



**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Environment...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING, REPEALING AND
RECREATING, AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to: repeal NR 115.03 (12), NR 115.05 (1) and (2); to repeal and recreate NR 115.01; to renumber NR 115.03 (1) and NR 115.05 (5); to renumber and amend NR 115.05 (3), (4) and (6); to amend NR 115 (title), NR 115.02, NR 115.03 (intro), NR 115.05 (title), NR 115.06 (2) and (3); and to create NR 115.03 (1d), (1p), (1t), (3m), (4g), (4r), and (7m), NR 115.04 and NR 115.05 (4) (hm); relating to minimum standards for county shoreland ordinances.

WT-28-04

Analysis prepared by the Department of Natural Resources

Statutory authority: Sections 59.692, 227.11 (2) (a), and 281.31, Stats.

Statutes interpreted: Sections 59.69, 59.692, 59.694 and 281.31, Stats.

Plain Language Rule Analysis:

Background

Growing public awareness and concern for controlling water pollution led to enactment of the Federal Water Pollution Control Act Amendments of 1972. As amended in 1977, this law became commonly known as the Clean Water Act. The Act established the basic structure for regulating discharges of pollutants into the waters of the United States. Here in Wisconsin, our foresight in protecting navigable waters far exceeded that of the federal government. In response to human impacts on public waters, the Wisconsin Legislature on August 1, 1966, passed the Water Resources Act (as created by Chapter 614, Laws of 1965) that articulated the purpose and direction for shoreland ordinances: "To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience, and general welfare."

Wisconsin's Water Resources Act utilized a novel approach toward comprehensive pollution control by supplementing state-level regulation of direct polluters (industries and municipal treatment plants) with county-administered shoreland ordinances, sanitary codes, and subdivision regulations to control indirect pollution sources. The basic premise was to establish practical minimum standards and workable regulations in an area where there had been little experience. This act was also very important specifically for shoreland protection because the requirement to enact shoreland ordinances has been interpreted to be part of the active public trust duty of the state of Wisconsin, which requires the state to protect navigable waters not only for navigation, but also to protect and preserve those waters for fishing, recreation and scenic beauty.

Authority

The proposed amendments to ch. NR 115 are intended to allow a county more flexibility in how they regulate land use in shorelands, and to give shoreland property owners more land use options, while still protecting the public interest in navigable waters and adjacent shorelands. Section 281.31(6), Stats., provides: "Within the purpose of sub. (1), the department shall prepare and provide to municipalities general recommended standards and criteria for navigable water protection regulations and their administration." Section 59.692(1m), Stats., provides that each county shall zone by ordinance all shorelands in its unincorporated area. Section 59.692 (1) (c), Stats., defines "shoreland zoning standard" to mean "a standard for ordinances enacted under this section that is promulgated as a rule by the department." Section 227.11(2)(a), Stats., gives the Department the authority to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

Revision Rationale

In response to the increasing impacts on public waters from adjacent shoreland development, the amount and intensity of development today in comparison to 40 years ago and the resulting pressures on our

public resources from private land owners and water recreationalists alike, the state launched a broad-based effort to update the shoreland protection standards originally promulgated in 1968. NR 115 was created to protect water quality, fish and wildlife habitat and scenic beauty along navigable lakes and rivers by establishing statewide minimum standards including lot sizes, building setbacks from the water's edge, and limits on tree removal. Controlling the density of development along the waters and creating a buffer around them was the best management practice of the time. After 40 years, the way in which we develop the land and the associated pressures on the resource has drastically changed. Instead of small summer cottages, waterfront owners are building year-round, much larger homes. The lots that were created years ago may not be capable of handling the increased stress without compromising the integrity of the very resource that draws our attention in the first place. Change is needed to clarify and update standards, provide flexibility for property owners, offset development impacts to better protect the water resources, and simplify implementation of standards through local shoreland ordinances.

Revision Process

The revision package is based on concepts developed, negotiated and compromised by a very diverse and well-represented advisory committee. The dedication and determination of these individuals proves how important our water resources and adjacent shorelands are in the state.

These amendments are the result of over 5 years of work by this group and numerous opportunities for public comment. The Department held 8 public hearings in July and August of 2007, 11 public hearings in July and August of 2005 and 8 listening sessions in the fall and winter of 2003. All venues were an opportunity for the public to review and comment on the draft proposals generated together by the Department and the Advisory Committee.

Listening sessions were added as an additional step in the traditional rule revision process because the Department recognized this issue needed special consideration and debate in an open, informative, honest and participatory forum. Over 850 people attended eight listening sessions that were held around Wisconsin in November and December 2003.

As a requirement, public hearings are held to generate public comment. The Department held two rounds of public hearings in 2005 and 2007, totaling 19 public hearings around the state. Over 1,000 people attended the hearings in 2005 and during the public comment period over 50,000 comments were collected from nearly 12,000 individuals. 2007 public comment period yielded approximately 9,000 comments from about 2,400 individuals. A 2005 public hearing comment summary and 2007 response to comment document can be found as attachments to the Environmental Assessment provided for this rule revision.

In addition to both rounds of public hearings and listening sessions, the Bureau of Watershed Management staff has kept a list of interested parties by e-mail and hard mail to provide timely updates to those interested in the process and allow those parties an opportunity to comment on newly generated materials including draft code language.

Four main themes emerged from the public comments regarding NR 115 revisions:

- Keep the regulations simple,
- Make the regulations enforceable,
- Protect our water resources, and
- Provide communities the flexibility to determine how to best administer the minimum standards.

Major provisions and new requirements

Major provisions of the proposal include changes to vegetation management in the first 35-foot and changes to regulation of structures within the shoreland setback. New requirements include establishment of impervious surface standards, and the removal of the 50% rule for nonconforming structures. The new standards will allow counties to regulate a structure based on its impact to the resource, not how the structure was built. Finally, mitigation requirements are added to the code to help balance the flexibility provided in this chapter.

Federal Regulatory Analysis:

There is no specific existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

State Regulatory Analysis:

Wisconsin's Shoreland Management Program is a partnership between state and local government that requires development near navigable lakes and streams to meet statewide minimum standards. Each Wisconsin county has shoreland ordinance provisions that protect water resource values: water quality, recreation and navigation, fish and wildlife habitat, and natural scenic beauty. County ordinances must have standards that meet or exceed the minimum state standards contained in Chapter NR 115, Wisconsin Administrative Code. The shoreland provisions include:

- setbacks for structures from waterways
- minimum lot sizes
- controls on removing shoreland vegetation
- standards for land disturbance activities
- protection of wetlands
- restrictions on improvements to nonconforming structures

Current development trends continue to pose major challenges to the shoreland program. As new development occurs, long continuous sections of natural shorelines are broken into small fragmented patches. This reduces the availability and quality of habitat needed by shoreline-dependent species, such as loons, eagles, osprey, and many amphibian species, particularly in northern Wisconsin. Along highly developed shorelines, preserving even small amounts of near-shore and fringe wetland habitat becomes critical for maintaining natural reproduction of fish populations. As smaller seasonal cabins are replaced with larger four-season homes, concerns over the size of lots and carrying capacity of the land arise. In addition, development in areas typically considered undevelopable, and second and third tier development, are now problems that the shoreland program did not predict nearly 40 years ago.

Much has changed in the way we develop waterfront property and the demands we place upon our developed areas. Changes in this program will equip the county with the tools and techniques needed to protect these valuable resource areas while allowing reasonable development to continue for the foreseeable future.

State Comparison:

Minnesota

The State of Minnesota has a shoreland program that is also currently in the process of being revised. The Minnesota DNR, on their website, states that an increase in development pressure around lakes and rivers has raised concerns about water quality and impacts on lake use therefore resulting in the need to review current shoreland minimum standards in the state. Minnesota bases their shoreland program on statewide classification of all surface waters based on size and shape, amount and type of existing development, road and service accessibility, existing natural character of the water and other parameters. Waterbodies are classified as natural environment lakes, recreational development lakes, general development lakes, remote river segments and forested rivers. Each class has specific standards associated with the shoreland ordinance including building setbacks, lot sizes and widths, bluff impact zones, slope requirements and others. The states differ on where the shoreline setback is measured from and how the Ordinary High Water Mark is determined. In practice, this difference may result in reduced shoreline setbacks in Minnesota when compared to standards in Wisconsin. The states also have somewhat different standards in treatment of nonconforming structures.

Michigan

The State of Michigan has a wild and scenic rivers protection program to provide special protection to designated rivers. This program is managed very similar to other wild and scenic river protection programs nationwide. The protection standards are outlined in Natural River Zoning Rule 281 which outlines standards for river setbacks, minimum lot widths, special vegetation management standards, and

nonconforming structure improvements. Additional activities that may have potential impacts to the public trust, riparian rights, or may impair or destroy the waters or other natural resources of the state, including inland lakes and streams, the Great Lakes, wetlands, and groundwater, are regulated by the Department of Environmental Quality.

Illinois

The State of Illinois regulates inland waters through an administrative code detailing conservation measures for public waters. The purpose of the program is to protect the public's interests, rights, safety and welfare in the State's public bodies of water. More specifically, construction is regulated to prevent obstruction to, or interference with, the navigability of any public body of water; encroachment on any public body of water; and impairment of the rights, interests or uses of the public in any public body of water or in the natural resources thereof.

Indiana

The state of Indiana also regulates lake-side construction activities and provides standards for the activities along and within public freshwater lakes. The state also has standards for nonconforming uses and nuisances including the removal of a lawful nonconforming use if the structure or facility affects public safety, natural resources, natural scenic beauty or the water level of a public freshwater lake.

Iowa

The state of Iowa has an integrated watershed management program, surface water regulation program which includes motor regulations and slow-no-wake areas to reduce shore erosion and a new (January 12, 2005) invasive species program to help safeguard the biological integrity of the lakes and river systems in Iowa. However, Iowa does not have a specific program for shoreland management or shoreland ordinance requirements. Most of Iowa's environmental programs are directly mandated by the federal government and required components of Environmental Protection or Federal Emergency Management Agency programs.

Summary of Factual Data:

This rule revision was the result of scientific analysis, literature summaries, advisory committee meetings, listening sessions, extensive public comments and formal public hearings that spanned over six years. This was a collaborative and comprehensive effort that began by collecting and evaluating data on local experiences administering the existing rule, as well as newer scientific information relevant to the impacts of shoreland development.

The evaluation process identified some key problem areas concerning application of the existing shoreland standards and regulatory consistency. Confusion and misunderstandings have resulted from unclear, subjective language, and inconsistent application of ordinance standards. Landowners and local governments have been frustrated in applying and interpreting the shoreland regulations. The proposed ch. NR 115 has been developed to clarify the standards and provide more flexibility in the application of land use standards and restrictions that will allow reasonable improvement of private properties, while still protecting Wisconsin's waters.

A 1997 Department study "Effectiveness of Shoreland Zoning Standards to Meet Statutory Objectives: A Literature Review with Policy Implications" showed that existing shoreland standards were not adequately achieving the statutory objectives of the program to protect critical fish and wildlife habitat, natural scenic beauty, and water quality of lakes and streams. Scientific studies during the 1990's found that fish and insect populations and water quality decline dramatically when watershed impervious surfaces reach 8-12%. A northern Wisconsin study found significant declines in populations of green frogs and key bird species on developed shorelines. When purchasing waterfront property, people inherently value clean water, plentiful wildlife and scenic vistas. A study in Maine found that waterfront property values would decline by 5% with a three-foot decline in lake water clarity. More details on these and other supporting studies are provided in the Environmental Assessment for this rule revision.

Effect on Small Businesses:

Small businesses are not expected to be significantly impacted by the proposed rule changes. Lot size and setback requirements have been imposed on businesses within the shoreland zone since the inception of the program back in the late 1960s. Commercial development has never been, and is not in this proposal, singled out as a different use. New impervious surface standards and mitigation requirements will apply to small business just like a any other development. Safeguards have been put into place to guarantee the amount of mitigation that would be required on large-scale projects, which may prove beneficial for some small businesses. Standards contained in this rule may limit some facility expansion based on location; however, other modifications in the rule will help in allowing current facilities to maintain and update current structures without limitations now imposed on the cost of those modifications. The rule requires local units of government to adopt shoreland ordinances based on these rules. The local units of government will enforce the local ordinances.

Anticipated Costs Incurred by the Private Sector:

Submission of an application for a permit under the local ordinances will result in costs to the applicant to provide the needed background information. The application costs will vary by individual permit application depending on the type of project undertaken and the level of detailed information needed to provide local authorities sufficient background information to make a determination. This rule will require mitigation in some situations. Mitigation costs will be incurred for vegetative plantings, developing rain gardens or other runoff controls and other types of practices that may be needed and determined by the local zoning office.

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SECTION 1. Chapter NR 115 (title) is amended to read:

WISCONSIN'S SHORELAND MANAGEMENT PROTECTION PROGRAM

SECTION 2. NR 115.01 is repealed and recreated to read:

NR 115.01 Purpose. Section 281.31, Stats., provides that shoreland subdivision and zoning regulations shall: "further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." Section 59.692, Stats., requires counties to effect the purposes of s. 281.31, Stats., and to promote the public health, safety and general welfare by adopting zoning regulations for the protection of all shorelands in unincorporated areas that meet shoreland zoning standards promulgated by the department. The purpose of this chapter is to establish minimum shoreland zoning standards for ordinances enacted under s. 59.692, Stats. for the purposes specified in s. 281.31(1), Stats., and to limit the direct and cumulative impacts of shoreland development on water quality; near-shore aquatic, wetland and upland wildlife habitat; and natural scenic beauty.

SECTION 3. NR 115.02 is amended to read:

NR 115.02 Applicability. The provisions of this chapter ~~are applicable~~ apply to county regulation of the use and development of unincorporated shoreland areas and to county, city or village regulation of previously unincorporated areas that were annexed by a city or village after May 7, 1982, or incorporated as a city or village after April 30, 1994. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance ~~and~~ or repair of state highways and bridges, carried out under the direction and supervision of the Wisconsin department of transportation are ~~is~~ not subject to local shoreland zoning ordinances, if s. 30.2022 (1), Stats., applies.

SECTION 4. NR 115.03 (intro.) is amended to read:

NR 115.03 Definitions. For the purpose of this chapter:

SECTION 5. NR 115.03 (1) is renumbered as NR 115.03 (1h).

SECTION 6. NR 115.03 (1d), (1p), (1t), (3m), (4g), (4r), and (7m) are created to read:

NR 115.03 (1d) "Access and viewing corridor" means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(1p) "Building envelope" means the three dimensional space within which a structure is built.

(3m) "Existing development pattern" means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(4g) "Impervious surface" means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

(4r) "Mitigation" means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(7m) "Routine maintenance of vegetation" means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

SECTION 7. NR 115.03 (12) is repealed.

SECTION 8. NR 115.04 is created to read:

NR 115.04 Shoreland-wetlands. (1) ESTABLISHMENT OF SHORELAND-WETLAND ZONING DISTRICTS. Counties shall adopt shoreland ordinances that include zoning regulations for shoreland-wetland zoning districts.

(2) AMENDMENT OF SHORELAND-WETLAND MAPS AND ZONING DISTRICTS. (a) County review of wetland inventory map amendments. After the department amends final Wisconsin wetland inventory maps:

1. The department shall transmit to the county zoning agency designated under s. 59.69 (2) (a), Stats., digital files or paper copies of amended wetland inventory maps for that county.

2. If the county believes that the amended maps are inaccurate, within 30 days of receiving the amended maps the county shall note discrepancies on the maps with an accompanying narrative explaining the amended problem areas and return a copy of the notated map and narrative to the department.

3. The department shall, at department expense, consult available soil survey maps and conduct on-site inspections, if appropriate, in order to evaluate the county recommendations, and shall then prepare final amended Wisconsin wetland inventory maps for that county.

Note: As of 1985 all counties adopted official wetland zoning maps and amendments occur as accuracy increases.

(b) County amendment of shoreland-wetland maps and zoning districts. 1. Within 6 months after receipt of final amended Wisconsin wetland inventory maps for that county from the department, a county shall zone all shorelands designated as wetlands on the amended Wisconsin wetland inventory maps in a shoreland-wetland zoning district. If a county fails to zone all shoreland-wetlands within this 6 month period, s. NR 115.06 (3) (b) shall apply.

2. Ordinance text and map amendments creating or amending shoreland-wetland zoning districts shall be referred to the county zoning agency for public hearing as required by s. 59.69 (5) (e) 2., Stats.

Note: Where an apparent discrepancy exists between a shoreland-wetland district shown on an amended map and actual field conditions, the county shall contact the department to determine if the amended map is in error. If the department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official map amendment must be initiated within a reasonable period of time, not to exceed one year following the determination.

3. At least 10 days prior to the public hearing, the county shall provide the appropriate regional office of the department with a copy of the proposed text and map amendments and with written notice of the public hearing.

(c) *Amendment of shoreland-wetland zoning districts.* 1. Official ordinance amendments are required for any proposed change in shoreland-wetland zoning. Such amendments shall be made in accordance with provisions of s. 59.69 (5) (e), Stats. Official amendments to the ordinance text shall be made promptly. Provided the ordinance text is promptly amended, a county may amend its official map within a reasonable period of time not to exceed one year following the change in shoreland-wetland zoning.

2. The county clerk shall submit a copy of every proposed amendment to a shoreland-wetland zoning district to the appropriate regional office of the department within 5 days of the filing of such proposed amendment with the clerk.

3. All proposed text and map amendments to shoreland-wetland zoning districts shall be referred to the county zoning agency for a public notice and hearing as required by s. 59.69 (5) (e) 2., Stats. The appropriate regional office of the department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.

4. In order to ensure that the shoreland protection objectives found in s. 281.31, Stats., will be accomplished by the county shoreland ordinance, a county shall not rezone a shoreland-wetland zoning district, or portion thereof, if the proposed rezoning may result in a significant adverse impact upon any of the following:

- a. Storm and flood water storage capacity;
- b. Maintenance of dry season stream flow, or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- d. Shoreline protection against soil erosion;
- e. Fish spawning, breeding, nursery or feeding grounds;
- f. Wildlife habitat; or
- g. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

5. If the department determines that the proposed rezoning may have a significant adverse impact upon any of the criteria listed in subd. 4., the department shall notify the county zoning agency of its determination either prior to or during the public hearing held on the proposed amendment.

6. As soon as possible after holding a public hearing, the county zoning agency shall submit its written findings and recommendations to the county board. Said findings shall outline the reason for the agency's recommendations. After receipt of the county zoning agency's findings and recommendations, the board may approve or disapprove of the proposed amendment.

7. The appropriate regional office of the department shall be provided with all of the following:

- a. A copy of the county zoning agency's findings and recommendations on the proposed amendment within 10 days after the submission of those findings and recommendations to the county board;
- b. Written notice of the board's decision on the proposed amendment within 10 days after it is issued.

8. If the county board approves of the proposed amendment and the department determines, after review as required by s. NR 115.06 (2) (c), that the county shoreland zoning ordinance if so amended would no longer comply with the requirements of s. 59.692, Stats., and this chapter, the department shall, after notice and hearing, adopt a complying ordinance for the county, under s. 59.692 (6), Stats.

