



WISCONSIN ASSOCIATION OF LAKES, INC.

*is a nonprofit group of citizens,
organizations, and businesses working for clean, safe, healthy lakes for everyone.*

One Point Place, Suite 101 Madison, WI 53719-2809
800/542-5253 (WI) • 608/662-0923 • FAX 608/833-7179
e-mail: wal@wisconsinlakes.org / website: www.wisconsinlakes.org

Shoreland zoning rule (NR 115) revisions: WAL's position

WAL has been actively representing lakes, our members' lake interests, and the Public Trust Doctrine on the NR 115 Advisory Committee since late 2002. The WAL board recognizes the importance of updating this rule to enhance the protection of lake ecosystems, waterfront property values, and the rights of property owners and the public to enjoy water quality, fish and wildlife habitat, lake recreation, and scenic beauty.

The current proposal indicates progress toward the goals of improved protection for our lakes, flexibility and certainty for property owners, and ease of administration and enforcement for counties. While many provisions within this draft are necessary improvements upon the original 1968 rules, WAL has concerns with several proposed revisions.

Development density

Proposal NR 115.11(3):

Would allow greater development density (smaller minimum lot sizes) for sewerered shoreland lots than for those with septic systems.

WAL's position:

All residential lots should be at least ½-acre (20,000 square feet) in size.

Rationale:

Excessive development density is a major factor in the decline of our lakes. The urban densities proposed for sewerered areas would seriously impact our waterways.

Proposal NR 115.11(3):

Would allow significantly higher (up to three times as much) development density for multi-family development than for single-family development.

WAL's position:

Multi-family development should be required to meet the same minimum lot size and density standards as single-family development. Multi-family development in cluster, planned unit, and/or conservation-style developments could be allowed at greater densities if setbacks, vegetated buffers, and other water quality protections were required at the same time.

Rationale:

Excessive development density is a major factor in the decline of lakes, and the urban densities allowed by the proposal for multi-family developments would seriously impact our waterways.

Impervious surfaces

Proposal NR 115.17(3):

Would not limit the amount of land area on a shoreland lot that could be covered by impervious surfaces (paved driveways, building roofs, decks, walkways etc.).

WAL's position:

The amount of impervious area in close proximity to a lake should be limited. The total amount of impervious area on all shoreland lots (waterfront lots or backlots) should also be limited. WAL proposes that no more than 20% of the area within 200 ft. of a lake on a lot should be impervious, and that no more than 20% of the total area of any shoreland lot should be impervious.

Rationale:

Impervious surfaces produce stormwater runoff and prevent precipitation from infiltrating into the ground and replenishing the groundwater. These reasonable limits would protect water quality and groundwater while allowing typical waterfront development.

Nonconforming structures

Proposal NR 115.21(4)(d):

Would allow replacement of nonconforming principal structures (grandfathered pre-1968 cabins closer to the water than NR115-required setbacks) even where there is a legal building location on the lot.

WAL's position:

Nonconforming principal structures should not be allowed to be replaced, except when destroyed by an act of god or vandalism.

Rationale:

If a building is to be rebuilt and there is a "legal" building location on the lot, the new building should be located at the required shoreland setback to best protect the lake.

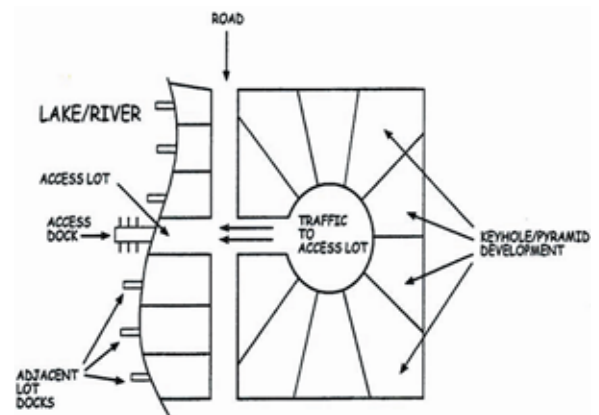
Keyhole (or pyramid) development

Proposal NR 115.11(6):

Permits access lots associated with keyhole, or pyramid, style developments (see graphic) to be completely non-conforming with minimum lot sizes, land disturbing activity limitations, impervious surfaces, and vegetated buffer requirements.

WAL's position:

Access lots should be required to meet the same minimum lot size, land disturbance, vegetated buffer, and impervious surface standards as residential lots. Also, county shoreland zoning should require a public hearing process so neighbors can comment on proposed keyhole developments.



Rationale:

Without applicable standards, lakefront properties providing shared lake access to off-lake residents (access lots) could end up entirely cleared of trees and other vegetation, completely paved, without vegetated buffers, and smaller than most residential lots. Protections must apply to all waterfront lots to protect the lakes.

Wetland protection

Proposal NR 115.19(1)(b):

Permits land disturbing activities and construction right up to the edge of a wetland within the shoreland zone.

WAL's position:

At least a 10-foot wetland buffer should be required around wetlands within the shoreland zone. Construction and land disturbing activities should be prohibited within that buffer.

Rationale:

Wetlands are important natural resources. They play an essential part in maintaining water quality in nearby lakes and streams. Land disturbing activities up to the edge of a wetland can destroy its effectiveness.