

**TOWNSHIP OF WATERFORD  
RACINE COUNTY, WISCONSIN**

**RESOLUTION NO. 8-12-2013**

**A RESOLUTION OPPOSING PROPOSED REVISIONS TO  
WISCONSIN NATURAL RESOURCES ADMINISTRATIVE RULE 115,  
WISCONSIN'S SHORELAND MANAGEMENT PROGRAM**

THE TOWN BOARD, of the Township of Waterford, at its regular and duly-noticed monthly meeting, hereby resolves as follows:

WHEREAS Wis. Stat. § 59.692 requires counties to adopt zoning ordinances for the protection of all shorelands in unincorporated areas; and

WHEREAS, the Wisconsin Department of Natural Resources (DNR) has the responsibility to promulgate rules which require adherence to specific standards and criteria for navigable water protection regulations and their administration, which are promulgated in Wisconsin Administrative Code, Chapter Natural Resources (NR) 115 as Wisconsin's Shoreland Management Program; and

WHEREAS, it is the responsibility of County zoning departments to administer and enforce shoreland zoning regulations for all unincorporated areas within the county; and

WHEREAS, the DNR is currently proposing revisions to NR 115 which it has stated are intended to protect public rights to the navigable waters of the State of Wisconsin while allowing riparian owners the flexibility to make reasonable use of their property; and

WHEREAS, despite these goals, the Town Board of the Town of Waterford believes that the proposed rules revising NR 115 would be more restrictive than the current rules and will have a significant impact to the public in a number of negative ways, including but not limited to the following:

- The requirement for an inflexible minimum 75 foot setback from the ordinary high water mark for a structure, combined with a 25 foot setback from the road, will mean that many existing lots will be unbuildable, and homes and cottages will also be unable to be remodeled due to insufficient lot depth. Variance and mitigation hearings will be time consuming and expensive, with no guarantee of success;
- New standards will restrict the expansion of existing non-conforming structures;
- The requirement of a minimum size of 20,000 square feet for a buildable lot is unreasonably large. Currently Racine County Code requires only 10,000 square feet with a width of 65 feet. This rule would also make many of these properties unbuildable or unable to be remodeled without going through time consuming and expensive variance hearings;
- The requirement that prohibits the storing of items such as boats, piers, ice shanties, and similar structures within 75 feet of the water will create a hardship for many waterfront property owners with substandard sized lots;
- Requiring the first 35 feet of shoreline to be planted in "natural" vegetation is vague for property owners to comply with and impractical for erosion control purposes;
- The proposed new standard would limit lateral expansion to 100 sq. ft., and landward expansion to 200 sq. ft. Many homeowners will not go through the expense of remodeling for such a miniscule addition. These strict limits would make it impossible to remodel a small cottage to a conforming structure;
- The inclusion of impervious surface standards limiting lots to as little as 15% of their total lot to structures and impervious surfaces will limit the amount of structures on a lot and which would result in increased costs to the property owner for preparation of engineered

plans and highly detailed land surveys, in addition to increased time to apply for and obtain permits;

- It is believed that most of Racine County shoreland properties already exceed the proposed impervious surface coverage limits. Properties served by public sanitary sewer should be exempt from impervious surface limits. Impervious surface coverage will have to be determined by a registered land surveyor at the expense of the property owner and the County staff will have to monitor all projects for impervious surfaces;
- The proposed NR 115 regulations require that mitigation plans that must be recorded with the Register of Deeds and maintained in perpetuity;
- The proposed NR 115 will require shoreland property owners to obtain permits for adding impervious surfaces such as driveways, sidewalks, and patios, adding additional expense to shoreland property owners.
- Storm water containment/treatment systems for exceeding impervious surface coverage areas will require engineering expertise and perpetual maintenance. This design, installation and maintenance will be costly for property owners.
- “No mow zones” might be more effective than a case by case evaluation of plantings that require documents to be recorded in the Register of Deeds before permits can be issued. Racine County zoning personnel are not landscape architects and they hold no credentials on which to evaluate planting schemes.
- The proposed changes in NR 115 will be an unfunded mandate from the DNR, and will require significant staff time for enforcement of these new rules;
- Revised NR 115 would force bigger government onto the County zoning offices due to the extra permits and oversight required for nearly any project on or near waters of the State;

- The Town Board of the Town of Waterford believes that the proposed amendments are overly restrictive and that, when the negative implications of the proposed amendments are considered, any benefits gained from the proposed amendments will not be a net benefit to the residents of the Town of Waterford or Racine County;
- The proposed amendments will greatly increase the amount of work for the Racine County Planning & Development Department and the Racine County Corporation Counsel and the Town of Waterford in relationship to the issuance of permits and enforcement of code violations;
- The proposed regulations constitute an unfunded mandate upon Racine County and the Town of Waterford at the expense of riparian landowners and all taxpayers of Racine County.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Waterford, Racine County that it opposes the current proposed amendments to Chapter NR 115 which are presently being promoted by the Wisconsin Department of Natural Resources.

BE IT FURTHER RESOLVED by the Town Board of the Town of Waterford, Racine County that it hereby authorizes and directs the Town of Waterford Clerk to transmit a copy of this resolution to the Secretary of the Wisconsin Department of Natural Resources; to all legislators representing constituents within Racine County, the Wisconsin Counties Association, and to the Office of the Wisconsin Governor.

PASSED AND ADOPTED this 12<sup>th</sup> day of August, 2013.

\_\_\_\_ on file \_\_\_\_\_  
THOMAS W. HINCZ  
Town Chairman

ATTEST:

\_\_\_\_ on file \_\_\_\_\_  
TINA MAYER