9. If the department has notified the county zoning agency that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subd. 4., that proposed amendment, if approved by the county board, shall not become effective until more than 30 days have elapsed since

written notice of the county board's approval was mailed to the department, as required by subd. 7. If within the 30-day period the department notifies the county board that the department intends to adopt a superseding shoreland zoning ordinance for the county under s. 59.692 (6), Stats., the proposed amendment shall not become effective while the ordinance adoption procedure is proceeding, but shall have its effect stayed until the s. 59.692 (6), Stats., procedure is completed or otherwise terminated.

(3) PERMITTED USES IN SHORELAND-WETLAND ZONING DISTRICTS. Within shoreland-wetland zoning districts, counties shall permit the following uses subject to the general requirements of s. NR 115.05, the provisions of chs. 30 and 31, Stats., and other state and federal laws, if applicable:

(a) Hiking, fishing, trapping, hunting, swimming and boating.

(b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops and that does not involve filling, flooding, draining, dredging, ditching, tiling or excavating.

(c) The practice of silviculture, including the planting, thinning and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done except as required to construct and maintain roads which are necessary to conduct silviculture activities, which cannot as a practical matter be located outside the wetland, and which are designed and constructed to minimize the adverse impact upon the natural functions of the wetland, or except as required for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvicultural activities if not corrected.

Note: Local units of government, in the development and application of ordinances which apply to shoreland areas, must consider other programs of statewide interest and other state regulations affecting the lands to be regulated, i.e. regulations and management practices applicable to state and county forests and lands entered under the forest cropland and managed forest land programs.

(d) The pasturing of livestock and the construction and maintenance of fences, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(e) The cultivation of agricultural crops if cultivation can be accomplished without filling, flooding or artificial drainage of the wetland through ditching, tiling, dredging or excavating except that flooding, dike and dam construction, and ditching shall be allowed for the purpose of growing and harvesting cranberries. The maintenance and repair of existing drainage systems (such as ditching and tiling) shall be permitted. The construction and maintenance of roads shall be permitted if the roads are necessary for agricultural cultivation, cannot as a practical matter be located outside the wetland, and are designed and constructed to minimize the adverse impact upon the natural functions of the wetland.

(f) The construction and maintenance of duck blinds provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(g) The construction and maintenance of nonresidential structures, not to exceed 500 square feet, used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose which is compatible with wetland preservation if the structure cannot as a practical matter be located outside the wetland, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(h) The construction and maintenance of piers, docks and walkways, including those built on pilings, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done.

(i) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that no filling is done and that any private wildlife habitat area is used exclusively for that purpose. The owner or operator of a new private recreation or wildlife area to be located in a shoreland-wetland zoning district shall be required to notify the county zoning agency of the proposed project before beginning construction. Ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(j) The construction and maintenance of electric, gas, telephone water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

Note: Major electrical generating facilities and high-voltage transmission lines that have obtained a certificate of public convenience and necessity under s. 196.491, Stats., are not subject to the requirements of local ordinances.

(k) The construction and maintenance of railroad lines which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for the construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

(L) The maintenance, repair, replacement, and reconstruction of existing town and county highways and bridges.

(4) PROHIBITED USES IN SHORELAND-WETLAND ZONING DISTRICTS. Any use not permitted in sub. (3) is prohibited in a shoreland-wetland zoning district unless the wetland or portion thereof is rezoned by amendment of the county shoreland zoning ordinance in accordance with s. 59.69 (5) (e), Stats., and the procedures outlined in sub. (2) (c).

SECTION 9. NR 115.05 (title) is amended to read:

NR 115.05 Shoreland regulation standards and criteria. Minimum Zoning Standards for Shorelands.

SECTION 10. NR 115.05 (1) and (2) are repealed.

SECTION 11. NR 115.05 (3) is renumbered to NR 115.05 (1) and as renumbered is amended to read:

NR 115.05 (1) ESTABLISHMENT OF SHORELAND ZONING REGULATIONS FOR SHORELAND AREAS STANDARDS. The shoreland zoning ordinance adopted by each county shall ~~provide sufficient~~ sufficiently control of the use of shorelands to afford the protection of water quality as specified in chs. NR 102 and 103. At a minimum, the ordinance shall include all of the following provisions:

(a) Minimum lot sizes. Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

1. 'Sewered lots.' Lots served by public sanitary sewer shall have a minimum average width of 65 feet and a minimum area of 10,000 square feet.

2. 'Unsewered lots.' Lots not served by public sanitary sewer shall have a minimum average width of 100 feet and a minimum area of 20,000 square feet.

3. 'Substandard lots.' A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

b. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

c. The substandard lot or parcel is developed to comply with all other ordinance requirements.

4. 'Planned Unit Development.' A non-riparian lot may be created which does not meet the requirements of subd. 1. if the county has approved and recorded a plat or certified survey map including that lot within a planned unit development, if the planned unit development contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty.

(b) Building setbacks. Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. 1. 'Shoreland setback.' ~~Unless an existing development pattern exists, Except where exempt under subd. 1m.,~~ a setback of 75 feet from the ordinary high-water mark of an adjacent body of water any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures, ~~except piers, boat hoists and boathouses.~~ Where an existing development pattern exists, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of

the principal structure on each adjacent lot, but the shoreland setback may not be reduced to less than 35 feet from the ordinary high-water mark of any navigable waters.

Note: A property owner may seek a variance to a dimensional standard of the county ordinance and a county board of adjustment may review the request pursuant to s. 59.694(7)(c), Stats.

1m. 'Exempt structures.' All of the following structures are exempt from the shoreland setback standards in subd. 1.:

a. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

Note: This chapter does not prohibit repair and maintenance of boathouses located above the ordinary high-water mark.

b. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692 (1v), Stats.

c. Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Stats.

d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. Comm 83, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

f. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

2. 'Floodplain structures.' Buildings and structures to be constructed or placed in a flood plain shall be required to comply with any applicable flood plain zoning ordinance.

3. 'Boathouses.' The use of boathouses for human habitation and the construction or placing of boathouses beyond the ordinary high-water mark of any navigable waters shall be prohibited.

(c) ~~Trees and shrubbery-Vegetation.~~ The cutting of trees and shrubbery shall be regulated to To protect natural scenic beauty, fish and wildlife habitat, and water quality, control erosion, and reduce the flow of effluents, sediments and nutrients from the shoreland area. a county shall regulate removal of vegetation in shoreland areas, consistent with the following:

1. In the strip of land 35 feet wide inland from the ordinary high water mark, no more than 30 feet in any 100 feet shall be clear-cut. The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

Note: In developing and applying ordinances which apply to shoreland areas, local units of government must consider other applicable law and programs affecting the lands to be regulated, e.g., law and management practices that apply to state and county forests and lands entered under forest cropland and managed forest land programs, and ss. 59.692(2)(a) and 59.69(4)(a), Stats.

2. In shoreland areas more than 35 feet inland, trees and shrub cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.

3. The tree and shrubbery regulations required by this paragraph shall not apply to the removal of dead, diseased or dying trees or shrubbery. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

a. The county may allow routine maintenance of vegetation.

b. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed the lesser of 30 percent of the shoreline frontage or 200 feet.

c. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in section NR 1.25(2)(b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

d. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed under the permit be replaced by replanting in the same area as soon as practicable.

Note: Information regarding native plants, shoreland and habitat management is available from the University of Wisconsin-Extension publications website: <http://clean-water.uwex.edu/pubs/index.htm>.

e. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

(d) Filling, grading, lagooning, dredging, ditching and excavating. Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of sub. (2) NR 115.04, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

(e) Impervious surfaces. Counties shall establish impervious surface standards to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface, and shall require all of the following:

1. 'Calculation of percentage of impervious surface.' Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on a shoreland lot or parcel by the total surface area of that shoreland lot or parcel.

2. 'Impervious surface standard.' A county may allow up to 15% impervious surface on a shoreland lot or parcel.

3. 'Maximum impervious surface.' A county may allow more than 15% impervious surface but not more than 30% impervious surface on a shoreland lot or parcel, provided that the county issues a permit that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include existing or proposed measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the impervious surface being permitted.

Note: A property owner may seek a variance to a dimensional standard of the county ordinance and a county board of adjustment may review the request pursuant to s. 59.694(7)(c), Stats.

4. 'Existing impervious surfaces.' This chapter does not prohibit routine maintenance of all impervious surfaces that existed on the effective date of this rule ... [Legislative Reference Bureau insert date], or replacement of existing driveways, walkways, patios or similar surfaces at grade level.

(f) Height. To protect and preserve wildlife habitat and natural scenic beauty, on or after the effective date of this section ... [Legislative Reference Bureau insert date], a county may not permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

(e)(g) Nonconforming structures and uses. 1. 'General rule for nonconforming uses.' Under s. Pursuant to ss. 59.69 (10) (a) and 59.692 (2) (a), Stats., an ordinance enacted under those provisions may not prohibit the continuation of the lawful use of a building, structure or property, existing at the time that exists when an ordinance or ordinance amendment takes effect, which is not in conformity with the provisions of the ordinance or amendment, including routine maintenance of such a building or structure, shall may not be prohibited, but the alteration of, addition to, or repair, over the life of the building or structure, in excess of 50% of the equalized assessed value of an existing nonconforming building or structure may be prohibited. If a county prohibits alteration, addition or repair in excess of 50% of the equalized assessed value of an existing nonconforming building or structure, the property owner may either appeal the decision to the county board of adjustment and seek court review if the board's determination is unfavorable, under s. 59.694 (4) and (10), Stats., or petition to have the property rezoned under sub. (2) (e) and s. 59.69 (5) (e), Stats.

2. 'Nonconforming use of temporary structure.' The continuance of the nonconforming use of a temporary structure may be prohibited.

3. 'Discontinued nonconforming use.' If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

4. 'Maintenance of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b) 1. may be maintained and repaired within its existing building envelope. Maintenance and repair

includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding, or roof.

5. 'Expansion of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b)1, may be expanded beyond its existing building envelope, provided that all of the following requirements are met:

- a. The use of the structure has not been discontinued for a period of 12 months or more.
- b. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- c. No portion of the structure expansion will be located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- d. Unless all portions of the structure expansion are more than 75-feet from the ordinary high-water mark, the county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include measures that exist or are proposed to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted.

e. All other provisions of the shoreland ordinance shall be met.

Note: Other provisions include requirements such as height and impervious surface limitations.

Note: This code does not supercede s. 59.692(1s), Stats.

6. 'Replacement or relocation of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b)1, may be replaced or relocated on the property provided all of the following requirements are met:

- a. The use of the structure has not been discontinued for a period of 12 months or more.
- b. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- c. No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- d. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement in par. (b)1.

e. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include measures that exist or are proposed to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted.

f. The county shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shoreland setback requirement in par. (b)1, and are not exempt under par. (b)1m, to be removed by the date specified in the permit.

g. All other provisions of the shoreland ordinance shall be met.

Note: Other provisions include requirements such as height and impervious surface limitations.

Note: This code does not supercede s. 59.692(1s), Stats.

4-7. 'Boathouses.' The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Stats.

SECTION 12. NR 115.05 (4) is renumbered to NR 115.05 (2), and NR 115.05 (2) (intro) as renumbered is amended to read:

(2) ESTABLISHMENT OF LAND DIVISION REVIEW. Each county shall review, pursuant to s. 236.45, Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors should shall be considered:

SECTION 13. NR 115.05 (5) is renumbered to NR 115.05 (3).

SECTION 14. NR 115.05 (6) is renumbered to NR 115.05 (4), and NR 115.05 (4)(intro) and (4)(h) as renumbered are amended to read:

NR 115.05 (4) ADOPTION OF ADMINISTRATIVE AND ENFORCEMENT PROVISIONS. The shoreland ordinance adopted by each county shall ~~provide for~~require all of the following:

NR 115.05 (4) (h) Written notice to the appropriate ~~district~~regional office of the department at least 10 days prior to any hearing~~hearing on a proposed variances-variance, special exceptions exception or (conditional uses) permit, appeals~~appeal for a map or text interpretationsinterpretation, and map or text amendments amendment, and submission to the same office of the department of copies of decisions on variances, special exceptions (conditional uses), appeals for map or text interpretations, and map or text amendments within 10 days after they are granted or deniedcopies of all proposed land divisions submitted to the county for review under sub. (2). Upon request of the Department a county shall provide to the appropriate regional office a copy of any permit issued under sub. (1)(g).

SECTION 15. NR 115.05 (4) (hm) is created to read:

NR 115.05 (4) (hm) Submission to the appropriate regional office of the department, within 10 days after grant or denial, of copies of any permit granted under sub. (1) (g), any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

SECTION 16. NR 115.06 (2) is amended to read:

NR 115.06 (2) REVIEW AND APPROVAL OF SHORELAND ZONING AND LAND DIVISION ORDINANCES. When determining whether a shoreland zoning or subdivision ordinance or any subsequent amendment enacted by a county complies with s. 59.692, Stats., the department shall compare the ordinance and amendments with the minimum standards and requirements for shoreland regulation in this chapter.

(a) *Initial ordinance.* Compliance with the requirements of s. 59.692, Stats., will be determined by the department by comparing the shoreland zoning and land division ordinance that has been enacted by a county with the minimum standards for shoreland regulation contained in s. NR 115.05. The department shall issue a certificate of compliance when a county has, in the opinion of the department, complied with s. 59.692, Stats., and this chapter.

(b) *Amendments to ordinance.* The department shall periodically reevaluate shoreland zoning and land division ordinances to ascertain their continuing compliance with s. NR 115.05. 1. A county shall keep its shoreland zoning ordinance current, effective and workable to retain its status of compliance, and each county shall assure that the county shoreland ordinance continues to comply with this chapter by doing the following:

1. 'County duties.' A county shall keep its shoreland zoning and subdivision ordinances in compliance with s. 59.692, Stats., and this chapter by doing all of the following:

a. A county shall amend its shoreland and subdivision ordinances to meet the minimum standards in this chapter within two years after the effective date of this rule ...[Legislative Reference Bureau insert date].

b. Pursuant to s. NR 115.05 (4) (h) and (hm), a county shall provide the department notice of hearing on any proposed ordinance amendment and a copy of any decision denying or enacting an amendment.

2. 'Department duties.' a. The department may periodically reevaluate county shoreland zoning and subdivision ordinances for continuing compliance with s. 59.692, Stats., and this chapter.

b. The department shall review any ordinance amendment enacted pursuant to subd. 1.a. and shall issue a certificate of compliance when the amended ordinance, in the opinion of the department, complies with s. 59.692, Stats., and this chapter.

(c) *Proposed amendments to shoreland-wetland districts.* The department shall review all proposed amendments to shoreland-shoreland-wetland zoning districts pursuant to s. NR 115.05 (2) (e)

5.115.04 (2) to ensure that determine whether an ordinance which is amended as proposed will retain its status of compliance comply with s. 59.692, Stats., and this chapter.

SECTION 17. NR 115.06 (3) is amended to read:

NR 115.06 (3) (a) Failure to enact initial ordinance or amendments. ~~Counties which do~~ A county that does not have a shoreland zoning ordinance and land division subdivision ordinance in effect or that fails to amend its ordinance as required by sub. (2) (b) 1. shall be deemed to be in noncompliance with s. 59.692, Stats., and this chapter. Pursuant to s. 59.692 (6), Stats., and after notice and hearing, the department shall, pursuant to s. 59.692 (6), Stats., adopt an ordinance, after notice and hearing, if a county fails to either do one of the following:

1. Proceed with the drafting and enactment of Draft and enact shoreland regulations and subdivision ordinances or required amendments within a given time period, or, specified by the department.

2. Contact Contract with a consultant to draft the regulations shoreland and subdivision ordinances or required amendments and enact the ordinances within a given time period, or, specified by the department.

3. Cooperate with the staff of the department staff to draft the shoreland and subdivision ordinance ordinances or required amendments to be enacted by the county within a given time period specified by the department not to exceed 180 days. All costs for such action by the department shall be borne by the noncomplying county.

(b) Failure to meet minimum standards in initial ordinance or amendments. Counties which have shoreland zoning and land division subdivision ordinances or amendments that the department has reviewed under sub. (2) and found do not meet the minimum standards contained in s. NR 115.05 in this chapter shall be deemed to be in noncompliance with the requirements of s. 59.692, Stats., and this chapter, and the procedures in par. (a) shall apply. If a county fails to modify its ordinance to meet the minimum standards within 6 months after receipt of final amended Wisconsin wetland inventory maps for that county as required by s. NR 115.04 (2) (b), the department shall adopt an ordinance for the county, after notice and hearing, pursuant to s. 59.692 (6), Stats.

(c) Extension of time. The department may extend the time periods specified in pars (a) and (b) if it determines an extension is in the public interest.

(d) Costs. Pursuant to ss. 59.692 (6) and 87.30 (1) (c), Stats. the costs of any actions by the department under this subsection to adopt an ordinance or amendments shall be assessed against the county concerned and collected in substantially the same manner as other taxes levied by the state.

SECTION 18. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2)(intro.), Stats.

