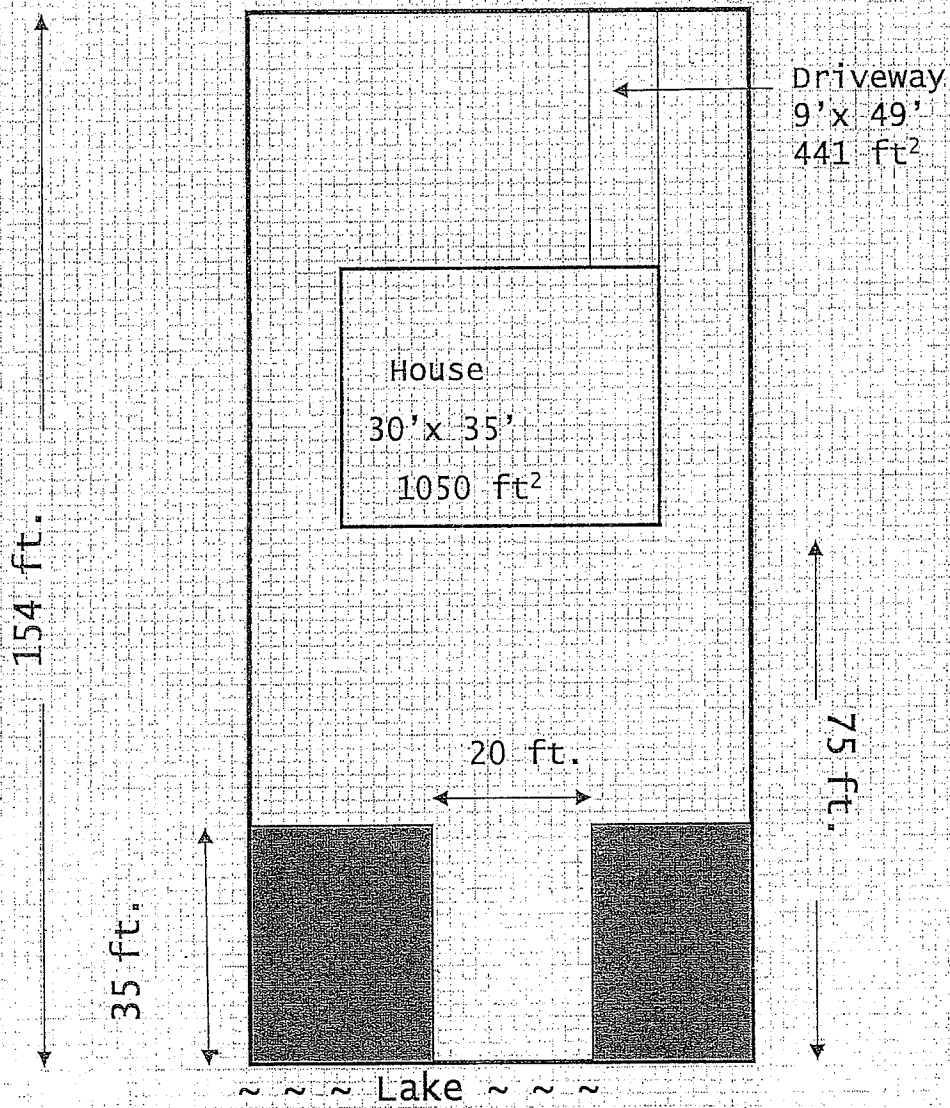
Closing

In closing, there are a few things I'd like to point out about the proposed shoreland rule revisions:

1. **Nothing will change for property owners** when these revisions go into effect. They will not have to do anything just because the rules are revised - they can continue to enjoy the development they have, and maintain their structures. Only when a property owner wants to make a change, such as expanding an existing home or building a new structure, will the new provisions will apply to them.
2. **Counties play the lead role in protecting shorelands statewide**, through day-to-day administration of their local ordinances. Each county has unique landscapes, development patterns, and human and financial resources, so while NR 115 establishes statewide minimum standards, each county will be affected differently by these revisions. DNR acknowledges the great work that county zoning staff do every day, and we will continue to support them as they move forward with updating and implementing their shoreland ordinances.
3. **DNR takes a comprehensive approach to protecting our state's shorelands**, and regulation is only one element. Shorelands are protected through public ownership, and DNR property managers regularly maintain and restore shoreland habitat on state lands. Educational materials and programs, including demonstration sites showing sound shoreland practices, are widely available through DNR, UW-Extension, county offices, and local lake and river groups. \$775,000 in lake and river grants is available annually to support local governments and organizations with planning, education and incentive programs. While there will always be some controversy with shoreland zoning, providing consistent minimum standards is a critical tool - along with technical assistance, education and funding - is providing comprehensive shoreland protection in Wisconsin.
4. **The final rules have broad support.** I am happy to report that the final rules have broad support from a diverse array of groups including the Wisconsin Realtors Association, the Wisconsin Association of Lakes, the Wisconsin Builders Association and the River Alliance of Wisconsin. The rule package has also garnered support from several newspapers, including the editorial boards of the Milwaukee Journal Sentinel and the Wisconsin State Journal.

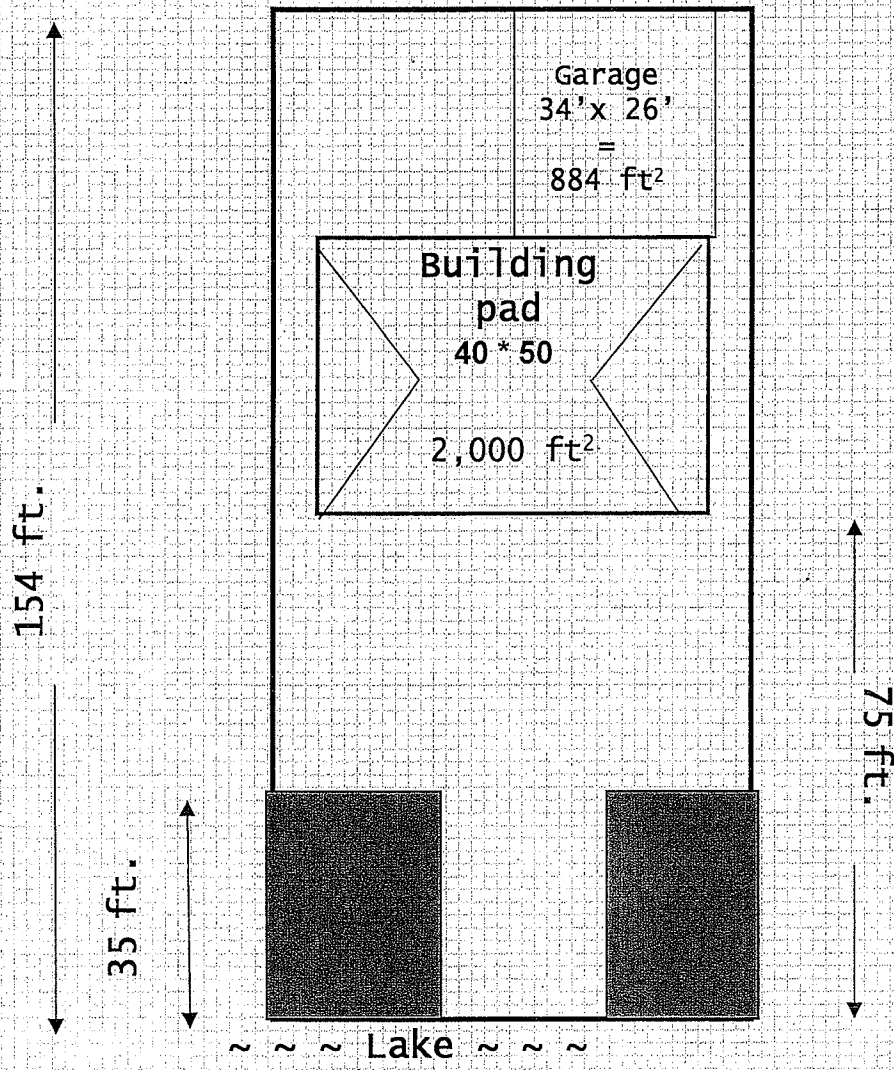
Thank you for your time and today. We ask your support for these rule revisions, and would be happy to answer any questions.

