

Shoreland discussion focuses on setbacks, shore cover

By Katherine Schulz

The Rusk County Land Information/Zoning Committee continued reviewing proposed updated shoreland zoning ordinances (Chapter 50) to bring them in sync with the changes made to the state's shoreland protection program. On March 8, the committee reviewed proposed Rusk County Ordinances Sections 50-188 through 50-190.

Setback requirements

Proposed Section 50-188 simplifies the shoreline buffer area. Much of the language is removed and replaced with:

"All buildings and structures, except exempt structures, shall be setback at least 75 feet from the ordinary high water mark of navigable waters."

The proposed ordinance clarifies which structures are exempt and keeps most of the same restrictions and standards as existing law.

■ Stairways, walkways and piers are exempt. The proposed maximum width of landings and stairways is five feet.

■ Boathouses are exempt. Under the proposed ordinance, boathouses would be allowed on slopes of more than 35 percent. Wall height would be limited to 10 feet. If the property has a view corridor, the boathouse would be permitted only in the view corridor.

New to the proposed ordinance are exemptions for:

■ Open sided or screen structures such as gazebos and screen houses, which would be subject to a 35-foot setback and a limit of 200 square feet. At least 70 percent of the buffer area toward the water must be maintained.

■ Satellite dishes and antennas, which must be less than two meters in diameter.

■ Utility structures that feasibly cannot be located outside of the minimum setback such as utility lines, water towers, pumping stations and private septic systems. Best management practices to control stormwater runoff would be required.

Setback averaging returns

Setback averaging was removed from the Rusk County code in the mid-1990s, but it returns under the proposed ordinance. Setback averaging is appropriate where there is an existing building development pattern, and a new dwelling may be setback the average, but not less than 35 feet, from the ordinary high wa-

ter mark. For example, if there are five houses and they are an average of 25 feet from the OHWM, a new dwelling may be built 35 feet from the water.

Removal of shore cover

Proposed Section 50-189 requires a vegetative buffer zone 35 feet deep and prohibits removal of vegetation in the zone, except:

■ Routine maintenance is allowed.

■ A viewing corridor at least 35 feet wide for every 100 feet of shoreline frontage. The corridor may run contiguously for the entire maximum width or shoreline frontage owned. For example, the owner of 1,000 feet of frontage may clear one 350-foot stretch or up to 10 35-foot stretches.

■ Managing exotic or invasive species. Damaged or diseased vegetation and safety hazards may be controlled.

■ The county may issue permits for management activities in the vegetative buffer zone, with best practices and accountability required.

While the language of Section 50-189 appears to be changed markedly, the substance is not, and county administration of the vegetative buffer zone will be pretty much the same under the new ordinance. Rusk County does not see many cases where people remove the shore cover before finding out there are restrictions on cutting.

"People have been pretty educated over the years, and they are aware that there is a need for the buffer. It helps to create habitat and do the things people who use the water like to do, such as fishing," said Cece Tesky, Rusk County Land Conservation and Development Department Director.

Land-disturbing activities

Tesky said the committee's aim is to make regulation of land-disturbing activities simpler and easier to administer. Proposed Section 50-190 applies to activities between 35 feet and 300 feet from the water.

"We are doing kind of a thorough cleaning here," said Tesky.

A zoning permit is required for:

■ Filling or grading on slopes of more than 20 percent.

■ Filling or grading of more than 2,500 square feet on slopes of 12 to 20 percent.

■ Filling or grading of more than 5,000 square feet on slopes of 0 to 12 percent.

A county zoning permit is not required if a DNR permit is obtained.

The ordinance lists the conditions under which permits will be issued. Some of the considerations include the amount of bare ground exposed, use of temporary ground cover, erosion prevention measures, use of lagoons to avoid fish trap, stabilization of fill, interaction with floodplain ordinances and use of properly constructed channels and artificial watercourses.

No land-disturbing activity is permitted on slopes of more than 45 percent.

Impervious surface standards

To control runoff within 300 feet of the water, proposed Section 50-190 sets a limit of 15 percent impervious surface on the portion of a lot or parcel that is within 300 feet of the water. Impervious surfaces prevent rain and snow from soaking into the ground.

All impervious surfaces that were lawful when constructed are grandfathered in, and the property owner will be able to replace, repair, and relocate so long as the percentage of impervious surface does not increase. For example, if the property has 25 percent lawfully existing impervious surface, the owner may tear out the asphalt driveway and replace it with concrete or tear out part of the driveway and add on to the house in that space. Mitigation will not be required.

Rooftops, sidewalks and paved driveways and parking lots are all counted in the 15 percent, so small lake lots reach the impervious surface limit easily. To exceed the 15 percent, the property owner may propose a mitigation plan, including techniques such as rain gardens, stormwater ponds, infiltration basins, constructed wetlands and bioswales. With mitigation, impervious surfaces may total up to 30 percent.

Tesky expects more mitigation activity and says it will be a little bit of a learning process for her because of the county's previous 25 percent limit.

"We have made it available for people to do mitigation, but I believe there will be a lot more people affected by this 15 - 30 percent range, so there will have to be a lot more mitigation. We have the land conservation office here now. We are all together as one, and they will be able to help property owners do that kind of thing too," Tesky said.