SECTION 19. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 24, 2009.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)

Attachment 3
NR 115 Public Hearing Appearances - 2007

First Name	Last Name	Address1	City	State	Zipcode	Hearing Attended	Position
Barbara	Borkometz	8074 Sand Bay Rd.	Sturgeon Bay	WI	54235	Green Bay	Oppose
Mary	Hafeman	8100 Sand Bay Rd.	Sturgeon Bay	WI	54235	Green Bay	Oppose
Ethel	Macohow	Box 67	Suamico	WI	54173	Green Bay	Oppose
Eric	Anderson	419 Pleasant Ln.	Kaukauna	WI	54130	Green Bay	Undecided
Bill	Bosiaki	305 E. Walnut	Green Bay	WI	54302	Green Bay	Oppose
Jim	Erdman	2492 Hickory Ln.	Oshkosh	WI	54901	Green Bay	Oppose
Tim	Halbrook	3681 Monroe Rd.	Depere	WI	54115	Green Bay	Oppose
Matt	Heyroth	305 E. Walnut	Green Bay	WI	54305	Green Bay	Oppose
Tony	Jeanquart	318 Terraqua Dr.	Kewaunee	WI	54216	Green Bay	Undecided
David	Sautebin	421 Nebraska St.	Sturgeon Bay	WI	54235	Green Bay	Oppose
Jon	Molquin	W2254 Raspberry Ln.	Appleton	WI	54913	Green Bay	Undecided
Jennifer	Sunstrom	6124 Aerotech Dr.	Appleton	WI	54911	Green Bay	Undecided
Pete	Tarnowski	4319 Expo Dr.	Manitowoc	WI	54221	Green Bay	Undecided
Lyle	Vaness	3162 County Hwy S	Suamico	WI		Green Bay	Oppose
Julie	Yelle	811 Packerland Dr.	Green Bay	WI	54304	Green Bay	Oppose
Walter	Hellyer	Box 190	Fish Creek	WI	54212	Green Bay	
Anthony	Zielinski	W7652 Riverview Dr.	Shawano	WI	54166	Green Bay	Oppose
Paul	Stangel	5428 E. Sylvan View	Sturgeon Bay	WI		Green Bay	Oppose
John	Ainsworth	W6382 Waukeehan Rd.	Shawano	WI	54160	Green Bay	Oppose
Halina	Stankevyn	1016 S. Webster Ave.	Green Bay	WI	54301	Green Bay	Oppose
James	O'Leary	3183 N. Nicolet Dr.	Green Bay	WI		Green Bay	
Jerome	Meulemanis	3579 Lost Dauphin Rd.	Depere	WI	54115	Green Bay	Oppose
Tom	Landueher	2426 Old Plank Rd.	Depere	WI	54115	Green Bay	Undecided
Shirley	Doepker	444 Keune St.	Seymour	WI	54165	Green Bay	
Aibert	Doepker	444 Keune St.	Seymour	WI	54165	Green Bay	
David	Reinheimer	Box 212	Cecil	WI	54111	Green Bay	Oppose
Rick	Marto	2584 Longlail Beach Ln.	Suamico	WI	54173	Green Bay	Undecided
Anthony	Vogt	5875 Topaz Ct.	New Franken	WI	54229	Green Bay	Oppose
Sue	Vogt	1411 Ponderosa Ave.	Green Bay	WI	54313	Green Bay	Oppose
LeRoy	Vogt	1411 Ponderosa Ave.	Green Bay	WI	54313	Green Bay	Oppose
Patrick	Beimborn	520 Skyline Blvd.	Green Bay	WI	54302	Green Bay	
Mark	Hassman	3670 Shangri La Pt. Rd.	Oshkosh	WI	54904	Green Bay	Oppose
August	Neurman	5237 Edgewater Beach Rd.	Green Bay	WI	54311	Green Bay	Oppose
Richard	Marto	2544 Longlail BH Ln.	Suamico	WI		Green Bay	Oppose
Scott	Laing	W3208 Kropp Rd.	Seymour	WI	54165	Green Bay	Oppose
Kevin	Miller	2280-B Salscheider Ct.	Green Bay	WI	54313	Green Bay	Undecided
Fred	Lewens	13012 Rosecrans Rd.	Maribel	WI	54227	Green Bay	Oppose
Mark	Eggert	W6733 Homewood Ave.	Shawano	WI	54166	Green Bay	Oppose
Vilas	Krueger	W6348 Rustic Dr.	Clintonville	WI	54929	Green Bay	
Dayid	Schowalter	2424 W. Wintergreen Dr.	Grand Chute	WI	54914	Green Bay	Oppose
Milton	Rentheester	2869 Fox Ln.	Brussels	WI	54204	Green Bay	
Jean	Moran	5421 5th Ave.	Kenosha	WI	53140	Green Bay	
Robert	Pittluck	4847 Edgewater Beach Rd.	Green Bay	WI	54311	Green Bay	Oppose
D.	Volpano	2005 Lost Dauphin	Depere	WI	54115	Green Bay	
Robert	Bush	3062 Bayview Dr.	Green Bay	WI	54311	Green Bay	Oppose
A.	Brolin	360 Bretcoe Dr.	Green Bay	WI	54302	Green Bay	Oppose
Laddie	Chapman	4102 Gridden Dr.	Sturgeon Bay	WI	54235	Green Bay	
Mary Jo	Dean	4125 Nicolet Dr.	Green Bay	WI	54311	Green Bay	Oppose
Bill	Dean	4125 Nicolet Dr.	Green Bay	WI	54311	Green Bay	Oppose
Julie	Fossum	2788 Lost Dauphin Rd.	Depere	WI	54115	Green Bay	
John	Malloy	1140 Pinecrest Rd.	Green Bay	WI	54313	Green Bay	Undecided
Geraldine	Rademacher	2880 Lost Dauphin	Depere	WI	54115	Green Bay	
Gerald	Drossart	2994 Blue Moon Dr	Green Bay	WI	54311	Green Bay	Oppose
Howard	Unrath	N2569 Rustic Dr.	Clintonville	WI	54929	Green Bay/individual	Support
Don	Rahn		Cecil	WI		Green Bay/individual	oppose
Eric	Andersen		Kaukauna	WI		Green Bay/individual	support
Jim	Merten	1087 Cozy Ln.	Oshkosh	WI		Green Bay/Oshkosh	Oppose
Jim	Flanigan			WI		Hayward	
Jim	Brakken	45255 E. Cable Lake Rd.	Cable	WI	54821	Hayward	Support
Phil	Nies	14412 W. Co K	Hayward	WI	54843	Hayward	Oppose
Chris	Jeffords	Box 20	Hayward	WI	54843	Hayward	Support
Fred	Anderson		Gordon	WI		Hayward/individual	Oppose- too permissive
Sandy	Anderson		Gordon	WI		Hayward/individual	Oppose- too permissive
Raymond	Batley	1519 Cowling Bay Rd	Neenah	WI	54956	Oshkosh	Oppose
Darryn	Burich	Box 1130	Oshkosh	WI		Oshkosh	Oppose
Sean	Casper	19 Wauboo Ave	Oshkosh	WI	54901	Oshkosh	Oppose
Ernst	Clarenbach	160 S Macy St	Fond du Lac	WI	54935	Oshkosh	Oppose
Tim	Cook	Box 84	Butte des Morts	WI	54927	Oshkosh	Undecided
Bill	Demler	4625 Plummers Pt Rd	Oshkosh	WI	54901	Oshkosh	Oppose
Noel	Doide	504 S Oxford St	Wautoma	WI	54982	Oshkosh	Support
William	Ehmke	6603 Lasley Shore Dr.	Winneconne	WI	54986	Oshkosh	
Karen	Koumoundouros	4581 Plummers Pt Rd	Oshkosh	WI		Oshkosh	Oppose
Jim	Erdman	2492 Hickory Ln.	Oshkosh	WI	54901	Oshkosh	Oppose
Charles	Farrey	4814 Co Rd GG	Oshkosh	WI	54904	Oshkosh	
Les	Flaherty	4144 Coronado Ln	Oshkosh	WI	54902	Oshkosh	Oppose
Gerald	Frey	4804 Island View Dr	Town of Oshkosh	WI	54901	Oshkosh	Oppose
Jon	Guiles	Box 1124	Oshkosh	WI	54903	Oshkosh	Oppose
Eugene	Hintz	2060 LaVela Circle	Brookfield	WI	53005	Oshkosh	Oppose
Ian	House	5531 Co Rd S	Oshkosh	WI	54904	Oshkosh	Oppose
T. Steven	Karow	4710 Island View Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Robert	Hoffman	7148 Shoreline Dr	Winneconne	WI	54986	Oshkosh	Oppose
Patrick	Kriz	2484 Hickory Ln	Oshkosh	WI	54904	Oshkosh	Oppose
Kathryn	Larson	1935 Doemel St	Oshkosh	WI	54901	Oshkosh	Oppose
Thomas	McDermott	4392 S US Hwy 45	Oshkosh	WI		Oshkosh	Oppose
Bob	McGuire	330 Shoreland St	Oshkosh	WI	54901	Oshkosh	Oppose
Jim	Merten	1087 Cozy Ln.	Oshkosh	WI	54901	Oshkosh	Oppose
Brian	Noe	5156 David Dr	Oshkosh	WI	54904	Oshkosh	Oppose
Charlie	Overton	5310 Ivy Ln	Oshkosh	WI	54904	Oshkosh	Undecided
Bernard	Pitz	617 W Irvine Ave	Oshkosh	WI	54901	Oshkosh	Oppose
Eric	Rasmussen	448 Algoma Blvd	Oshkosh	WI	54901	Oshkosh	Oppose

**Attachment 3
NR 115 Public Hearing Appearances - 2007**

First Name	Last Name	Address1	City	State	Zipcode	Hearing Attended	Position
Cary	Rowe	403 S Eagle St	Oshkosh	WI	54902	Oshkosh	Oppose
Steven	Spanbauer	490 Sunrise Bay Rd	Neenah	WI	54956	Oshkosh	Oppose
John	Thiel	2971 Ryf Rd	Oshkosh	WI	54904	Oshkosh	Oppose
Dan	Winkler	4785 Plummers Pt	Oshkosh	WI	54904	Oshkosh	Oppose
Mark	Vanden Boogard	W2864 Emons Rd	Appleton	WI	54915	Oshkosh	Oppose
Harold	Erchstadt					Oshkosh	
Ron	Gartman	2409 Burnwood	Oshkosh	WI		Oshkosh	
Dave	Hansen	2708 Shorehaven Ln	Oshkosh	WI		Oshkosh	Undecided
Mark	Hansen	1450 Brooks Ln	Oshkosh	WI	54904	Oshkosh	Oppose
Mike	Hildahl	3278 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Thomas	Holdorf	409 S First St	Winneconne	WI	54986	Oshkosh	Undecided
Roger	Kerkhoff	6734 Sunset Tr		WI		Oshkosh	
Virginia	Krohn	3103 Bellaire Ln	Oshkosh	WI	54904	Oshkosh	Oppose
Terry	Kisan	1754 Mill	Oshkosh	WI		Oshkosh	
Gene	Kubastz	400 N Campbell Rd	Oshkosh	WI	54902	Oshkosh	Oppose
Sara	Lautenschlager	1754 River Mill Rd	Oshkosh	WI	54901	Oshkosh	
Albert	Lind	6410 S US Hwy 45	Oshkosh	WI	54902	Oshkosh	
Kathleen	Rietz	3010 Lake Rest Ln	Oshkosh	WI	54904	Oshkosh	Oppose
Nancy	Ellefson	1850 Hickory Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Peta	Fransway	1407 Cowling Bay Rd	Neenah	WI	54956	Oshkosh	Oppose
Martha	Schultz	6086 Old Glory Rd	Neenah	WI	54956	Oshkosh	Oppose
John	Kowalchuk	N95 W25188 Whitewater Rd	Colgate	WI	53017	Oshkosh	Oppose
Robert	Hoffman	7148 Shoreline Dr	Winneconne	WI	54986	Oshkosh	Undecided
Rockwell	Daehler	6779 Sunset Tr	Winneconne	WI	54986	Oshkosh	
Rosalie	Daehler	6779 Sunset Tr	Winneconne	WI	54986	Oshkosh	
Maribeth	Monday	6071 Black Wolf Pt	Oshkosh	WI	54902	Oshkosh	Oppose
Ralph	Neill	6071 Black Wolf Pt	Oshkosh	WI	54902	Oshkosh	Oppose
Gary	Wojowski	5515 Co Rd S	Oshkosh	WI	54904	Oshkosh	Oppose
Richard	Ehika	5168 I Alt Maytah Rd	Oshkosh	WI	54901	Oshkosh	
Yvonne	Steiner	3015 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Tom	Peoher	3305 B Walden Ln	Oshkosh	WI	54984	Oshkosh	Oppose
William	Anonymous	6724 Sunset Tr	Winneconne	WI	54986	Oshkosh	
Bill	Wisner	6641 Lasley Shore	Winneconne	WI		Oshkosh	Undecided
Ginny	Wojtowski	5515 Co Rd S	Oshkosh	WI	54904	Oshkosh	Oppose
James	Zahzig	6571 Lasley Shore Dr	Winneconne	WI		Oshkosh	
Janice	Nettakoven	6117 E Lyngaas	Winneconne	WI	54986	Oshkosh	Oppose
William	Oberkriesen	3960 Windermere Ln	Oshkosh	WI	54902	Oshkosh	Oppose
Corey	Parollina	5290 Channel View Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Mary	Remillard	3790 Paukotrek Ln	Oshkosh	WI	54902	Oshkosh	Oppose
Charles	Riese	4646 Island View Dr	Oshkosh	WI		Oshkosh	
Lyle	Prudy	1563 Story Town Rd	Oregon	WI	53575	Oshkosh	
W.J.	Sehlapmau	6431 Paulson Rd	Winneconne	WI	54986	Oshkosh	
Enid	Schroder	730 W 5th Ave	Oshkosh	WI	54902	Oshkosh	Undecided
Curtis	Bahr	3653 Edgewater Ln	Oshkosh	WI	54902	Oshkosh	
Shannon	Roxx	172 W24th Ave	Oshkosh	WI	54902	Oshkosh	Oppose
Dennis	Brucks	2955 E Ridge Place	Neenah	WI	54956	Oshkosh	Oppose
Bill	Casper	833 Windward Ct	Oshkosh	WI	54901	Oshkosh	Undecided
Robert	Cummins	4750 Island View	Oshkosh	WI	54901	Oshkosh	Oppose
Mike	Embs	2200 Eaglewood Ln	Oshkosh	WI	54904	Oshkosh	
Douglas	Bohn	Box 137	Waukan	WI	5498	Oshkosh	Undecided
Bob	Schmeicher	Co Hwy N	Appleton	WI		Oshkosh	
Audrey	Wagner	2260 N Haven Ln	Oshkosh	WI		Oshkosh	Undecided
Watson	Whiteside	5172 Chesapeake Ct	Oshkosh	WI	54901	Oshkosh	Oppose
Nancy	Zimmerman	1467 Cowling Bay Rd	Neenah	WI	54956	Oshkosh	Oppose
Mike	Toivstad	16 Garfield St	N Fond Du Lac	WI	54957	Oshkosh	Undecided
Jack	Sullivan	4880 Island View	Oshkosh	WI	54901	Oshkosh	Oppose
Matt	Merten	1054 Cozy Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Jim	Kiser	1740 River Mill Rd	Oshkosh	WI	54901	Oshkosh	Oppose
Carol	Kaufmann	2677 Indian Pt Rd	Oshkosh	WI	54901	Oshkosh	Oppose
Paul	Jansen	1734 River Mill Rd	Oshkosh	WI	54901	Oshkosh	
Helen	Schultz	W157 N9779 Glenwood Rd	Germanstown	WI	53022	Oshkosh	Oppose
Gerald	Schultz	W157 N9779 Glenwood Rd	Germanstown	WI	53022	Oshkosh	Oppose
John	McDermott	3708 Candlish Harbor Ln	Oshkosh	WI	54902	Oshkosh	Oppose
Jodene	Giacomini	4288 Lamplighter Ln	Colgate	WI	53017	Oshkosh	Oppose
Dean	Giacomini	4288 Lamplighter Ln	Colgate	WI	53017	Oshkosh	Oppose
Nancy Mary	Ellefson	1850 Hickory Ln	Oshkosh	WI	54901	Oshkosh	
William	Lahala	1717 Western St	Oshkosh	WI	54901	Oshkosh	Undecided
Wally	Wagner	2260 N Haven Ln	Oshkosh	WI	54904	Oshkosh	Oppose
Susan	Berry	5190 Chesapeake Ct	Oshkosh	WI	54901	Oshkosh	Oppose
Jeffrey	Breier	5080 Island View Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Stephen	Merfeld	1692 Grundman Ln	Oshkosh	WI		Oshkosh	Oppose
Lyle	Forsgren	5517 St Rd 44	Oshkosh	WI	54904	Oshkosh	Support
Sandy	Forsgren	5517 St Rd 44	Oshkosh	WI	54904	Oshkosh	Support
Jim	Mitchell	1825 Hickory Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Lori	Mitchell	1825 Hickory Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Robert	Straveler	2122 Point Comfort	Oshkosh	WI	54902	Oshkosh	
Nancy Sue	Straveler	2122 Point Comfort	Oshkosh	WI	54902	Oshkosh	
John	Vette	505 Lake Rd	Oshkosh	WI	54902	Oshkosh	Undecided
Susan	Vette	505 Lake Rd	Oshkosh	WI	54902	Oshkosh	Undecided
Terry	Gable	1639 Liberty St	Oshkosh	WI	54901	Oshkosh	Oppose
Jim	Englund	861 Park Ridge Ave	Oshkosh	WI	54901	Oshkosh	Oppose
Sherry	Englund	861 Park Ridge Ave	Oshkosh	WI	54901	Oshkosh	Oppose
Andrew	Manser	1371 Pinehurst Ln	Neenah	WI	54956	Oshkosh	Oppose
Jeff	Green	4812 Island View Dr	Oshkosh	WI		Oshkosh	Undecided
Mark	Tushar	1905 Doemel St	Oshkosh	WI	54901	Oshkosh	Support
James	Schultz	6086 Old Glory Rd	Neenah	WI	54956	Oshkosh	Oppose
Lisa	Kerrigan	120 Kappell Dr	Neenah	WI		Oshkosh	
Shirley	Ries	55 N Military Rd	Fond du Lac	WI		Oshkosh	Support
James	Ries	55 N Military Rd	Fond du Lac	WI	54935	Oshkosh	Support
Barbara	Salemi	5057 Rivermoor Dr	Omro	WI	54963	Oshkosh	Oppose

