



COUNTY OF DOOR
SOIL & WATER CONSERVATION DEPT
COUNTY GOVERNMENT CENTER
421 NEBRASKA STREET
STURGEON BAY, WI 54235

PHONE: (920) 746-2214
FAX: (920) 746-2369
swcd@co.door.wi.us

June 25, 2015

Dear Landowner:

The purpose of this letter is to invite you participate in, and inform you of, the invasive species control project for the invasive *Phragmites australis*. This effort will focus on select shorelines that were previously treated through the Wisconsin Department of Natural Resources (WDNR) Great Lakes Restoration Initiative (GLRI) project grant. This WDNR control project is funded by Ducks Unlimited and managed by the Door County Soil & Water Conservation Department (SWCD).

The invasive, non-native, *Phragmites australis* can grow over 16 feet tall and can expand horizontally over 50 feet each year through stolon's or runners. This extremely aggressive plant displaces native plants, takes over wetland and riparian habitats, and reduces wildlife use. It can also decrease recreational opportunities, property values and block views of the water.

Phragmites will be treated below the ordinary high water mark by certified aquatic applicators carrying backpack sprayers. All necessary permits will be obtained by the certified applicator/contractor.

The next steps in this effort includes the signing and return of the enclosed permission form for treatment of *Phragmites* on or in front of your property and hopefully a voluntary donation to help treat all existing populations of *Phragmites*. The spraying will likely begin around September 8th and be completed around mid to late October 2015.

This is the only year of proposed treatment due to limited funding. After 2015, future grant funded assistance is uncertain and thus it will be critical that you, the landowner, stay vigilant and prevent any new populations from getting a foothold again.

It is important to note, that nearly all shoreline owners are susceptible to *Phragmites* colonizing their shoreline and that a unified effort is needed for successful control of *Phragmites*. We would like to personally thank you in advance for your support of this, and all SWCD, invasive species control efforts

If you have any questions or concerns please feel free to contact me at (920) 746-2363.

Sincerely,

Krista Lutzke
Conservationist
Door County SWCD



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DOOR COUNTY SWCD
PHRAGMITES CONTROL PROGRAM

Application Form (TO BE COMPLETED BY LANDOWNER)

Landowner _____

Address _____

City/State/Zip _____

Phone Number _____

Address / Fire # or PIN of *Phragmites* _____

*By signing below I authorize the inventory and treatment of my property for the purpose of *Phragmites* control effort starting from the date of my signature until November 1st 2014.

I, _____ on this _____ day of _____, 2014 understand that this is primarily a *Phragmites* control program and that educational follow up may be provided through SWCD, partner organization, or contractor to help you maintain or control future infestations.

SWCD: Door County Soil and Water Conservation Department <http://map.co.door.wi.us/swcd/>
DCIST: Door County Invasive Species Team <http://map.co.door.wi.us/swcd/invasive/index.htm>
USDA Forest Service Northeastern Area <http://www.na.fs.fed.us/>



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**REGARDING REQUESTED REMOVAL OF
SHORELAND ZONING POLICY ITEM
FROM THE 2015-2017 WISCONSIN STATE BUDGET BILL**

1 **TO THE DOOR COUNTY BOARD OF SUPERVISORS:**

2
3 **WHEREAS**, Door County has more miles of Lake Michigan shoreline (roughly 300) than any
4 other county in the state as well as roughly 300 miles of navigable stream and inland lake shorelines,
5 all of which shoreline is economically invaluable to the County – but only to the extent that the
6 shoreline beauty and water quality are protected – due to the millions of tourists it attracts.

7
8 **WHEREAS**, in 1968, county shoreland zoning was established in Wisconsin, codified in Sec.
9 59.692, Wis. Stats., with rules promulgated in Ch. NR 115 Wis. Adm. Code [“NR 115”].

10
11 **WHEREAS**, Sec. 59.692 (1m), Wis. Stats. directs counties to zone by ordinance all shorelands
12 in unincorporated areas in order “...to effect the purposes of s. 281.31 and to promote the public
13 health, safety and general welfare..”, with the rules set forth in NR 115 intended to be minimum
14 standards and not maximums.

