



WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

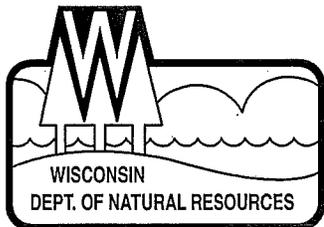
Committee on Environment...

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**



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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November 13, 2009

Honorable Spencer Black, Chair
Assembly Committee on Natural Resources
Room 7 West
State Capitol

Honorable Mark Miller, Chair
Senate Committee on Environment and Natural Resources
Room 409 South
State Capitol

Re: Clearinghouse Rule No. 05-058 Wisconsin Shoreland Management Program – NR 115

Gentlemen:

In response to the Assembly Committee on Natural Resources' motion requesting modifications to Clearinghouse Rule No. 05-058, the Natural Resources Board adopted modifications at its November 13, 2009 meeting. The modifications will change the rule to allow vertical expansion of non-conforming structures, requires an instrument to be filed at the register of deeds of mitigation, clarified annexation and incorporation requirements to be consistent with existing statutes, clarified how to calculate impervious surfaces, clarified the "keep what you have provisions," and reduced the impervious surface regulation from 100 feet to 300 feet. Attached is a copy of the modifications adopted by the Natural Resources Board and a copy of Natural Resources Board Order No. WT-28-04 (Clearinghouse Rule No. 05-058) incorporating the modifications.

Under s. 227.19(5)(b), Stats., the Department of Natural Resources refers this action to your committees for an additional 10 working day review. If the Department does not hear from you within 10 working days of receipt of this letter, the Department will continue processing this rule.

Sincerely,



Matthew J. Frank
Secretary

cc: Edwina Kavanaugh– LS/8
Julia Riley – WT/4
Paul Heinen – AD/8
Gregg Breese WT/4
Attach.

State of Wisconsin
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rule being submitted is:

Board Order Number: WT-28-04

Clearinghouse Number: 05-058

Subject of Rules: Wisconsin's Shoreland Management Program – NR 115

Date of Transmittal: November 13, 2009

Send a copy of any correspondence or notices pertaining to the rule to:

Edwina Kavanaugh
DNR Bureau of Legal Services
LS/8, 101 South Webster

Watershed Rules Coordinator, Julia Riley
DNR Bureau of Watershed Management
WT/3, 101 South Webster

An electronic copy of the proposed rule submittal may be obtained by contacting Gregg Breese at Gregory.Breese@wisconsin.gov or 608-261-6430

REPORT TO LEGISLATURE

Revisions to NR 115, Wis. Adm. Code Wisconsin's Shoreland Protection Program

Board Order No. WT-28-04
Clearinghouse Rule No. 05-058

Summary of alterations to June 2009 rule

On July 22, 2009 the Department submitted a rule unanimously approved by the Natural Resources Board for consideration by the legislature. That rule package was sent back for potential modifications. The resulting proposal contains the original proposal with the following changes:

- Existing legal non-conforming structures are allowed vertical expansion only
- Further clarified statutory requirements of applicability for shoreland zoning in annexed and incorporated areas
- Impervious surface regulation is only required for the first 300 feet of the Shoreland zone
- Clarification of how to calculate the impervious surface percentage in the first 300 feet
- Mitigation requirements must now be evidenced by an instrument recorded at the register of deeds
- Clarification of the "keep what you have" provision which allows a property owner to keep their percentage of impervious surfaces as of the date of the ordinance with certain conditions

Basis and Purpose of the Proposed Rule

Wisconsin's minimum shoreland zoning standards (NR 115) were originally written in the 1960's and have been revised very little since that time. Development patterns have changed significantly from a small, older family cottage to year round homes and multi-unit complexes with sizes proportionate to the high value of the shoreline property. Since the initial writing, most counties have elected to create ordinances that go beyond the minimum standards but are looking for up-to-date statewide minimums to make these protective measures more consistent. In the years that shoreland zoning has been in place, extensive scientific research has shown that easily-implementable up-to-date minimum standards are critical to protecting Wisconsin lakes and streams.

Revisions to the minimum shoreland zoning standards have been under discussion since 1988. Local evaluations twenty years after adoption were corroborated by a formal comprehensive study in 1997 that found that the minimum standards in the code were difficult to understand and were not being implemented in a manner to protect fish and wildlife habitat, natural scenic beauty and water quality. Many of the basic standards were unchanged since originally adopted nearly 40 years ago. An extensive review of modern scientific literature about fish and wildlife habitat requirements, prevention and control of water pollution, and preservation of shore cover for natural scenic beauty, concluded that to meet the statutory objectives of the program, improved minimum standards were needed for shoreland ordinances.¹

In addition, counties across the state had expressed frustration with the current minimum standards. Counties with existing standards sought more clarity and definition in the rules to enable consistent application across the state resulting in better lake and stream protection. They also sought more flexibility in the code so they could adopt more innovative regulatory programs. Some property owners also expressed frustration with the current minimum standards, including a perceived inequity in the

¹ Bernthal, T. October 1997. Effectiveness of Shoreland Zoning Standards to Meet Statutory Objectives: A Literature Review with Policy Implications. Wisconsin Department of Natural Resources.

application of the "50% rule" in regulating nonconforming structures and, in certain situations, frustration with the code's reliance on variances as the primary relief mechanism.

The current proposal is a simplified code that recognizes the science of shoreland protection, the value of waterfront property, the past work that counties have put into creating and enforcing shoreland zoning ordinances, the desire for flexibility in development coupled with the demand that the current levels of protection not be reduced.

The proposal follows some key basic principles:

- Property owners may maintain existing buildings and lawns.
- For new building, reconstruction or expansion, property owners will need to either save some space for fish and wildlife habitat and runoff absorption - or restore habitat or runoff absorption – in proportion to the project.

Many familiar standards are unchanged, including the 75 foot setback and the 10,000 and 20,000 square foot lot sizes.

Construction that pre-dates shoreland zoning and doesn't meet the standards (non-conforming structures) has been problematic because of administrative complexity and inconsistent treatment from county to county. The majority of variance applications are related to modifying existing nonconforming structures and lots. In order to reduce the frequency of variance requests from the same zoning provisions experts recommend modification of the provisions. In addition to removing limits on remodeling or repair within the building envelope, several options are created for expansion.

Many local governments, lake and river groups, and landscapers, as well as state agencies, now use and recommend modern water quality and habitat management practices to landowners that are not reflected in the old shoreland standards. As an example, the old standards do not reflect the need to control invasive species – a need was largely unknown at the time of original adoption.

DNR has developed a comprehensive approach to shoreland management, of which regulation is one element. DNR property managers evaluate the condition of shoreland habitat on state lands and as needed restore shoreline features at several properties each year. Educational materials and programs, including sites demonstrating sound shoreland practices, are widely available through DNR, UW-Extension, county offices, and local lake and river groups. \$775,000 is available annually in lake and river grants specifically to support local governments and organizations with education and incentive programs.

Summary of Public Comments

An extensive public participation process was used in the development of NR 115 rule revisions to update current shoreland protection standards. In addition to convening a long-standing Citizens Advisory Committee, the Department held statewide public listening sessions in 2003, as well as two series of public hearings in 2005 and 2007 on proposed rule changes. Several tens of thousands of comments were received at the public hearings. The current version of the rule change balances the wide range of the public comments.

Major provisions of the proposal include adding definitions to the rule for clarity; providing exemptions for certain activities from shoreland setback and establishing impervious surface and mitigation standards that alter the regulation of nonconforming structures. These changes will significantly decrease the number of variance applications counties receive and allow landowners to undertake certain activities by obtaining a simple administrative permit from the county.

General categories of comments and number of respondents from 2007 public comments are listed in the chart below. More detailed summaries of public comments and the Department's responses are found in Attachment 1 – 2007 Public Comment Summary and Attachment 2 – 2005 Public Comment Summary. Many of the issues addressed in the 2007 public hearing draft were in response to the 2005 comments.

The detailed analyses of the 2007 comments and Department responses have informed the final rule revisions drafted by the Department and approved by the Natural Resources Board in June 2009.

NR 115 Issue	Neutral	In Favor	Too Permissive	Support and Oppose	Opposed
General	7	231	18	306	1250
Definitions	4	1	1		98
Shoreland-wetland	5	0	4		5
Land Division	1	0	40		8
Lot Sizes	2	125	38		229
Setbacks	8	97	149		171
Height	8	86	17		206
Buffers	39	137	72		339
Impervious Surfaces	9	292	122	77	468
Mitigation	1	94	7		167
Land Disturbance	3	78	9		67
Administrative-Enforcement	88	1	142		25
Miscellaneous	6	296	295		2027
Comments outside the scope of NR 115	9	0	4		858
Total by category	111	1438	918	383	5923
Total Comments*	8945				

**Includes 132 undecided and 40 language modification comments.*

There will always be some controversy associated with shoreland zoning. The controversy seems to stem from the property rights movement and the overall general dissatisfaction with zoning as a regulatory tool. The rule will probably never be able to satisfy everyone. However, the revision is a major step in the right direction, clarifying several gray areas, using common sense and concepts that will work in the "real world," allowing local innovation to continue and balancing the protection of water quality, wildlife habitat and natural scenic beauty with the needs and wants of today's riparian owners.

Specific to ch. NR 115 and the rule revision process, there will continue to be some controversy surrounding components of the rule such as shoreland vegetation and the new requirements for impervious surface standards and mitigation. Most of the uneasiness is derived from the fact that the concepts are new to shoreland zoning. The new standards can work and have worked in counties around the state; however, here they are required as minimum standards for all counties.

Throughout the public hearing process, the Department listened and made strides to produce the best rule possible to balance the statutory goals of the program with the understanding that private citizens need to have a certain degree of latitude when developing waterfront properties. Shoreland management is a balancing act, attempting to protect our navigable water resources while respecting the rights of individual landowners.

Modifications Made

The Department has drafted the attached revision to ch. NR 115 to meet the statutory objectives of the shoreland protection program while providing certainty and flexibility to counties and property owners.

Highlights of substantive changes are summarized below:

Section NR 115.02 - Applicability

- Explicitly states applicability of rule to unincorporated areas annexed after 1982 and unincorporated areas incorporated after 1994.

Section NR 115.03 - Definitions

- Added definitions for "Access and viewing corridor", "Building envelope", "Existing development pattern", "Impervious surface", "Mitigation" and "Routine maintenance of vegetation".

Section NR 115.04 – Shoreland-Wetland mapping and minimum standards

- Language updated to reflect fact that after 1985 all preliminary Wisconsin Wetland Inventory maps had been adopted. Language now refers to the wetland map "amendment" process.
- Added timeframe for zoning wetlands as reflected in amended maps and zoning districts.
- Added provision to resolve discrepancies in map and field conditions.
- Amended "Rezoning shoreland-wetland districts" language to clarify communication between the counties, Department and Army Corps of Engineers.

Section NR 115.05 - Establishment of Shoreland Zoning Standards

Minimum lot sizes

- Counties may allow development on a substandard lot if the lot is a legal lot of record that complied with the applicable lot size requirements in effect at the time the lot was recorded at the county register of deeds office and the proposed construction of a structure will comply with all other standards in the code.
- Counties may also allow development on substandard lots that don't meet the area and width standards, as long as they were not legally combined, don't have a structure straddling a shared lot line, and can be built in compliance with all other shoreland ordinance standards.