**Attachment 3
NR 115 Public Hearing Appearances - 2007**

First Name	Last Name	Address1	City	State	Zipcode	Hearing Attended	Position
Eric	Hoffman	5057 Rivermoor Dr	Omro	WI	54963	Oshkosh	Oppose
Allison	Garner	4712 Bayview Ln	Oshkosh	WI	54902	Oshkosh	Oppose
Joseph	Belongia	1728 Grundman Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Kristin	Belongia	1728 Grundman Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Susan	Zirbel	1742 Grundman Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Mark	Zirbel	1742 Grundman Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Jack	Darland	3448 Oakland Ln	Oshkosh	WI	54902	Oshkosh	Undecided
Don	Anders	N10555 Surrey Dr	Germanstown	WI	53022	Oshkosh	
Robert	Vacheresse	2807 Sunset Pt Ln	Oshkosh	WI	54904	Oshkosh	Oppose
Gary	Bucholtz	2811 Sunset Pt Ln	Oshkosh	WI		Oshkosh	Oppose
Mike	Meyer	6434 Paynes Pt Rd	Neenah	WI	54956	Oshkosh	Oppose
Shirley	Meyer	6434 Paynes Pt Rd	Neenah	WI	54956	Oshkosh	Oppose
Shirley	Beck	204 Indian Pt Rd	Oshkosh			Oshkosh	
Luis	Kranggo	3280 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Susan	Hildahl	3278 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Robert	Hamon	5154 Streich Ln	Oshkosh	WI	54902	Oshkosh	
Darlene	Harmon	5154 Streich Ln	Oshkosh	WI	54902	Oshkosh	
Karl	Mathews		Oshkosh	WI	54901	Oshkosh	
Chris	Porath	1537 Cowling Bay Rd	Neenah	WI	54956	Oshkosh	Oppose
William	Porath	1533 Cowling Bay Rd	Neenah	WI	54956	Oshkosh	Oppose
Mike	Angle	Box 1235	Oshkosh	WI	54903	Oshkosh	
Colleen	Roy	5464 E Reighmoor Rd	Omro	WI	54963	Oshkosh	Oppose
Sharon	Schatz	1210 Shorewood Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Wail	Knaggs	3280 Shorewood Ln	Oshkosh	WI	54901	Oshkosh	Oppose
John	Steiner	3015 Shorewood Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Darlene	Thein	108 Rickers Bay Rd	Neenah	WI	54956	Oshkosh	Oppose
Loren	Gerken	6466 Paynes Pt Rd	Neenah	WI	54956	Oshkosh	Oppose
Marge	Gerken	6466 Paynes Pt Rd	Neenah	WI	54956	Oshkosh	Oppose
John	Koebel	5220 I-Ah-Maytah Rd	Oshkosh	WI	54901	Oshkosh	Oppose
Tom	Verkuilsen	40 Captains Ct	Winneconne	WI	54986	Oshkosh	Undecided
James	Janes	Box 175	Butte des Morts	WI	54927	Oshkosh	Oppose
RF	Douglas	155 Poplar Ct	Neenah	WI	54956	Oshkosh	Oppose
Virginia	Berrens	1736 Grundman Ln	Oshkosh	WI	54901	Oshkosh	Oppose
Nancy	Pitz	617 Irvine Ave	Oshkosh	WI	54901	Oshkosh	Oppose
Kathie	Kerkhoff	6734 Sunset Tr	Winneconne	WI	54986	Oshkosh	Undecided
Anonymous	Anonymous	W5026 W Long Lake Rd	Waupaca	WI	54981	Oshkosh	Oppose
Cindy	Overton	5310 Ivy Ln	Oshkosh	WI	54904	Oshkosh	Undecided
Christine	Paulik	6785 Olen Tr	Winneconne	WI	54986	Oshkosh	
Michael	Paulik	6785 Olen Tr	Winneconne	WI	54986	Oshkosh	
John	Hay	1685 James Rd	Oshkosh	WI		Oshkosh	
Mark	Czerwinski	4585 Plummers Pt Rd	Oshkosh	WI	53094	Oshkosh	
Randall	Brown	5175 Chesapeake Ct	Oshkosh	WI	54901	Oshkosh	Oppose
Gerl	Gagnon	7825 Boom Bay Hts Rd	Larsen	WI	54947	Oshkosh	Oppose
Al	Sedlachek	2800 Marine Dr	Oshkosh	WI	54901	Oshkosh	
Lois	Fransway	1407 Cowling Bay Rd	Neenah	WI	54956	Oshkosh	Oppose
Dale	Bahr	6654 Wentzel Rd	Winneconne	WI		Oshkosh	Oppose
Marco	Brazzale	6567 Lesley Shors Dr	Winneconne	WI	54986	Oshkosh	
Ed	Werner	5768 I-Ah-Maytah Rd	Oshkosh	WI	54901	Oshkosh	Oppose
Bob	Tillmann	1934 Maple Rd	Grafton	WI	53024	Oshkosh	Oppose
Mary	Schultz	6655 Lasley Shores Rd	Winneconne	WI	54986	Oshkosh	Undecided
Rose	Doro	644 Hunters Pt Rd	Neenah	WI	54956	Oshkosh	Oppose
Thomas	Kuzmack	8300 Brandon	Winneconne	WI		Oshkosh	Oppose
Tim	Roy	5462 E Reighmoor Rd	Omro	WI	54963	Oshkosh	Oppose
Ivan	Werner	5196 I-Ah-Maytah Rd	Oshkosh	WI	54901	Oshkosh	Oppose
Pauline	Werner	5196 I-Ah-Maytah Rd	Oshkosh	WI	54901	Oshkosh	Oppose
Gordon	Russell	5152 I Ah Maytah Rd	Oshkosh	WI	54901	Oshkosh	
Nancy	Russell	5152 I Ah Maytah Rd	Oshkosh	WI	54901	Oshkosh	
Ed	Havlik	5592 Lake Rd	Oshkosh	WI	54902	Oshkosh	Oppose
Ronald	Brooks	5582 Lake Rd	Oshkosh	WI	53226	Oshkosh	Oppose
Lenore	Brooks	5582 Lake Rd	Oshkosh	WI	53226	Oshkosh	Oppose
Ken	Krohn	3103 Bellaire Ln	Oshkosh	WI	54904	Oshkosh	Oppose
Richard	Vande Hey	6435 Paulson Rd	Winneconne	WI	54986	Oshkosh	
James	Noffke	2600 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Lorraine	Noffke	2600 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Patrick	Kerrigan	6441 Paulson Rd	Winneconne	WI	54986	Oshkosh	Oppose
Linda	Somers	4206 Town Line Rd	Amherst	WI	54406	Oshkosh	Oppose
Tom	Meiera	N3029 State Rd 44	Appleton	WI	54913	Oshkosh	Oppose
Todd	Lavey	314 Lakeview Ave	Hortonville	WI	54944	Oshkosh	Oppose
Douglas	Bohn	Box 137	Waukan	WI	54980	Oshkosh	Undecided
Nile	Sweel	2131 Point Comfort Rd	Oshkosh	WI	54902	Oshkosh	Undecided
Terri	Kowalchuk	N95 W25188 Whitewater Rd	Colgate	WI	53017	Oshkosh	Oppose
Karen	Ashjornson	Box 7882	madison	WI	53707	Oshkosh	
Robert	Mevlemans	7249 Clark Pt Rd	Winneconne	WI		Oshkosh	
Earl	Swick	7187 Clark's Pt Rd	Winneconne	WI	54836	Oshkosh	Oppose
Gene	Seguin	1612 N Rexford	Appleton	WI	54914	Oshkosh	
Susan	Westphal	3675 Shangri-la Pt	Oshkosh	WI	54904	Oshkosh	Oppose
John	Westphal	3675 Shangri-la Pt	Oshkosh	WI	54904	Oshkosh	Oppose
Helen	Briwa	2836 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Vicky	Captaine	2840 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Susan	Casper	233 Windward Ct	Oshkosh	WI		Oshkosh	Oppose
Melissa	Casper	918 Starboard Ct	Oshkosh	WI	54901	Oshkosh	Oppose
Bill	Hammond	5252 I Ah Maytah Rd	Oshkosh	WI		Oshkosh	Oppose
David	O'Brien	5181 I Ah Maytah Rd	Oshkosh	WI	54901	Oshkosh	Oppose
Stephen	Kohel	4544 Island View Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Anthony	Combs	5042 Lansing High Point	Oshkosh	WI	54904	Oshkosh	Oppose
Mark	Kinderman	4511 Plummers Pt Rd	Oshkosh	WI	54904	Oshkosh	Oppose
Raymond	Bulgarelli	4581 Plummers Pt Rd	Oshkosh	WI		Oshkosh	Oppose
Bob	Braun	Box 2808	Oshkosh	WI	54901	Oshkosh/Individual	Oppose
Jack	Quigley	6284 Dowling Rd	Omro	WI	54963	Oshkosh/Individual	Support
Jeff	Fauske	4660 Island View Dr.	Oshkosh	WI	54901	Oshkosh/Individual	Oppose

**Attachment 3
NR 115 Public Hearing Appearances - 2007**

First Name	Last Name	Address1	City	State	Zipcode	Hearing Attended	Position
Debbie	Johnston	N2591 37th Ave	Omro	WI	54963	Oshkosh/Individual	Oppose
Brady	Johnston	N2591 37th Ave	Omro	WI	54963	Oshkosh/Individual	Oppose
Keith	Rhodes	6829 Sunset Trail	Winnecone	WI	54986	Oshkosh/Individual	Oppose
John	Koehl		Oshkosh	WI		Oshkosh/Individual	Oppose
Mark	Vanden Bodgard		Appleton	WI		Oshkosh/Individual	Support & oppose parts
Carol	Capener		Menasha	WI		Oshkosh/Individual	Oppose
Robert	Probst		Menasha	WI		Oshkosh/Individual	Oppose
Gary	Wojlowski		Oshkosh	WI		Oshkosh/Individual	Oppose
Kathleen	Omori		Honolulu	HI		Oshkosh/Individual	Oppose
Pat	McKearn		New Auburn	WI		Oshkosh/Individual	Oppose- too permissive
Jeannette	Merten			WI		Oshkosh/Individual	Oppose
Bill	Obarkrieser		Oshkosh	WI		Oshkosh/Individual	Oppose
William	Clark		Oshkosh	WI		Oshkosh/Individual	Oppose
Sue	Clark		Oshkosh	WI	54901	Oshkosh/Individual	Oppose
Harold	Eichstadt	1820 Vinland Rd.	Oshkosh	WI	54901	Oshkosh/Individual	Oppose
Michael	Barrett	4317 Riverside Dr.	Waterford	WI	53185	Pewaukee	Oppose
Michael	Campbell	1221 N. Jennins Dr.	Oconomowoc	WI	53066	Pewaukee	Oppose
Erik	Engdahl	2619 Lavine Ln.	Waukesha	WI	53189	Pewaukee	Undecided
John	Farrow	W262 N2402 Deer Haven Dr.	Pewaukee	WI	53072	Pewaukee	Oppose
Phil	Gaudat	333 E Washington St.	West Bend	WI	53095	Pewaukee	Support
Lori	Grant	302 E. Wilson Ave.	Madison	WI	537073	Pewaukee	Undecided
Eugene	Hintz	2060 Lakela Circle	Brookfield	WI	53005	Pewaukee	Undecided
Charles	Hoke	3618 N. LakeDr.	Shorewood	WI	53211	Pewaukee	Oppose
Cynthia	Kent	N9134 East Shore Rd	East Troy	WI	53120	Pewaukee	Oppose
William	Kent	N9134 East Shore Rd	East Troy	WI	53120	Pewaukee	Oppose
Elaine	Kraut	1505 N. Golden Lake Rd.	Oconomowoc	WI	53066	Pewaukee	Oppose
John	Matthews	17135 Greenwood Ct.	Brookfield	WI	53005	Pewaukee	Support
Cheryl	Nenn	1845 N. Farwell Ave.	Milwaukee	WI	53202	Pewaukee	Oppose
Ronald	Pearson	N21 W29882 Glen Cove Rd.	Pewaukee	WI	53072	Pewaukee	Oppose
James	Pierce	N51 W26274 Autumn Trail	Pewaukee	WI	53072	Pewaukee	Oppose
John	Roelands	N73 W36398 S. Shore Dr.	Oconomowoc	WI	53066	Pewaukee	Oppose
Carlos	Sierra	336 6th Place	Racine	WI	53403	Pewaukee	Oppose
William	Smith	3352 N Interlaken Dr.	Oconomowoc	WI	53066	Pewaukee	Support
Kristen	Wilhelm	3851 W College Ave	Milwaukee	WI	53221	Pewaukee	Support
Hans	Weissgerber	34625 Spring Band Rd.	Oconomowoc	WI	53066	Pewaukee	Oppose
Stephen	Anderson	715 N Main	Hartford	WI	53027	Pewaukee	Support
Jemy	Heine	W326 N7050 N Lake Rd	Hartland	WI	53029	Pewaukee	Oppose
Donna	Goodrich	3783 Shady Ln	New Berlin	WI		Pewaukee	Support
Jon	Spheeris	N76 W36207 Saddlebrook Ln	Oconomowoc	WI	53066	Pewaukee	Oppose
E. John	Roasch	W296 N2240 Glen Cove Rd	Pewaukee	WI	53072	Pewaukee	Oppose
James	Bourdo	W224 S10550 Big Bend Rd	Big Bend	WI	53103	Pewaukee	Support
Edward	Hoffer	S105 W29894 Circle Dr	Mukwonago	WI		Pewaukee	Support
J. Scott	Mathie	N16 W23321 Stone Ridge Dr	Waukesha	WI	53188	Pewaukee	Oppose
Marnie	Stuck	12300 W Center ST	Milwaukee	WI	53222	Pewaukee	Oppose
Mark	Laughran	5863 Riverside Dr	Greendale	WI	53129	Pewaukee	Oppose
John	Jung	3354 Lake Dr	Hartford	WI	53027	Pewaukee	Undecided
David	Taube	S75 W18687 Kingston Dr	Muskego	WI	53150	Pewaukee	Oppose
Gerald	Peterson	N7622 Pleasant Pl Circle	Elkhorn	WI	53121	Pewaukee	Oppose
Judy	Kolbe	1111 E Sweetbriar	Hartland	WI	53029	Pewaukee	Oppose
David	Horstick	N23 W27193 Shelley Lynn Rd	Pewaukee	WI	53072	Pewaukee	Oppose
Richard	Sawalske	4111 Lake St.	Burlington	WI	53105	Pewaukee	Undecided
Susan	Hein	109 S Kane St	Burlington	WI	53105	Pewaukee	Oppose
Phil	Hein	109 S Kane St	Burlington	WI	53105	Pewaukee	Oppose
Edward	Walsh	250 S Edward Blvd	Lake Geneva	WI	53147	Pewaukee	Oppose
Jim	Marlin	N27 W27086 Woodland Dr	Pewaukee	WI	53072	Pewaukee	Oppose
Tom	Jordens	N2390 Hwy 67	Neosho	WI	53059	Pewaukee	Support
Guy	Kaday	W372 Hwy L	East Troy	WI		Pewaukee	Oppose
Lawrence	Barb	Box 11	Okaochee	WI	53069	Pewaukee	Oppose
Mike	Borel	Box 495	Okaochee	WI	53069	Pewaukee	Oppose
Ron	Borowski	W340 N4859 Road O	Nashotah	WI	53058	Pewaukee	Oppose
Walter	Schaeffer	N25 W22454 Ridgewood Ln	Waukesha	WI	53186	Pewaukee	Oppose
Glenn	Wilhelm	21030 N 133rd St	Brookfield	WI	53005	Pewaukee	Undecided
Robert	Lorier	W273 N875 Robby Ln	Waukesha	WI	53186	Pewaukee	Undecided
Jun Ta	Selle	Box 700168	Dostburg	WI	53070	Pewaukee	Undecided
	Zimbric	N81 W28766 Park Dr	Hartland	WI	53029	Pewaukee	Undecided
Rick	Bodstrup	W376 S4877 E Pretty Lake Rd	Dousman	WI	53118	Pewaukee	Oppose
Linda	Kilmer	485 Pebble Creek Pass	Wales	WI	53183	Pewaukee	Oppose
Sandra	Schmidt	467 Park Place	Pewaukee	WI	53072	Pewaukee	Oppose
Kelly	Kruger	921 Meadowbrook Rd	Waukesha	WI	53189	Pewaukee	Undecided
Pam	Long	1519 E. Kake Bluff	Shorewood	WI	53211	Pewaukee	Oppose
Deborah	Sloane	521 Rawlins dr	Waukesha	WI	53188	Pewaukee	Oppose
David	Doem	4244 S 13th St	Milwaukee	WI	53221	Pewaukee	Oppose
Martin	Griffin	221 N 7th St	Madison	WI	53704	Pewaukee	Support
Bill	Milton	1208 Aspen Ct	Delafield	WI	53018	Pewaukee	Oppose
Daryl	Ramlow	322 Criglas Rd	Wales	WI	53183	Pewaukee	Oppose
Judy	Ramlow	322 Criglas Rd	Wales	WI	53183	Pewaukee	Oppose
David	Schwanz	563 W34951 Ulrikson Rd	Eagle	WI	53119	Pewaukee	Oppose
David	Sunderlage	2519 Lancaster Dr	Waukesha	WI	53188	Pewaukee	Undecided
Donald	Henckel	N37 W26849 Kopmeier Dr	Pewaukee	WI	53072	Pewaukee	Oppose
Glenn	MacDonald	W3423 Snake Rd	Lake Geneva	WI	53147	Pewaukee	Oppose
Shelly	MacDonald	W3423 Snake Rd	Lake Geneva	WI	53147	Pewaukee	Oppose
Jim	Schneider	N77W31907 Northwoods Dr	Hartland	WI	53029	Pewaukee	Oppose
Scott	Hintz	N50W35102 W Wisconsin	Okaochee	WI	53069	Pewaukee	Oppose
Michael	Ksech	W285N3116 Lakeside Dr	Pewaukee	WI		Pewaukee	Oppose
Dennis	Pritzkow	N37W26965 Kopmeier Dr	Pewaukee	WI	53072	Pewaukee	Undecided
James	Hollermann	N9120 Oakwood Ln	Mukwonago	WI	53149	Pewaukee	Oppose
Leo	Martin	W288 Ridgeview	Hartland	WI	53024	Pewaukee	Oppose
Eria Mae	Clearmont	410 Racine St	Waterford	WI	53185	Pewaukee	Undecided
Gene	Kovacs	463 N Lapham Peak Rd	Delafield	WI	53018	Pewaukee	Oppose
Christine	Krieg	6562 E Shoreland rd	Elkhart Lake	WI	53020	Pewaukee	Support