Drawing more or less to scale



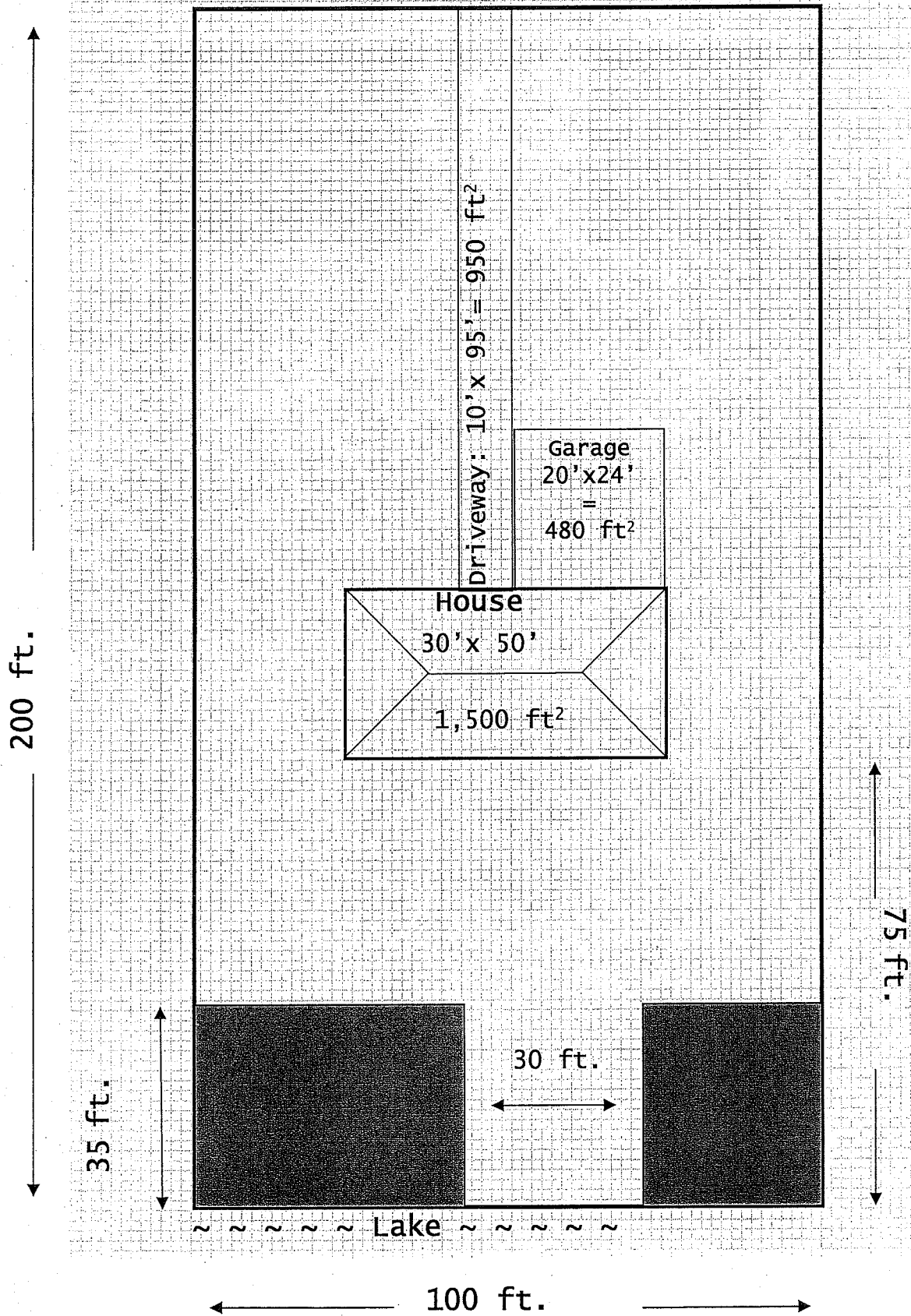
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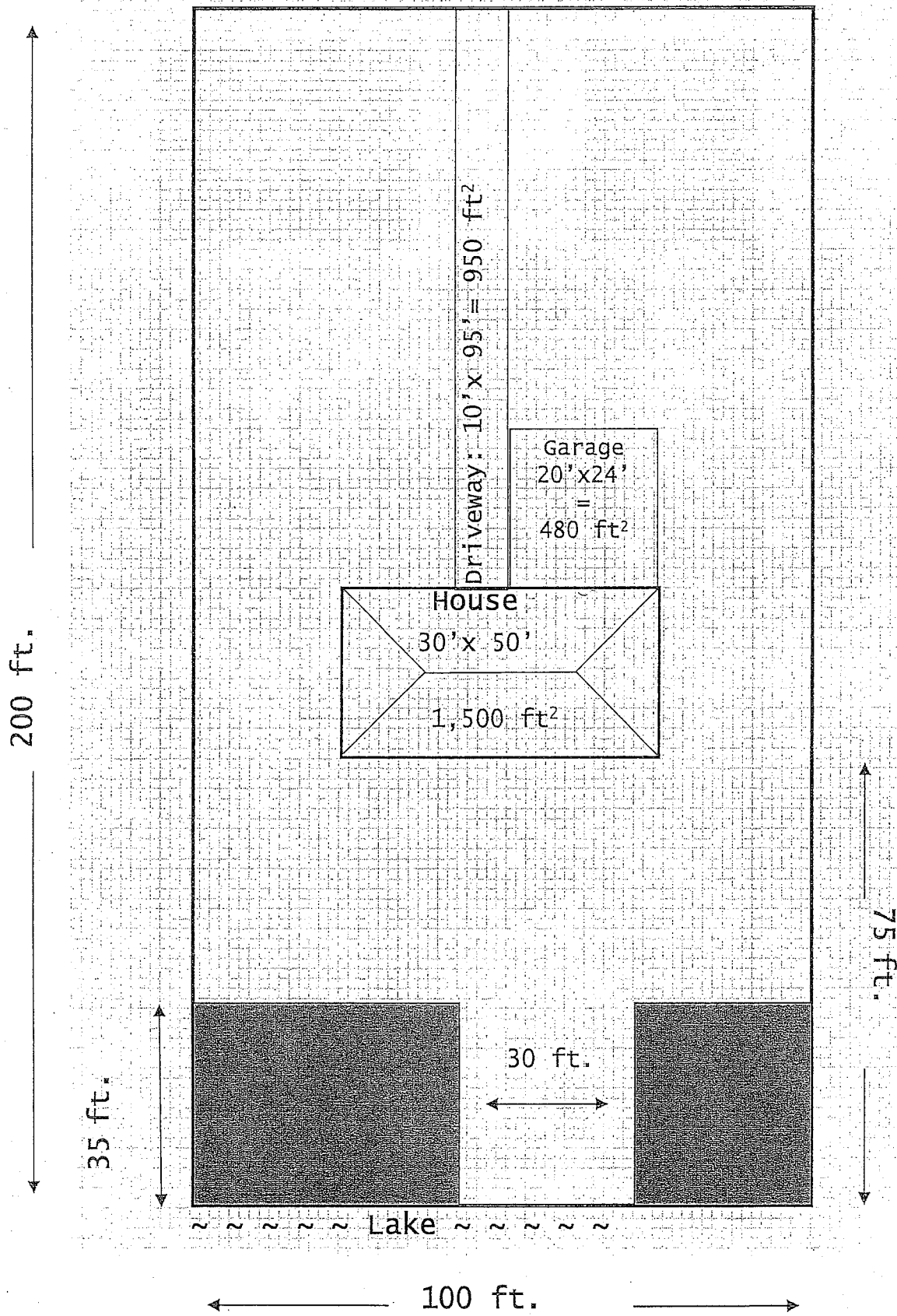
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(Lot area: 10,010 sq. ft.)

Drawing more or less to scale



(Lot area: 20,000 sq. ft.)

Drawing more or less to scale



(Lot area: 20,000 sq. ft.)

Wisconsin Towns Association

Richard J. Stadelman, Executive Director

W7686 County Road MMM

Shawano, Wis. 54166

Tel. (715) 526-3157

Fax (715) 524-3917

Email: wtowns1@frontiernet.net

To: Senate Committee on Environment

From: Richard J. Stadelman, Executive Director

Re: Clearinghouse Rule 05-058 NR 115 Shoreland Protection Program

Date: September 4, 2009



On behalf of the member towns of Wisconsin Towns Association, we request that the Committee object to parts of the **Clearinghouse Rule 05-058, "NR 115 Shoreland Protection Program."** This memorandum will address a specific part of this rule as adopted by the Department of Natural Resources (DNR) board that we ask for the committee's objection. The memorandum further comments on the impact of this rule on the administration by counties.

The draft rule as adopted by the DNR board imposes a new performance standard of limiting impervious surfaces within 300 feet of a river and 1,000 feet of a lake in unincorporated areas (only the towns) of Wisconsin. The current NR 115 shoreland rules, while applying to this same distance from rivers and lakes in towns only required a 75 foot setback from the ordinary high water mark for structures. The impervious surface limitation established in the new rule under Sec. NR 115.05 (1)(e)3. will limit the impervious surface to no more than 15% of the shoreland lots [300 feet from a river and 1,000 feet from a lake ordinary high water mark (OHM)], unless a permit is issued by the county for up to 30% of the shoreland lot when a mitigation plan is approved by the county and implemented by the property owner. While this proposed rule offers more flexibility than early drafts proposed by the DNR in the past years, the impervious surface standard will impose an undue hardship on many property owners in towns in Wisconsin. Therefore, Wisconsin Towns Association requests that the Committee object to this portion of the Clearinghouse Rule 05-058 as indicated:

Object to Sec. 115.05 (1)(e)3., which imposes a maximum impervious surface area on a shoreland lot of not more than 15% or 30% impervious surface if a county issues a permit that requires a mitigation plan approved by the county and implemented by the property owner, because this portion of the rule will impose an undue hardship on property owners and towns across the state.

We ask that the committee find the proposed rule will impose an undue hardship for several reasons. First, the NR 115 Shoreland Protection Program only applies to land in unincorporated areas of the state (towns), unless the land was annexed after May 7, 1982 or incorporated after April 30, 1994. This requirement, which is a new performance standard with greater impact than current law, will impose an undue hardship on many property owners within 300 feet of a river and 1,000 feet of a lake that were previously only subject to a structural setback requirement.

While one of the major purposes of a shoreland protection program is to improve and protect water quality, the imposition of a new performance standard at 15% maximum (with 30% if a mitigation plan is approved and implemented) will affect a very significant number of property owners of existing businesses and residences (both permanent and seasonal). We would ask that the DNR apply a higher standard of 20% of the shoreland lot rather than 15%.