Building setbacks

- The standard minimum setback remains 75 feet.
- Language is added to address structures exempted by other state or federal laws from the minimum setback standards.
- The construction of new dry boathouses is still exempted; however, a provision has been added that boathouses must be located within the access and viewing corridor, not provide human habitation nor contain plumbing.
- New "Existing development pattern" and "Access and viewing corridor" definitions support this standard.

Vegetation

- Routine maintenance of vegetation permitted in shoreland zone. Removal of trees and shrubs also is allowed if the trees and shrubs are exotic or invasive species, diseased or damaged, or an imminent safety hazard, but the removed trees and shrubs must be replaced.
- Language governing management of shoreland vegetation in at least the first 35 feet from the OHWM is clarified, resulting in a more functional buffer protecting habitat and water quality.
- Other vegetation management permitted in the vegetated buffer zone with a county approved plan that requires erosion control; re-vegetation; maintenance and monitoring and enforceable restrictions.
- An access and viewing corridor that is up to 30% of the shoreline frontage is permitted in the vegetative buffer zone; however, a maximum corridor width of 200 feet per riparian lot or parcel has been added and a rule that new boathouses must be located in the corridor.
- New "Routine maintenance of vegetation" and "Access and viewing corridor" definitions support this standard.

Impervious surfaces

- To allow space for fish and wildlife habitat and water quality protection measures, counties must create standards that regulate the total percentage of impervious surface (IS) cover on lots in the first 300 feet of the shoreland zone.
- The total impervious surface coverage allowance is 15%, but may be exceeded up to a maximum of 30% total if mitigation measures are implemented and maintained.
- Routine maintenance of all existing impervious surfaces may be allowed.
- Lots with more than 30% cover may not add more impervious surfaces if the addition increases the total area of impervious surface. The rules for impervious surfaces and nonconforming principal structures may allow some impervious surfaces on such lots to be expanded or relocated if other impervious surfaces are removed or reduced in area so that the net effect is no increase in impervious surface.
- New "Impervious surface" and "Mitigation" definitions support this standard.

Height

- A new provision limiting structure height to 35-feet high within 75 feet of the ordinary high-water mark is added to protect and preserve the natural scenic beauty close to the shoreline.

Nonconforming structures and uses

- Removed rule that discussed limiting the cost of changes to nonconforming structures to 50%; rule provides incentives to address nonconforming structures via limits on impervious surface area and mitigation requirements.
- Allows continuation of lawful use and routine maintenance of nonconforming structures.
- Added provision allowing vertical expansion of nonconforming principal structures within 75 feet of the ordinary high-water mark with a county permit, provided key requirements are met, including mitigation to offset impacts.
- Added provision allowing relocation of nonconforming principal structures within 75 feet of the ordinary high-water mark with a county permit, only when no compliant building location exists, and provided key requirements are met, including mitigation to offset impacts and removal of non-exempt structures within 75-feet of the water.
- New "Mitigation" and "Building envelope" definitions support this standard.

Adoption of Administrative and Enforcement Provisions

- In addition to notifying the Regional office prior to any hearings on the following, counties must also submit to the Department within 10 days permits to relocate or expand nonconforming principal structures; variances, special exception and conditional use permits; appeals for map or text interpretations, and decisions to amend map or text ordinances.

Section NR 115.06 (2) - Departmental Duties

- Provision added that after review and upon determining that the county shoreland ordinance and all of its amendments complies with s. 59.692, Stats., the Department shall issue a certificate of compliance to that effect.
- Counties with a non-compliant or no shoreland ordinance have 180 days to work with Department to draft a compliant shoreland ordinance.

Appearances at the Public Hearings

Eight public hearings were held around the state between July 24 and August 15, 2007. A total of 727 individuals gave written or oral testimony at the hearings, although more people were in attendance. The table below shows the attendance at each hearing location. A detailed list of all persons who appeared at the hearings is found in Attachment 3. In addition to those collected at the hearings, more than 8900 additional individual comments were submitted by more than 2400 individuals during the 2007 public comment period. Comments were accepted until September 7, 2007.

Location	Attendance	Appearance Slips	Speakers
Pewaukee	107	101	54

Stoughton	101	98	61
Oshkosh	197	197	139
Wausau	57	51	22
Rhineland	66	66	32
Rice Lake	67	67	38
Tomah	13	13	6
Green Bay	54	54	36
Total	734	647	388

Changes to Rule Analysis and Fiscal Estimate

Minor modifications were made to the 2007 rule analysis and fiscal estimate to reflect the modifications made as a result of public comments.

Response to Legislative Council Rules Clearinghouse Report

All Clearinghouse comments that have not become moot have been accepted and the rule has been revised accordingly.

Final Regulatory Flexibility Analysis

This rule requires counties to adopt shoreland zoning ordinances. County shoreland zoning ordinances must meet or exceed the minimum standards established by the rule. Any businesses in the shoreland zone have been complying with regulations since the late 1960's. This rule revision does not have a significant economic impact on a substantial number of small businesses so the small business analysis is not required.

Attachments

- Attachment 1 – 2007 Public Comment Summary and Response
- Attachment 2 – 2005 Public Comment Summary and Response
- Attachment 3 – Appearances at the 2007 Public Hearings

ATTACHMENT 1

RESPONSE TO 2007 PUBLIC COMMENTS Proposed Revisions to NR 115, Wisconsin Administrative Code Statewide Minimum Shoreland Zoning Standards

Hearing Summary Report

In 2007, the Natural Resources Board authorized public hearings on the proposed revision of the Shoreland Protection Program (Wis Admn Code, ch. NR 115). This document is a summary of the approximately 8,945 comments from 2,381 individuals which were received by the Wisconsin Department of Natural Resources during the public comment period. This summary does not contain each individual comment received. For information from the complete comment database please contact Gregg Breese at Gregory.breese@wisconsin.gov or (608) 261-6430.

Eight public hearings were held during summer 2007 in Wausau (July 24), Rhinelander (July 25), Rice Lake (July 26), Tomah (July 31), Green Bay (August 2), Pewaukee (August 7), Stoughton (August 8), and Oshkosh (August 15). A total of 727 individuals gave oral testimony or submitted written comments at the hearings, although more people were in attendance than submitted comments. In addition to those collected at the hearings 1,654 additional individual comments were submitted and recorded during the public comment period. Comments were accepted until September 7, 2007 and were used in part to inform the current proposal.

Comments were received from the following organizations or individual representatives: DNR Forestry, Remediation-Redevelopment and Natural Resources Board; Wisconsin Department of Justice; State legislators; U.S. National Park Service; university personnel; counties including planning/zoning and land/water conservation departments; municipalities; and land trusts. Representatives from the following industries commented: campground and resort owners; banking and finance; realty; construction; plumbing; pile driving; legal services; landscaping; engineering; and print media. The following special interest groups also commented: Wisconsin County Code Administrators; numerous lakes associations; builders and realtors associations; and environmental advocacy groups.

Comment Overview

Comments ranged from general support or opposition to specific feedback on various sections of the rule. The impervious surface section received the most detailed comments that ranged from supporting the rule (292 comments) to finding it too restrictive (468) or too permissive (122). Vegetation and buffer provisions received the second most detailed comments that ranged from supporting the rule (137) to finding it too restrictive (339) or too permissive (72). The following sections received comments in descending order of frequency: setback, lot size, height, mitigation, administrative-enforcement, land disturbing activities, definitions, applicability, land division and shoreland-wetland.

The majority of comments received concerned miscellaneous issues (2027 too restrictive, 296 supporting, and 295 too permissive) but did not refer to specific code sections. Comments raised a range of issues, such as concern that the rules are one-size-fits-all; support for revising the inflexible rules; concerns about implementation costs for property owners and counties; and feeling that short-term financial restraints should not override long-term environmental, social, economic benefits. Many of these issues are addressed in the code.

A number of people (871) commented on issues related to shoreland management, but outside the scope of Departmental authority. The biggest concern was that the law does not apply to all development in incorporated areas of the state. Only the State Legislature is empowered to change this through legislation. Concern was also expressed over agricultural runoff impacts on water. The State has separate regulations that address the distinct impacts from shoreland development and agricultural runoff.

Key

Purpose of section: Why included in code

Current provision: Existing NR 115 code

Proposed provision: 2007 Public hearing proposed language

Public comment: Summary of comments on provision

Response: Response to 2007 comments, reason for change and decision as reflected in proposed rule revision for which final approval is being sought

Title

Purpose of section: To allow quick comprehension of information contained in the code.

Public Comment: This change was not addressed in the previous public hearing process.

Response: "Shoreland Management Program" indicates a proactive role by the regulating agency, whereas "Shoreland Protection Program" explains the purpose of the rule. Title changed.

Purpose

Purpose of section: Describe supporting statutes and public trust reasons for the code.

Public Comment: This change was not addressed in the previous public hearing process.

Response: The changes here are for clarification purposes. No change in substance.

Applicability

Purpose of section: This section provides a consolidated reiteration of various sections of the statutes requiring shoreland zoning for specific geographic areas, including statutory provisions adopted since enactment of the original rule.

Current Provision: The provisions of this chapter apply to county regulation of development in unincorporated shoreland areas. 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 repair of state highway and bridges, carried out under the direction and supervision of the Wisconsin Department of Transportation are not subject to local shoreland zoning ordinances, if s. 30.2022(1), Stats. applies.

History: Cr Register, July, 1980, No. 295, eff. 8-80; am. Register, October, 1980, No. 298, eff. 11-1-80; **correction made under s. 13.93(2m)(b)7., Stats.**

Proposed Provision: "The provisions of this chapter are applicable to county regulation of the use and development of unincorporated shoreland areas, and to county, city or village regulation of previously unincorporated shoreland areas that were annexed by a city or village after May 7, 1982 or incorporated as a city or village after April 30, 1994. References in this chapter to a county, or county government agencies, shall be read to apply to cities and villages, or city and village agencies, when this chapter is applied to annexed or incorporated areas in situations where s. 59.692 (7), Stats., requires that shoreland zoning is to continue in effect."

Public Comment: Two themes are raised:

- Revised NR 115 should apply to the entire state regardless of municipal boundaries
- As worded, revised NR 115 will retroactively apply to all areas annexed after 1982.

Response: Revert to existing code language in addition to modifying the rule language to further clarify. The intent of the revision language is to provide a consolidated statement of the statutory requirements for the geographic areas subject to shoreland zoning. Areas of cities and villages within the municipal boundary before May 7, 1982 are not, and are not proposed to be, required to have shoreland zoning. The statute requires cities and villages to apply the county shoreland provisions in effect at the time of annexation to areas annexed after May 7, 1982 and areas incorporated since April 30, 1994. While a clarification was added for rule applicability in annexed and incorporated areas after specific dates, it is

beyond the scope of the Department's authority to require local governments to adopt shoreland zoning in areas not required by the legislature.

Definitions

Purpose of section: Define words used in the rule. This section does not set standards. We strive to reinforce common dictionary usage and to be consistent with other law and rules wherever possible.

Public Comment

(1) Access and viewing corridor:

- Clarify that structures providing access to the water (i.e. walkways, steps) are permitted and don't require that the corridor be completely vegetated.
- Remove term "pedestrian" to avoid confusion over public access

Response: Keep the word vegetated in place because many counties currently limit the size of structures that provide access and the remainder of the viewing and access corridor should be vegetated.

Public Comment

(2) Accessory structure:

- Delete: In code, terms "structure" and "impervious surface" are used to refer to accessory structures but the term is never used
- Term should include existing boathouses, deer stands, duck blinds

Response: The code applies to structures that are accessory, including those mentioned by commenters, but does not treat them differently, so no definition is needed. To add a definition or examples adds complexity and risks additional confusion. References to accessory structure in the remainder of the code were not included so neither was the definition.