**Attachment 3
NR 115 Public Hearing Appearances - 2007**

First Name	Last Name	Address1	City	State	Zipcode	Hearing Attended	Position
Diane	Biggott	N9165 Elm St	East Troy	WI	53120	Pewaukee	Undecided
W.B.	Milbrath	W296 N2194 Glen Cove	Pewaukee	WI	53072	Pewaukee	
Rose	Bremberger	N27W27092 Woodland Dr	Pewaukee	WI	53072	Pewaukee	
James	McCann	28526 Fowlers Bay Dr	Waterford	WI	53185	Pewaukee	Oppose
Eric	Parsons	24910 Runyard Way E	Trevor	WI	53179	Pewaukee	Undecided
Keith	Sawatske	4315 Lake St	Burlington	WI	53105	Pewaukee	Oppose
Margaret	Farrow	W262N2402 Deer Haven Dr	Pewaukee	WI	53072	Pewaukee	Oppose
Russel	Evans	S19W29051 Cambria Rd	Waukesha	WI	53188	Pewaukee	
J	Minor	1204 Glenview Ave	Wauwatosa	WI	53213	Pewaukee	Oppose
S	Minor	N27W27476 Woodland Dr	Pewaukee	WI	53072	Pewaukee	Oppose
Pamela	Meyer	S101 W34849 Co Hwy 20	Eagle	WI	53119	Pewaukee	Support
Del	Ellefson	8688 Hwy W	Allenton	WI	53002	Pewaukee	Oppose
Kathleen	Kieman	1751 Scenic Rd	Richfield	WI	53076	Pewaukee	Oppose
Stanley	Bogdanski	N38W27189 Parkside Rd	Pewaukee	WI	53072	Pewaukee	
Brian	Henke	W283 N336 Lakeside Rd	Pewaukee	WI	53072	Pewaukee	
Richard	Nowacki	W281 N3450 Taylorswoods rd	Pewaukee	WI	53072	Pewaukee	Oppose
Dennis	Mielke	26906 S Elm Ln	Wind Lake	WI	53185	Pewaukee	Oppose
Michael	Unger	1231 Niagara St	Waukesha	WI	53186	Pewaukee	Undecided
Royce	DeBow	Box 464	Delavan	WI	53115	Pewaukee	Oppose
Joy	Meyers	W304 S4732 Old Mill Rd	Waukesha	WI	53189	Pewaukee	Undecided
Larry	Meyers	W304 S4732 Old Mill Rd	Waukesha	WI	53189	Pewaukee	Undecided
Rob	Bremberger	N27W27092 Woodland Dr	Pewaukee	WI	53072	Pewaukee	
Susan	Bourdo	W224 S10550 Big Bend Rd	Big Bend	WI	53103	Pewaukee	Support
Bruce	Mueller	N53 W34995 Rd B	Okauchee	WI	53069	Pewaukee	Oppose
Mary	Van de Kamp Nohl	417 E Chicago St	Milwaukee	WI	53702	Pewaukee	Undecided
Don	Schwister	N37 W26855 Kopmeier	Pewaukee	WI	53072	Pewaukee	Undecided
Mary	Schwister	N37 W26855 Kopmeier	Pewaukee	WI	53072	Pewaukee	Oppose
Terry	Klimek	S86 27525 Lakeview Ln	Mukwonago	WI		Pewaukee	Support
Keith	Kraft	4888 S Lake Rd	Colgate	WI	53017	Pewaukee	
Michael	Smetana	1935 Sylvan Way	West Bend	WI	53095	Pewaukee	
Dee	Schrifer	N53 W34369 Rd Q	Okauchee	WI	53069	Pewaukee	Undecided
Thaddeus	Groszczyk	435 Victoria Ln	Brookfield	WI	53045	Pewaukee	Oppose
Jim	Casper	W342 N4894 Lindy Ln	Nashotah	WI	53058	Pewaukee	Oppose
Judith	Baren	N9275 E Shore Rd	East Troy	WI	53120	Pewaukee	Oppose
Pamela	Meyer		Eagle	WI		Pewaukee/Individual	support
Gary	Baier	9378 Norway Ln	Tomahawk	WI	54487	Rhineland	Oppose
William	Doerr	PO Box 637	Eagle River	WI	54521	Rhineland	
Phillip	Epping	1666 W. Bass Lake Rd.	Eagle River	WI	54521	Rhineland	Undecided
Robert	Farris	7487 Birch Tree Dr	Eagle River	WI	54521	Rhineland	Oppose
Don	Gerom	N 11404 Dereg Rd.	Tomahawk	WI		Rhineland	
Mary	Greenman	8135 Peters Rd.	Eagle River	WI		Rhineland	Oppose
Ira	Hartmann	N 8885 Cemetery Rd.	Phillips	WI	54555	Rhineland	Oppose
Leonard	Hyke	5811 Black Lake Rd.	Rhineland	WI	54501	Rhineland	Undecided
Scott	Holewinski	7729 Channel Rd	Eagle River	WI		Rhineland	Oppose
Art	Jaros	7483 Highway 8 W	Rhineland	WI	54501	Rhineland	Undecided
Jim	Staskiewicz	6043 E Shore Dr	Rhineland	WI	54501	Rhineland	Support
Marjean	Schuelke	Box 574	Winchester	WI	54557	Rhineland	Support
Mark	Schuelke	Box 574	Winchester	WI	54557	Rhineland	Support
Charles	Traeder	4627 Hwy 47	Rhineland	WI	54501	Rhineland	Oppose
Rick	Vercauteren	2964 Poels Rd.	Green Bay	WI	54313	Rhineland	Undecided
Joseph	Vinci	5124 evergreen ct	Rhineland	WI	54501	Rhineland	Undecided
Mark	Voigt	W 4988 Pinewood ln	Menill	WI	54452	Rhineland	
Roland	Yocum	6391 Yocum Rd.	Crandon	WI	54520	Rhineland	Undecided
Glenn	Schiffmann	PO Box 997	Eagle River	WI	54521	Rhineland	Oppose
Tony	Bogdanovich	1038 Arbor Green Ct	Arbor Vitae	WI	54568	Rhineland	Oppose
Donald	Mevls	3549 Roland Ave	Rhineland	WI		Rhineland	Undecided
Craig	Webers	1511 Hug Rd.	St. Germain	WI	54550	Rhineland	Oppose
Michael	Roach	6904 Radue Cir.	St. Germain	WI	54558	Rhineland	Oppose
Tom	Tiffany	4973 Willow Dam Rd	Hazelhurst	WI	54531	Rhineland	Oppose
Anonymous	Anonymous	PO Box 159	Boulder Junction	WI	54512	Rhineland	
Robert	Winat	3406 Lakewod Rd.	Tomahawk	WI	54487	Rhineland	Undecided
Jeff	Smith	7500 Birch Tree Dr	Eagle River	WI	54521	Rhineland	
Dwight	Simonton	7921 NW Hwy 83	Mukwonago	WI	53149	Rhineland	Oppose
Richard	Schaffer	PO Box 7399-413	Breckenridge	CO	80424	Rhineland	Oppose
Patricia	Schaffer	PO Box 7399-413	Breckenridge	CO	80424	Rhineland	Oppose
Larry	Koltz	1078 Emerald Dr.	Hartford	WI	53027	Rhineland	
Ben	Loma	4526 Bayview Dr.	Rhineland	WI	54501	Rhineland	Oppose
Kevin	Jenkins		Woodruff	WI		Rhineland	
Karl	Sennrich		Rhineland	WI		Rhineland	
William	Judd		Prestile	WI		Rhineland	
Pam	Labine			WI		Rhineland	
Vernon	Moore		Phillips	WI		Rhineland	
Mark	Patulski			WI		Rhineland	Oppose
Gail	Gilson Pierce			WI		Rhineland	Support
Charles	Rayala			WI		Rhineland	Oppose
Dawn	Schmidt		Crandon	WI		Rhineland	
Michael	Kleutz Sr	5007 Isle View Dr	Rhineland	WI	45401	Rhineland	Undecided
Dolly	Meeuwsen	3211 Ahies Dr	Harshaw	WI	54529	Rhineland	Undecided
Susan	Vehrs	Box 665	Minocqua	WI		Rhineland	Undecided
Thomas	Krolczyk	8464 Dam Rd	Minocqua	WI	54548	Rhineland	Undecided
Joseph	Power	5961 Boot Lake Rd.	Eagle River	WI	54521	Rhineland	Oppose
James	Moyer	4708 Horsehead Lake Rd.	Harshaw	WI	54529	Rhineland	Oppose
Eric	Klein	1395 Bluebird Ln	Eagle River	WI	54521	Rhineland	Oppose
Marla	Lang	3560 Hwy 51 N	Arbor Vitae	WI	54487	Rhineland	Undecided
Tracy	Riopl	4601 Bayview Dr	Rhineland	WI	54501	Rhineland	Oppose
Peter	Mucheiberg	6925 Shoreview Dr.	Rhineland	WI	54501	Rhineland	
Elmer	Goelsch	7524 Island View Rd	Three Lakes	WI	54562	Rhineland	
Robert	Rossi	4197 Birch Ln	Rhineland	WI	54501	Rhineland	
Greg	Nevinski	Box 455	Rhineland	WI	54501	Rhineland	Support
Todd	Riopl	4601 Bayview Dr	Rhineland	WI	54501	Rhineland	Oppose

**Attachment 3
NR 115 Public Hearing Appearances - 2007**

First Name	Last Name	Address1	City	State	Zipcode	Hearing Attended	Position
Wes	Kiley	7183 Big Lake Rd	Land O' Lakes	WI	54540	Rhineland	Support
Connie	Anderson					Rhineland	
Nancy	Radloff	2570 N. 90 St.	Wauwatosa	WI	53226	Rhineland	Undecided
Ron	Appling	7324 Peninsula Rd.	Rhineland	WI	54501	Rhineland	Support
Tom	Neidlein	1977 Rambling Ln	Rhineland	WI	54501	Rhineland	Undecided
Chuck	Wood	6267 Wendt Rd	Lake Tomahawk	WI	54539	Rhineland	Undecided
Charles	Thier	1971 Anlet Rd	St. Germain	WI	54558	Rhineland/Individual	Support
Frank	Peters		Lake Tomahawk	WI		Rhineland/Individual	Oppose
Pat	Peters		Lake Tomahawk	WI		Rhineland/Individual	Oppose
Sandy	Gillum		Eagle River	WI		Rhineland/Individual	Oppose- too permissive
Marilyn	Robertson	201 Co. Rd. SS N.	Haugen	WI	54841	Rice Lake	Support
James	Coil	Box 968	Cumberland	WI	54829	Rice Lake	
Robert	Moe	Box 194	Haugen	WI	54841	Rice Lake	Undecided
Elizabeth	Bettenhausen	W 14171 Cty Hwy D	Weyerhaeuser	WI	54895	Rice Lake	Support
Mary Jo	Fleming	18790 54th Ave.	Chippewa Falls	WI	54729	Rice Lake	Support
Sandra	Raby	2651 N. East Shore	Birchwood	WI	54817	Rice Lake	Support
John	Stencil	W 140 Island Lake Rd	Weyerhaeuser	WI	54895	Rice Lake	Oppose
Dan	Graff	1832 E. Moon Lake Rd	Rice Lake	WI	54868	Rice Lake	Support
Julie	Keleman	903 E. Barker St.	Rice Lake	WI	54868	Rice Lake	Support
Duane	Taylor	N 2906 Hwy 40	Bruce	WI	54819	Rice Lake	Oppose
Karl	Kastrosky		Cable	WI		Rice Lake	
John	Ebert	909 25th St.	Chetek	WI	54728	Rice Lake	
Carole	Crisler	1799 25th St.	Rice Lake	WI	54868	Rice Lake	Support
Dale	Crisler	1799 25th St.	Rice Lake	WI	54868	Rice Lake	Support
Fred	Blake	N2644 Boot Lake Rd.	Sarona	WI	54870	Rice Lake	
Greg	Nelson	204 Royal Crest Dr.	Rice Lake	WI	54868	Rice Lake	Undecided
Frank	Hougas	2110 21 1/4 St.	Rice Lake	WI	54868	Rice Lake	Oppose
Don	Halverson	1968 217 8th St.	Rice Lake	WI	54868	Rice Lake	
Deanis	Hammian	2755 16th Ave.	Rice Lake	WI	54868	Rice Lake	Undecided
Doris	Brewster	2638 6th Ave.	New Auburn	WI	54757	Rice Lake	
Donald	Clemens	823 Lakeshore Dr.	Rice Lake	WI	54868	Rice Lake	
Joann	Clemens	823 Lakeshore Dr.	Rice Lake	WI	54868	Rice Lake	
John	Plaza	1056 24 3/4 st.	Cameron	WI	54222	Rice Lake	Support
Terry	Westphal	2117 20 3/4 St.	Rice Lake	WI	54868	Rice Lake	
Susan	Torza	Box 342006	Lakeway	TX	78734	Rice Lake	
Wayne	Mittlstaedt	972B 23 3/4 st.	Chetek	WI	54728	Rice Lake	Undecided
Carl	Holmgran	105 Indianhead Point Rd	Balsam Lake	WI	54810	Rice Lake	Undecided
Linda	Zillmer	902 Holly Hill	Birchwood	WI	54817	Rice Lake	Oppose
Nancy	Bentz	1830 Hines Lakeview	Cumberland	WI	54829	Rice Lake	Support
Steven	Hellstern	2222 21st st	Rice Lake	WI	54868	Rice Lake	Undecided
Sharon	Masek	Box 310	Rice Lake	WI	54868	Rice Lake	
Doris	Gouker	224 Lakeview	Chetek	WI	54728	Rice Lake	Undecided
Linda	Austin	N911 Holy Island Rd	Sarona	WI	54870	Rice Lake	Undecided
Larry	McCabe	N5217 2nd st.	Spooner	WI	54801	Rice Lake	Support
James	Kiffmeyer	1946 16 1/2 st	Cameron	WI	54822	Rice Lake	Undecided
Robert	Wiltrout	W6730 Eagles Rd	Tony	WI	54563	Rice Lake	
Raymond	Kort	N2494 Shore Line Dr.	Birchwood	WI	54817	Rice Lake	Support
George	Michael	N8183 Island Lake Rd.	Spooner	WI	54801	Rice Lake	Undecided
James	Brown	N1129 Little Bear Rd.	Sarona	WI	54870	Rice Lake	
Paul	Newman	774 26th St.	Chetek	WI		Rice Lake	
Dale	Wozniak	W14171 Hwy D	Weyerhaeuser	WI	54895	Rice Lake	Support
Bev	Halverson	1968 21 7/8 st	Rice Lake	WI		Rice Lake	Undecided
Roger	Swanson	4694N Offer Ln	Stone Lake	WI	54876	Rice Lake	
Doris	Ruiter	N2952 Hwy 40	Bruce	WI	54819	Rice Lake	Oppose
Dan	Ruiter	N2952 Hwy 40	Bruce	WI	54819	Rice Lake	Oppose
Susan	Janetski	2708 N County Rd F	Birchwood	WI	54817	Rice Lake	
Gene	Cave	523 E. Sawyer	Rice Lake	WI		Rice Lake	Undecided
Joan	Cave	523 E. Sawyer	Rice Lake	WI		Rice Lake	Undecided
Marian	Chinnack	909 Lakeshore Dr.	Rice Lake	WI	54868	Rice Lake	
Adrian	Thompson	907 Lakeshore Dr.	Rice Lake	WI	54868	Rice Lake	
Jeanette	Thompson	907 Lakeshore Dr.	Rice Lake	WI	54868	Rice Lake	
Arye	Weltering	N 1916 Co Hwy D	Sarona	WI	54870	Rice Lake	Undecided
Walter	Wozniak	2390 9th Ave.	Chetek	WI	54728	Rice Lake	Support
Richard	Smith	27200 145th St.	New Auburn	WI	54757	Rice Lake	Support
Jack	Schnell	2375 9th Ave	Chetek	WI	54728	Rice Lake	Undecided
Patricia	McKearn	27200 145th St.	New Auburn	WI	54757	Rice Lake	Support
Greg	Ludwig		Rice Lake	WI		Rice Lake	
Patrick	Kolstad	2193 Polk Barron St	Comstock	WI	54829	Rice Lake	Undecided
Edward	Grever	960B 23 3/4 St	Chetek	WI	54728	Rice Lake	Undecided
Roger	Clark	508 Pin Oak Rd	Rockton	IL	61072	Rice Lake	Undecided
Ron	Anderson	518 Pleasure St	Chetek	WI	54728	Rice Lake	Undecided
Daisy	Hilbert	22 S. 11th St	Barron	WI	54812	Rice Lake	Opposa
Russ	Graves	6644 Vista Hermosa	Las Cruces	NM		Rice Lake	Undecided
Paula	Graves	6644 Vista Hermosa	Las Cruces	NM		Rice Lake	Undecided
Stan	Frost	Box 4	Haugen	WI		Rice Lake	
JoAnn	Frost	Box 4	Haugen	WI		Rice Lake	
Jack	Buellesbach	1012 Colan Blvd	Rice Lake	WI	54868	Rice Lake	
John	Bolles	PO Box 2130	Mikana	WI	54857	Rice Lake	Support
Wayne	Arnold	816 Colan Blvd	Rice Lake	WI	54868	Rice Lake	Oppose
Greg	Nelson	204 Royal Crest Dr	Rice Lake	WI	54868	Rice Lake/Individual	Support
Richard	Arras		Cumberland	WI		Rice Lake/Individual	support
Raymond	Kort		Birchwood	WI		Rice Lake/Individual	Support & oppose parts
Alan	Carlson	2156 Colladaiff Dr	Stoughton	WI	53589	Stoughton	Undecided
Tom	Carrico	2240 CR AB	McFarland	WI	53558	Stoughton	Oppose
Tom	Franke	3171 Sunny Side St	Stoughton	WI		Stoughton	Oppose
Mark	McCaulley	2695 Tower Rd	McFarland	WI	53558	Stoughton	Oppose
Ezra	Meyer	1829 Spaight St	Madison	WI	53704	Stoughton	Support
George	Meyer	201 Randolph Dr	Madison	WI	53717	Stoughton	Support
Charles J.	Mitchell	2542 Marshall Parkway	Madison	WI	53713	Stoughton	Undecided
Judie	Pfeifer	3032 Waubesa Ave	Madison	WI	53711	Stoughton	Oppose