In the alternative we suggest to modify the rule to only apply the standard of 15% to shoreland lots within 150 feet or 200 feet of the ordinary high water mark (OHM). Beyond this distance there would be no impervious surface requirements. It should be pointed out that there are many residential and business developments throughout Wisconsin towns that were established long before the 1960's when the original shoreland zoning standards using a structural setback of 75 feet was imposed that are within the 300 feet of a river and 1,000 feet of a lake that will be arbitrarily impacted by the new impervious surface standard as written in this new rule. These old established developments with small back lots will now be subject to a performance standard that will be very difficult to meet. While state law (Sec. 59.692 (1s) of Wis. Statutes) and the rule allows rebuilding of existing structures on the same "building envelope" for nonconforming structures "*damaged or destroyed after October 14, 1997, when the damage was caused by violent wind, vandalism fire, flood, ice, snow, mold or infestation*", there will be many undeveloped lots in these areas up to 300 feet from a river and 1,000 feet from a lot that will be subject to the new standards. The proposed rule will limit redevelopment to existing building envelopes and will limit new development on old established developments with small back lots in towns in an arbitrary and unfair manner.

Another alternative to retaining the current 15% maximum with 30% under county permit with mitigation is to use a higher standard at a greater distance from the ordinary high water mark. For example, impose a 20% maximum with 40% level under county permit with mitigation beyond a distance of 150 feet or 200 feet from the ordinary high water mark. This higher suggested standard on the back lots will create less nonconforming structures and allow more flexibility for the very small back lots in old and established developments. This alternative still retains the higher performance standard on front lots bordering the water, while creating flexibility for very small back lots, that may be undeveloped now. To impose the 15% maximum to the full 300 feet from a river OHM and 1,000 feet from a lake OHM is a performance standard that will create undue hardship on property owners and towns. Using the performance standard of impervious surface limits within a distance of 150 feet to 200 feet from the OHM will improve water quality, while not imposing an undue hardship on others beyond that distance.

It should be pointed out to the Committee that because the NR 115 Shoreland Protection Program only applies to unincorporated lands (towns) in Wisconsin {unless was annexed after May 7, 1982 or incorporated after April 30, 1994}, there are many towns with both small and large established developments around the state that will be impacted by the new impervious standard when applied to the 300 feet from a river and 1,000 feet from a lake. Some of the more recognizable towns with these types of both residential and commercial developments are the towns of Minocqua, Woodruff, and Three Lakes in the north. However, there are many other towns across Wisconsin that have similar small unincorporated cross road communities that were developed before the 1960's which now will have substantial existing development that will be non-conforming uses and structures.

It would be unfair to ask established cities and villages to meet these new performance standards for established developments within the 300 foot and 1,000 foot distances. It is just as unfair to impose the new standards on towns with the same type of existing development. We

urge the committee and legislature as a whole to recognize the inequity of this distinction for towns versus cities and villages. Redevelopment and new development for off-water front property will be limited in towns that have these old and established areas. Limiting this type of development in these areas runs counter to another statewide initiative included in the state budget to preserve "working lands." If existing lots in these unincorporated areas within the 300 feet of a river and 1,000 feet of a lake can not be developed, new development will likely eat up more farm land and forested land away from the water. Using the nonconforming lots (albeit within 300 feet of a river and 1,000 feet of a lake) before building on productive agricultural land and forested land makes more sense for the economic good of the state and towns.

In addition to our request to object to the portion of the rule noted above, our association also wants to express similar concerns to the Wisconsin County Code Administrators (WCCA) specific to issues of implementation and administration of the revised NR 115 rule. One of the criticisms of the current rule was that it was applied differently in different counties by the code administrators. If this criticism is to be overcome with the new code, we support the WCCA request for adequate training for administrators, local officials, contractors, and the general public. The new performance standard based on maximum impervious surface areas or mitigation techniques is a concept that needs more public understanding and discussion. While some of the problems with the existing code (such as the 50% rule) will no longer exist for county code administrators to apply, the application of the impervious standard to the full 300 feet of a river and 1,000 feet of a lake will greatly increase the number of lots that will be subject to review and permitting, as opposed to sole application of the 75 foot structural setback requirement under the current rule. State funds should be appropriated for this type of education effort, or the effective date of the rule should be pushed back until such an effort can be funded by the state.

Town officials also recognize the costs that counties and thus county taxpayers will have to bear to update county shoreland zoning ordinances and properly train county staff to administer the new code. While not a new unfunded mandate, the new proposed rule will be an unfunded mandate upon counties at a time of cuts in shared revenue and levy limits. The question that needs to be asked is whether this new requirement that should be forced upon the counties in the next two years or can a longer implementation time be provided to reduce the immediate costs?

In conclusion, we request the committee to object to the portion of the rule in Sec. 115.05 (1)(e)3. that imposes the impervious surface standard of 15% to all shorelands within 300 feet of a river OHM and 1,000 feet of a lake OHM. Further, we would ask the committee to consider directing the DNR to give a longer time to implement the rule for the reasons stated above.

Thank you for your consideration in this matter.

August 6, 2009
6206 Nordic Shore Drive
Lake Tomahawk, WI 54539-9382

Senator Mark Miller
Room 317 East
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Subject: Proposed NR 115

Dear Senator Miller:

When the Senate Committee on Environment considers the proposed NR 115 it is urged to follow Vilas County's successful practice and change the impervious surfaces standards to apply only to the first 300 feet of land above the ordinary high water mark of a lake. The committee should consider that Vilas County has more lakes than any other county in the state.

Applying the impervious surfaces standards to the entire 1,000 feet of the lake shoreland zone results in serious inequities between properties and can produce unwanted results.

Consider two 100' wide lake front lots, one 300' deep and the second 1,000' deep and apply the proposed 15% impervious surface standard to each. The first lot, having an area of 30,000 square feet, would be permitted 4,500 square feet of impervious surface. The second lot, having an area of 100,000 square feet, would be permitted 15,000 square feet of impervious surface. As lake front development will be built close to the lake, in the first 300', the second lot would be allowed over three times the impervious surface of the first, which is not equitable, and would be allowed to cover half of the land surface in the 300' closest to the lake which is an undesirable and unintended result.

The second lot in the example is not far fetched as there are two 100' by 700' lots for sale on our lake right now.

Furthermore, applying the impervious surface standards to the full 1,000' of the lake shoreland zone creates some unrealistic expectations in fully urbanized business districts of towns such as Minocqua and Three Lakes.

Thank you for considering my comments on the proposed NR 115.

Yours very truly,


Paul A. Kuhn, P.E.

C: Senator Jim Holperin

MARK P. HARTZHEIM, Supervisor
BRYAN JENNINGS, Supervisor
JOHN L. THOMPSON, Supervisor
SUSAN M. HEIL, Supervisor

TOWN OF MINOCQUA

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JOE HANDRICK, Chairman
ROBEN A. HAGGART, CMC
LAURA R. MENDEZ, Treasurer

August 26, 2009

Honorable Mark Miller
Chairman, Senate Committee on Environment
Rm. 317 East, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707

Honorable Spencer Black
Chairman, Assembly Committee on Natural
Resources
Rm. 210, North Capitol, P.O. Box 8952
Madison, Wisconsin 53708

RE: NR 115 (CR 05-058)

Dear Senator Miller and Representative Black:

As you are both aware, the Department of Natural Resources (DNR) has recently proposed a revision to the minimum standards in their Shoreland Management Rules. We are aware the newly proposed rule, NR 115, has been forwarded to your committees in the Wisconsin Legislature for review and approval action. We, as members of the Town of Minocqua's Economic Development Task Force, are extremely concerned with this rule and how it will impact individual and business properties that lie within 1000 feet of a lake, pond, river or 300 feet from a floodplain by:

- Limiting structural expansion within the shoreline setback
- Limiting development of substandard lots
- Limiting development of "hard surfaces" greater than 15% of the area without mitigation

We truly appreciate the revised administrative rule's positive aspects of broadening protection of our state's public waters, maintaining and improving the waters' quality, and protecting the waters' fisheries and wild life habitat. **HOWEVER**, the revisions in this rule will have a significant negative impact on the majority of Minocqua's businesses as well as other similar communities in northern Wisconsin. As required by the state's Regulatory Flexibility Act the DNR was required to include with the rule's packet an analysis of the impact and costs this rule will impose on small businesses. Their analysis does **NOT HONESTLY OR ACCURATELY ADDRESS** the proposed rule's impact on small businesses located near navigable waters, or acknowledge the negative impact (costs) on the economic well being and growth potential of northern Wisconsin businesses and communities like Minocqua, Woodruff, Arbor Vitae, etc.

Specifically, this proposed rule will negatively impact small businesses in these communities as follows:

- Lacking equal/consistent, statewide treatment for state residents, property owners and small businesses

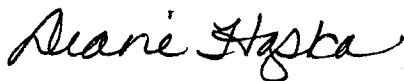


- Does not take into account the wide variation of geography and business demographics/sectors throughout the state's 72 counties, but expects the counties to enforce the strict requirements of the rule consistently
- Listening sessions and public input in 2002, 2003 & 2007 did **NOT** allow for comments and input on the current , revised version of NR 115 / CR05-058
- Wisconsin's Shoreland Management Program is supposed to be a "Partnership between state and local government" that allows for development near navigable lakes and streams, which is **CRITICAL** to the economies of most towns in northern Wisconsin. The revised NR 115 does not allow for equal and consistent application across the state thereby placing certain communities and businesses at a **competitive disadvantage**.