Public Comment

(3) Best management practices:

- Refer to as "technical standards"

Response: To simplify the proposed code changes, this definition is not included. BMP's and technical standards have many references in other DNR regulations and have not been shown to have contradictory meanings.

Proposed Addition, not part of the public hearing process

(3) "Building envelope" means the three-dimensional space within which a structure is built on a lot.

Response: To protect future buyers, the definition will help ensure that adequate space is available on newly divided lots for conforming building envelopes. The dimensional space required for such structures needed to be defined and is included in the code.

Public Comment

(5) Compliant building location:

- Clarify "30 foot deep"
- 30 feet deep too small for modern construction or a high value home

Response: Compliant building location as used in the proposal confirms with the generally accepted meaning and does not need specific definition so was removed. However, there was a need to explain the physical space where a building may be constructed. "Building envelope" definition was added to spatially describe building location.

Public Comment

(6) Conditional use or special exception

- Separate these terms
- Define but delete when or how they are issued

Response: Because general zoning law applies a generally accepted meaning to the phrase, the definition was not included in the code.

Proposed Addition, not part of the public hearing process

(7) "Existing development pattern" means a pattern of principle structures that exists within a certain distance of a proposed structure. There must be a principle structure in both directions.

Response: Setback averaging is very loosely defined in the existing code and there have been numerous interpretations by different counties. Comments on the "Minimum setback" section indicated support for the setback averaging process and support for its clarification. The proposed rule sets some parameters for when to use the standard but explaining what the term meant was best placed in the definition section. Definition added.

Public Comment

(8) Expansion:

- Revise to state "addition of impervious surface"
- Clarify. Change "larger, taller, or both" to "an addition to an existing structure that increases the footprint of the building, or both"
- Concern that roofline alteration/pitch-change would fall under expansion and trigger mitigation while not necessarily adding to net usable/livable space

Response: The regulations applicable to expansion, i.e. for nonconforming structures, are specifically defined within the code where applicable. Any currently accepted definition of expansion can be used. Definition not included.

Public Comment

(9) Impervious surface

- Given important nature of this term, the phrase "a large portion" needs further definition.
- Concern with inclusion of driveways (should consider different soils) and decks

Response: No change to definition. Definition the is same as used in NR 151, with the phrase, "unless specifically designed, constructed, and maintained to be pervious" added.. Use of new technology such as pervious concrete, etc. is encouraged as mitigation to help reduce run off and encourage infiltration and the applicant should be credited for this use. Definition added.

Public Comment

(10) Lift

- State specific type of lift: for humans or boats or no difference

Response: Lifts are already allowed to provide safe pedestrian access to the water in NR 115.13(4). Definition not included.

Public Comment

(11) Lot

- Do not tie term to specific form of access. Current term excludes island lots
- "Note": may conflict with findings

Response: Continue to allow each county to define "lot" as has been past practice. Definition not included.

Public Comment

(12) "Mitigation"

- Explain term more clearly.

Response: The Department tried to rely in county staff's knowledge of local soils, etc. to encourage a broad definition of mitigation that would work for each county. This is a new requirement in the code so some baseline definition is needed. Definition added.

Public Comment

(13) Ordinary High Water Mark:

- OHWM should be set by the DNR, not the counties, as it's a significant factor in establishing criteria for this code.

Response: It is beyond the scope of the rule to specify. In many cases OHWM is obvious and it would be administratively burdensome for the DNR to make each OHWM determination. DNR consults with trained county staff on difficult cases. No change to existing definition.

Public Comment

(14) Primary shoreland buffer:

- "Vegetated buffer strip" language does not convey allowance of access/viewing corridor structures.

Response: Did not include any reference to "primary shoreland buffer" in proposal and instead used "35' from the OHWM" where necessary. Definition not included.

Public Comment

(15) Routine Maintenance

- Defining this term is needed since the definition used in air management NR 405.2 would not have the same consequence if allowed to be applied to this code.

Response: Definition not included.

Proposed Addition, not part of the public hearing process

"Routine Maintenance of vegetation" means normally accepted horticultural or forestry practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

Response: Definition of this term needed to distinguish between common routine maintenance of structures and of vegetation, as used in the vegetation standards section. Definition added.

Public Comment

(16) Secondary shoreland buffer:

- Inclusion of this term is extraneous as it is essentially turf grass. More language but does not contribute resource protective measures to the code.

Response: No change. Because the choice exists not to vegetate and invasive plants are a risk, the standard is needed along with the definition.

Current version: No references to secondary shoreland buffer included in proposal. Definition not included.

Public Comment

(17) Structure:

- Definition overly broad. Consider whether term includes both primary (principal) and accessory structures
- Boathouses "temporarily placed on the ground" dredges up the same controversy faced on the St. Croix and Mississippi Rivers

Response: Proposed setback section includes a specific list of structures exempt from the 75' setback, so that we can rely on the currently used definition of structure that counties have been utilizing. Definition not included.

Public Comment

(18) Variance:

- Decide whether to include "use" variances.
- Definition should not limit the code to "dimensional" variances. Delete "dimensional" so both use and dimensional variances are an option.

Response: There are no limiting uses in this code so the issue of a use variance is moot. This definition has been in the code since implementation and in the proposal it remains unchanged.

Public Comment

Suggested definition additions:

- Lake
- Structural alteration: only limited to changes that increase impervious surface
- Maintenance and repair: any change made to a structure that does not constitute expansion
- Height: concern that if not defined, an increase in roof pitch could fall under "Expansion" or "Structural alteration"
- Planned development districts

Response: Lake is a term in common use not requiring definition for purposes of this code. Suggestions for the other definitions relate to standards rather than definition. Definitions not included.

Shoreland Wetlands

Response: Change title of section to "Shoreland-Wetland mapping and minimum standards" to more accurately reflect the content of the section.

Purpose of section: Ensures that counties designate all shorelands in the county identified as wetlands on the Wisconsin wetland inventory maps or Wisconsin wetland inventory map amendments as "shoreland-wetland zoning districts".

Current Provision: Includes provisions for the adoption of shoreland wetland maps, permitted and prohibited uses, along with re-zoning criteria and processes.

Proposed Provision: Deletes the provisions for the adoption of the shoreland wetland maps and includes the remainder of the original language with a noted change to the standard for re-zoning shoreland wetlands. The proposed change states "...there is a practicable alternative or if..." There are also modern terminology drafting changes that refer to the correct offices.

Public Comment:

- Several comments were received with respect to the proposed change in the standards for re-zoning questioning the need for the change.
- Comments were also made requesting an opportunity to challenge the Wisconsin wetland maps.

Responses:

- Counties are enabled by statute to apply general zoning, so language stating "other types of districts (such as general purpose, agricultural, industrial, commercial, residential, recreational, conservancy, or wetlands districts) may be created in addition to shoreland-wetland zoning districts" is removed from the code.
- Counties have already adopted the first version of the WWI and DNR is working on updating the maps. Section 115.04(2)(a) is changed to apply to DNR "amendments" of WWI maps.
- Note added to maintain consistency with ch. NR 116, the Floodplain zoning code, and allow regulators to base permit decisions on actual field conditions rather than relying on maps which can never be a completely accurate boundary determination. Note also clarifies the regulation of actual wetlands from the rezoning process which is required to convert a wetland to an upland area. The note should also make it easier to contest map errors and for counties to regulate wetlands based on field conditions in a timely manner. Added note to 115.04(2)(b).
- Additional language needed to clarify that a rezone is a request to convert a wetland to upland, or to use it for a non-permitted use. Added language to NR 115.04(2)(e).

Section Title

Proposed Addition, not part of the public hearing process

Response: Title should more accurately reflect content of section. Change title of section to "Establishment of Zoning Standards".

Lot Size

Purpose of section: Provide a minimum amount of area to preserve space for infiltrating runoff, for fish and wildlife habitat, and some natural scenic features.

Current Provision: 20,000 square feet and 100 feet wide for unsewered lots; 10,000 square feet and 65 feet wide for sewerred lots.

Proposed Provision: 20,000 square feet and 100 feet wide at OHWM and setback for all newly created lots.

Public Comments:

- Requiring minimum lot width at OHWM and setback line precludes development of many irregular lots – use only lot width at OHWM
- Don't increase lot size as density is good – more infrastructure, unaffordable waterfront
- Increase lot size – Increase lot size and width to meet habitat and natural scenic beauty objective
- Require combining of substandard lots in common ownership

Responses:

- No change to existing lot areas and widths. Maintain different sizes for sewered and unsewered lots.
- Many lakeshore lots were created before NR 115 was written and are non-conforming. This change allows some development of these lots without variances, but still requires compliance with impervious surface standards, etc. Combination of substandard lots in common ownership will not be required; however, provisions are now included that address how adjacent commonly owned lots smaller than the revised lot size requirements may retain their substandard status.

Minimum Setback

Purpose of section: Provide a minimum space between the water and structures for infiltrating runoff, for fish and wildlife habitat, and for some natural scenic features.

Current Provision: 75 foot minimum setback for structures; small number of exempted structures (piers, boat hoists, boathouses, open sided structures); allows setback averaging.

Proposed Provision: 75 foot minimum setback for structures; expanded exemptions for water-related purposes (fishing rafts, satellite dishes/antennas, utilities, flagpoles, water quality and habitat restoration structures). New setback reduction process allows properties with no compliant location due to a unique property feature to reduce setback to allow a 30 foot building envelope. Reduced setback cannot be smaller than 50 foot. Impervious surface and mitigation standards automatically apply because building will be closer than 75 foot. Setback averaging no longer allowed.

Public Comment:

- Support for long-standing, well-understood 75 foot setback.
- Issue with method of measuring setback: (1) call for allowing measurement to extend to the foundation w/exceptions rather than the overhang/eaves, but allowing counties to be more restrictive; (2) concern about influence of a wetland boundary pushing setback further back
- Boathouse issues: Whether new boathouses should be allowed in the buffer; if so, comments supporting 250 square foot size and other comments stating not big enough allowance. Concern boathouse issue too big to include in this revision and that should be removed and addressed through separate legislation
- New setback reduction process: Apply to existing structures proposing substantial changes and apply to commercial as well as residential. Concern that definition of "unique property features" uncertain. Call for more data on impacts on ability to build on lots. Support for clear, limited setback reduction circumstances
- Concern that setback be considered in land division review to avoid creating lots w/o legal building locations.
- Both a concern that existing setback averaging process will be compromised or discontinued and support for its elimination
- Concern that broad "structure" definition will lead to setback requirements being imposed on recreational equipment
- Clarify which "best management practices" employed for exempted utilities w/in the setback
- Concern that "exempted structures" too broad
- Concern that DNR-County OHWM location discrepancy resolution process is included in the code
- Call to differentiate between urban and rural setbacks: Concern that a 75 foot urban setback will counter planning efforts to control sprawl through increasing density.

Responses:

The comments convey a wide range of perspectives and recommendations. The proposal maintains a balance between protection and development. While the concept of different setbacks for different waterways is attractive, a general reduction of the setback below 75 feet is not consistent with scientific data questioning whether water quality remedies can be engineered in small spaces and there is no substitute available for the waterfront space required for survival of shoreland wildlife species.