Attachment 3
NR 115 Public Hearing Appearances - 2007

First Name	Last Name	Address1	City	State	Zipcode	Hearing Attended	Position
Ray	Polempa	3411 Stony Crest	McFarland	WI	53558	Stoughton	
Patrick	Stevens	4868 High Crossing Blvd	Madison	WI	53704	Stoughton	Undecided
Dorothy	Brown	1958 Barker Dr	Stoughton	WI	53589	Stoughton	
Don	Halverson	3671 Halverson Rd	Stoughton	WI		Stoughton	Oppose
Tanya	Cunningham	5646 Lake Mendota Dr	Madison	WI	53705	Stoughton	
Terry	Singer	4266 Pella Ln	McFarland	WI	53558	Stoughton	Oppose
Walter	Olson	1955 Skyline Dr	Stoughton	WI	53589	Stoughton	Oppose
Steve	Grant	1960 Barber Dr	Stoughton	WI	53589	Stoughton	Undecided
Robbie	Kritz	3492 Orvold Park Dr	McFarland	WI	53558	Stoughton	Oppose
Gunther	Dorth	3158 Sunnyside	Stoughton	WI	53589	Stoughton	Oppose
Joseph	Van Ruyven	2886 Waubesa Ave	Madison	WI	53711	Stoughton	Oppose
Dennis	Weston	2181 Poinsetta Dr	Longwood	FL	32779	Stoughton	Undecided
Marjie	Hanssen	1399 Cty Rd W	Stoughton	WI	53589	Stoughton	Oppose
Mary Jo	Frey	3935 Cty Rd A	Stoughton	WI	53589	Stoughton	Oppose
Dale	Gottschalk	4107 Monona Dr	Monona	WI	53716	Stoughton	Oppose
Marty	Gottschalk	4107 Monona Dr	Monona	WI	53716	Stoughton	Oppose
Dean	Harding	1233 W Milwaukee st	Stoughton	WI	53589	Stoughton	Oppose
David	Kneebonc	201 Brickson St	Stoughton	WI	53589	Stoughton	
Lols	Kolscheur	4210 Morris Pt Rd	McFarland	WI	53558	Stoughton	
Doug	Strandon	2828 Waubesa Ave	Madison	WI	53711	Stoughton	Oppose
Sue	Barr	3344 Quam Dr	Stoughton	WI	53589	Stoughton	
Bob	Darre	78 Upper Lock Juta Dr	Williams Bay	WI	53191	Stoughton	Undecided
Jeffrey	Freitag	2296 Hwy AB	McFarland	WI	53558	Stoughton	Oppose
Ken	Koppen	3004 Waubesa Ave	Madison	WI	53711	Stoughton	Oppose
David	Colson	2934 Waubesa Ave	Madison	WI	53711	Stoughton	Undecided
JoAnne	Lusk	2398 Hwy AB	McFarland	WI	53558	Stoughton	
Kay	Klissing Becker	3149 Sunnyside St	Stoughton	WI	53589	Stoughton	Oppose
Michael	Shery	2238 Hwy 51	Stoughton	WI	53589	Stoughton	Oppose
Effri	Johnson	2246 Hwy AB	McFarland	WI	53558	Stoughton	Oppose
Judith	Olson	1955 Skyline Dr	Stoughton	WI	53589	Stoughton	Oppose
John	Plambeck	2968 Waubesa Ave	Madison	WI	53711	Stoughton	Oppose
Judy	Plambeck	2968 Waubesa Ave	Madison	WI	53711	Stoughton	Oppose
Katharin	Gainsante	511 S Page St	Stoughton	WI	53711	Stoughton	Undecided
Mildred	Everson	4296 Jordan Dr	McFarland	WI		Stoughton	Oppose
JOhn	Wegenke	2161 Middleton Blvd	Middleton	WI	53562	Stoughton	Oppose
MJ	Grennan	3111 Sunnyside St	Stoughton	WI		Stoughton	Oppose
Anne	Cook	201 Corporate Dr	Beaver Dam	WI	53916	Stoughton	
Tim	Herbert	2951 Camp Leonard Rd	McFarland	WI	53558	Stoughton	Oppose
Doug	MacKenzie	960 Yuma Circle	Stoughton	WI	53589	Stoughton	Undecided
Scott	Roemling	4302 Jordan Dr	McFarland	WI	53558	Stoughton	Oppose
Frank	Koss	2015 Barber Dr	Stoughton	WI	53589	Stoughton	Oppose
Dean	Helh	2903 Bible Camp Rd	McFarland	WI	53558	Stoughton	Oppose
Craig	Thompson	3012 ShadySide Dr	Stoughton	WI	53589	Stoughton	Undecided
Greg	Quam	3107 Sunnyside St	Stoughton	WI	53818	Stoughton	
Dorice	Hughes	834 Sky Ridge Dr	Madison	WI		Stoughton	Oppose
Dorothy	Curtis	N3159 Lazy Point Rd	Fall River	WI	53932	Stoughton	Support
Dave	Hanewall	2759 Tower Rd	McFarland	WI	53558	Stoughton	Undecided
Bonnie	Martin	Box 335	Marshall	WI	53559	Stoughton	Oppose
Melvin	Martin	515 Maunesha Rd	Marshall	WI	53559	Stoughton	Oppose
Melvin	Zentner	97 Shady Willow Rd	Brooklyn	WI	53521	Stoughton	Oppose
Susan	Valley	304 N Main St	Jefferson	WI	53549	Stoughton	Undecided
Lesa	Reisdorf	6125 St CYR Circle	Middleton	WI	53562	Stoughton	Undecided
Joe	Brueck	3396 Quam	Town of Dunn	WI		Stoughton	Oppose
Mildred	Krause	3143 Sunnyside St	Stoughton	WI	53589	Stoughton	Oppose
Marshall	Finner	2085 Cty Rd J	Verona	WI	53593	Stoughton	
Donald	Diers	2682 Maple Dr	McFarland	WI	54558	Stoughton	Undecided
Linda	Diers	2682 Maple Dr	McFarland	WI	53558	Stoughton	
Donald	Lusk	515 S Crescent	Park Ridge	IL	60068	Stoughton	
Mark	Herbst	3258 Brooklyn Dr	Stoughton	WI		Stoughton	Oppose
Peter	Foy	3130 ShadySide DR	Stoughton	WI	53589	Stoughton	
Richard	Moriarty	2938 Tracy Ln	Stoughton	WI	53589	Stoughton	
Carla	Vant Hoff	2402 Hwy AB	McFarland	WI	53558	Stoughton	Oppose
Donald	Heilgar	2442 Cty Rd AB	McFarland	WI	53558	Stoughton	Oppose
Mike	Klune	5508 Bremer Rd	McFarland	WI	53558	Stoughton	Oppose
Emerson	Taylor	2404 Cty Hwy AB	McFarland	WI	53558	Stoughton	Oppose
Brenda	Sherry	2238 Hwy 51	Stoughton	WI	53589	Stoughton	Oppose
Bee	Winrich	677 S Hwy N	Stoughton	WI	53589	Stoughton	Oppose
Ralphy	Winrich	677 S Hwy N	Stoughton	WI	53589	Stoughton	Oppose
Paula	Camer	131 Dakota	Edgerton	WI	53534	Stoughton	Undecided
Deb	Stodd	151 US Hwy 51 N	Edgerton	WI		Stoughton	
Neil	Mc Fadden	2275 Williams Pt Rd	Stoughton	WI	53589	Stoughton	Oppose
Jill	Kueln	143 E Prospect St	Stoughton	WI	53589	Stoughton	
Irving	Melaas	111 Forton Ct	Stoughton	WI	53716	Stoughton	Oppose
Kathleen	Bahman	5311 Tonyawatha Tr	Monona	WI	53716	Stoughton	Oppose
Sally	Schultz	3139 Sunnyside St	Stoughton	WI	53589	Stoughton	Oppose
Julie	Olstadt	3139 Sunnyside St	Stoughton	WI	53589	Stoughton	Oppose
Patricia	Castree	3141 Sunnyside St	Stoughton	WI	53589	Stoughton	Oppose
Thomas	Castree	3141 Sunnyside St	Stoughton	WI	53589	Stoughton	Oppose
Toi	Pedrick	4212 Morris Park Rd	McFarland	WI	53558	Stoughton	Oppose
Chris	Swanson	5332 Bluebill	Madison	WI	53704	Stoughton	Undecided
Michael	Swanson	4709 Tonyawatha Tr	Monona	WI	53716	Stoughton	Oppose
Glen	Rudie	1997 Skyline Dr	Stoughton	WI	53589	Stoughton	Undecided
Trisha	Scanlan	3089 Sunnyside St	Stoughton	WI	53589	Stoughton	
Pat	Laemmrlich	3069 Sunnyside St	Stoughton	WI	53589	Stoughton	
Bob	Arndt	1960 Barber Dr	Stoughton	WI	53589	Stoughton	
Richard	Cooley	3061 Sunnyside St	Stoughton	WI	53589	Stoughton	Undecided
Cindy		3625 Vickiann St	Verona	WI	53593	Stoughton	Oppose
Barb	Braun	1100 S 4th	Stoughton	WI	53589	Stoughton	Undecided
Nicole	Kalkbrenner	3642 Tulane Ave	Madison	WI	53714	Stoughton	Undecided
Grace	White	505 Togstad Glenn	Madison	WI	53711	Stoughton	Support

Attachment 3
NR 115 Public Hearing Appearances - 2007

First Name	Last Name	Address1	City	State	Zipcode	Hearing Attended	Position
Mauy	While	505 Togstad Glenn	Madison	WI	53711	Stoughton	Support
Mary	Knipper	2320 Lake Shore Dr	Delevan	WI	53115	Stoughton	Support
Marilynn	Brunson	2780 Waubesa Ave	Madison	WI	53711	Stoughton	Undecided
Chris	Brunson	2780 Waubesa Ave	Madison	WI	53711	Stoughton	Undecided
Albert	Lies	4308 Jordan Dr	McFarland	WI	53558	Stoughton	Support
Sheryl	Renslo	2382 Co Hwy AB	McFarland	WI	53558	Stoughton	Support
Michael	Loomis	1419 Milwaukee St	Delafield	WI	53018	Stoughton	Undecided
Tom	Onofrey	Box 21	Montello	WI	53949	Stoughton/Group	Oppose
Julie	Anderson	14200 Washington Ave	Sturtevant	WI	53177	Stoughton/Individual	Oppose
Eric	Frey	3935 CR A	Stoughton	WI	53589	Stoughton/Individual	Support & oppose parts
Deborah	Thomassen	1934 Quam Point Rd	Stoughton	WI	53589	Stoughton/Individual	Support & oppose parts
Ramona	Ottoman	2825 Crescent Dr	McFarland	WI	53558	Stoughton/Individual	Oppose
Bill	Orosz			WI		Stoughton/Individual	Support & oppose parts
K.	VanBrocklin			WI		Stoughton/Individual	Support & oppose parts
Sheryl	Renslo		Town of Dunn	WI		Stoughton/Individual	support
Darryl	Urban	1015 Lakeside Dr.	Tomah	WI	54660	Tomah	Support
Robert	Miller		Sparta	WI	54656	Tomah	Support
Dick	Schuster	5719 S. Robert Ave.	Cudahy	WI	53110	Tomah	Undecided
Dick	Jessesski	10396 Birch Ln.	Trempealeau	WI	54661	Tomah	Undecided
M.Paul	Hendrickson	Box 233	Holmon	WI		Tomah	Undecided
Susanne	Mieks	421 Butts Ave.	Tomah	WI	54660	Tomah	
Robert	Walensky	12563 Flanagan Rd.	Tomah	WI	54660	Tomah	Undecided
Arla	Clemens	1208 Heritage Ct.	LaCrosse	WI	54601	Tomah	
John	Clemens	1208 Heritage Ct.	LaCrosse	WI	54601	Tomah	Undecided
Harvey	Gunderson	Box 667	Osseo	WI	54758	Tomah	Support
Michael	Stapleton	W8002 Whitetail Dr.	Pardeeville	WI	53954	Tomah/Individual	Support & oppose parts
Ken	Dorshorst	8104 Wintergreen Rd.	Wausau	WI	54401	Wausau	Oppose
Richard	Beier	811 S. 48th Ave. Apt.#10	Wausau	WI	54401	Wausau	Support
Lynn	Markham	302 Georgia St. N	Stevens Point	WI	54481	Wausau	Oppose- too permissive
Dan	Miller	901 Spruce St.	Merrill	WI	54452	Wausau	Support & Oppose
James	Burgener	210 River Dr.	Wausau	WI	54403	Wausau	Oppose
Linda	Somers	4206 Town Line Rd.	Amherst	WI	54406	Wausau	Oppose
Eric	Olson	1317 Wisconsin St.	Stevens Point	WI	54481	Wausau	Support
Ed	Bargeuder	1801 Falcon Ave.	Wausau	WI	54401	Wausau	Neutral
John	Harrod	369 Scout Rd.	Mosinee	WI	54455	Wausau	Oppose
Dan	Southworth	E20883 State Highway 52	Anlwa	WI	54408	Wausau	
Glenn	Mott	W 4945 Echo Point	Tomahawk	WI	54487	Wausau	Undecided
Robert	Moodie	2401 Rainbow Dr.	Plover	WI	54467	Wausau	
David	Stepanik	2612 Nightingale Ln.	Wausau	WI	54401	Wausau	Undecided
Ralph	Merwin	PO Box 1466	Wausau	WI	54401	Wausau	
David	Runzheimer	1401 Iris Ln.	Wausau	WI	54401	Wausau	Support
Jane	Wiley	2400 Park Rd.	Wausau	WI	54401	Wausau	
Julian	Samborski	14845 Shoreline Rd.	Merrill	WI	54452	Wausau	Undecided
Larry	Dahlman	4907 Fudigo Rd.	Wausau	WI	54401	Wausau	Neutral
Neil	Pietenpal	W 4517 Amanda Ln.	Tomahawk	WI	54487	Wausau	Support
Richard	Einlechner	W 6906 Loop Rd.	Tomahawk	WI	54487	Wausau	Undecided
Dan	McFarlane	5374 Woodland Circle	Stevens Point	WI	54481	Wausau	Support
Gary	Nielsen	E 1498 Grandview Rd.	Waupaca	WI	54981	Wausau	
Sharon	Nielsen	E 1498 Grandview Rd.	Waupaca	WI	54981	Wausau	
Robert	Duwe	7566 N 72nd Ave.	Wausau	WI	54401	Wausau	
Celia	Riehle	412 E. Townline Rd.	Athens	WI	54411	Wausau	Oppose
Carolyn	Bronston	1219 Highland Park Ave.	Wausau	WI	54403	Wausau	Support
John	LeFebvre	1926 Hall Ave.	Marinette	WI	54143	Wausau	Oppose
Diane	Samborski	14845 Shoreline Rd.	Merrill	WI	54452	Wausau	Undecided
Patrick	Stepanik	127 Country Club Rd.	Schofield	WI	54426	Wausau	Undecided
Eloise	Moodie	2401 Rainbow Dr.	Plover	WI	54467	Wausau	
Jay	Mortenson	N 2886 Alexander Ave Rd.	Merrill	WI	54452	Wausau	Oppose
Tom	Rasenz	4080 N. 20th Ave.	Wausau	WI	54401	Wausau	
Dean	Johnson	210 River Dr.	Wausau	WI	54403	Wausau	Oppose
John	Jennings	404 Novak St.	Mosinee	WI	54455	Wausau	
Jewel	Jennings	404 Novak St.	Mosinee	WI	54455	Wausau	
Kathi	Geiger	509 Oriole	Wausau	WI	54401	Wausau	Oppose
Randy	Geiger	509 Oriole	Wausau	WI	54401	Wausau	Oppose
Kenneta	Whalen	602 E. Oriole	Wausau	WI	54401	Wausau	Oppose
Vincent	Gau	6050 Hillcrest Dr.	Wausau	WI	54401	Wausau	Oppose
Debbie	Gau	6050 Hillcrest Dr.	Wausau	WI	54401	Wausau	Oppose
Daniel	Umhoefer	8719 Brian Dr.	Rothschild	WI	54474	Wausau	Undecided
Sue	Shore	2445 Bayshore Dr.	Wausau	WI	54401	Wausau	Oppose
Jerome	Scheel	202 Greenwood Dr.	Rothschild	WI	54474	Wausau	Oppose
Marlyn	Scheel	202 Greenwood Dr.	Rothschild	WI	54474	Wausau	Oppose
Jerome	Oelke	W 6750 Edward dr	Merrill	WI	54452	Wausau	Undecided
Bruce	Giese	N 1411 Norell Dr.	Merrill	WI	54452	Wausau	Undecided
Ronald	Jacobson	275 Derby Ct	Nekoosa	WI	54457	Wausau	Undecided
Lynn	Gordon	1011 Tenth St.	Mosinee	WI	54455	Wausau	Oppose
Edward	Zondlo	640 Mill Lane	Rib Lake	WI	54470	Wausau	
Richard	Halfpap	2704 Merganser Way	Wausau	WI	54401	Wausau	
Ann	Steele	1108 Pintail Ln.	Wausau	WI	54401	Wausau	Undecided
Duane	Greuel	PO Box 8069	Wisconsin Rapids	WI	54495	Wausau	Oppose
Keith	Smith	225 Lazy Acre Rd	Wausau	WI	54401	Wausau	Undecided
Ambrose	Somers	4206 Town Line Rd.	Amherst	WI	54406	Wausau, Oshkosh	Oppose
Jay	Verhulst	11846 Willies Dr.	Arbor Vitae	WI	54668	Wausau, Rhinelander, Rice Lake, Green Bay	Oppose
Sandra	Verhulst	11346 Willies Dr.	Arbor Vitae	WI	54568	Wausau, Rhinelander, Rice Lake, Green Bay	Oppose
Larry	Dahlman		Wausau	WI		Wausau/Individual	Support
Ken	Dorshorst		Big Eau Pleine Flowage	WI		Wausau/Individual	oppose

MEMORANDUM

DATE: July 16, 2009
TO: Liesa Lehmann Kerler
FROM: Padraic Durkin
SUBJECT: Report on proposed Department of Natural Resources rule changes and their affordable housing

Pursuant to s. 227.115, Wisconsin statutes, it is the responsibility of the Department of Commerce's Division of Housing and Community Development (DHCD) to comments on administrative rules and legislation that could directly or substantially affect the development, construction, cost or availability of affordable housing in Wisconsin.

Wisconsin Department of Natural Resources (DNR) rules under Chapter NR 115, Wisconsin Administrative Code, set minimum shoreland zoning standards that were first written in the 1960s and have changed little since then. Chapter NR 115 defines shoreland as land within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater.

Most counties have enacted shoreland zoning ordinances that are more restrictive than the minimum standards, but are looking for up-to-date statewide minimum standards. The need for updated standards will increase, as the DNR anticipates that within 20 years, all undeveloped private lakes not in public ownership could potentially be developed. The DNR is therefore proposing revisions to minimum shoreland zoning standards to better preserve fish and wildlife habitat, natural scenic beauty and water quality. After revising their ordinances to comply with updated state standards, counties can expect to handle fewer variance requests for nonconforming structures.

In summary, the revisions would accomplish the following:

- 1) Allow development within pre-existing substandard shoreland lots under specified conditions.
- 2) Define allowed structures within the 75 foot shoreland setback
- 3) Specify vegetation management standards in the shoreland zone.
- 4) Set standards for construction and maintenance of impervious surface cover in the shoreland zone.
- 5) Add a provision setting a 35-foot high maximum structure height within 75 foot shoreland setback
- 6) Add or remove various rules governing the use, maintenance, expansion and relocation of non-conforming structures within 75 foot shoreland setback

7) Adopt administrative and enforcement provisions

8) Require counties without a shoreland ordinance to develop a compliant shoreland ordinance within 180 days

Effects on affordable housing

The Department of Natural Resources anticipates that the proposed revisions will have no significant effect on affordable housing. Those who would be most affected include shoreland property owners who choose to remove, rebuild or expand existing structures in the shoreland zone who will need to perform mitigation measures, and counties which will need to amend ordinances to include the new minimum shoreland zoning standards.

Overall, the Department of Commerce's Division of Community Development concurs that these changes would have a minimal impact on affordable housing or low to moderate income households in Wisconsin for the following reasons:

- 1) **The rules revisions govern new construction, reconstruction and expansion and vegetation management within shoreland, on which affordable housing is rarely sited.** Typically, affordable housing projects constructing single-family homes or apartment buildings are built through a combination of scarce federal and state government grant funding, non-profit agency and community resources. These resources must be utilized in the most efficient manner possible. Any costs in excess of what is needed to create affordable, safe and decent housing for low to moderate income buyers and renters must be contained. Shoreland building lots are generally scarce and expensive, which would make an affordable housing project unfeasible. Rehabilitating an existing shoreland structure into affordable housing would also be cost-prohibitive because of the value of the land involved. Lots such as infill lots in cities, or lower costs lots without waterfront access are almost always utilized to make the project affordable to build, and ultimately, affordable for low to moderate income people to buy, or rent and maintain.
- 2) **Affordable housing projects currently must comply with certain environmental standards, which coincides with the DNR's goals in its proposed rules revisions.** Projects funded by the U.S. Department of Housing and Urban Development (HUD), such as those administered by the Department of Commerce, are required not to knowingly cause adverse environmental conditions. When HUD funds such as HOME Investment Partnership Program funds are included in an affordable housing project, an environmental review must determine whether the property is in a 100-year floodplain; whether it will affect coastal zones, farmland, wild and scenic rivers; and whether it will impact endangered or threatened species. The compliance of affordable housing projects with new shoreland zoning standards is consistent with the requirement that the projects not knowingly cause adverse environmental conditions.
- 3) **The rules revisions do not change the shoreland definitions, or key provisions such as the 75 foot setback zone or the 10,000 and 20,000 square foot lot size.** The rules revisions pertain to activities within shoreland zones, which do not appear to be significantly expanded.

In considering the impact of the proposed rule revisions on affordable housing, the following perspectives were also considered.

1. The policies, strategies and recommendations of the state housing strategy plan. State administrative rules and changes to rules are not specifically defined as impediments to affordable or fair housing in the State of Wisconsin Fair Housing Plan.

2. The cost of constructing, rehabilitating, improving or maintaining single family or multifamily dwellings. The rules revisions could increase the costs of property owners who choose to remove, rebuild or expand structures in the shoreland zone. However, few affordable housing projects are sited in shoreland zones, so few low to moderate income buyers or renters would experience increased costs.