15
16 **WHEREAS**, Wisconsin’s shoreland zoning regulations have only been sparingly and thoughtfully
17 revised over the 47 years they have been in existence, the most recent significant revisions being
18 made to NR115 by the Natural Resources Board in 2010 via the rule-making process, said changes
19 occurring only following many years of meetings, hearings, public input, and deliberation.

20
21 **WHEREAS**, on May 29, 2015, the Joint Committee on Finance (“Joint Finance”) approved the
22 inclusion of Item #23 of Motion #520 regarding county shoreland zoning standards in the budget bill,
23 with no public input. In fact, only members of Joint Finance have had a chance to weigh in so far.

24
25 **WHEREAS**, Item #23, which consists of two type-written pages and fourteen paragraphs
26 (attached hereto), represents significant policy shifts from existing, effective, county shoreland zoning
27 regulations, among other things:

- 28
29
- 30 ▪ Pre-empting local control, effective immediately, by eliminating provisions in state law that
 - 31 have allowed counties to adopt stricter regulations to protect shorelands, instead adopting an
 - 32 ill-advised one-size-fits-all approach, which restricts counties' ability to tailor shoreland zoning
 - 33 laws to fit local conditions;
 - 34 ▪ Significantly and negatively changing how counties may regulate nonconforming structures,
 - 35 potentially thwarting the purposes of NR115 and affecting neighboring property owners' views
 - 36 and property values;
 - 37 ▪ Effectively barring counties' regulation of impervious surfaces in shorelands, unless property
 - 38 owners design and install potentially expensive storm water runoff control systems;
 - 39 ▪ Restraining counties' ability to require permits and impose fees to recoup the reasonable and
 - 40 actual costs for administering these new shoreland zoning regulations, with the inability to
 - 41 require permits potentially leading to property owners' unknowing noncompliance with other
 - 42 regulations (floodplain, sanitary, etc.); *and*
 - 43 ▪ Doing nothing to “...further the maintenance of safe and healthful conditions; prevent and
 - 44 control water pollution; protect spawning grounds, fish and aquatic life; control building sites,
 - 45 placement of structure and land uses and preserve shore cover and natural beauty...”, as
 - 46 envisioned by Sec. 281.31, Wis. Stats.

47 Significant policy items, such as Item #23, must be addressed in stand-alone legislation, rather than
48 as part of the budget process.



DOOR COUNTY

REGARDING REQUESTED REMOVAL OF SHORELAND ZONING POLICY ITEM FROM THE 2015-2017 WISCONSIN STATE BUDGET BILL

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BRANN	X		
BUR		X	
ENGLEBERT	X		
ENIGL	X		
FISHER	X		
GUNNLAUGSSON	X		
HAINES	X		
HALSTEAD	X		
KOCH	X		
KOHOUT	X		
KOK	X		
LIENAU	X		
MEYER	X		
MOELLER	X		
NEINAS	X		
RUNQUIST			X
SCHULTZ	X		
SITTE	X		
VRILEE	X		
ZIPPERER	X		

1 NOW, THEREFORE, BE IT RESOLVED, that the Door County Board
2 of Supervisors respectfully requests that the Joint Committee on Finance
3 Motion #520, Item #23, containing significant regulatory changes
4 pertaining to county shoreland zoning, be removed from the 2015-2017
5 budget bill.

6
7 BE IT FURTHER RESOLVED, that, if it is deemed necessary to
8 amend shoreland zoning regulations, such be done by way of stand-alone
9 legislation in regular legislative session with meetings, hearings, public
10 input, and deliberation, rather than as part of the budget process.

11
12 BE IT FURTHER RESOLVED, that Door County would welcome the
13 opportunity to participate in collaborative discussions, public listening
14 sessions, and hearings regarding shoreland zoning regulations to discuss
15 manners in which they could be improved.

16
17 BE IT FURTHER RESOLVED, that the County Clerk will forward
18 copies of this resolution to all members of the Wisconsin Joint Committee
19 on Finance, Senator Frank Lasee, Representative Joel Kitchens, Senator
20 Robert L. Cowles, Governor Scott Walker, and each county in the State of
21 Wisconsin.