- Exemption language from setback averaging provision and list of more specific exemptions not included. The exemptions included in the section support other statutes or codes, except for the boathouse provision.
- The boathouse exemption was determined based on comments from the 2 public hearings and our decision to minimize overall impacts to the shoreland buffer area. Thus, any new boathouse must be located within the allotted area for the access and viewing corridor. Piers and boat hoists are placed below the OWHM so do not need to be exempted here.
- Research shows that the area 35 feet from the OWHM is a critical area for the public trust in the waterway and it was decided that setback averaging should not apply to construction in this area. Property owners will have to apply for a variance to build closer than 35 feet from the OWHM regardless of the existing development pattern. Provision that at no time may the setback be less than 35 feet from the OWHM was added to the setback averaging rules

Shoreland Vegetation and Buffers

Response: Change title of subsection to "Vegetation" to more accurately reflect the content of the section.

Purpose of section: This provision addresses the three major goals of shoreland management - water quality, fish and wildlife habitat and natural scenic beauty. The vegetation section has been updated to remove uncertainty and ensure protection of Wisconsin's waterways by controlling erosion and sedimentation and preserving the natural scenic qualities which provide vital habitat for shoreland wildlife.

Current Provision: Cutting of trees and shrubbery is regulated to protect natural beauty, control erosion and reduce the flow of effluents, sediments and nutrients from the shoreland area.

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.
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 cutting regulations required by this paragraph shall not apply to the removal of dead, diseased or dying trees or shrubbery.

Proposed Provision:

Primary buffer – Property owners shall preserve or establish, and maintain a buffer of native shoreland vegetation in the area that extends 35 feet inland from the ordinary high-water mark under the following circumstances:

1. When a new principal structure is constructed
2. When required under NR 115. 21 (mitigation)
3. When required by a county's ordinance

Secondary buffer – As a general requirement everywhere, property owners shall preserve or establish, and maintain, a secondary buffer of native or nonnative, non invasive, ground layer vegetation, and including trees and shrubs from the primary buffer to the structural setback for the same conditions as the primary buffer.

Viewing and access corridor – 40 feet or 30% (whichever is less) for the first 200 feet of frontage or 200 feet or 20% (whichever is less) for greater than 200 feet of frontage.

Exemptions – Specific exemptions are created for agricultural practices and farm drainage ditches, Forest management activities, natural areas management activities; dam, levee, utility and roadway maintenance and temporary access.

Public Comment:

- Opposed to mandatory vegetation buffer requirements for all new principal structures.
- Opposed to the reduction in access size for lots less than 100 feet of frontage.
- Tall grasses may increase health and safety risks.
- Conflict in Department regulations NR 115 requiring buffers and DNR forestry requiring clearing around structures for fire safety.
- 35 foot buffer is inadequate, support 50 foot buffer.
- Proposed rule should not preclude additional cutting if done in accordance with an approved forest management or shoreline vegetation management plan.
- There should be an emphasis on maintaining the 35-foot primary buffer with natural vegetation.
- The requirement for buffers provides excellent habitat, water quality protection and ensures improved waterfront aesthetics.
- This is one of the most important aspects of NR 115, and yet, the importance of vegetated buffers for stormwater infiltration, habitat and natural scenic beauty is assumed, but not described anywhere in the new code. Sections 1 (a) and (b) should be combined under an intent section and instead of referring to "sound forestry and soil conservation practices," require compliance with BMPs for shoreland areas established by the DNR Forestry Division.
- Support the 35 foot primary buffer to protect habitat, however, stronger reference to habitat is needed and more intent/purpose/direction language on vegetation management.
- Vegetation removal and management should be combined applying the same performance standards to both.

Responses:

- The goal is to not lose additional existing shoreland buffers and the hope is to gain more shoreland buffers through volunteer restorations or through mitigations. This proposal does not require any existing property owners to "stop mowing their lawns", but does clarify that preservation of existing buffers, except in the area of the access and viewing corridor, is critical to the health of the water body.
- A minimum 35 foot vegetation buffer size is maintained because smaller buffers don't offer adequate protection for water quality, wildlife habitat and natural scenic beauty. Riparian vegetation is the most critical ingredient of lake and river habitat. Although researchers have estimated that animal habitat can be affected up to 1,500 feet away from human activities and structures, it may be possible to limit the impact of these disturbances by preserving and restoring shoreland vegetation. Ninety-percent of rare species depend on the shoreland zone for all or part of their life cycle. Riparian habitat cannot be replaced anywhere other than at the lake or stream edge.
- References to primary and secondary buffers have not been included; concern existed that including that language would have created non-conforming buffers.
- An upper limit or cap on total width was needed to allow reasonable access but to reduce the impact on habitat, water quality, natural scenic beauty, etc. Access and viewing corridor width is capped at 200 feet for all properties.
- The new language attempts to further clarify what vegetation removal can be done, but any removed vegetation must be replaced with comparable native species in the same area.

Land disturbing construction activities

Purpose of section: Reduce sediment, nutrient and stormwater runoff impacts from construction immediately adjacent to lakes and streams

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

Proposed Provision: Counties must establish a permit system to control erosion and sedimentation. Counties may choose to exempt projects with state permits under ch. 30 or NR 216. Counties may act as agent of DNR, using county permit to simultaneously grant state approval if MOA (memorandum of agreement) developed and approved.

Public Comment:

- General support for regulation: water quality protection; enables addressing of regional land differences (soils, slopes)
- Standard should include minimum (threshold) area, slope or other standards for land disturbing activities that require county permits and a standard for determining compliance (set performance standard similar to NR 151).
- Include language to enable counties to issue permits for those less than the minimum threshold mentioned above
- Counties should not be responsible for issuing separate permits (i.e. duplicative erosion control permit) for land disturbance. Suggest one comprehensive zoning permit for structure construction that includes erosion control. Exempt those subject to UDC permitting.
- Beyond ch. 30 and NR 216, counties should not be able to exempt under this standard
- Don't allow counties to exempt grading

Response:

Entire section not included in the code. The goals of the section are met by the Land division review section. And, the existing "*filling, grading, lagooning, dredging, ditching, and excavating*" language was not changed, except that a natural scenic beauty design requirement was added.

Impervious Surfaces

Purpose of section: Provide a minimum amount of area to preserve space for infiltrating runoff, for fish and wildlife habitat, and avoid complete predominance of artificial features.

Current Provision: Current rule contains no impervious surface provisions

Proposed Provision: For new development, if 10% of the area within 300 feet of the OHWM is covered by impervious surfaces mitigation is triggered; no more than 20% coverage is allowed. Existing development may have up to 15% impervious surface coverage before triggering mitigation and also may not have more than 20% coverage. No expansions are permitted in primary buffer or closer to the water if setback not met. Unlimited maintenance and repair is allowed without conditions.

Public Comment:

- Allow expansion of impervious surface in primary buffer in exchange for mitigation - prohibiting of expansion of impervious surface in primary buffer limits usability of home and value
- Impervious surface limits too restrictive
- Eliminate or modify impervious surface thresholds
 - Unclear what surfaces are included
 - Don't include public or private streets
 - Clarify that trigger and cap have an effect only when expanding – not automatic on exceedance
 - Total too small
 - Use other ways to manage runoff
- Keep impervious surface limits:
 - Caps already exceed scientifically determined threshold of ecological effect
 - 20% cap should be absolute
 - Apply caps to entire shoreland zone
- Allow counties the option of keeping the 50% rule

Response:

- Unlimited maintenance and repair will still be allowed without mitigation.
- The proposed code language tries to simplify the implementation and regulation of impervious surfaces. It now includes two provisions: 1) Lots with between 15% and 30% impervious surface cover in the shoreland zone must perform mitigation measures, and 2) No lot may exceed 30% impervious surface cover. Research has proven that this is a significant requirement to protect water quality.
- Only the impervious surface cover existing on a lot within the shoreland zone used for calculation.
- The section maintains that existing lots that exceed the impervious surface standards are not required to reduce their impervious surface cover to the 30% limit, nor are property owners required to do anything unless and until they propose to make changes to their property.
- Projects that exceed the impervious surface limit can still apply for variances.

Height Requirements

Purpose of section: To address the wildlife habitat and natural scenic beauty mandate of NR 115 this new standard limits the height of new development near the shore.

Current Provision: None

Proposed Provision: "To protect and preserve the wildlife habitat and natural scenic beauty of lake and riverine environments, after the effective date of this rule [revisor insert date], a county may not permit the construction or placement of a structure on a lot within 300 feet of the ordinary high-water mark of a lake or stream unless the structure height does not exceed 35 feet. A county may create specific standards for height that apply to zoning districts for commercial, agricultural or industrial development within the shoreland zone provided those standards are incorporated into the county's shoreland zoning ordinance."

Public Comment:

- Opposition to state defined height limit: Natural beauty should be county defined; Addressed case-by-case; Apply only to pristine waters not to urban and rural development; Limits size of waterfront home, thus its value
- Limit height to 26' (two stories)
- No exception for commercial, agricultural, industrial, or *multi-family*/condominiums (exempt silos, farm buildings, smokestacks)
- Concern about point or vantage point from which 35' would be measured
- Would like this to include cellular towers
- Would like religious buildings (i.e. steeples) to be excluded
- Concern that counties won't have resources to enforce

Response:

- The height section does not allow the construction or placement of a structure on a lot within 75 feet of the OHWM unless the structure height does not exceed 35 feet.
- Counties requested flexibility to be able to address issues described in the public comment section and this proposal allows that flexibility. Not defining a vantage point from which to measure height will allow counties with existing height limits to maintain their measurement methods.

Nonconformities

Purpose: To establish regulations and to bring about the conformity of existing nonconforming structures in the shoreland zone.

Current Provision: Routine maintenance and continued lawful use permitted of a building, structure or property existing at time of ordinance adoption. Alteration, addition or repair over the life of the structure may not exceed 50% of the equalized assessed value of the structure or building. Discontinued use of such a property for more than 12 months must come into conformity.

Public Comment: None

Response:

- Did not remove the nonconforming section as was proposed in the previous versions that went to public hearing. In order to simplify implementation of the code and based on the fact that the courts have issued several decisions that separate use and area variances, this section is proposed to remain in the code.
- The 50% rule language has been removed from the non-conforming use section.
- The previous code language used "use" and "area" standards interchangeably but recent court decisions have described different standards for these two variance types.
- This section also establishes minimum standards that should be easier to implement than the 50% rule. Now a county permit with a number of requirements must be issued in order to expand or relocate a nonconforming structure. This change acknowledges that very few nonconforming structures have been relocated under the current rule because numerous variances have been granted for projects like this. The goal of this change is to offset some of the impacts but require fewer variances.

Mitigation

Purpose of section: Mitigation is used to allow more development flexibility while continuing to achieve statutory objectives.

Current Provision: There is no mitigation in the current administrative code. Variances are the only relief mechanism. Mitigation is statutorily required in for gazebos and similar 200 square foot structures less than 75 feet from the water [s. 59.692(1)(v)].

Proposed Provision: The proposal provides choices among mitigation measures when dimensional standards are exceeded. The mitigation standards are performance based and in proportion to the amount by which the dimensional standard is exceeded.

Public Comment:

General support for the concept of mitigation with several concerns:

- Uncertainty of what will be required to meet the standards.
- A restored or protected shoreland buffer should meet the entire mitigation requirement.
- Structural expansions should not trigger mitigation.
- Expense of possible mitigation practices.
- Mitigation should be required for all projects that exceed dimensional standards

Response:

The mitigation section was not included in this proposal; however, the mitigation definition was added. And, mitigation is required when impervious surface cover in the shoreland zone is increased so that total will be between 15% to 30% of the total shoreland cover, as well as being one of a number of requirements for the issuance of a permit to expand or relocate a nonconforming structure. This approach will allow counties more flexibility in how they choose to implement mitigation.