This committee, appointed to enhance and promote environmentally friendly business and job development, and the local business owners in Minocqua appeal to you to address these concerns as they will have a monumental impact on the future economic health of Minocqua as well as many other small unincorporated communities throughout Wisconsin. It is important to address how the rule's minimum standards, as proposed, do not treat businesses, individuals and communities equally. Nor does the DNR's analysis of small business impact accurately reflect the short and long term costs to those in towns adjacent to navigable waters. Therefore, the revised rule must be modified to provide "**Reasonable Accommodations**" in order to not unlawfully discriminate against those communities and businesses by imposing a competitive disadvantage.

We appreciate your attention to this important matter and the appropriate action to correct the shortcomings of this proposed administrative rule.

Respectively yours,



Diane Hapka, Chairman
Minocqua Economic Development Task Force

CC to:

Senate Committee on Environment
Assembly Committee on Natural Resources

Representative Dan Meyer
308 North, State Capitol
P.O. Box 8953
Madison, Wisconsin

Senator Jim Holperin
409 South, State Capitol
Madison, Wisconsin 53707

Joe Handrick, Town Chairman

Econ. Devlpmt. Task Force Members: Phil Albert, Joseph Fahrenbach, Al Hanley, Jim Kumbera, Don Gauger, Buz Brooks, Jim Ellis, Diane Hapka,



September 29, 2009
Two Sisters Lake Property Owners Assoc. (TSLPOA)
6267 Wendt Road
Lake Tomahawk, WI 54539

Senator Mark Miller
Room 317 East
State Capital
Madison, WI 53707-7882

Subject; Proposed NR-115

Dear Senator Miller:

Among the purposes of TSLPOA in Oneida County are fostering and preserving environmental qualities of Two Sisters Lake, and zoning that will help achieve these objectives. We are concerned about some proposed provisions and increasing regulatory requirements in proposed NR-115 relative to impervious surface restrictions. When the Senate Committee on the Environment meets we desire for the committee to reconsider including the entire 1000 foot from the ordinary high water mark as the area for the 15% restriction on impervious surfaces.

Our organization would like the committee to follow Vilas County's current practice of applying this standard to only the first 300 feet from the water. In comparing two lots with 100 feet of water frontage and using the 15% allowable area for impervious surfaces ---

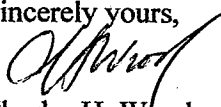
- a 300 foot deep lot could have 4,500 square foot allowance
- a 1000 foot deep lot would have 15,000 square foot allotment

Could the second (1000 foot deep lot) use the entire 15,000 square foot allowance within the first 300 feet from the water? Then if so, would this protect the water as desired or be seen as fair by a neighbor who only had a lot with 300 feet of depth?

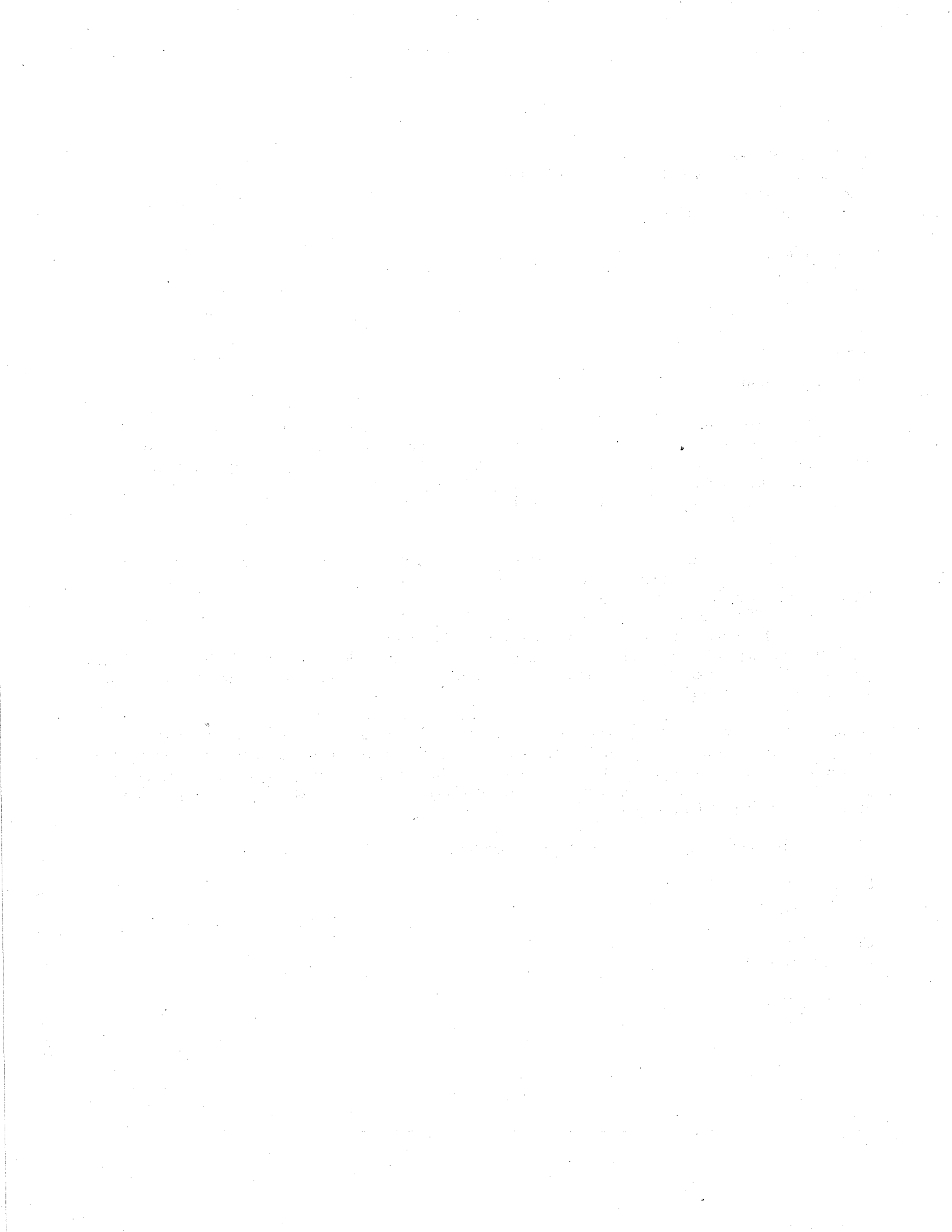
Another item worthy of additional consideration is the proposed exemption for cities and towns vs un-incorporated areas. When the incorporated area and un-incorporated areas share a common body of water, how reasonable will this differential treatment be? Those of us who live up north really would like to see managed growth as expanding our tax base to spread the costs would benefit us all. Our water front property is a key element in growing rural property values.

Thank you for considering these comments on proposed NR-115

Sincerely yours,


Charles H. Wood
President, TSLPOA

C: Senator Jim Holperin



RACINE COUNTY
PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

14200 Washington Avenue
Sturtevant, WI 53177

phone: (262) 886-8470 fax: (262) 886-8488
www.racineco.com

August 31, 2009

Representative Spencer Black
Chair, Assembly Committee on Natural Resources
P.O. Box 8952
Madison, WI 53708-8952

Senator Mark Miller
Chair, Senate Committee on Environment
P.O. Box 7882
Madison, WI 53707-7882

SUBJECT: Racine County Opposition to Proposed Revisions to NR115, Wisconsin's Shoreland Management Program, Clearinghouse Rule 05-058

Dear Representative Black and Senator Miller:

Please accept this letter into the public comments record showing that the Racine County Planning and Development Department is opposed to the proposed changes in the NR 115 Wisconsin Administrative Code as approved and adopted by the State of Wisconsin Natural Resources Board on June 24, 2009.