3. The purchase price of housing. The purchase price of shoreland property or homes is generally cost-prohibitive for affordable housing projects, so little effect is anticipated on the purchase price of affordable housing to the low to moderate income consumer.

4. The cost and availability of financing to purchase or develop housing. The purchase price of shoreland property or homes is generally cost-prohibitive for affordable housing projects, so little effect from the rule revisions on affordable housing is anticipated regarding cost and availability of financing.

5. Housing costs, owner occupied:

a) The principal and interest on a mortgage loan that finances the purchase of the housing. Few affordable housing projects would be sited in shoreland zones, so any increased principal and interest on a mortgage loan in a shoreland area would have little effect on affordable housing.

b) Closing costs and other costs associated with a mortgage loan. No significant effect on affordable housing anticipated.

c) Mortgage insurance. No significant effect on mortgage insurance in affordable housing anticipated.

d) Property insurance. No significant effect on property insurance in affordable housing is anticipated.

e) Utility-related costs. No significant effect on utility-related costs in affordable housing anticipated.

f) Property taxes. No significant effect on property taxes affordable housing is anticipated.

g) If the housing is owned and occupied by members of a cooperative or an unincorporated cooperative association, fees paid to a person for managing the housing. No significant effect on fees for managing affordable housing is anticipated.

6. Housing costs, rental:

a) Rent: Few affordable rental housing projects would be sited in a shoreland zone, so no significant effect on affordable housing rent is anticipated.

b) Utility-related costs not included in rent. No significant effect on utility costs not included in rent in affordable housing anticipated.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING, REPEALING AND
RECREATING, AND CREATING RULES**

The Wisconsin Natural Resources Board proposes an order to: repeal NR 115.03 (12), NR 115.05 (1) and (2); to repeal and recreate NR 115.01; to renumber NR 115.03 (1) and NR 115.05 (5); to renumber and amend NR 115.05 (3), (4) and (6); to amend NR 115 (title), NR 115.02, NR 115.03 (intro), NR 115.05 (title), NR 115.06 (2) and (3); and to create NR 115.03 (1d), (1p), (1t), (3m), (4g), (4r), and (7m), NR 115.04 and NR 115.05 (4) (hm); relating to minimum standards for county shoreland ordinances.

WT-28-04

Analysis prepared by the Department of Natural Resources

Statutory authority: Sections 59.692, 227.11 (2) (a), and 281.31, Stats.

Statutes interpreted: Sections 59.69, 59.692, 59.694 and 281.31, Stats.

Plain Language Rule Analysis:

Background

Growing public awareness and concern for controlling water pollution led to enactment of the Federal Water Pollution Control Act Amendments of 1972. As amended in 1977, this law became commonly known as the Clean Water Act. The Act established the basic structure for regulating discharges of pollutants into the waters of the United States. Here in Wisconsin, our foresight in protecting navigable waters far exceeded that of the federal government. In response to human impacts on public waters, the Wisconsin Legislature on August 1, 1966, passed the Water Resources Act (as created by Chapter 614, Laws of 1965) that articulated the purpose and direction for shoreland ordinances: "To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience, and general welfare."

Wisconsin's Water Resources Act utilized a novel approach toward comprehensive pollution control by supplementing state-level regulation of direct polluters (industries and municipal treatment plants) with county-administered shoreland ordinances, sanitary codes, and subdivision regulations to control indirect pollution sources. The basic premise was to establish practical minimum standards and workable regulations in an area where there had been little experience. This act was also very important specifically for shoreland protection because the requirement to enact shoreland ordinances has been interpreted to be part of the active public trust duty of the state of Wisconsin, which requires the state to protect navigable waters not only for navigation, but also to protect and preserve those waters for fishing, recreation and scenic beauty.

Authority

The proposed amendments to ch. NR 115 are intended to allow a county more flexibility in how they regulate land use in shorelands, and to give shoreland property owners more land use options, while still protecting the public interest in navigable waters and adjacent shorelands. Section 281.31(6), Stats., provides: "Within the purpose of sub. (1), the department shall prepare and provide to municipalities general recommended standards and criteria for navigable water protection regulations and their administration." Section 59.692(1m), Stats., provides that each county shall zone by ordinance all shorelands in its unincorporated area. Section 59.692 (1) (c), Stats., defines "shoreland zoning standard" to mean "a standard for ordinances enacted under this section that is promulgated as a rule by the department." Section 227.11(2)(a), Stats., gives the Department the authority to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

Revision Rationale

In response to the increasing impacts on public waters from adjacent shoreland development, the amount and intensity of development today in comparison to 40 years ago and the resulting pressures on our

public resources from private land owners and water recreationalists alike, the state launched a broad-based effort to update the shoreland protection standards originally promulgated in 1968. NR 115 was created to protect water quality, fish and wildlife habitat and scenic beauty along navigable lakes and rivers by establishing statewide minimum standards including lot sizes, building setbacks from the water's edge, and limits on tree removal. Controlling the density of development along the waters and creating a buffer around them was the best management practice of the time. After 40 years, the way in which we develop the land and the associated pressures on the resource has drastically changed. Instead of small summer cottages, waterfront owners are building year-round, much larger homes. The lots that were created years ago may not be capable of handling the increased stress without compromising the integrity of the very resource that draws our attention in the first place. Change is needed to clarify and update standards, provide flexibility for property owners, offset development impacts to better protect the water resources, and simplify implementation of standards through local shoreland ordinances.

Revision Process

The revision package is based on concepts developed, negotiated and compromised by a very diverse and well-represented advisory committee. The dedication and determination of these individuals proves how important our water resources and adjacent shorelands are in the state.

These amendments are the result of over 5 years of work by this group and numerous opportunities for public comment. The Department held 8 public hearings in July and August of 2007, 11 public hearings in July and August of 2005 and 8 listening sessions in the fall and winter of 2003. All venues were an opportunity for the public to review and comment on the draft proposals generated together by the Department and the Advisory Committee.

Listening sessions were added as an additional step in the traditional rule revision process because the Department recognized this issue needed special consideration and debate in an open, informative, honest and participatory forum. Over 850 people attended eight listening sessions that were held around Wisconsin in November and December 2003.

As a requirement, public hearings are held to generate public comment. The Department held two rounds of public hearings in 2005 and 2007, totaling 19 public hearings around the state. Over 1,000 people attended the hearings in 2005 and during the public comment period over 50,000 comments were collected from nearly 12,000 individuals. 2007 public comment period yielded approximately 9,000 comments from about 2,400 individuals. A 2005 public hearing comment summary and 2007 response to comment document can be found as attachments to the Environmental Assessment provided for this rule revision.

In addition to both rounds of public hearings and listening sessions, the Bureau of Watershed Management staff has kept a list of interested parties by e-mail and hard mail to provide timely updates to those interested in the process and allow those parties an opportunity to comment on newly generated materials including draft code language.

Four main themes emerged from the public comments regarding NR 115 revisions:

- Keep the regulations simple,
- Make the regulations enforceable,
- Protect our water resources, and
- Provide communities the flexibility to determine how to best administer the minimum standards.

Major provisions and new requirements

Major provisions of the proposal include changes to vegetation management in the first 35-foot and changes to regulation of structures within the shoreland setback. New requirements include establishment of impervious surface standards, and the removal of the 50% rule for nonconforming structures. The new standards will allow counties to regulate a structure based on its impact to the resource, not how the structure was built. Finally, mitigation requirements are added to the code to help balance the flexibility provided in this chapter.

Federal Regulatory Analysis:

There is no specific existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

State Regulatory Analysis:

Wisconsin's Shoreland Management Program is a partnership between state and local government that requires development near navigable lakes and streams to meet statewide minimum standards. Each Wisconsin county has shoreland ordinance provisions that protect water resource values: water quality, recreation and navigation, fish and wildlife habitat, and natural scenic beauty. County ordinances must have standards that meet or exceed the minimum state standards contained in Chapter NR 115, Wisconsin Administrative Code. The shoreland provisions include:

- setbacks for structures from waterways
- minimum lot sizes
- controls on removing shoreland vegetation
- standards for land disturbance activities
- protection of wetlands
- restrictions on improvements to nonconforming structures

Current development trends continue to pose major challenges to the shoreland program. As new development occurs, long continuous sections of natural shorelines are broken into small fragmented patches. This reduces the availability and quality of habitat needed by shoreline-dependent species, such as loons, eagles, osprey, and many amphibian species, particularly in northern Wisconsin. Along highly developed shorelines, preserving even small amounts of near-shore and fringe wetland habitat becomes critical for maintaining natural reproduction of fish populations. As smaller seasonal cabins are replaced with larger four-season homes, concerns over the size of lots and carrying capacity of the land arise. In addition, development in areas typically considered undevelopable, and second and third tier development, are now problems that the shoreland program did not predict nearly 40 years ago.

Much has changed in the way we develop waterfront property and the demands we place upon our developed areas. Changes in this program will equip the county with the tools and techniques needed to protect these valuable resource areas while allowing reasonable development to continue for the foreseeable future.

State Comparison:

Minnesota

The State of Minnesota has a shoreland program that is also currently in the process of being revised. The Minnesota DNR, on their website, states that an increase in development pressure around lakes and rivers has raised concerns about water quality and impacts on lake use therefore resulting in the need to review current shoreland minimum standards in the state. Minnesota bases their shoreland program on statewide classification of all surface waters based on size and shape, amount and type of existing development, road and service accessibility, existing natural character of the water and other parameters. Waterbodies are classified as natural environment lakes, recreational development lakes, general development lakes, remote river segments and forested rivers. Each class has specific standards associated with the shoreland ordinance including building setbacks, lot sizes and widths, bluff impact zones, slope requirements and others. The states differ on where the shoreline setback is measured from and how the Ordinary High Water Mark is determined. In practice, this difference may result in reduced shoreline setbacks in Minnesota when compared to standards in Wisconsin. The states also have somewhat different standards in treatment of nonconforming structures.

Michigan

The State of Michigan has a wild and scenic rivers protection program to provide special protection to designated rivers. This program is managed very similar to other wild and scenic river protection programs nationwide. The protection standards are outlined in Natural River Zoning Rule 281 which outlines standards for river setbacks, minimum lot widths, special vegetation management standards, and

nonconforming structure improvements. Additional activities that may have potential impacts to the public trust, riparian rights, or may impair or destroy the waters or other natural resources of the state, including inland lakes and streams, the Great Lakes, wetlands, and groundwater, are regulated by the Department of Environmental Quality.

Illinois

The State of Illinois regulates inland waters through an administrative code detailing conservation measures for public waters. The purpose of the program is to protect the public's interests, rights, safety and welfare in the State's public bodies of water. More specifically, construction is regulated to prevent obstruction to, or interference with, the navigability of any public body of water; encroachment on any public body of water; and impairment of the rights, interests or uses of the public in any public body of water or in the natural resources thereof.

Indiana

The state of Indiana also regulates lake-side construction activities and provides standards for the activities along and within public freshwater lakes. The state also has standards for nonconforming uses and nuisances including the removal of a lawful nonconforming use if the structure or facility affects public safety, natural resources, natural scenic beauty or the water level of a public freshwater lake.

Iowa

The state of Iowa has an integrated watershed management program, surface water regulation program which includes motor regulations and slow-no-wake areas to reduce shore erosion and a new (January 12, 2005) invasive species program to help safeguard the biological integrity of the lakes and river systems in Iowa. However, Iowa does not have a specific program for shoreland management or shoreland ordinance requirements. Most of Iowa's environmental programs are directly mandated by the federal government and required components of Environmental Protection or Federal Emergency Management Agency programs.

Summary of Factual Data:

This rule revision was the result of scientific analysis, literature summaries, advisory committee meetings, listening sessions, extensive public comments and formal public hearings that spanned over six years. This was a collaborative and comprehensive effort that began by collecting and evaluating data on local experiences administering the existing rule, as well as newer scientific information relevant to the impacts of shoreland development.

The evaluation process identified some key problem areas concerning application of the existing shoreland standards and regulatory consistency. Confusion and misunderstandings have resulted from unclear, subjective language, and inconsistent application of ordinance standards. Landowners and local governments have been frustrated in applying and interpreting the shoreland regulations. The proposed ch. NR 115 has been developed to clarify the standards and provide more flexibility in the application of land use standards and restrictions that will allow reasonable improvement of private properties, while still protecting Wisconsin's waters.

A 1997 Department study "Effectiveness of Shoreland Zoning Standards to Meet Statutory Objectives: A Literature Review with Policy Implications" showed that existing shoreland standards were not adequately achieving the statutory objectives of the program to protect critical fish and wildlife habitat, natural scenic beauty, and water quality of lakes and streams. Scientific studies during the 1990's found that fish and insect populations and water quality decline dramatically when watershed impervious surfaces reach 8-12%. A northern Wisconsin study found significant declines in populations of green frogs and key bird species on developed shorelines. When purchasing waterfront property, people inherently value clean water, plentiful wildlife and scenic vistas. A study in Maine found that waterfront property values would decline by 5% with a three-foot decline in lake water clarity. More details on these and other supporting studies are provided in the Environmental Assessment for this rule revision.

Effect on Small Businesses:

Small businesses are not expected to be significantly impacted by the proposed rule changes. Lot size and setback requirements have been imposed on businesses within the shoreland zone since the inception of the program back in the late 1960s. Commercial development has never been, and is not in this proposal, singled out as a different use. New impervious surface standards and mitigation requirements will apply to small business just like a any other development. Safeguards have been put into place to guarantee the amount of mitigation that would be required on large-scale projects, which may prove beneficial for some small businesses. Standards contained in this rule may limit some facility expansion based on location; however, other modifications in the rule will help in allowing current facilities to maintain and update current structures without limitations now imposed on the cost of those modifications. The rule requires local units of government to adopt shoreland ordinances based on these rules. The local units of government will enforce the local ordinances.

Anticipated Costs Incurred by the Private Sector:

Submission of an application for a permit under the local ordinances will result in costs to the applicant to provide the needed background information. The application costs will vary by individual permit application depending on the type of project undertaken and the level of detailed information needed to provide local authorities sufficient background information to make a determination. This rule will require mitigation in some situations. Mitigation costs will be incurred for vegetative plantings, developing rain gardens or other runoff controls and other types of practices that may be needed and determined by the local zoning office.

Agency contact person: Gregg Breese (608) 261-6430 gregg.breese@wisconsin.gov

SECTION 1. Chapter NR 115 (title) is amended to read:

WISCONSIN'S SHORELAND MANAGEMENT-PROTECTION PROGRAM

SECTION 2. NR 115.01 is repealed and recreated to read:

NR 115.01 Purpose. Section 281.31, Stats., provides that shoreland subdivision and zoning regulations shall: "further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty." Section 59.692, Stats., requires counties to effect the purposes of s. 281.31, Stats., and to promote the public health, safety and general welfare by adopting zoning regulations for the protection of all shorelands in unincorporated areas that meet shoreland zoning standards promulgated by the department. The purpose of this chapter is to establish minimum shoreland zoning standards for ordinances enacted under s. 59.692, Stats. for the purposes specified in s. 281.31(1), Stats., and to limit the direct and cumulative impacts of shoreland development on water quality; near-shore aquatic, wetland and upland wildlife habitat; and natural scenic beauty.

SECTION 3. NR 115.02 is amended to read:

NR 115.02 Applicability. The provisions of this chapter ~~are applicable~~ apply to county regulation of the use and development of unincorporated shoreland areas and to county, city or village regulation of previously unincorporated areas that were annexed by a city or village after May 7, 1982, or incorporated as a city or village after April 30, 1994. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance ~~and or~~ repair of state highways and bridges, carried out under the direction and supervision of the Wisconsin department of transportation ~~are is~~ not subject to local shoreland zoning ordinances, if s. 30.2022 (1), Stats., applies.

SECTION 4. NR 115.03 (intro.) is amended to read:

NR 115.03 Definitions. For the purpose of this chapter:

SECTION 5. NR 115.03 (1) is renumbered as NR 115.03 (1h).

SECTION 6. NR 115.03 (1d), (1p), (1t), (3m), (4g), (4r), and (7m) are created to read:

NR 115.03 (1d) "Access and viewing corridor" means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(1p) "Building envelope" means the three dimensional space within which a structure is built.

(3m) "Existing development pattern" means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(4g) "Impervious surface" means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

(4r) "Mitigation" means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(7m) "Routine maintenance of vegetation" means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

SECTION 7. NR 115.03 (12) is repealed.

SECTION 8. NR 115.04 is created to read:

NR 115.04 Shoreland-wetlands. (1) ESTABLISHMENT OF SHORELAND-WETLAND ZONING DISTRICTS. Counties shall adopt shoreland ordinances that include zoning regulations for shoreland-wetland zoning districts.

(2) AMENDMENT OF SHORELAND-WETLAND MAPS AND ZONING DISTRICTS. (a) County review of wetland inventory map amendments. After the department amends final Wisconsin wetland inventory maps:

1. The department shall transmit to the county zoning agency designated under s. 59.69 (2) (a), Stats., digital files or paper copies of amended wetland inventory maps for that county.

2. If the county believes that the amended maps are inaccurate, within 30 days of receiving the amended maps the county shall note discrepancies on the maps with an accompanying narrative explaining the amended problem areas and return a copy of the notated map and narrative to the department.

3. The department shall, at department expense, consult available soil survey maps and conduct on-site inspections, if appropriate, in order to evaluate the county recommendations, and shall then prepare final amended Wisconsin wetland inventory maps for that county.

Note: As of 1985 all counties adopted official wetland zoning maps and amendments occur as accuracy increases.

(b) County amendment of shoreland-wetland maps and zoning districts. 1. Within 6 months after receipt of final amended Wisconsin wetland inventory maps for that county from the department, a county shall zone all shorelands designated as wetlands on the amended Wisconsin wetland inventory maps in a shoreland-wetland zoning district. If a county fails to zone all shoreland-wetlands within this 6 month period, s. NR 115.06 (3) (b) shall apply.

2. Ordinance text and map amendments creating or amending shoreland-wetland zoning districts shall be referred to the county zoning agency for public hearing as required by s. 59.69 (5) (e) 2., Stats.

Note: Where an apparent discrepancy exists between a shoreland-wetland district shown on an amended map and actual field conditions, the county shall contact the department to determine if the amended map is in error. If the department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official map amendment must be initiated within a reasonable period of time, not to exceed one year following the determination.

3. At least 10 days prior to the public hearing, the county shall provide the appropriate regional office of the department with a copy of the proposed text and map amendments and with written notice of the public hearing.

(c) *Amendment of shoreland-wetland zoning districts.* 1. Official ordinance amendments are required for any proposed change in shoreland-wetland zoning. Such amendments shall be made in accordance with provisions of s. 59.69 (5) (e), Stats. Official amendments to the ordinance text shall be made promptly. Provided the ordinance text is promptly amended, a county may amend its official map within a reasonable period of time not to exceed one year following the change in shoreland-wetland zoning.

2. The county clerk shall submit a copy of every proposed amendment to a shoreland-wetland zoning district to the appropriate regional office of the department within 5 days of the filing of such proposed amendment with the clerk.