In the absence of a mitigation system, the result of unlimited modification of the shoreland zone would be increased public costs for treatment of nuisance levels of algae and aquatic plants, lake and stream restorations and reduced local revenues from visitors and lower property values.

Outside of the code, the Department will offer support to counties in developing mitigation options.

- Counties will be able to adopt the requirement of a full vegetation buffer restoration into their ordinances to satisfy mitigation. A naturally vegetated, functioning buffer will meet the protection goals of the code.
- The Department has developed a computer program that will help counties conclude whether mitigation measures meet the code-requirements.
- A number of counties have mitigation systems adopted into their ordinances. Pending Departmental review and approval, those systems may remain in use.

Land Division Review

Purpose of section: Provide an administrative mechanism to implement standards that manage density of structures to preserve space for infiltrating runoff, for fish and wildlife habitat, and avoiding a predominance of artificial features.

Current Provision: Review of 3 or more parcels of 5 acres each within 5 year period for factors including conformity to code provisions

Proposed Provision: Must review creation of one or more lots 5 acres or smaller; must comply with lot size requirements and consider same factors as in current. Addresses lots divided by streams so that they may exist but requires that one side of stream have compliant building location

Public Comment:

- Retain current level of review to avoid increased local workload
- Factors for review beyond scope of shoreland zoning and are vague
- Should apply to lots created after date of ordinance
- Applies to lots that do not abut waterways

Response:

The changes to the Land division review section presented at the public hearings were not included. The existing code language has been successfully interpreted and implemented by all counties. Natural scenic beauty is a protected public trust use as determined by the Wisconsin Supreme Court. No change to the existing land division review language. Counties can be more restrictive at their own discretion.

Adoption of administrative and enforcement provisions

Purpose of section: Establish requirement for base level of operations and procedures essential to ensure meeting of minimum statewide standards to protect habitat, water quality and natural scenic beauty for users. Current rule includes many specific administrative requirements because it was adopted when many Wisconsin counties had no zoning provisions and general zoning law was not as well developed as it is today.

Current Provision: Current rule requires a variety of procedural and administrative measures.

Proposed Provision: No change from current rule

Public Comment:

Inspection, permit requirement and other administrative requirements increase workload for local governments.

Response: In the interest of minimizing the revisions, this proposal retains the original code language. One provision was added. In addition to notifying the Regional office prior to the following, counties must also submit to the Department within 10 days permits to relocate or expand nonconforming principle structures; variances, special exception and conditional use permits; appeals for map or text interpretations and decisions to amend map or text ordinances.

Department Duties

Purpose of section: The section describes tasks required of the department in order to set and maintain minimum statewide standards and to assist local governments in effective administration of ordinances.

Current Provision: The rule requires a handful of basic tasks.

Proposed Provision: The proposed rule requires additional specific activities, including a model ordinance and mitigation design tool, in addition to existing required Department activities.

Public Comment: No comments.

Response:

In order to clarify the code amendment process that is already in place, this proposal requires that the Department shall issue a certificate of compliance stating the county shoreland ordinance complies with s. 59.692, Stats.

And, a time limit of 180 days was included in the provision requiring a non-compliant county to work with the Department to develop and adopt a compliant shoreland ordinance. The existing code does not include a time limit.

Note that in addition to duties specified by rule, the Department:

- Contracts annually with the UW-Extension's Center for Land Use Education for services to local zoning programs including training and handbooks, and
- Assigns specific statewide and regional staff to work closely with zoning offices and the Wisconsin County Code Administrators and similar groups to provide technical assistance and oversight under the current code, investing an average of \$268,551 and more than 15,000 hours of staff time annually on shoreland zoning.

Cost of county administration

Purpose of section: Not a section of the code. There were a number of miscellaneous comments concerning the potential cost counties might incur implementing and enforcing the proposed code.

Current Provision: No language in the current rule on this issue.

Proposed Provision: No language proposed.

Public Comment:

- Counties do not have staff and funding required for adopting and administering new rule requirements.
- Oppose adoption until state funds are provided.

Response:

With the exception of Milwaukee and Menomonee Counties, all counties currently administer shoreland ordinances. Ordinance development and adoption are eligible for DNR Lake and River grants of \$10,000 to \$50,000 available on an annual basis. In the past, many counties have taken advantage of available grants to revise ordinances and improve administrative practices.

By rule the Department cannot provide or require funding or specific commitments of funds. However, the Department may be able to set priorities for its existing grant programs (see above) to fund ordinance adoption during the two-year adoption period and develop model grant proposals for ordinance adoption. Another possibility is for the Department to help develop and support legislative change to allow pass-through of state fees when local governments administer state requirements. And, whenever budget conditions allow, the Department might be able to support appropriate state investment in local shoreland zoning activities.

Additionally, the changes to the Administrative and enforcement provisions create more flexibility and may reduce county costs—less strict inspection schedule, county determined unincorporated areas-outreach plan, various methods for recording proceedings and removal of permit application site diagram review requirement. Some of the Department duties reduce local costs, such as providing a model ordinance, availability of the mitigation computer program and initial and ongoing training for local governments. And, an overall effort has been made to minimize the changes that will require massive ordinance amendments and additional staff workload.

Property rights and property values

Current Provision: Current rule caps modification of and structural repairs to nonconforming uses, which greatly constrains what owners can do on their shoreland properties. Although no section in the code explicitly deals with these issues, there were a number of miscellaneous comments claiming the revised rules will constitute a violation of private property rights and will constrain property values.

Proposed Provision: The proposed rule helps maintain property values by allowing much more maintenance, expansion and modification than the current rules. Greater flexibility is given to property owners, although there are constraints that require owners to make decisions about how extensively they will develop their shoreland property.

Public Comment:

- Property rights are given up through ordinance controlled building sites
- Property values will go down if constraints are placed on building

Response:

No change to provisions. Studies show that property values do not decrease in response to zoning ordinances and in many cases continue to increase under more restrictive zoning provisions. Searches revealed no data showing that property values have decreased as a result of the adoption of zoning standards.

Data from Wisconsin and across the nation demonstrate that water quality, fish and wildlife, and natural scenic beauty have a quantifiable positive effect on property values and recreation-based economic sectors:

- Shoreline frontage values in Vilas and Oneida counties increased an average of 7% to 12% when towns had zoning requirements with a minimum 200 feet of water frontage for lots, according to a University of Wisconsin study based on data collected on 892 vacant lakefront properties from 1986-1995. The study indicated that the zoning requirement, by preserving clean water, natural scenic beauty and peace and quiet, generated an economic gain that more than offset the economic loss resulting from the constraints on development.
- Housing prices were 32% higher if they were located next to a greenbelt buffer in Colorado. Nationally, buffers were thought to have a positive or neutral impact on adjacent property values in 32 of 39 communities surveyed.
- A California study found homes near stream restoration projects had a 3% to 13% higher property value than similar homes along un-restored streams. Most of the perceived value of the restored stream was due to the enhanced buffer, habitat, and recreation afforded by the restoration.
- The loss of property value due to lake water clarity declining below the regional average was estimated to be \$256 to \$512 million for 191 Maine lakes, a University of Maine study. The same study was used to determine potential future tax losses in one Maine Township where 60% of the 211 million property tax valuation is from lakefront property. A 3-foot decline in average minimum water clarity would cause a loss of \$10.5 million, roughly 5% in total property value.

Local and state economies are affected by water quality, fish and wildlife and natural scenic beauty, as demonstrated by studies in Wisconsin and elsewhere. The following data show that the presence of water resources of good quality contribute positively to local economic activity:

- Scenic beauty and relaxation were the top reasons tourists gave for visiting Wisconsin and spending \$11.4 billion in the state in 2001. Tourism supported 380,000 full-time jobs and generated nearly \$1.8 billion in revenues for state and local governments.
- Without state and local revenues yielded from travel expenditures, each household would have to pay an additional \$932 in taxes to maintain existing services.
- Each year more than 1.5 million anglers spend 17 million days fishing in Wisconsin. They spend \$1.1 billion directly on fishing related expenses which generates more than \$2.1 billion in economic activity.
- Sport-fishing supports 30,000 jobs and generates more than \$75 million in tax revenues for the state for use on critical services like education and health care.

- 400 Wisconsin business executives surveyed in 2000 gave Wisconsin its highest rankings relative to other states for its quality of life, government services, and loyalty to area. Availability and quality of water were the highest ranked quality of life topics.

Searching revealed no data showing that tax revenues or jobs are negatively affected by zoning limitations.

Private property rights are fundamental to American society and are recognized in the proposed rule (e.g., provisions increasing flexibility for continued use of existing buildings and substandard lots; proposed standards do not strictly adhere to scientific thresholds for water quality or habitat impacts). Socially and legally, the right to use property is not so absolute that it allows the right to harm others (*Just v. Marinette*, 1972). With the importance of water resources to Wisconsin's economy and culture, the state's Constitution, legislative, judicial and administrative systems treat lakes and streams as if they are owned by all, seeks to maximize the benefits for all (*Hixon v. PSC*).

The changes in this proposal are made in part in response to the number of variances that are being applied for and issued. This proposal may allow the expansion or reconstruction of non-conforming structures, but will also protect the public trust and thus protect property values.

Cost to Property Owner

Current Provision: No language in the current rule on this issue.

Proposed Provision: No language proposed.

Public Comment:

Concern expressed that code compliance will increase costs for property owners to develop or improve their waterfront properties.

Response:

No changes made to the proposed code. The revision, while it offers more flexibility than current law, will result in waterfront property owners having to make calculated decisions when considering improving or making changes on their lots. Therefore, costs will differ for each property owner based on their individual goals for their property and adjacent water body. In most cases, costs will not change from the cost of implementing the current code; permits will still be part of the equation and there are a variety of decisions one can make to vary costs.

Property owners may incur costs to mitigate, but only when they choose to modify buildings or surfaces in ways that exceed dimensional standards. The flexibility built into the code offers choices among mitigation practices that might range from zero cost, do-it-yourself measures to moderate cost landscaping. Rain gardens, a common mitigation measure for single-family residential lots cost between \$3.00 to \$5.00 per square foot if using purchased plants and volunteer labor and \$10.00 to \$12.00 per square foot if completed by a landscaper according to the publication Rain Gardens-A How to Manual for Homeowners (publication WT-776 2003, UW-Extension and Wisconsin).

In some cases, mitigation measures may save money for property owners. Corporate landowners can save between \$270 to \$640 per acre in annual mowing and maintenance costs when they keep open lands as a natural buffer instead of replacing it with turf. No engineering or other professional measurement, calculation or drawing is required to select or design mitigation measures, unless a property owner chooses to retain professional services. The Department will provide a computer-based mitigation design tool to provide specifications and instructions for mitigation measures for counties do not already have them or choose to develop their own. The tool requires that a property owner supply information about their lot (size, soil type, slope), impervious areas (how many, size, distance from water), and vegetation (ground cover, tree canopy) to receive alternative mitigation measures and instructions.

General Support

Public Comment:

- Widespread support in 2005 (in favor 38,185, opposed 11,369, neutral 1104)
- Substantial support in 2007 (favor 1438, too permissive 918, support and opposed parts 383, neutral 111)
- Current rule is out-of-date
- Proposed rule is a substantial improvement
- Rule not protective enough
- Adhere to scientific parameters
- Regulations necessary to prevent pollution, to protect wildlife habitat and ground water
- Revisions follow proactive counties
- Provides platform and opportunities for partnerships.

