

RESOLUTION NO. 2007-65

**RESOLUTION BY THE ECONOMIC DEVELOPMENT AND LAND USE PLANNING
COMMITTEE OPPOSING PROPOSED REVISIONS TO NR 115, WISCONSIN'S
SHORELAND MANAGEMENT PROGRAM**

To the Honorable Members of the Racine County Board of Supervisors:

WHEREAS, Wis. Stats., § 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 currently the Administrative Rules Chapter NR115, 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 proposing revisions to NR115 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 proposed rules could be misleadingly more restrictive than the current rules and will have a significant impact to the public in a number of ways, including the following:

- The prohibition of the storing of boats, ice shanties or other similar structures within 75 feet of the water;
- New standards will require permits be issued for items that may not require permits with the current regulations, such as camping trailers, fences, patios, retaining walls, driveways, and sidewalks, etc;
- There will be a greater restriction on the use of setback averaging resulting in virtually no averaging being allowed;
- The inclusion of impervious surface standards which may limit the amount of structures on a lot and will 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;
- The addition of significant costs to riparian landowners in relationship to compliance with new landscape buffer requirements, which will have to be designed prior to application for permits and with no guarantee of permits;

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- 4 • The requirement that counties adopt various standards, including a mitigation
- 5 system, with no guarantee of what the DNR will consider acceptable in their
- 6 review of ordinance drafts;
- 7 • The application of revised rules in Racine County where nearly every inland lake
- 8 is developed in urban densities and served by public sanitary sewer will create
- 9 great hardship to riparian owners who want to add value to their properties;

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11 **WHEREAS**, the Economic Development and Land Use Planning Committee of
12 the Racine County Board of Supervisors and the Racine County Board of Supervisors
13 believes that the proposed amendments are overly restrictive and any benefits gained
14 from the proposed amendments will not benefit residents of Racine County; and

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16 **WHEREAS**, the proposed amendments will greatly increase the amount of work
17 for the Racine County Planning & Development Department and Racine County
18 Corporation Counsel in relationship to the issuance of permits and enforcement of code
19 violations; and

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21 **WHEREAS**, the proposed regulations constitute an unfunded mandate upon
22 Racine County at the expense of riparian landowners and all taxpayers of Racine
23 County.

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25 **NOW, THEREFORE, BE IT RESOLVED** by the Racine County Board of
26 Supervisors that it hereby goes on record as opposing the current proposed
27 amendments to Chapter NR 115 which are presently being promoted by the Wisconsin
28 Department of Natural Resources.

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30 **BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that it
31 hereby authorizes and directs the Racine County Clerk to transmit a copy of this
32 resolution to the Secretary of the State Department of Natural Resources; to all
33 legislators representing constituents within Racine County, to the Wisconsin Counties
34 Association and to the Office of Wisconsin Governor James Doyle.

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37 Respectfully submitted,

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39 1st Reading _____

**ECONOMIC DEVELOPMENT AND LAND USE
PLANNING COMMITTEE**

40
41 2nd Reading _____

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43 BOARD ACTION

Jeff Halbach, Chairman

44 Adopted _____

45 For _____

46 Against _____

47 Absent _____

Robert Grove, Vice-Chairman

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4 VOTE REQUIRED: Majority

Q.A. Shakoor, II, Secretary

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6 Prepared by:

7 Planning & Development

Mark M. Gleason

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Kenneth Hall

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Karen A. Nelson

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Thomas Pringle

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