22
23

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted

1st Fisher Defeated

2nd Sitte

Yes: 19 No: 1 Exc: 1

SUBMITTED BY:
Resource Planning Committee

Kenneth Fisher
Kenneth Fisher, Chair

David Lienau
David Lienau

Susan Kohout
Susan Kohout

David Enigl
David Enigl

Don Sitte
Don Sitte

Reviewed by: [Signature], Corp. Counsel

Reviewed by: 06-12-2015, Administrator

FISCAL IMPACT: Approval of this resolution will have no fiscal impact. MEJ

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 23rd day of June 2015 by the Door County Board of Supervisors.

Jill M. Lau
Jill M. Lau
County Clerk, Door County

JOINT FINANCE COMMITTEE
2015-2017 WI STATE BUDGET

Representative Loudenbeck
Senator Tiffany

MAY 27 & 29, 2015 REVIEW/APPROVALS

NATURAL RESOURCES -- DEPARTMENTWIDE

Motion:

Move to do the following:

1. *Position Reductions* [LFB Paper #450]. Adopt Alternatives A1, B1, and C2 (Governor's recommendation):

Stewardship Program [LFB Paper #451]

2. *Bonding Levels*. Delete the Governor's recommendation that beginning with fiscal year 2015-16, DNR may not obligate moneys from the land acquisition subprogram of the reauthorized stewardship program if the annual general fund debt service on amounts obligated under the reauthorized stewardship program exceeds \$54,305,700. Instead, specify that DNR may not obligate more than \$33,250,000 in each year from fiscal year 2015-16 through 2019-20 under the reauthorized stewardship program as shown in the following table. Reduce the amount of total bonding authority for the stewardship program by \$88,250,000 from the currently authorized \$1,365,500,000 (\$1,277,250,000 would be authorized for the program) and provide \$50,000 GPR in 2015-16 and \$980,000 GPR in 2016-17 for estimated debt service payments.

Posted By:
Wheeler Reports, Inc.

f. Provide if current-law provisions for board dissolution are not satisfied, or if court approval is not granted, or if the board finds the public welfare will be promoted by reinstating the drainage district board, the board shall order the district reinstated.

g. Specify the provision first applies to a petition for suspension of operation issued under current law for which no final order has been issued as of the effective date of the bill.

 23. *Shoreland Zoning Standards.* Move to generally incorporate the provisions of 2015 LRB 1919/1 that would amend Chapters 59 (counties), 61 (villages), 62 (cities) and 281 (water and sewage) as follows:

a. Provide a definition for "structure" under s. 59.692 of the statutes (county shoreland zoning) to mean a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit. Delete a reference to "buildings" in the definition of "shoreland setback area," and provide the term "structure" applies to consideration of whether construction or placement of objects occurs in a shoreland setback area, which is an area within a set distance of a high-water mark in which building activity is prohibited or limited.

b. Specify a shoreland zoning standard promulgated by DNR, or a county shoreland zoning ordinance, may not impair the interest of a landowner in shoreland property with regard to several aspects of land use as described in the following paragraphs.

(1) Specify DNR standards or a county ordinance may not: (a) require approval to install or maintain outdoor lighting in shorelands; (b) impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands; or (c) otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(2) Modify current-law provisions regarding restoration of nonconforming structures to specify DNR standards or a county ordinance may not require approval for, or impose a fee or mitigation requirement for, or otherwise prohibit or regulate, the maintenance, repair, replacement, restoration, rebuilding or remodeling of all or any part of a nonconforming structure if the activity does not expand the footprint of the nonconforming structure. Provide a county shoreland zoning ordinance shall allow a footprint expansion of a nonconforming structure if the expansion is necessary for the structure to comply with applicable state or federal requirements.

(3) Specify DNR standards or a county ordinance may not require any approval for, or impose any fee or mitigation requirement for, or otherwise prohibit or regulate, the vertical expansion of a nonconforming structure unless the vertical expansion would extend for more than 35 feet above grade level. Provide DNR may establish a shoreland zoning standard that allows vertical or lateral expansion of a nonconforming structure, consistent with the provisions of the motion, and provide a county may enact a shoreland zoning ordinance that allows the vertical or lateral expansion of a nonconforming structure if the ordinance does not conflict with DNR shoreland zoning standards.

(4) Specify DNR standards or a county ordinance may not require any inspection or upgrade of a structure before the sale or transfer of the structure.