Response:

Substantive comments on specific provisions not offered here, thus rule will be promulgated with the modifications discussed in provision sections above. In 2005, three times as many comments indicated support over dissent or neutrality. Fewer comments were submitted in support of the 2007 revisions, with fewer total comments overall: approximately 50,000 in 2005 and 8900 in 2007. Wisconsin statutes require the Department to set minimum statewide standards to protect water quality, fish and wildlife habitat and natural scenic beauty (s. 281.35, Wis. Stats.). While some supporters prefer more restrictive standards or explicit adherence to scientifically derived parameters (e.g., impervious surface), the rule follows the scientific direction while, as a matter of equity, recognizing and not seeking to reverse the current level of development along Wisconsin's lakes and streams.

General Opposition**Public Comment:**

- Not protective enough
- Greater opposition to revision than support (rule comments opposed 5923, support and opposed parts 383, in favor 1438, too permissive 918, neutral 111)
- Oppose wrapping currently unregulated items into code: camping trailers, fences, patios, retaining walls, driveways, sidewalks [NOTE: These structures— camping trailers, fences, patios, retaining walls, driveways, sidewalks— actually are currently regulated.]
- Concern regarding nature of the data/scientific literature: improved water quality claims and whether studies cited are peer reviewed, controlled, published, verified
- Perception of inconsistencies between what is required of small time shoreland owners and the "more powerful", such as airports, wealthy shoreland owners, certain DNR/government programs, other land-uses beyond shoreland in watershed
- Concern that this perceived one-size-fits-all-approach won't work statewide
- Too complex

Response:

Substantive comments on specific provisions not offered here, thus rule will be promulgated with the modifications discussed in provision sections above. Commenters opposed the revision claiming it does not offer enough shoreline protection, while others oppose its restrictiveness. Some oppose the concept of regulating shoreland development altogether. However, the department has a statutory requirement to set minimum statewide shoreland zoning standards that meet standards set by the legislature. Modern, sustainability-focused landscape practices would better meet the statutory objectives while providing additional landowner flexibility and so the Department has an affirmative duty to complete updating this rule.

ATTACHMENT 2

RESPONSE TO 2005 PUBLIC COMMENTS Proposed Revisions to NR 115, Wisconsin Administrative Code Statewide Minimum Shoreland Zoning Standards

This document is a summary of the approximately 50,658 comments from nearly 12,000 individuals which were received during the public comment period in the summer of 2005. This summary does not contain each individual comment received. For information from the complete comment database please contact Gregg Breese at Gregory.breese@wisconsin.gov or (608) 261-6430.

DEFINITIONS AND APPLICABILITY

1. Structure - 300 comments requesting changes in the definition. Too broad, overly encompassing and confusing.
2. Ordinary maintenance and repair – 73 comments requesting clarification in definition
3. Structural repair – 72 comments requesting clarification in definition
4. Shoreland wetland zoning – 22 comments indicate wetland definition is confusing and request clarification on permitted uses – can they only be allowed with a permit?
5. Native vegetation – 8 comments requested a definition for native vegetation
6. Back lot – 8 comments requested a definition for back lot
7. Access lot – 8 comments requested a definition of access lot or keyhole development
8. Campgrounds – 16 comments stating the definition of campsite, non-permanent, camping unit and residence need clarification. In addition, expansion principles and lot sizes are not appropriate.
9. Additional definitions requested include: basal area, boathouse, parcel, common ownership, substandard lot, applicable standards, unstable or steep conditions, administrative permit, accessory uses, out lot, best management practices and ground layer vegetation.
10. Comments suggested modifications to the following definitions: mobile home park, gravel, natural areas management activity, residence, mitigation, shoreland zone, impervious surface, open fence, replacement, vegetative buffer, lot, shoreland frontage and land disturbing activities (should be consistent with NR 151)

SETBACKS

11 Specific Opposition Issues

1. Measuring setbacks - NR 115.13(1)(b) – 159 comments indicated the retroactive effective date will cause problems and may make a number of structures nonconforming
2. Permit required - NR 115.13(2) – 154 comments indicated this provision will require property owners to obtain another permit, pay another fee and could prolong the development approval process
3. One stairway per 100 feet of frontage - NR 115.13(4)(b) 154 comments indicated that this should only apply to new lots and that replacing walkways in order to reduce stormwater runoff could be very expensive
4. Signs and flagpoles - NR115.13(4)(c) – 586 comments opposed to this provision is unnecessary and difficult to enforce
5. Significant on-going erosion – NR 15.13(4)(f) - 153 comments opposed to demonstrating on-going erosion for erosion control structures
6. Steps and landings – NR 115.13(4)(n) – 562 comments indicating size limitations are a clear safety issue
7. Boathouses meeting 75 foot setback – 221 comments indicated this provision would be problematic
8. Accessory structure regulation – 212 comments indicated regulation too strict
9. Prohibiting storage of a boat or ice shanty within 75 feet – 218 comments indicated regulation too strict
10. Definition of OHWM for Lake Michigan and Lake Superior – 43 comments indicated that the current definition is not appropriate to measure setbacks on the Great Lakes

11. Setback averaging – 422 comments requested modifications to this provision ranging from allowing averaging for a garage and vacant lots to be utilized in the averaging calculation

2 Specific Issues of Support

1. Greater setback – 20 comments indicated a need to work towards the 75 foot setback and no less and setbacks suggested of 90 and 100 feet
2. Wetland setback – 20 comments indicated that a 10 to 75 foot wetland setback or buffer should be included in NR 115
3. Exempted structures – 11 comments regarding the regulation to be too permissive
4. OHWM and wetland determinations – 4 comments concerned with the regulation potentially allowing a structure closer than 75 feet

General Comments: 74 generally opposed each with minimal mention, 12 neutral, 18 specifically support and 53 comments support but stated regulation was too permissive.

Of special note – out of the 1,227 comments received in the setback section, only 2 comments were opposed to the 75 foot setback because it was too restrictive.

LAND DIVISION

2 Specific Opposition Issues

1. Division of land – create or reconfigure language – 154 comments indicated this provision would add additional regulatory and oversight burdens to already financially strapped county zoning administrations and staff
2. Substandard lots in common ownership – 158 comments indicated that counties currently have the authority to regulate these lots, therefore, the regulation is unnecessary

Additional Comments

1. Reflect standards in section 236.45 Wisconsin Statutes – 4 comments felt consistency with NR 115 and plat review statute was important
2. NR 115.09(2) – 4 comments indicate that the use of the word reconfigure in this section is confusing
3. Streams bisecting properties – 3 comments confused by regulation

General Comments: 9 generally opposed, 8 neutral, 4 specifically support and 5 comments support but stated regulation was too permissive.

LOT SIZE

4 Specific Issues of Support

1. Minimum lot sizes – 9042 comments indicated that lot sizes should be 20,000 square feet with a width of 150 feet or more regardless of sewer
2. Multi-family – 40 comments indicated multi-family development should be required to meet the same lot size and density standards as single family development
3. Access lots – 14 comments indicated that access lots should have the same requirements for size, buffers, width, etc as other lots
4. Keyhole development – 9 comments indicated no keyhole development allowed and 10 comments indicated if key holing is allowed, the lots should meet the same requirements as a residential lot

4 Specific Opposition Issues

1. Multi-family – 243 comments indicate the lot sizes for multi-family development are too large and will make condo developments prohibitively expensive
2. Lot widths – 644 comments indicated that the new mechanism for measuring lot widths would result in new nonconformities
3. Back lots – 89 comments indicate that this regulation is unnecessary in this rule
4. Access lots (keyhole development) – 89 comments indicate that giving counties this flexibility may have a significant adverse impact on the value and usability of lots

Additional Comments

1. Campgrounds – 17 comments indicate more clarity or flexibility is necessary in the lot size section for campgrounds
2. Other lot size suggestions – no less than 40,000 sq. ft., 43,000 sq. ft with 150 ft. of frontage and a 300 ft. depth, 43,560 sq. ft.,
3. Minimum lot sizes –8 comments indicate that 7,000 sq. ft. for a single family dwelling is too large – other options include 6,000 and 5,000 sq. ft.

General Comments: 43 generally opposed, 15 neutral, 5 specifically support and 35 comments support but stated regulation was too permissive.

VEGETATIVE BUFFERS

7 Specific Issues of Support

1. Primary buffer – 9015 comments indicated that the primary buffer should be increased to 50 feet or more
2. Primary buffer – 11 comments indicated that the primary buffer should be increased to 75 feet or more
3. Wetland buffer – 9,035 comments indicated that wetland buffer standards should be required in NR 115
4. Vegetation plans – 15 comments indicated strong support for vegetation plans
5. Lawns – 10 comments indicated that existing lawns should be replaced with natural vegetation within the primary buffer
6. Native vegetation – 13 comments indicated that the final rule should require a diversity of native vegetation in the primary buffer
7. Access corridor – 7 comments stated the corridor requirements were too large and fragmented habitat. One access corridor is sufficient regardless of the frontage.

5 Specific Opposition Issues

1. Vegetation plans – 619 comments indicated that this requirement will add increased costs and could unreasonably delay the construction process. Counties do not have the staff or expertise to properly review such plans
2. Multi-unit development plans – 155 comments indicated the new formula will create more nonconforming projects and the costs for development and implementation would be significant and ongoing
3. Access Corridor – 162 comments indicated that the size limitations on access corridors is too small for smaller lots
4. Primary buffer – 7 comments specifically objected to establishing vegetation in the primary buffer

Additional Comments

1. Ban on fertilizer – 2 comments indicated a desire to ban the use of any fertilizer within the 75 foot setback area
2. Rivers – 32 comments indicated that rivers should be treated differently than lakes with regards to the vegetative buffer requirements. Buffer requirement is not appropriate for small lots on rivers.
3. Administration and Enforcement – 7 comments indicated that the vegetative provisions would be difficult to administer and enforce due to county staffing and expertise
4. Flexibility – 6 comments indicated that the counties need more flexibility in this area
5. Primary buffer – 10 comments indicated that all property owners should be required to maintain or replace vegetative buffers and that all properties should have the same buffer requirements
6. Nuisance – 15 comments indicated that vegetative buffers will increase undesirable species such as mosquitoes, snakes and other insects and pests.

General Comments – 19 comments are general housekeeping items, 17 generally opposed, 3 neutral and 16 comments support but stated regulation was too permissive.