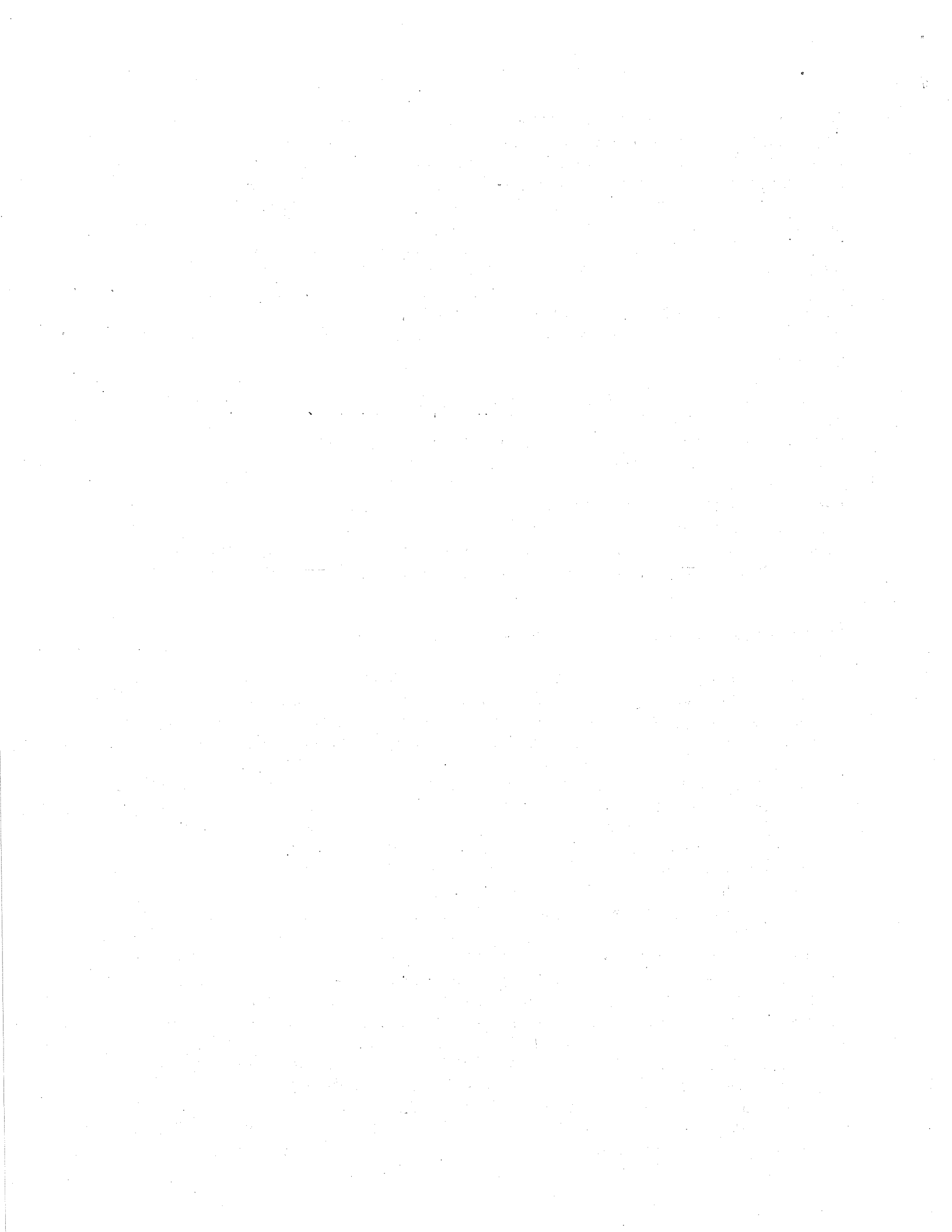
The proposed amendments to NR 115 will create an additional burden and increase costs for county staff and the public. Counties would have additional workload to administer the new changes. Counties would be spending additional time, effort and money on things such as: rewriting ordinances, publishing public hearing notices in newspapers, holding meetings to approve ordinance and fee changes, printing ordinance changes, training staff, explaining the revisions to customers (including staff time and phone expense), reviewing additional land divisions for compliance, learning sound forestry and soil conservation practices needed for creating required vegetation management standards, reviewing allowable shoreland vegetation buffer restoration and/or maintenance plans, reviewing and calculating access and viewing corridors, learning best management practices needed for reviewing impervious surface standards, creating and approving mitigation standards, analyzing pre- and post-construction runoff calculations and technical standards, conducting regular work inspections (time and travel costs), and last but not least -enforcing shoreland standards, mitigation plans and approved buffers in perpetuity. For some counties, the above could require acquiring additional staff at taxpayer expense, which would necessitate the costs associated with this (salary, fringes, office rent, phone, office furniture, etc.).

Counties may be forced to assess higher fees to citizens in an attempt to recover the cost of additional time and effort going into the shoreland ordinance required services. Citizens would pay additional permit fees for structures (patios, driveways, sidewalks, etc.) that presently do not require permits. In addition, citizens would be subjected to survey fees, engineering fees, landscaping/revegetation costs, mitigation plan approvals, and overall delays in permit issuance. There is no guarantee that costly and time-consuming plans will be approved. The proposed changes could encourage people to attempt to disregard obtaining a zoning permit to avoid the more onerous provisions of the rules, creating enforcement issues. For example, it would be fairly easy for someone to buy and install patio block or to snap together a plastic tool shed over the weekend without first obtaining a zoning permit to avoid impervious surfaces regulations.

The proposed rules do not take into account that not all counties in the State are the same in terms of development. Racine County lakes are for the most part urbanized and sewerred, not like some pristine wooded, low-density, non-sewerred northern-Wisconsin riparian lots. The idea of changing the landscape from a mowed lawn to bug infested tall grass is not realistic for this area. We have a hard enough time getting people to go along with the Gard Bill mitigation requirements. Therefore, I would expect significant enforcement problems for urbanized counties with the administration of this code. I would expect that this code would require additional county employees and expense to administer the vegetation and mitigation plans, inspections and enforcement aspects.

In addition to the above, I have the following technical comments on the proposal:

1. In NR 115.03(4g) "Impervious surface" includes sidewalks, driveways, parking lots, and streets, unless specifically designed, constructed, and maintained to be pervious. I would assume that this would also include patios. These items, when at-grade, do not impose a visual obstruction and many counties, including Racine County, do not typically issue zoning permits for them as structures. It would appear that the rule change would require us to issue zoning permits for these items to keep track of the percent impervious surface limit, and it is not clear whether we would need to impose zoning setback restrictions from these so called structures to buildings and lot lines, and whether we are to include these items as part of the total square footage limits for accessory structures on a lot.
2. NR 115.04(2)(b) states that a county shall zone all shorelands designated as wetlands on the amended Wisconsin wetland inventory maps in a shoreland-wetland zoning district. Many counties do not regulate point symbols or small wetlands that are on inventory maps. Racine County only regulates shoreland-wetlands that are 5 acres or greater in size. This language should be changed to reflect current policy, otherwise this becomes an unfunded mandate.
3. NR 115.05(1)(a)1&2 establish minimum lot sizes utilizing "average width" of lots. The current DNR web site indicates that the lot "frontage" is used instead of "average width," so this should be updated. In addition, Racine County determines lot width at the street yard setback, so this will set up a different and difficult standard to measure when side lot lines are not parallel to each other.
4. NR 115.05(1)(b)1. requires a minimum shore yard setback of 75', but does allow shore yard averaging down to 35' for principal structures. The Racine County code currently allows a 75' setback for standard size lots and a 50' shore yard setback for



substandard lots, and like many county ordinances, gives allowance for shore yard averaging with abutting homes. The rule change could make some existing code-compliant shoreland structures noncompliant on substandard lots.

5. NR 115.05(1)(b)1m. lists structures that are exempt from the shoreland setback standards. It does not list piers and boat hoists that are currently exempt from shore yard setbacks. Many people pull canoes, kayaks, Jon boats, sailboats, boat lifts, piers, etc., on shore between use and in winter for storage, and yet it appears that these could be interpreted as being structures subject to the shore yard setback, which would create a regulatory nightmare. The rule needs to be revised to exempt these small objects that are easily moved by hand. In addition, boathouses which are currently exempt from shoreland setbacks, must now be located entirely within the "access and viewing corridor" which is defined as a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone. How do you establish safe access (or viewing) through a boathouse? Note that NR 115.05(1)(c)2.b. indicates that the "access and viewing corridor" may not exceed the lesser of 30% of the shoreline frontage or 200 feet. What if an existing parcel only has 20' of lot width at the water, but widens thereafter? In this case, the corridor would only be 6' wide. This would not allow placement of a boathouse, and leaves little room for access or viewing. The location of boathouses should remain exempt from the shore yard setback, and should not be restricted to be within the "access and viewing corridor." There should also be an established minimum access and viewing corridor width allowed for all lots, perhaps 20'. The corridor width should allow a reasonable view of the water from the structure. People on waterfront lots want to be able to have a window view of the water for aesthetic reasons, and need to be able to see their pier and boat for security and safety reasons.
6. NR 115.05(1)(c) requires county regulation of vegetation removal in a shoreland area. It is not clear if this would encompass an area within 1000' of all lakes/300' of rivers, which would include lots without shoreline frontage. If so, the rule would be difficult to administer and enforce. Hopefully we don't need standards for citizens to pull out annual flowering plants and vegetable gardens at the end of the season. Any vegetation removal regulations should be restricted to riparian lots.
7. NR 115.05(1)(c)2.d. allows the removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, and that which creates a safety hazard. It should be noted that county zoning staff do not have a botany/landscaping background to properly determine what should be allowed to be removed. In addition, this rule requires the replacement of removed vegetation by replanting in the same area. If the location of a tree poses an imminent safety hazard, why would a replacement tree have to be in the same area? In addition, it seems unfair to economically burden a landowner to replace trees that die due to something that is out of their control, such as with oak wilt or other diseases, lightning, winter ice heaves, wind, or fire damage. This rule would be difficult to administer and enforce.
8. NR 115.05(1)(e) will require counties to adopt impervious surface standards. This is an unfunded mandate and should be optional for counties to address. We are not engineers and are not qualified to analyze mitigation plans that could deal with designs, technical standards or best management practices for stormwater drainage due to impervious surfaces. Applicants would be burdened to submit a detailed plan or would need to hire someone (surveyor or engineer) to determine the total lot area and total square footage of all impervious structures (residence, garage, sheds, decks, landings, walkways, driveways, etc.) in order to attempt to obtain a zoning

permit for a structure. Applicants could end up spending hard earned money on a survey only to find out that the impervious surfaces exceed 30% of the total lot area, and that no permit could be obtained. If impervious surface coverage falls between 15-30% of the lot area (which will involve most projects), a mitigation plan and possible engineering analysis would be required. This will bog down the entire zoning permit issuance process, and be extremely costly to the property owner. Mitigation plans should not be required for projects with conforming setbacks, regardless of the amount of impervious surfaces, and should only be required for riparian lots that exceed 30% surface coverage, and not all lots within 1,000 feet of a lake or 300 feet of a stream. Lots that are across the street from waterfront lots will have drainage to road culverts, not directly to the navigable water. Impervious surface regulation will place a tremendous burden and terrible enforcement problem on counties, especially if we have to follow-up on complaints for the installation of every patio, dog house, pool, sauna, sidewalk, small shed, etc., that cover the land. We do not have time, staff or funds to get involved with these issues.

