Updates!!

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Topics

- 2014 NR115 What's different??
- Update Model Ordinance
- Update WCCA Guidebook
- Developing Information/Recommendations
- District Meetings
- WWI Maps

NR 115 – 2013 Changes

- Vegetation
- Impervious Surface Standards
- Nonconforming Structures
- Administrative Reporting Standards

Vegetation

- The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be provided that any vegetation removed ~~under the permit~~ be replaced by replanting in the same area as soon as practicable.

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:….

- **No permit needed for**
  - Routine maintenance of vegetation.
  - Create access and viewing corridors, that has a combined width that may not exceed the lesser of 30 percent of the shoreline frontage or 200 feet.
  - Removal of trees and shrubs on a parcel with 10 or more acres consistent with "generally accepted forestry management practices"
  - Removal of vegetation 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 be replaced by replanting in the same area as soon as practicable.
- **Permit needed for everything else.**

IS

1. 'Application.' Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface that is or will be located within 300 feet of the ordinary high water mark of any navigable waterway on any of the following:

    a. A riparian lot or parcel.

    b. A non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high–water mark of any navigable waterway

Impervious surface standards

- What is an impervious surface?
  - An area that releases <u>all or a majority</u> of the precipitation that falls on it

- What is the standard?
  - Keep the impervious surfaces you have
  - For riparian lots or non-riparian lots that are entirely within 300 feet of the OHWM
    - Up to 15% impervious no permit is needed
    - Between 15% - 30% ok with a permit and mitigation

IS

1m. 'Calculation.' Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the lot or parcel <u>by the total surface area of that lot or parcel</u>, and multiplying by 100. <u>For the purposes of this subdivision counties may exclude impervious surfaces described in subd. 3m.</u> <u>If an outlot lies between the ordinary high water mark and the developable lot or parcel described in subd. 1. and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surfaces.</u>

2013 additions to impervious surface standards

- Counties <u>may</u> create "highly developed shorelines"
  - Urbanized Areas or Urbanized Clusters in 2010 US Census
  - OR
  - Commercial, Industrial or Business land use as of January 31, 2013

- Counties <u>may</u> add additional areas if all of the following standards are met (additional data submitted/approved)
  - At least 500 feet of shoreline and as of Feb 1, 2010
    - Majority of lots exceeded 30% impervious
    - **<u>OR</u>**
    - Lots are located on a lake that is sewered (NR 110.03(30)

2013 additions to impervious surface standards

IS

- **For Highly Developed Shorelines**
  - Impervious surface standard (IS):
    - No mitigation permit needed for
      - residential land use with less than 30% IS
      - commercial, industrial or business land use with less than 40% IS
    - Permit with mitigation for expansion over the standard

  - Maximum impervious surface standard:
    - 40% IS for residential land use
    - 60% IS for commercial, industrial or business land use

Treated IS

3m. 'Treated impervious surfaces.' A county may exclude from the calculation under subdivision 1m., any impervious surface where the property owner can show that runoff from the impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bioswales or other engineered systems, or that the runoff discharges to internally drained pervious area that retains the runoff on the parcel to allow infiltration into the soil.

- 2 notes here. 1 talks about that variances could also be obtained if they exceed maximum and can't treat it. The other says that this does not supersede the setback requirements

Summary

- For everywhere else (non HDS) same IS standard of 15%
- For HDS (optional for counties)
  - Standard is 30% for residential or 40% for commercial, industrial or business land uses.
  - What is an HDS
    - Automatic areas
      - Urbanized Area or Urban Cluster in the 2010 US Census
      - Shoreline that has a commercial, industrial or business land use as of January 31, 2013.
    - Areas that counties may add in addition to the automatic areas.

Nonconforming Principal Structures

- In 2010, NR 115 provided increased flexibility for nonconforming principal structures in exchange for mitigation
- Prior to 2012 counties could be more restrictive

ACT 170

- For NC structures, counties, cities or villages may NOT be more restrictive than state standards

- This is the first time that state shoreland zoning standards became a cap or upper limit, instead of a lower limit for protection, which they had been since 1966

2013 changes to nonconforming principal structures

- Clarify that maintenance and repair includes exterior remodeling, replacement or enhancement of plumbing, electrical, windows etc...
- One-time lateral expansion within setback
  - 200 sq. ft. expansion no closer to OHWM
  - Could still do vertical expansion
- Clarify discontinuance language
  - Only structures with a nonconforming use
- Eliminate
  - Requirement to remove NC accessory structures for replacement/relocation of NC principal structure.
  - Provision about wet boathouses to clarify that counties may regulate dry boathouses

NCS – expansion beyond the setback

5m. 'Expansion …beyond setback'.

- may be <u>expanded horizontally, landward or vertically</u> 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.

- No mitigation
- Does not require structure to be more than 35 ft. from OHWM.
- Also could be an averaged setback or even larger setbacks for counties with lake classification

Other administrative change

ADOPTION OF ADMINISTRATIVE AND ENFORCEMENT PROVISIONS. The shoreland ordinance adopted by each county shall require all of the following:

(h) Written notice to the appropriate regional office of the department at least <u>10 days prior to any hearing</u> on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under sub. (2).

(hm) Submission to the appropriate regional office of the department, within <u>10 days after grant or denial, copies of any decision</u> 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.

Model Ordinance

- Model Ordinance will be updated

- Hopefully out by the end of the month or shortly thereafter

Grants

- Individual counties can apply for ordinance development
- Deadline December 10, 2014

http://dnr.wi.gov/aid/surfacewater.html

Information & Recommendations

- Working on recommendations for nonconforming structures and impervious surfaces

- NR115 sub-committee will be working on updating the Guidebook

Timeframe

- How many counties will be amending their ordinance over this winter?

- How many are currently working on amendments?

- Please submit drafts to help the timing for public hearings

District Meetings

- Joint district meeting for purpose of review of information/recommendations for NC and IS

- Please submit request early

Wisconsin Wetland Inventory

- New maps for counties through the update process.....Most recent version should be used

- Please be aware of copyright information
- Contact Lois or Calvin for info