IMPERVIOUS SURFACES

3 Specific Issues of Support

1. Limit – 9,041 comments indicated that impervious surfaces should be limited to 20% of the lot
2. Limit – 19 comments indicated that impervious surfaces should be limited to 10-15% of the lot – some said within 200-300 feet of the OHWM
3. Cap – 10 comments indicated that there should be a cap on the amount of impervious surfaces regardless of the type of development
4. More protective – 7 comments indicated that the regulations are necessary but the section is too permissive (did not provide an alternative)

3 Specific Opposition Issues

1. Limit – 385 comments were in opposition to a statewide impervious surface standard and the trigger for re-vegetation
2. Limit – 173 comments indicated that impervious surface limits will place unreasonable limit on the size of homes on and near waterfront property
3. Zero increase – 92 comments indicated that this stormwater runoff standard will cost homeowners thousands of dollars

Additional Comments

1. Best management practices – 6 comments supported implementation and maintenance of BMPs and cautioned the need for appropriate minimum standards of BMPs to gauge effectiveness
2. Definitions – 24 comments on the need for greater clarification for definition of impervious surface
3. Runoff – 3 comments indicated that consideration should be made as to whether the surfaces contribute to runoff
4. Small lots – 6 comments indicated that smaller lot sizes and river lots need to be taken into consideration
5. Trigger – 2 comments indicated that the trigger for mitigation should be reduced to 15% impervious cover
6. Primary buffer – 3 comments indicated that no new impervious surfaces should be allowed within 35 feet
7. Others: Different slopes should have different standards, regulations should distinguish between rater and volume of discharge, concerned about time delays of permits for this section

LAND DISTURBANCES

3 Specific Issues of Support

1. Activities – 11 comments indicated that no land disturbing activities near the water or wetlands should never be approved
2. Plans – 5 comments indicate that the need for erosion control and vegetation plans is strongly supported, but would favor firmer restrictions
3. Slopes – 4 comments indicated that filling and grading activities should be restricted on steep slopes

3 Specific Opposition Issues

1. Erosion control and vegetation plans – 153 comments indicated that this provision could be very expensive
2. Application – 3 comments indicated that this provision should only apply to riparian lots and not the entire shoreland zone
3. Conservation – 4 comments indicated that vegetative buffers, in some cases, can create a shoreland unfit for sound conservation practices

Additional Comments

1. Permits and exemptions – 13 comments pertained to requiring too many permits, not exempting enough structures or exempting too many structures
2. Other activities – 4 comments indicated that soil compaction and tree damage are associated with land disturbing activities and are not accounted for in this section

3. Staffing – 3 comments indicated that the staff requirements would be excessive therefore making the provision difficult to enforce and monitor erosion control and vegetation plans
4. Flexibility – one comment offered the suggestion to allow minimal land disturbing activities without triggering an erosion control or vegetation plan.

NONCONFORMING STRUCTURES AND USES

5 Specific Issues of Support

1. Maintenance and Repair – 500 comments indicated that NR 115.21(4)(a)and(b), the allowance of ordinary maintenance and repair, is a good change
2. Replacement – 395 comments indicated that NR 115.21(4)(d), allowing replacement of some nonconforming structures, will greatly benefit property owners by protecting investments in their homes
3. Replacement and expansion – 41 comments indicated that NC principal structures should not be allowed to be replaced or expanded if there is a legal building site on the lot
4. 50% rule – 14 comments indicated that counties need more than the 50% rule to regulate proposed changes to principal structures
5. Appendix A – 11 comments indicated that appendix A is problematic because the maximum footprints were too large considering people can easily build up to three stories. There should be a 1,200 to 1,500 sq. ft. maximum

9 Specific Opposition Issues

1. Boathouses – 222 comments indicated that prohibiting the alteration or replacement of a boathouse foundation unless moved to a compliant location is problematic
2. NC use provision – 154 comments indicated that this prohibition exceeds the DNR's authority and the statutory protections afforded to property owners under the 50% rule
3. NC accessory structures – 154 comments indicated that the prohibition on structural alteration unless mitigation is implemented is more onerous than the current 50% rule
4. Structural alteration – 154 comments indicated the prohibition on structural alteration for principal structures unless mitigation is implemented is more onerous than the current 50% rule
5. Expansion – 154 comments indicated that the proposed footprint maximums for structures between 35 and 75 ft will severely restrict the size of expansions allowed for NC structures
6. Straddling – 155 comments indicated the need to allow more expansion beyond the 75 foot setback
7. Minimum lot size – 568 comments indicated that the minimum lot size of 7,000 sq. ft. for expansion and replacement is both arbitrary and unfair
8. Campground expansions – 843 comments indicated that only the portion of the campground being expanded should have to come into compliance with the revised NR 115.
9. Camping units – 836 comments indicated that camping units within the shoreland zone should be able to be expanded to industry specific sizes essentially replacing and existing unit

Additional Comments

1. Additional provisions – 11 comments indicated that there should be provisions for distinguishing between NC uses, structures and substandard lots and standards applicable to each circumstance
2. Organization – 8 comments indicated that this section of the code needs to be clearer. As written it is difficult to follow and could be left to interpretation, therefore, making it difficult to enforce
3. Local control – 6 comments indicated that local government should decide regulations for NC structures
4. Improvement – 4 comments indicated that in relation to NC structures, the revised code is a significant improvement over the existing NR 115 provision

Points to Ponder

- Footprint expansion limited to one-time per property, not per owner
- Could the DNR provide incentives for the removal of nonconforming structures
- Minimum size to expand should be defined by the minimum principal structure size of the zoning district where the structure resides

- It is better to apply the foundation restriction only to those accessory structures that are buildings
- The rule is unclear as to whether a landowner can elect to not replace portions of the original structure closest to the water to gain additional square footage for expansion
- Minimum lot size for expansion and replacement should be 6,500 sq. ft. consistent with the model ordinance

General Comments: 33 generally opposed, 11 neutral, 11 specifically support and 25 comments support but stated regulation was too permissive

MITIGATION

2 Specific Issues of Support

1. Septic system – 171 comments indicated that inspection and upgrading of septic systems is a good definitive mitigation standard
2. Recording – 10 comments indicated that mitigation should be contractual

3 Specific Opposition Issues

1. Mitigation – 257 comments indicated that the requirement is expensive, unfair, too subjective and will create uncertainty among property owners
2. General – 212 comments indicated that the mitigation requirements are too prescriptive and they remove local governments' ability to apply standards appropriate to local conditions
3. Recording – 7 comments indicated that recoding and monitoring of shoreland buffer restorations would be difficult

Additional Comments

1. Technical standards are needed for mitigation and the public needs easy access to them
2. Counties should be provided with state funding for additional staff needed to implement the new rules
3. The concept of mitigation should be evaluated to see if results are in the public's benefit
4. Preservation and maintenance is subjective and will cause confusion
5. Buffer mitigation will never compensate for buffer area reduction and increased development density
6. Erosion control, conservation, safety and health should become the crucial factual determination in any mitigating standard
7. Mitigation should only apply to riparian lots
8. Specify that the cost of mitigation cannot exceed a specified fraction (5%) of the overall cost of the project

General Comments: 16 generally opposed, 5 neutral, 9 specifically support and 6 comments support but stated regulation was too permissive.

