



Budget would weaken counties' ability to protect shoreland

By [Lee Bergquist](#) of the Journal Sentinel
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The Legislature's Joint Finance Committee wants to weaken provisions in state law that have allowed counties to adopt stricter regulations to protect lakes, rivers and streams.

On May 29, the Republican-controlled finance panel tucked a motion into the 2015-'16 state budget that would bar counties from imposing stiffer zoning requirements along shorelines than those in state law.

Environmental groups are opposed to the changes. Four organizations representing county officials also say the restrictions would limit counties' ability to tailor zoning laws to fit local situations.

The zoning laws can dictate lot sizes, how close structures can be to water and the amount of vegetative buffers along shorelines. Instead of county-by-county limits, the committee changes adopt a one-size-fits-all approach.

All of the committee's work must be approved by the GOP-controlled Assembly and Senate and signed by Republican Gov. Scott Walker.

Supporters say limits on the counties would give uniformity to what they see as a hodgepodge of rules governing shoreland development.

Sen. Tom Tiffany (R-Hazelhurst) emphasized state water quality standards are not changing. Instead, he said, Republicans are striving to balance competing goals of environmental protection and property rights.

"We are not lowering the standard," he told fellow members of the finance committee before it [voted to approve an array of natural resources items](#) by a 12-4 vote.

"We are saying (shoreland zoning) has to be uniform across the state. We are returning property rights to people."

The committee's action is the latest in a long-standing debate over how much property development to allow near the water's edge.

The [DNR has estimated](#) that in 1965, a little more than 20% of shoreline was developed on 235 lakes north of Highway 29. The highway runs through the middle of the state.

But by 2025, the agency is predicting that nearly 70% of the shoreline on those lakes will be developed. That

puts pressure on smaller lakes, wetlands and other properties less suited for development yet critical as habitat.

In 2009, the Natural Resources Board rewrote shoreland zoning regulations for the first time in 40 years.

The revisions came after seven years of study and a series of listening sessions and public hearings. Also key: a compromise between environmentalists and builders and the real estate industry over the extent of repairs that would be allowed for nonconforming structures close to the water.

The regulations were once again updated in 2013.

Environmentalists are critical of the committee action because it will pre-empt local control and take away power to limit building close to the water line.

Another concern: In contrast to the 2009 regulations, only lawmakers had a chance to weigh in this time.

Republicans gave Democrats on the finance panel an hour or so of advance warning before zoning was debated with other controversial natural resources issues, such as funding for land purchases and cutting DNR science staff.

"Everyone was ambushed by these major changes without public input," said Helen Sarakinos of the [River Alliance of Wisconsin](#).

The zoning changes were proposed by [Rep. Adam Jarchow](#) (R-Balsam Lake), who is not a member of the finance panel.

"The idea that this is some sort of sea change is a little bit of doom and gloom," Jarchow said.

Instead, he said, it gives property owners more control over their cabins and removes disincentives for making upgrades. An attorney, he said he has represented property owners in disputes with counties over building projects.

About 20 counties — most of them lake-rich, northern counties — have adopted more protective standards than the state's minimum standards since 1995, according to Lynn Markham, a land use specialist with the University of Wisconsin Extension and the Center for Land Use Education at UW-Stevens Point.

A driving factor, she said, is that [numerous studies](#) have shown a relationship between the growth in driveways, decks and roofs and diminished water quality. Also, she said many counties think lakes are different across the state and believe zoning should reflect that.

"All lakes are not the same and we have 15,000 lakes, and I don't think that one set of standards are sufficient to protect them all," Markham said.

In 1998, when he bought his lakefront house on a sandy piece of land, "everything would run right into the lake," said Jim Johnson, who lives on [Bony Lake](#) in Bayfield County.

A three-year lake-wide restoration plan started in 2006, funded in part with a \$100,000 grant from the DNR. The project helped to transform his property — not with zoning, but planning, a subsidy and sweat equity.

Johnson ripped out a fish house near the shore, removed riprap and planted trees and native plants.

With more vegetation, sediment isn't washing into the lake. "The fishing's better, I can tell you that," Johnson said.

Zoning can play a comparable role, say supporters.

On Monday, the Wisconsin Counties Association, Wisconsin Land and Water Conservation Association, Wisconsin County Code Administrators and Wisconsin County Planning and Zoning Administrators will send a memo to the finance panel, asking that the zoning changes be removed from the budget and debated separately.

The "unintended impacts will lead to a decline in environmental quality in our shoreland areas, and consequently, result in lower property values and a decline in overall economic conditions," the groups said in a statement provided to the Milwaukee Journal Sentinel.

"It undermines the work we're doing to protect natural resources," said Terri Dopp-Paukstat, president of the county code administrators. She is also director of Waushara County land conservation and zoning.

With 150 miles of cold-water trout streams in the county, Waushara County has a minimum setback of 100 feet to construct a building, rather than the state limit of 75 feet.

In [Vilas County](#), lots must have 150 feet to 300 feet of frontage, depending on the lake. The state standard is 100 feet.

"Everything has been working well. People are used to it and we are keeping our water clean," said Dawn Schmidt, zoning administrator in Vilas County, which has more than 1,300 lakes — one of the largest concentrations of lakes in the world.

In Waukesha County, officials have so far not wanted to add more restrictive limits, according to Dale Shaver, director of parks and land use. But he said the county — with some of the most developed lakes in the state — is planning to write new zoning regulations later this year. The finance panel has limited what the county could do, he said.

"I'm a little nervous that the action might have taken away some of our options," Shaver said.

But Jarchow, a first-term lawmaker, said the focus should be on those who live next to water.

"There are a lot of property owners who really get the shaft, frankly, from counties," he said.

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