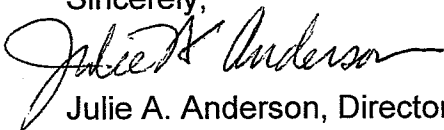
9. NR 115.05(1)(f) requires a maximum 35' high structure height within 75' of the shore; however, it does not define how the 35' height is determined. Is this the peak height, average height, shore or street side height, etc.? I would recommend that each individual county be able to utilize their definition of building height for this determination.
10. NR 115.05(1)(g) requires property owners to implement a mitigation plan for any expansion of a nonconforming structure that is less than 75' from the ordinary high-water mark (OHWM). In addition, the rule does not allow any expansion if the structure is less than 35' from the OHWM. On lots where expansion is permitted, a mitigation plan will be required and must have measures that are proportional to the amount and impacts of the expansion and must offset the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. It should be noted that zoning staff do not have an engineering or botany/landscaping design background, are not experts in this field, and should not be relied upon to approve plans for mitigation. It would be expected that most plans will involve the installation of a vegetative buffer, or no-mow area within 35' of the OHWM. In an urbanized lake setting, it will be difficult to entertain the idea of providing buffers that will become a haven for ticks, rodents, snakes and mosquitoes, which are not welcomed by many citizens and can be carriers of diseases. The development pattern that will be created with the required buffers is a lawn/wild native buffer hodgepodge effect that will not be aesthetically pleasing in an urbanized setting.
11. NR 115.05(2) requires county review for code-compliance of land divisions in shoreland areas for three or more lots that are created with a size of 5 acres or smaller in a 5-year period, "pursuant to s.236.45, Stats." The referenced state statute allows, but does not require, review of land divisions as stated. The land division language should be in a subdivision ordinance, not a shoreland zoning ordinance. Racine County does not have a Certified Survey Map ordinance, and currently deals with subdivisions when there are five or more parcels created within a 5-year period that are three acres or less in size, so the proposed rule will create additional county workload. In addition, the required review includes consideration of items that should not involve our office, such as: hazards to the health, safety or welfare of future residents (could create an unforeseeable liability to the County); adequate stormwater drainage facilities (the local municipalities deal with this in Racine County), and; conformity to state law and administrative code provisions (would require knowledge of all state codes).

12. NR 115.05(4)(d) requires that the county do "regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance." While this language is similar to current NR 115 content, the new code will kick in requirements for mitigation plans that involve vegetative buffers, etc., and would put an extreme burden (time, effort, and travel expense) and liability on county staff to require regular inspections and ensure conformity, when staff are not licensed inspectors, engineers, or surveyors, and should not be burdened with this responsibility. Currently, the licensed municipal building inspector conducts inspections of permitted structures in our county.

In conclusion, there are still many issues with the NR 115 draft that could severely restrict value-added development in Racine County, and would create enforcement nightmares for zoning officials. The riparian landowner would be subjected to time delays and additional costs in order to secure zoning permits under the new rules. County workload would increase as mitigation/vegetative buffer plans would need to be reviewed and issued for nearly every shoreland project, along with having to provide staff to inspect each project. This rule would create another set of standards that constitute an unfunded mandate. There is a need to shift some of the responsibilities to other agencies, both state and local, for the review of mitigation plans and shoreland restoration, as well as ensuring subsequent code-compliance in perpetuity. While it is good to encourage shoreland protection and improved water quality, many of the suggested practices should be carried out on a voluntary basis by individuals, on a local lake association management level, or by counties if they so desire to implement the proposed rules. As it stands now, it would be better to leave the current original NR 115 unchanged, and allow counties to enforce the shoreland area as they presently do, than to create the additional burden and increase in costs for county staff and the public as proposed in the drafted NR 115.

Please don't hesitate to contact me if you have any questions.

Sincerely,



Julie A. Anderson, Director
Racine County Planning and Development

cc: County Executive W. McReynolds
County Board Chairman P. Hansen
Economic Dev. & Land Use Planning Comm. Chairman R. Grove
Representative R. Vos
Senator J. Lehman
Representative S. Kerkman
Representative R. Turner
Representative C. Mason
Representative S. Gunderson
Senator R. Wirch
Senator M. Lazich

EXECUTIVE'S OFFICE
Brown County

305 E. WALNUT STREET
P.O. BOX 23600
GREEN BAY, WI 54305-3600



JAYME SELLEN

PHONE (920) 448-4004

LEGISLATIVE ASSISTANT

July 7, 2009

Rep. Karl Van Roy
State Capitol
Room 123 West
P.O. Box 8953
Madison, WI 53708

Dear Representative Van Roy,

Brown County is extremely dedicated to conserving our natural resources. We have a long and clear history of performing and supporting conservation projects. However, the proposed revisions of Chapter NR 115 of the Wisconsin Administrative Code do raise some red flags. Our concerns center on the impervious surface standards and the cost to fulfill this unfunded mandate. We are asking for your help to get a public hearing on these changes.

The impervious surface standard allows up to 15 percent of a shoreland lot to contain impervious surfaces; between 15 percent and 30 percent would require mitigation. Anything over 30 percent would require us to deny any request for permits to build or add-on. Many of our current urban shoreland lots contain more than 30 percent impervious surfaces with only a modest sized house, driveway and sidewalk. These owners will not be allowed to build a patio, add-on to their house or install a pool under these new regulations. Attached are a few examples of houses on shoreland lots that have exceeded the impervious surface standard with only a modest size house.


Again, Brown County is dedicated to protecting our natural resources, however, we can not continue to absorb unfunded mandates passed down through state statutes or administrative codes. Revenue from permit fees do not pay the county's total expense to administer and enforce this program and increasing fees will only lead to more homeowners building without obtaining the proper permits.

Without a strong financial commitment from the state our zoning staff will not have the resources necessary to enforce NR 115. At a minimum, additional staff would be necessary to perform inspections and meet the other requirements of NR 115. More people will be seeking mitigation to meet their construction goals, which in turn will require more inspection time. Our ability to administer and enforce NR 115 is at a disadvantage due to current economic conditions, our loss of revenue from the state and federal governments, levy limits and the property taxpayer's ability to pay.

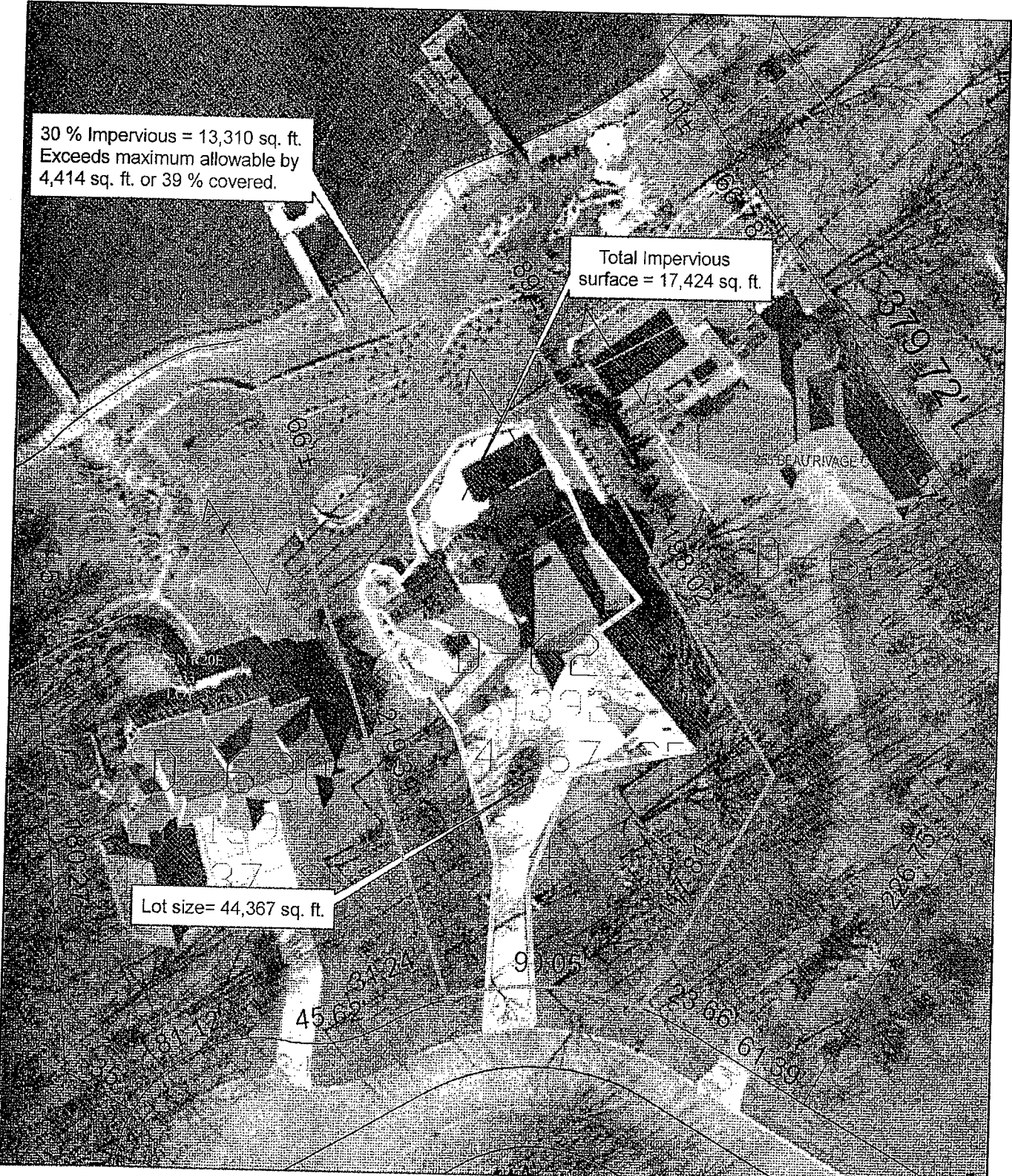
We respectfully request NR 115 be vetted in full public view and instead of the current passive review process. The proposed changes to NR 115 impact many families and businesses. The full Legislature must to their due diligence and hold public hearings on this matter.