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	Macchow	Box 67	Suamico	WI	54173	Green Bay	Oppose
Eric	Anderson	419 Pleasant Ln.	Kaukauna	WI	54130	Green Bay	Undecided
Bill	Bosiak	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	Motquin	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	Oppose
Anthony	Zielinski	W7652 Riverview Dr.	Shawano	WI	54168	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	Stankevyan	1016 S. Webster Ave.	Green Bay	WI	54301	Green Bay	Oppose
James	O'Leary	3183 N. Nicolet Dr.	Green Bay	WI		Green Bay	Oppose
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	Oppose
Albert	Doepker	444 Keune St.	Seymour	WI	54165	Green Bay	Oppose
David	Reinheimer	Box 212	Cecil	WI	54111	Green Bay	Oppose
Rick	Marto	2584 Longtail 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
LaRoy	Vogt	1411 Ponderosa Ave.	Green Bay	WI	54313	Green Bay	Oppose
Patrick	Beimbom	520 Skyline Blvd.	Green Bay	WI	54302	Green Bay	Oppose
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 Longtail BH Ln.	Suamico	WI		Green Bay	Oppose
Scott	Laing	W3208 Kropp Rd.	Seymour	WI	54165	Green Bay	Oppose
Kevin	Miller	2280-B Salschelder 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	W8348 Rustic Dr.	Clintonville	WI	54929	Green Bay	Oppose
David	Schwalter	2424 W. Wintergreen Dr.	Grand Chute	WI	54914	Green Bay	Oppose
Milton	Rentheester	2869 Fox Ln.	Brussels	WI	54204	Green Bay	Oppose
Jean	Moran	5421 6th Ave.	Kenosha	WI	53140	Green Bay	Oppose
Robert	Pittluck	4847 Edgewater Beach Rd.	Green Bay	WI	54311	Green Bay	Oppose
D.	Volpano	2005 Lost Dauphin	Depere	WI	54115	Green Bay	Oppose
Robert	Bush	3062 Bayview Dr.	Green Bay	WI	54311	Green Bay	Oppose
A.	Brollin	360 Bretcoe Dr.	Green Bay	WI	54302	Green Bay	Oppose
Laddie	Chapman	4102 Gridden Dr.	Sturgeon Bay	WI	54235	Green Bay	Oppose
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	Oppose
John	Malloy	1140 Pinecrest Rd.	Green Bay	WI	54313	Green Bay	Undecided
Geraldine	Rademacher	2880 Lost Dauphin	Depere	WI	54115	Green Bay	Oppose
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	support
Eric	Andersen		Kaukauna	WI		Green Bay/Oshkosh	Oppose
Jim	Merten	1087 Cozy Ln.	Oshkosh	WI			
Jim	Flanigan			WI		Hayward	Support
Jim	Brakken	45255 E. Cable Lake Rd.	Cable	WI	54821	Hayward	Oppose
Phil	Nies	14412 W. Co K	Hayward	WI	54843	Hayward	Support
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	Claerenbach	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	Dolde	504 S Oxford St	Wautoma	WI	54982	Oshkosh	Support
William	Ehmke	6603 Lasley Shore Dr.	Winneconne	WI	54986	Oshkosh	Oppose
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	Oppose
Les	Flaherty	4144 Coronado Ln	Oshkosh	WI	54902	Oshkosh	Oppose
Gerald	Frey	4804 Island View Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Jon	Gulles	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	6310 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 Bumwood	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
Pete	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	
Rosalia	Daehler	6779 Sunset Tr	Winneconne	WI	54986	Oshkosh	
Maribeth	Monday	6071 Black Wolf Pt	Oshkosh	WI	54902	Oshkosh	Oppose
Ralph	Nil	6071 Black Wolf Pt	Oshkosh	WI	54902	Oshkosh	Oppose
Gary	Wojowski	5515 Co Rd S	Oshkosh	WI	54904	Oshkosh	Oppose
Richard	Ehke	5168 I All 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	Wismer	6641 Lasley Shore	Winneconne	WI		Oshkosh	Undecided
Ginny	Wojowski	5515 Co Rd S	Oshkosh	WI	54904	Oshkosh	Oppose
James	Zahzig	6571 Lasley Shore Dr	Winneconne	WI		Oshkosh	
Janice	Nettekoven	6117 E Lyngsaa	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	Tolvstad	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	Oppose
Helen	Schultz	W157 N9779 Glenwood Rd	Germantown	WI	53022	Oshkosh	Oppose
Gerald	Schultz	W157 N9779 Glenwood Rd	Germantown	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	Lahale	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 Rivemoor Dr	Omro	WI	54963	Oshkosh	Oppose
Allison	Gamer	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	Germantown	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	Krango	3280 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Susan	Hildahl	3278 Shorewood Dr	Oshkosh	WI	54901	Oshkosh	Oppose
Robert	Harmon	5154 Strelch Ln	Oshkosh	WI	54902	Oshkosh	
Darlene	Harmon	5154 Strelch Ln	Oshkosh	WI	54902	Oshkosh	
Karl	Mathews		Oshkosh	WI	54901	Oshkosh	
Chris	Porath	1537 Cowling Bay Rd	Neenah	WI	54958	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
Weil	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
Loran	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	Verkullen	40 Captains Ct	Winneconne	WI	54986	Oshkosh	Undecided
James	James	Box 175	Butte des Morts	WI	54927	Oshkosh	Oppose
RF	Douglas	155 Poplar Ct	Neenah	WI	54958	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	Oppose
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	6667 Lesley Shore 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	Kernigan	6441 Paulson Rd	Winneconne	WI	54986	Oshkosh	Oppose
Linda	Somers	4206 Town Line Rd	Amherst	WI	54406	Oshkosh	Oppose
Tom	Meiere	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	Sweet	2131 Point Comfort Rd	Oshkosh	WI	54902	Oshkosh	Undecided
Tarri	Kowalchuk	N95 W25188 Whitewater Rd	Colgate	WI	53017	Oshkosh	Oppose
Karen	Ashjomson	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	Brwa	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	Koebel		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	Wojtowski		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	Oberkrieser		Oshkosh	WI		Oshkosh/Individual	Oppose
William	Clark		Oshkosh	WI		Oshkosh/Individual	Oppose
Sue	Clark		Oshkosh	WI		Oshkosh/Individual	Oppose
Harold	Eichstadt	1820 Vinland Rd.	Oshkosh	WI	54901	Oshkosh/Individual	
Michael	Barrett	4317 Riverside Dr.	Waterford	WI	53185	Pewaukee	Oppose
Michael	Campbell	1221 N. Jennins Dr.	Oconomowoc	WI	53066	Pewaukee	Oppose
Erik	Engdahl	2819 Lavine Ln.	Waukesha	WI	53189	Pewaukee	Undecided
John	Farrow	W262 N2402 Deer Haven Dr.	Pewaukee	WI	53072	Pewaukee	Oppose
Phil	Gaudet	333 E Washington St.	West Bend	WI	53095	Pewaukee	Oppose
Lori	Grant	302 E. Wilson Ave.	Madison	WI	537073	Pewaukee	Support
Eugene	Hintz	2060 Lakela Circle	Brookfield	WI	53005	Pewaukee	Undecided
Charles	Hoke	3618 N. LakeDr.	Shorewood	WI	53211	Pewaukee	Undecided
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	Oppose
Cheryl	Nenn	1845 N. Farwell Ave.	Milwaukee	WI	53202	Pewaukee	Support
Ronald	Pearson	N21 W29882 Glen Cove Rd.	Pewaukee	WI	53072	Pewaukee	Oppose
James	Pierce	N51 W26274 Autumn Trail	Pewaukee	WI	53072	Pewaukee	
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	Support
Stephen	Anderson	715 N Main	Hartford	WI	53027	Pewaukee	Support
Jerry	Heine	W326 N7050 N Lake Rd	Hartland	WI	53029	Pewaukee	Oppose
Donna	Goodrich	3783 Shady Ln	New Berlin	WI		Pewaukee	Support
Jon	Spehns	N76 W36207 Saddlebrook Ln	Oconomowoc	WI	53066	Pewaukee	Oppose
E. John	Roach	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	
Gerald	Peterson	N7622 Pleasant Pt Circle	Elkhorn	WI	53121	Pewaukee	
Judy	Koibe	1111 E Sweetbriar	Hartland	WI	53029	Pewaukee	Oppose
David	Horstick	N23 W27193 Shelley Lynn Rd	Pewaukee	WI	53072	Pewaukee	Oppose
Richard	Sawatske	4111 Lake St.	Burlington	WI	53105	Pewaukee	Undecided
Susan	Hein	109 S Kane St	Burlington	WI	53105	Pewaukee	
Phil	Hein	109 S Kane St	Burlington	WI	53105	Pewaukee	
Edward	Walsh	250 S Edward Blvd	Lake Geneva	WI	53147	Pewaukee	Oppose
Jim	Marlin	N27 W27086 Woodland Dr	Pewaukee	WI	53072	Pewaukee	
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	Nashotan	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	
Jun Te	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	
Linda	Kilmer	485 Pebble Creek Pass	Wales	WI	53183	Pewaukee	
Sandra	Schmidt	467 Park Place	Pewaukee	WI	53072	Pewaukee	
Kelly	Kruger	921 Meadowbrook Rd	Waukesha	WI	53189	Pewaukee	Undecided
Pam	Long	1519 E. Kake Bluff	Shorewood	WI	53211	Pewaukee	
Deborah	Sloane	521 Rawlins dr	Waukesha	WI	53188	Pewaukee	
David	Doern	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	
Glenn	MacDonald	W3423 Snake Rd	Lake Geneva	WI	53147	Pewaukee	
Shelly	MacDonald	W3423 Snake Rd	Lake Geneva	WI	53147	Pewaukee	
Jim	Schneider	N77W31907 Northwoods Dr	Hartland	WI	53029	Pewaukee	Oppose
Scott	Hintz	N50W35102 W Wisconsin	Okaochee	WI	53069	Pewaukee	Oppose
Michael	Ksech	W285N3116 Lakeside Rd	Pewaukee	WI		Pewaukee	
Dennis	Pritzkow	N37W26965 Kopmeier Dr	Pewaukee	WI	53072	Pewaukee	Oppose
James	Holtermann	N9120 Oakwood Ln	Mukwonago	WI	53149	Pewaukee	Undecided
Leo	Martin	W298 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	
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	53188	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 Kopmeler	Pewaukee	WI	53072	Pewaukee	Undecided
Mary	Schwister	N37 W26855 Kopmeler	Pewaukee	WI	53072	Pewaukee	Undecided
Terry	Klimek	S86 27525 Lakeview Ln	Mukwonago	WI		Pewaukee	Oppose
Keith	Kraft	4888 S Lake Rd	Colgate	WI	53017	Pewaukee	Support
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	Beren	N9275 E Shore Rd	East Troy	WI	53120	Pewaukee	Oppose
Pamela	Meyer		Eagle	WI		Pewaukee/Individual	support
Gary	Baler	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	Merrill	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	Mevis	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 Lakewood 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
Lary	Koltz	1078 Emerald Dr.	Hartford	WI	53027	Rhineland	
Ben	Loma	4526 Bayview Dr.	Rhineland	WI	54501	Rhineland	Oppose
Kevin	Jenkins		Woodnuff	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	
Dolly	Meeuwsen	3211 Ahles 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	Rlopel	4601 Bayview Dr	Rhineland	WI	54501	Rhineland	Oppose
Peter	Muchelberg	6925 Shoreview Dr.	Rhineland	WI	54501	Rhineland	
Elmer	Goetsch	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	Rlopel	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	Radioff	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 Antet 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	Coll	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	Kastrovsky		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	Hamman	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 342005	Lakeway	TX	78734	Rice Lake	
Wayne	Mittlestaedt	972B 23 3/4 st.	Chetek	WI	54728	Rice Lake	Undecided
Carl	Holmgren	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	Heilster	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	Willtrout	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 Hyw D	Weyerhaeuser	WI	54895	Rice Lake	Support
Bev	Halvorson	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	
Arlve	Wetterling	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	McKeam	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	Oppose
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 Colladatt Dr	Stoughton	WI	53589	Stoughton	Undecided
Tom	Carrico	2240 CR AB	McFarland	WI	53558	Stoughton	Oppose
Tom	Franko	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	Potempa	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	
Tery	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	2888 Waubesa Ave	Madison	WI	53711	Stoughton	Oppose
Dennis	Weston	2181 Poinsetta Dr	Longwood	FL	32779	Stoughton	Undecided
Marjle	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	Oppose
Lois	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	Kissling Becker	3149 Sunnyside St	Stoughton	WI	53589	Stoughton	Oppose
Michael	Sherry	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	Roeming	4302 Jordan Dr	McFarland	WI	53558	Stoughton	Oppose
Frank	Koss	2015 Barber Dr	Stoughton	WI	53589	Stoughton	Oppose
Dean	Hein	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 Maunasha Rd	Marshall	WI	53559	Stoughton	Oppose
Melvin	Zentner	97 Shady Willow Rd	Brooklyn	WI	53621	Stoughton	Oppose
Susan	Valley	304 N Main St	Jefferson	WI	53549	Stoughton	Undecided
Lesia	Reisdorf	5125 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	Helligar	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
Ralph	Winrich	677 S Hwy N	Stoughton	WI	53589	Stoughton	Oppose
Paula	Camer	131 Dakota	Edgerton	WI	53534	Stoughton	Undecided
Deb	Stoddi	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	53589	Stoughton	
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
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	3069 Sunnyside St	Stoughton	WI	53589	Stoughton	
Pat	Laemmrich	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**

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Maur	White	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
Aria	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 Rd.	Pardeeville	WI	53954	Tomah/Individual	Support & oppose parts
Ken	Dorshorst	8104 Wintergreen Rd.	Wausau	WI	54401	Wausau	Oppose
Richard	Belar	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	Aniwa	WI	54408	Wausau	
Glenn	Molt	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 Fudjog Rd.	Wausau	WI	54401	Wausau	Neutral
Neil	Pietenpal	W 4517 Amanda Ln.	Tomahawk	WI	54487	Wausau	Support
Richard	Einlechner	W 6908 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 Cule 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	Gelger	509 Oriole	Wausau	WI	54401	Wausau	Oppose
Randy	Gelger	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
Marilyn	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	54668	Wausau, Rhinelander, Rice Lake, Green Bay	Oppose
Larry	Dahlman		Wausau	WI		Wausau/Individual	Support
Ken	Dorshorst		Blq Eau Pleine Flowage	WI		Wausau/Individual	oppose

**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. Nothing in this rule shall be construed to limit the authority of a county to enact more restrictive shoreland zoning standards under s. 59.69 Stats. or s. 59.692 Stats. to effect the purposes of s. 281.31 Stats.

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 annexed or incorporated areas except as provided in s. 59.692(7), Stats.~~ 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.

Note: Under section 59.692(7), Stats., areas annexed after May 7, 1982 and areas incorporated after April 30, 1994 are generally subject to the shoreland zoning ordinances in effect on the date of annexation or incorporation.

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 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 floodplain shall be required to comply with any applicable floodplain 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 within 300 feet of the ordinary high-water mark of any navigable waterway, 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 the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that portion of the lot or parcel that is within 300 feet of the ordinary high-water mark, and multiplied by 100.

2. 'Impervious surface standard.' A county may allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

3. 'Maximum impervious surface.' A county may allow more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark, 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 enforceable obligations of the property owner to establish or maintain 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. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

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.' For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in subpar. 2. and 3., the property owner may do any of the following:

a. maintenance and repair of all impervious surfaces;

b. replacement of existing impervious surfaces with similar surfaces within the existing building envelope;

c. relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and meets the applicable setback requirements in NR115.05(1)(b).

Note: For example this provision would allow an existing at-grade patio to be removed and replaced with a new building, if the new building meets the shoreland setback requirements.

Note: Nothing in this subsection shall be construed to supersede other provisions in county shoreland ordinances.

(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. 'Vertical 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 vertically, 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. Vertical expansion is limited to the height allowed in NR 115.05(1)(f).

d. 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 enforceable obligations of the property owner to establish or maintain measures that the county determines adequate 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. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

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

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

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

5m. 'Expansion of nonconforming principal structure beyond setback'. 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 horizontally, landward or vertically provided that the expanded area meets the building setback requirements in par. (b)1, and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required under par. (e)3.

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 enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate 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. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

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-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 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.

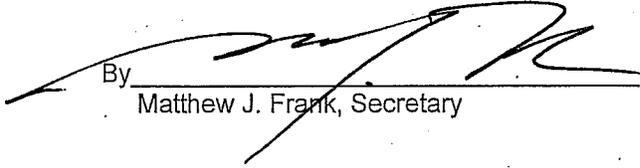
(d) Costs. Pursuant to ss. 59.692 (6) and 87.30 (1) (c), Stats. the costs of any actions by the department under this subsection to adopt an ordinance or amendments shall be assessed against the county concerned and collected in substantially the same manner as other taxes levied by the state.

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 Nov 13, 2009.

Dated at Madison, Wisconsin Nov 13, 2009

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By 

Matthew J. Frank, Secretary

(SEAL)