

March 8, 2011

RESOLUTION NO. 2010-131

RESOLUTION BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE OPPOSING NR115 AND REQUESTING AN EXTENSION OF TIME TO WORK WITH DNR ON FURTHER REVISIONS TO WISCONSIN'S SHORELAND PROTECTION 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 (WI-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 Protection 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, in 2010, the DNR adopted 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, giving all counties in Wisconsin until February 2012 to adopt the revised NR115 standards; and

WHEREAS, as of January of 2011, zero counties in the State of Wisconsin have adopted the revised NR115 Shoreland Protection Regulations; and

WHEREAS, despite the NR115 revisions, many of the rules are misleadingly more restrictive than the former rules and will have a significant and negative impact to the tax-paying public in a number of ways, including the following:

- New standards require permits be issued for items that previously may have not required permits, such as fences, patios, retaining walls, driveways, and sidewalks, etc;.
- The inclusion of impervious surface standards limit the amount of structures on a shoreland 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 shoreland mitigation system, which will require additional staff resources in Racine County for enforcement and administration of mitigation standards;
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- 7 • The application of revised shoreland ordinances in Racine County where nearly every inland lake is developed in urban densities and served by public sanitary sewer will create great hardship to riparian owners who want to add value to their properties; and
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12 **WHEREAS**, the Economic Development and Land Use Planning Committee of the Racine County Board of Supervisors and the Racine County Board of Supervisors believe that the newly adopted amendments are overly restrictive and burdensome and any benefits gained from the new NR115 rule will not directly benefit residents of Racine County ;and

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18 **WHEREAS**, the new NR115 standards will greatly increase the amount of work for the Racine County Planning and Development Department and Racine County Corporation Counsel in relationship to the public education requirements, issuance of permits and enforcement of code violations; and

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

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26 **NOW, THEREFORE, BE IT RESOLVED** by the Racine County Board of Supervisors that it hereby goes on record as opposing the recently adopted Chapter NR115 and requests that the February 2012 deadline be extended to February 2014 to allow counties to work with WI-DNR officials on further revisions to NR115.

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31 **BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that it hereby authorizes and directs the Racine County Clerk to transmit a copy of this resolution to Secretary Cathy Stepp of the State Department of Natural Resources, to all legislators representing constituents within Racine County, to the Wisconsin Counties Association, and to the Office of Wisconsin Governor Scott Walker.

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1st Reading _____

2nd Reading _____

BOARD ACTION _____

Adopted _____

For _____

Against _____

Absent _____

VOTE REQUIRED: Majority

Prepared by:
Planning & Development Dept.

Respectfully submitted,

**ECONOMIC DEVELOPMENT AND LAND USE
PLANNING COMMITTEE**

Robert D. Grove, Chairman

Mark M. Gleason, Vice-Chairman

Joseph F. Bellante, Jr., Secretary

Ronald Molnar

Thomas Pringle

David J. Cooke

Monte G. Osterman

The foregoing legislation adopted by the County Board of Supervisors of Racine County, Wisconsin, is hereby:

Approved: _____

Vetoed: _____

Date: _____,

William L. McReynolds, County Executive