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,



Jayme Sellen
Legislative Assistant



Permit # 62 issued 6-27-08
 D-629

This map was created using GIS "Layers" from various dates/sources. Not all "layers" are in synch with each other. Please call 920-448-6295 for more details, or visit: www.co.brown.wi.us/Land_information_office/

Map printed 7/2/2009 at 02:01 PM by BC-PALS-011



0 30 60 120



Feet

This map is intended for advisory purposes only. It is based on sources believed to be reliable, but Brown County distributes this information on an 'AS IS' basis. No warranties are implied.

GIS map compiled by the Brown County Land Information Office (LIO). Data sources include the LJO group: Survey, Planning, Treasurer, Land Conservation, I.S., Register of Deeds and other departments.





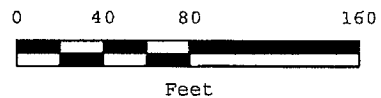
Lot size 12,158 sq.ft.
 10% - 1,216 sq. ft.
 Total imperv. - 4,240 sq.ft.
 Exceeds proposed NR 115
 by 3,024 sq.ft.

Example of Duplex lots

D-973

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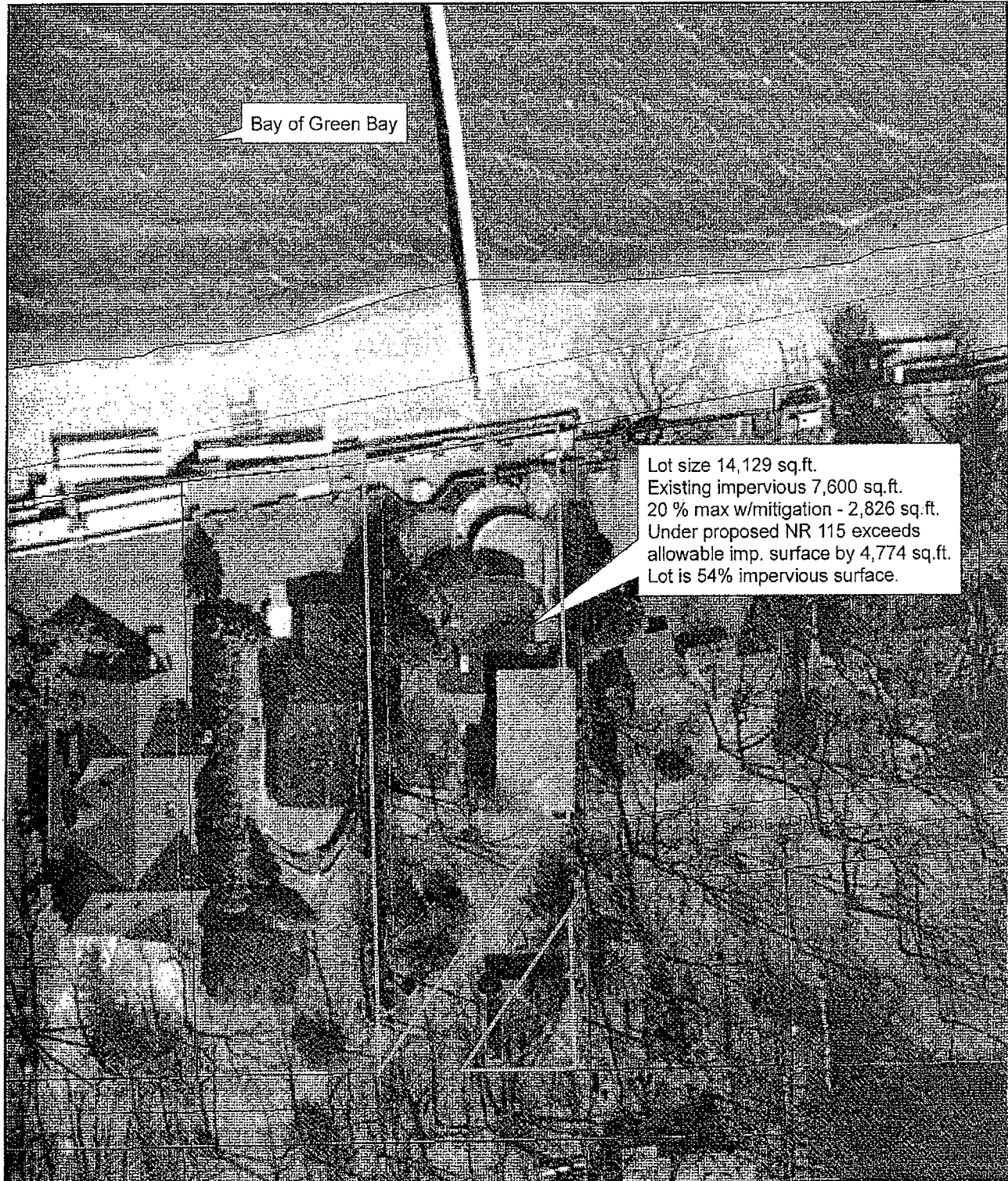
Map printed 3/13/2007 at 10:22 AM by BC-PAIS-011



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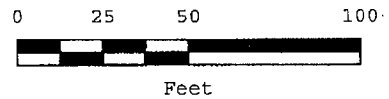




Proposed additions no permit applied for yet.
 Bush property on the Bay of Green Bay GB-698

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Lot size = 14,800 sq. ft. (148 x 100)
 30 % of that would allow 4,400 sq. ft.
 of impervious surface

This home as constructed with deck
 and concrete driveway = 5,868 sq. ft.
 of impervious surface.
 Or 40 % impervious surface on lot.

*This map was created using GIS "Layers" from various dates/sources.
 Not all "layers" are in synch with each other. Please call 920-448-6295
 for more details, or visit: www.co.brown.wi.us/land_information_office/*

