



Two Sisters Lake Property Owners Association

Oneida County Shoreland Protection Ordinance Overview

July 3, 2021 Meeting

By
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TSLPOA Board of Directors Member



Current Law

- July 15, 2015 - State of Wisconsin amended the State Statute to permit owners of shoreline frontage to create an access and viewing corridor ("AVC") of at least 35 feet for every 100 feet of frontage owned
- April 1, 2018 - Oneida County enacted its current Shoreland Protection Ordinance ("SPO") that included an AVC of 35 feet for every 100 feet of frontage
- The SPO, consistent with Wisconsin Administrative Code NR 115, states that its purpose is "to protect natural scenic beauty, fish and wildlife habitat, and water quality"
- Under the SPO, no cutting of trees or removal of other vegetation may occur within 35 feet of the shoreline (this is known as the vegetative buffer zone) except within the AVC
- Both NR 115 and the SPO define the AVC as "a vegetated strip of land," meaning that vegetation must remain within the access and viewing corridor after its development
- No buildings or structures are permitted within 75 feet of the shoreline, except that:
 - A walkway up to five feet wide and a boat house for which a shoreyard alteration permit is obtained may be constructed within 35 feet of the shoreline if within the AVC
 - Oneida County has the authority to issue a shoreyard alteration permit for certain open sided and screened structures (e.g., Gazebos) that are more than 35 feet from the shoreline

The Problem

- The Oneida County SPO does not contain a specific statement on whether property owners may clear cut all trees and shrubs when developing an AVC (Vilas County and other counties prohibit clear cutting of trees and shrubs)
- Under the current SPO wording, the Oneida County has the discretion and authority to regulate the amount of vegetation that remains in the AVC
- Some property owners in Oneida County have clear cut AVC and left no vegetation
- The Planning and Zoning Department has received numerous complaints from concerned citizens as more development of shoreline property is occurring about the cutting of trees by property owners within the 35 foot vegetated buffer zone and the resultant impact on natural scenic beauty, fish and wildlife habitat, and water quality

The Response

- Karl Jennrich, Department Head of the Oneida County Planning and Zoning Department, in July 2020 suggested to two Oneida County Supervisors that SPO amendments be proposed to address inconsistencies and ambiguities related to the AVC
- Supervisor Bob Thome formed a working group consisting of himself, Mr. Jennrich, another member of the Planning and Zoning Department, Oneida County Corporation Counsel, two representatives of the DNR, Joe Steinhage and Tim Reardon (both TSLPOA members)
- The working group drafted proposed amendments to the SPO to provide clarity around the following four issues involving the AVC:
 - Physical size – suggests the AVC may be up to 35% of shoreline frontage
 - Cutting of trees and shrubs – suggests clear-cutting be prohibited but that "select cutting" be allowed
 - Vegetation – suggests need for definition and clarification of the vegetation requirement in the AVC
 - Land disturbances – suggests modifications that limit land disturbances associated with the development of boat houses and walkways in the AVC

The Response, cont.

- The Planning and Development (“P&D”) Committee has met several times to consider the proposed SPO amendments
- The P&D Committee sent a letter to local State representatives asking them that the Wisconsin legislature clarify the size of the AVC for purposes of enabling Oneida County to adopt the DNR interpretation of the State Statute (i.e., that the AVC is limited to 35% of shoreline frontage)
- The Conservation Committee is working to develop a concise definition of “vegetation”, and to further define “select cutting” within the AVC
- It is expected that the P&D Committee will move the SPO amendment process forward in the foreseeable future
- In the meantime, the P&D Committee has directed the Planning and Zoning Department to undertake enforcement actions on a number of properties in Oneida County where the development activity in question constitutes a clear violation of the current SPO and the terms of building and shoreyard alteration permits issued by new Planning and Zoning Department

Takeaways

- As shoreland property owners, we all have a duty "to protect natural scenic beauty, fish and wildlife habitat, and water quality"
- Under the current SPO, development within the 35-foot vegetative buffer zone may only occur within the AVC and is limited to a 5-foot walkway and/or permitted boathouse.
- Oneida County has the authority to approve certain open sided and screened structures that are at least 35 feet from the shoreline. However, no buildings or structures are permitted within 75 feet of the shoreline
- Vegetation (not yet defined) must be retained within the AVC
- Give some thought to how your shoreline impacts natural scenic beauty, fish and wildlife habitat, and water quality and do what you can to promote these principles