3. All proposed text and map amendments to shoreland-wetland zoning districts shall be referred to the county zoning agency for a public notice and hearing as required by s. 59.69 (5) (e) 2., Stats. The appropriate regional office of the department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.

4. In order to ensure that the shoreland protection objectives found in s. 281.31, Stats., will be accomplished by the county shoreland ordinance, a county shall not rezone a shoreland-wetland zoning district, or portion thereof, if the proposed rezoning may result in a significant adverse impact upon any of the following:

- a. Storm and flood water storage capacity;
- b. Maintenance of dry season stream flow, or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- d. Shoreline protection against soil erosion;
- e. Fish spawning, breeding, nursery or feeding grounds;
- f. Wildlife habitat; or
- g. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

5. If the department determines that the proposed rezoning may have a significant adverse impact upon any of the criteria listed in subd. 4., the department shall notify the county zoning agency of its determination either prior to or during the public hearing held on the proposed amendment.

6. As soon as possible after holding a public hearing, the county zoning agency shall submit its written findings and recommendations to the county board. Said findings shall outline the reason for the agency's recommendations. After receipt of the county zoning agency's findings and recommendations, the board may approve or disapprove of the proposed amendment.

7. The appropriate regional office of the department shall be provided with all of the following:

a. A copy of the county zoning agency's findings and recommendations on the proposed amendment within 10 days after the submission of those findings and recommendations to the county board;

b. Written notice of the board's decision on the proposed amendment within 10 days after it is issued.

8. If the county board approves of the proposed amendment and the department determines, after review as required by s. NR 115.06 (2) (c), that the county shoreland zoning ordinance if so amended would no longer comply with the requirements of s. 59.692, Stats., and this chapter, the department shall, after notice and hearing, adopt a complying ordinance for the county, under s. 59.692 (6), Stats.

9. If the department has notified the county zoning agency that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subd. 4., that proposed amendment, if approved by the county board, shall not become effective until more than 30 days have elapsed since

written notice of the county board's approval was mailed to the department, as required by subd. 7. If within the 30-day period the department notifies the county board that the department intends to adopt a superseding shoreland zoning ordinance for the county under s. 59.692 (6), Stats., the proposed amendment shall not become effective while the ordinance adoption procedure is proceeding, but shall have its effect stayed until the s. 59.692 (6), Stats., procedure is completed or otherwise terminated.

(3) PERMITTED USES IN SHORELAND-WETLAND ZONING DISTRICTS. Within shoreland-wetland zoning districts, counties shall permit the following uses subject to the general requirements of s. NR 115.05, the provisions of chs. 30 and 31, Stats., and other state and federal laws, if applicable:

(a) Hiking, fishing, trapping, hunting, swimming and boating.

(b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops and that does not involve filling, flooding, draining, dredging, ditching, tiling or excavating.

(c) The practice of silviculture, including the planting, thinning and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done except as required to construct and maintain roads which are necessary to conduct silviculture activities, which cannot as a practical matter be located outside the wetland, and which are designed and constructed to minimize the adverse impact upon the natural functions of the wetland, or except as required for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvicultural activities if not corrected.

Note: Local units of government, in the development and application of ordinances which apply to shoreland areas, must consider other programs of statewide interest and other state regulations affecting the lands to be regulated, i.e. regulations and management practices applicable to state and county forests and lands entered under the forest cropland and managed forest land programs.

(d) The pasturing of livestock and the construction and maintenance of fences, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(e) The cultivation of agricultural crops if cultivation can be accomplished without filling, flooding or artificial drainage of the wetland through ditching, tiling, dredging or excavating except that flooding, dike and dam construction, and ditching shall be allowed for the purpose of growing and harvesting cranberries. The maintenance and repair of existing drainage systems (such as ditching and tiling) shall be permitted. The construction and maintenance of roads shall be permitted if the roads are necessary for agricultural cultivation, cannot as a practical matter be located outside the wetland, and are designed and constructed to minimize the adverse impact upon the natural functions of the wetland.

(f) The construction and maintenance of duck blinds provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(g) The construction and maintenance of nonresidential structures, not to exceed 500 square feet, used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose which is compatible with wetland preservation if the structure cannot as a practical matter be located outside the wetland, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.

(h) The construction and maintenance of piers, docks and walkways, including those built on pilings, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done.

(i) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that no filling is done and that any private wildlife habitat area is used exclusively for that purpose. The owner or operator of a new private recreation or wildlife area to be located in a shoreland-wetland zoning district shall be required to notify the county zoning agency of the proposed project before beginning construction. Ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(j) The construction and maintenance of electric, gas, telephone water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

Note: Major electrical generating facilities and high-voltage transmission lines that have obtained a certificate of public convenience and necessity under s. 196.491, Stats., are not subject to the requirements of local ordinances.

(k) The construction and maintenance of railroad lines which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for the construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

(L) The maintenance, repair, replacement, and reconstruction of existing town and county highways and bridges.

(4) PROHIBITED USES IN SHORELAND-WETLAND ZONING DISTRICTS. Any use not permitted in sub. (3) is prohibited in a shoreland-wetland zoning district unless the wetland or portion thereof is rezoned by amendment of the county shoreland zoning ordinance in accordance with s. 59.69 (5) (e), Stats., and the procedures outlined in sub. (2) (c).

SECTION 9. NR 115.05 (title) is amended to read:

NR 115.05 Shoreland regulation standards and criteria-Minimum Zoning Standards for Shorelands.

SECTION 10. NR 115.05 (1) and (2) are repealed.

SECTION 11. NR 115.05 (3) is renumbered to NR 115.05 (1) and as renumbered is amended to read:

NR 115.05 (1) ESTABLISHMENT OF SHORELAND ZONING REGULATIONS FOR SHORELAND AREAS STANDARDS. The shoreland zoning ordinance adopted by each county shall ~~provide sufficient~~ sufficiently control of the use of shorelands to afford the protection of water quality as specified in chs. NR 102 and 103. At a minimum, the ordinance shall include all of the following provisions:

(a) *Minimum lot sizes.* Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

1. 'Sewered lots.' Lots served by public sanitary sewer shall have a minimum average width of 65 feet and a minimum area of 10,000 square feet.

2. 'Unsewered lots.' Lots not served by public sanitary sewer shall have a minimum average width of 100 feet and a minimum area of 20,000 square feet.

3. 'Substandard lots.' A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

b. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

c. The substandard lot or parcel is developed to comply with all other ordinance requirements.

4. 'Planned Unit Development.' A non-riparian lot may be created which does not meet the requirements of subd. 1, if the county has approved and recorded a plat or certified survey map including that lot within a planned unit development, if the planned unit development contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty.

(b) *Building setbacks.* Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

1. 'Shoreland setback.' Unless an existing development pattern exists, Except where exempt under subd. 1m., a setback of 75 feet from the ordinary high-water mark of an adjacent body of water any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures, except piers, boat hoists and boathouses. Where an existing development pattern exists, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of

the principal structure on each adjacent lot, but the shoreland setback may not be reduced to less than 35 feet from the ordinary high-water mark of any navigable waters.

Note: A property owner may seek a variance to a dimensional standard of the county ordinance and a county board of adjustment may review the request pursuant to s. 59.694(7)(c), Stats.

1m. 'Exempt structures.' All of the following structures are exempt from the shoreland setback standards in subd. 1.:

a. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

Note: This chapter does not prohibit repair and maintenance of boathouses located above the ordinary high-water mark.

b. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692 (1v), Stats.

c. Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Stats.

d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. Comm 83, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

f. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

2. 'Floodplain structures.' Buildings and structures to be constructed or placed in a flood plain shall be required to comply with any applicable flood plain zoning ordinance.

3. 'Boathouses.' The use of boathouses for human habitation and the construction or placing of boathouses beyond the ordinary high-water mark of any navigable waters shall be prohibited.

(c) ~~Trees and shrubbery.~~ Vegetation. ~~The cutting of trees and shrubbery shall be regulated to To protect natural scenic beauty, fish and wildlife habitat, and water quality, control erosion, and reduce the flow of effluents, sediments and nutrients from the shoreland area., a county shall regulate removal of vegetation in shoreland areas, consistent with the following:~~

1. In the strip of land 35 feet wide inland from the ordinary high water mark, no more than 30 feet in any 100 feet shall be clear-cut. The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

Note: In developing and applying ordinances which apply to shoreland areas, local units of government must consider other applicable law and programs affecting the lands to be regulated, e.g., law and management practices that apply to state and county forests and lands entered under forest cropland and managed forest land programs, and ss. 59.692(2)(a) and 59.69(4)(a), Stats.

2. In shoreland areas more than 35 feet inland, trees and shrub cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.

3. The tree and shrubbery regulations required by this paragraph shall not apply to the removal of dead, diseased or dying trees or shrubbery. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

a. The county may allow routine maintenance of vegetation.

b. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed the lesser of 30 percent of the shoreline frontage or 200 feet.

c. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in section NR 1.25(2)(b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

d. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed under the permit be replaced by replanting in the same area as soon as practicable.

Note: Information regarding native plants, shoreland and habitat management is available from the University of Wisconsin-Extension publications website: <http://clean-water.uwex.edu/pubs/index.htm>.

e. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

(d) Filling, grading, lagooning, dredging, ditching and excavating. Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of sub. (2) NR 115.04, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

(e) Impervious surfaces. Counties shall establish impervious surface standards to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface, and shall require all of the following:

1. 'Calculation of percentage of impervious surface.' Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on a shoreland lot or parcel by the total surface area of that shoreland lot or parcel.

2. 'Impervious surface standard.' A county may allow up to 15% impervious surface on a shoreland lot or parcel.

3. 'Maximum impervious surface.' A county may allow more than 15% impervious surface but not more than 30% impervious surface on a shoreland lot or parcel, provided that the county issues a permit that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include existing or proposed measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the impervious surface being permitted.

Note: A property owner may seek a variance to a dimensional standard of the county ordinance and a county board of adjustment may review the request pursuant to s. 59.694(7)(c), Stats.

4. 'Existing impervious surfaces.' This chapter does not prohibit routine maintenance of all impervious surfaces that existed on the effective date of this rule ... [Legislative Reference Bureau insert date], or replacement of existing driveways, walkways, patios or similar surfaces at grade level.

(f) Height. To protect and preserve wildlife habitat and natural scenic beauty, on or after the effective date of this section ... [Legislative Reference Bureau insert date], a county may not permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

(e)(g) Nonconforming structures and uses. 1. 'General rule for nonconforming uses.' Under s. Pursuant to ss. 59.69 (10) (a) and 59.692 (2) (a), Stats., an ordinance enacted under those provisions may not prohibit the continuation of the lawful use of a building, structure or property, existing at the time that exists when an ordinance or ordinance amendment takes effect, which is not in conformity with the provisions of the ordinance or amendment, including routine maintenance of such a building or structure, shall may not be prohibited, but the alteration of, addition to, or repair, over the life of the building or structure, in excess of 50% of the equalized assessed value of an existing nonconforming building or structure may be prohibited. If a county prohibits alteration, addition or repair in excess of 50% of the equalized assessed value of an existing nonconforming building or structure, the property owner may either appeal the decision to the county board of adjustment and seek court review if the board's determination is unfavorable, under s. 59.694 (4) and (10), Stats., or petition to have the property rezoned under sub. (2) (e) and s. 59.69 (5) (e), Stats.

2. 'Nonconforming use of temporary structure.' The continuance of the nonconforming use of a temporary structure may be prohibited.

3. 'Discontinued nonconforming use.' If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

4. 'Maintenance of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b)1. may be maintained and repaired within its existing building envelope. Maintenance and repair

includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding, or roof.

5. 'Expansion of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b)1. may be expanded beyond its existing building envelope, provided that all of the following requirements are met:

a. The use of the structure has not been discontinued for a period of 12 months or more.
b. The existing principal structure is at least 35 feet from the ordinary high-water mark.
c. No portion of the structure expansion will be located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

d. Unless all portions of the structure expansion are more than 75-feet from the ordinary high-water mark, the county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include measures that exist or are proposed to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted.

e. All other provisions of the shoreland ordinance shall be met.

Note: Other provisions include requirements such as height and impervious surface limitations.

Note: This code does not supercede s. 59.692(1s), Stats.

6. 'Replacement or relocation of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under par. (b)1. may be replaced or relocated on the property provided all of the following requirements are met:

a. The use of the structure has not been discontinued for a period of 12 months or more.
b. The existing principal structure is at least 35 feet from the ordinary high-water mark.
c. No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

d. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement in par. (b)1.

e. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include measures that exist or are proposed to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted.

f. The county shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shoreland setback requirement in par. (b)1. and are not exempt under par. (b)1m. to be removed by the date specified in the permit.

g. All other provisions of the shoreland ordinance shall be met.

Note: Other provisions include requirements such as height and impervious surface limitations.

Note: This code does not supercede s. 59.692(1s), Stats.

4.7. 'Boathouses.' The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Stats.

SECTION 12. NR 115.05 (4) is renumbered to NR 115.05 (2), and NR 115.05 (2) (intro) as renumbered is amended to read:

(2) ESTABLISHMENT OF LAND DIVISION REVIEW. Each county shall review, pursuant to s. 236.45, Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors should-shall be considered:

SECTION 13. NR 115.05 (5) is renumbered to NR 115.05 (3).

SECTION 14. NR 115.05 (6) is renumbered to NR 115.05 (4), and NR 115.05 (4)(intro) and (4)(h) as renumbered are amended to read:

NR 115.05 (4) ADOPTION OF ADMINISTRATIVE AND ENFORCEMENT PROVISIONS. The shoreland ordinance adopted by each county shall ~~provide for~~require all of the following:

NR 115.05 (4) (h) Written notice to the appropriate ~~district~~regional office of the department at least 10 days prior to ~~any hearings~~hearing on a proposed variances~~variance~~, special exceptions ~~exception or (conditional uses)~~use permit, ~~appeals~~appeal for a map or text ~~interpretations~~interpretation, and map or text amendments amendment, and submission to the same office of the department of copies of decisions on ~~variances, special exceptions (conditional uses), appeals for map or text interpretations, and map or text amendments~~ within 10 days after they are granted or denied copies of all proposed land divisions submitted to the county for review under sub. (2). Upon request of the Department a county shall provide to the appropriate regional office a copy of any permit issued under sub. (1)(g).

SECTION 15. NR 115.05 (4) (hm) is created to read:

NR 115.05 (4) (hm) Submission to the appropriate regional office of the department, within 10 days after grant or denial, of copies of any permit granted under sub. (1) (g), any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

SECTION 16. NR 115.06 (2) is amended to read:

NR 115.06 (2) REVIEW AND APPROVAL OF SHORELAND ZONING AND LAND DIVISION ORDINANCES. When determining whether a shoreland zoning or subdivision ordinance or any subsequent amendment enacted by a county complies with s. 59.692, Stats., the department shall compare the ordinance and amendments with the minimum standards and requirements for shoreland regulation in this chapter.

(a) Initial ordinance. ~~Compliance with the requirements of s. 59.692, Stats., will be determined by the department by comparing the shoreland zoning and land division ordinance that has been enacted by a county with the minimum standards for shoreland regulation contained in s. NR 115.05.~~ The department shall issue a certificate of compliance when a county has, in the opinion of the department, complied with s. 59.692, Stats., and this chapter.

(b) Amendments to ordinance. ~~The department shall periodically reevaluate shoreland zoning and land division ordinances to ascertain their continuing compliance with s. NR 115.05.~~ 1. A county shall keep its shoreland zoning ordinance current, effective and workable to retain its status of compliance, and each county shall assure that the county shoreland ordinance continues to comply with this chapter by doing the following:

1. 'County duties.' A county shall keep its shoreland zoning and subdivision ordinances in compliance with s. 59.692, Stats., and this chapter by doing all of the following:

a. A county shall amend its shoreland and subdivision ordinances to meet the minimum standards in this chapter within two years after the effective date of this rule ... [Legislative Reference Bureau insert date].

b. Pursuant to s. NR 115.05 (4) (h) and (hm), a county shall provide the department notice of hearing on any proposed ordinance amendment and a copy of any decision denying or enacting an amendment.

2. 'Department duties.' a. The department may periodically reevaluate county shoreland zoning and subdivision ordinances for continuing compliance with s. 59.692, Stats., and this chapter.

b. The department shall review any ordinance amendment enacted pursuant to subd. 1.a. and shall issue a certificate of compliance when the amended ordinance, in the opinion of the department, complies with s. 59.692, Stats., and this chapter.

(c) Proposed amendments to shoreland-wetland districts. The department shall review all proposed amendments to shoreland ~~shoreland-wetland~~ zoning districts pursuant to s. NR 115.05 (2) (e)

5.115.04 (2) to ensure that determine whether an ordinance which is amended as proposed will retain its status of compliance comply with s. 59.692, Stats., and this chapter.

SECTION 17. NR 115.06 (3) is amended to read:

NR 115.06 (3) (a) Failure to enact initial ordinance or amendments. ~~Counties which do~~ A county that does not have a shoreland zoning ordinance and land division subdivision ordinance in effect or that fails to amend its ordinance as required by sub. (2) (b) 1. shall be deemed to be in noncompliance with s. 59.692, Stats., and this chapter. ~~The Pursuant to s. 59.692 (6), Stats., and after notice and hearing, the department shall, pursuant to s. 59.692 (6), Stats., adopt an ordinance, after notice and hearing, if a county fails to either do one of the following:~~

1. ~~Proceed with the drafting and enactment of Draft and enact shoreland regulations and subdivision ordinances or required amendments within a given time period, or, specified by the department.~~

2. ~~Contact Contract with a consultant to draft the regulations shoreland and subdivision ordinances or required amendments and enact the ordinances within a given time period, or, specified by the department.~~

3. ~~Cooperate with the staff of the department staff to draft the shoreland and subdivision ordinance ordinances or required amendments to be enacted by the county within a given time period specified by the department not to exceed 180 days. All costs for such action by the department shall be borne by the noncomplying county.~~

(b) Failure to meet minimum standards in initial ordinance or amendments. Counties which have shoreland zoning and land division subdivision ordinances or amendments that the department has reviewed under sub. (2) and found do not meet the minimum standards contained in s. NR 115.05 in this chapter shall be deemed to be in noncompliance with the requirements of s. 59.692, Stats., and this chapter, and the procedures in par. (a) shall apply. If a county fails to modify its ordinance to meet the minimum standards within 6 months after receipt of final amended Wisconsin wetland inventory maps for that county as required by s. NR 115.04 (2) (b), the department shall adopt an ordinance for the county, after notice and hearing, pursuant to s. 59.692 (6), Stats.

(c) Extension of time. The department may extend the time periods specified in pars (a) and (b) if it determines an extension is in the public interest.

(d) Costs. Pursuant to ss. 59.692 (6) and 87.30 (1) (c), Stats. the costs of any actions by the department under this subsection to adopt an ordinance or amendments shall be assessed against the county concerned and collected in substantially the same manner as other taxes levied by the state.

SECTION 18. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2)(intro.), Stats.

SECTION 19. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 24, 2009.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

(SEAL)