Map printed 7/14/2009 at 04:26 PM by BC-PALS-011



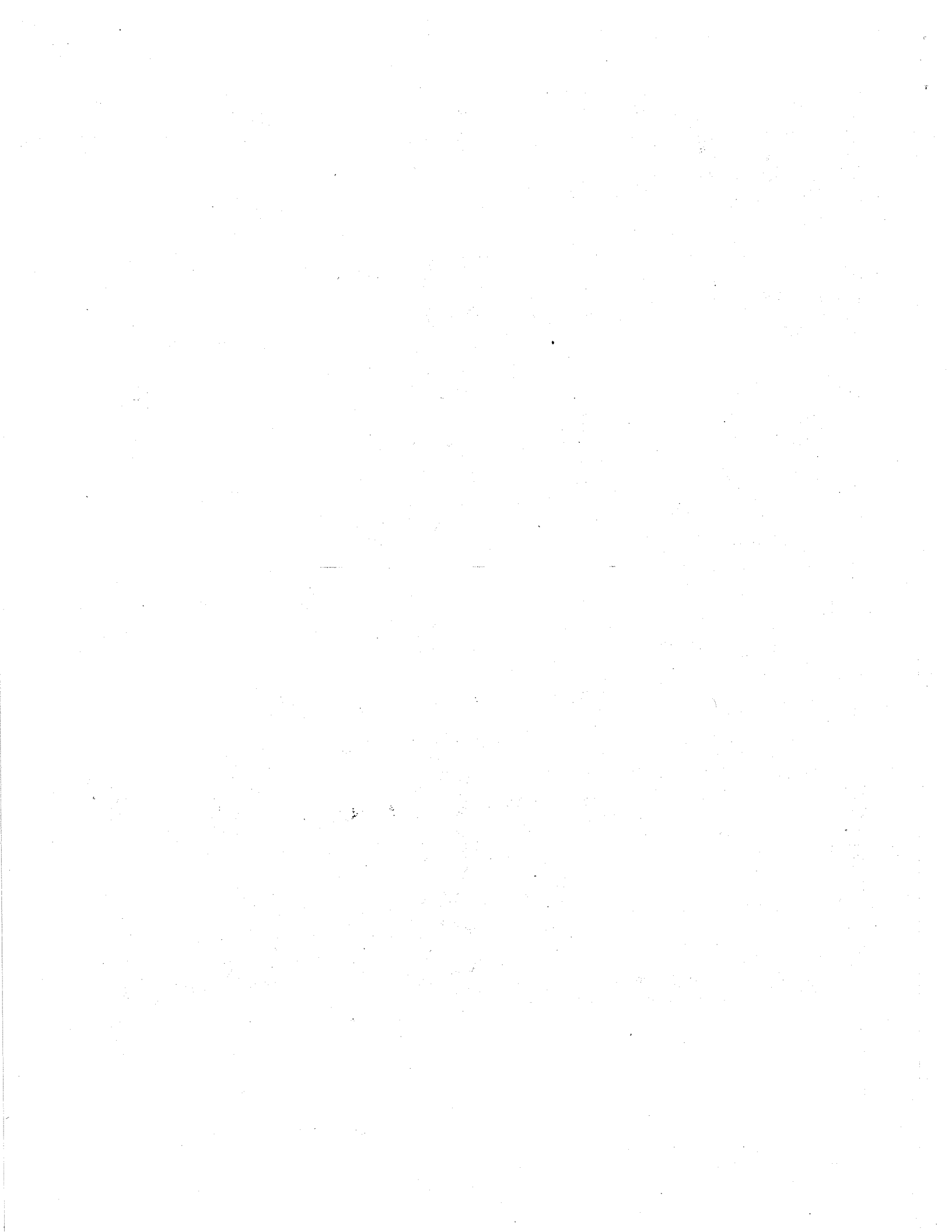
0 15 30 60

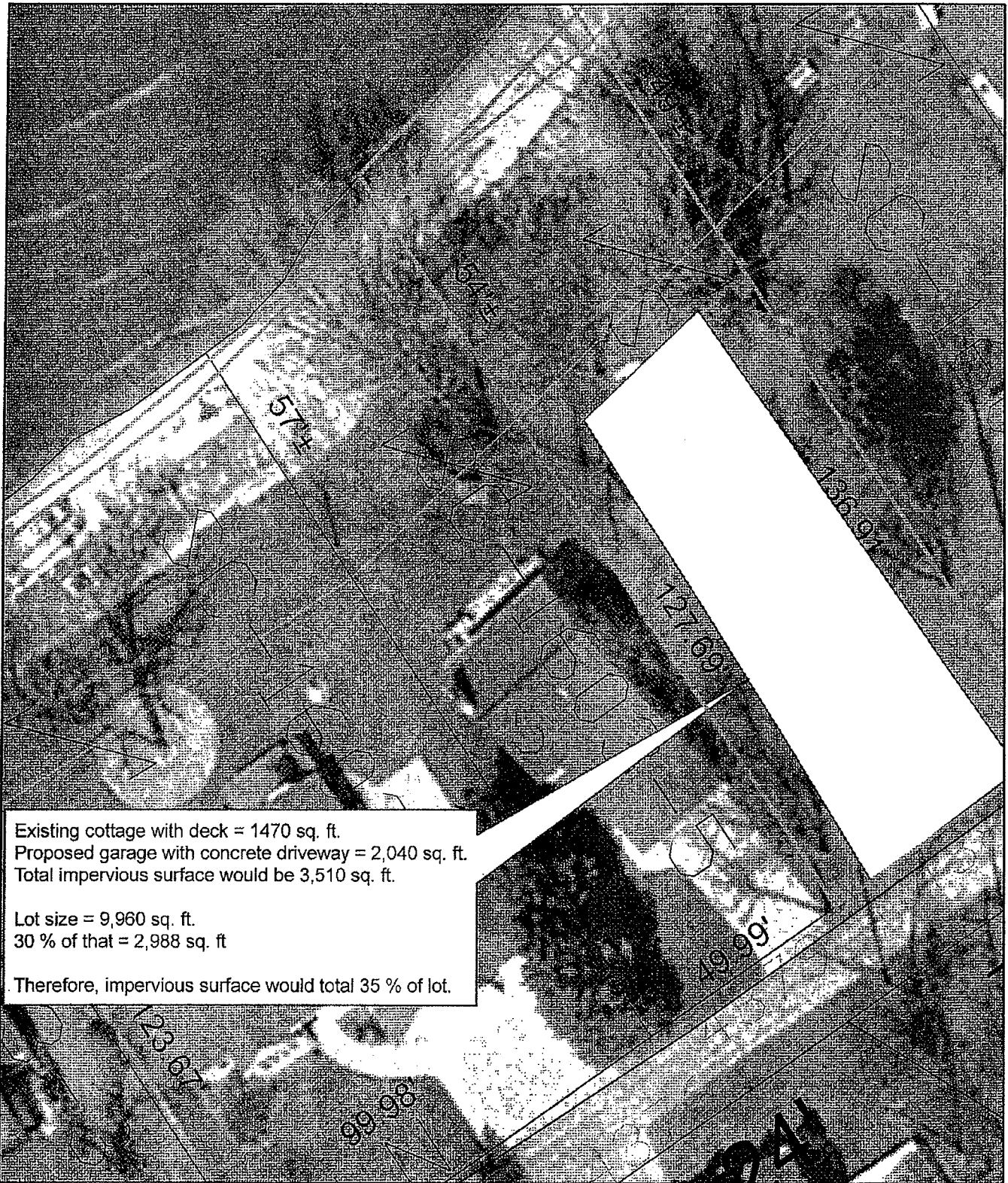


Feet

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Existing cottage with deck = 1470 sq. ft.
 Proposed garage with concrete driveway = 2,040 sq. ft.
 Total impervious surface would be 3,510 sq. ft.

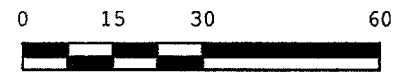
Lot size = 9,960 sq. ft.
 30 % of that = 2,988 sq. ft.

Therefore, impervious surface would total 35 % of lot.

Part of Brown County, WI
 SC-1603-6

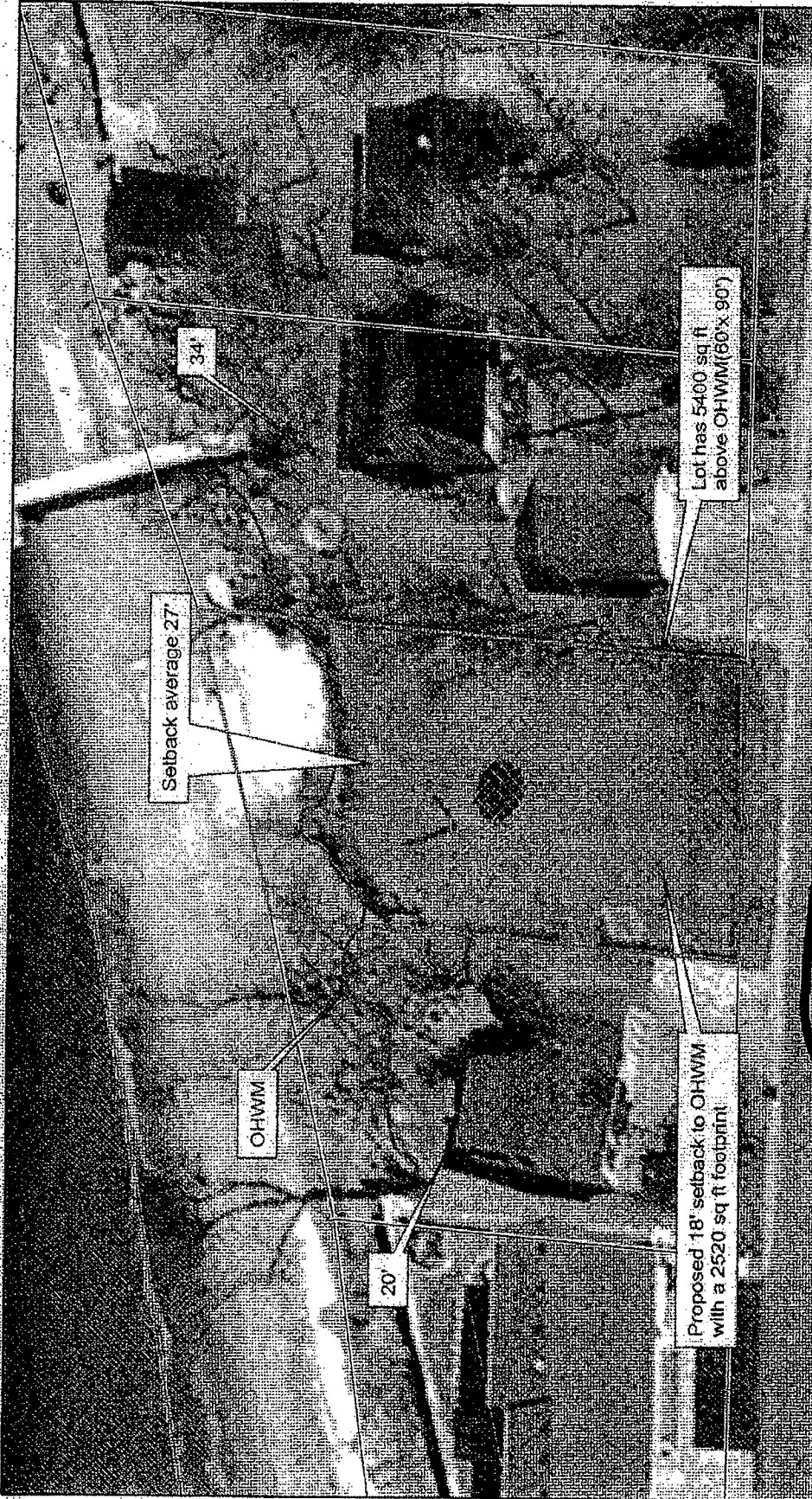
This map was created using GIS "Layers" from various dates/sources. Not all "layers" are in synch with each other. Please call 920-448-6295 for more details, or visit: www.co.brown.wi.us/land_information_office/

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Part of Brown County, WI
SC-1603-58

5400 sq ft lot
30% Impervious = 1620 sq ft
Actual Footprint = 2520 sq ft
Exceeds max. allowable by 900 sq ft. or 47% covered.

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