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County board adopts shoreland ordinance

 by Terrell Boettcher
 News Editor

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Sawyer County supervisors voted 8-7 at their Oct. 20 meeting to adopt a stand-alone shoreland and wetland protection ordinance which updates and replaces the previous shoreland protection section of the county's zoning ordinance.

Zoning and Conservation Department Administrator Dale Olson said the ordinance has been in preparation for 16 months, starting with a draft put forth by the Sawyer County Lakes Forum. The Zoning Committee held a public hearing last July, followed by informational meetings.

The new ordinance "came mostly from DNR boiler plate," Olson said. "I believe this cleans up our current ordinance, and gives us a lot more latitude in things we can do." Fred Zietlow's motion to table the ordinance failed on an 8-7 vote. Zietlow said the Natural Resources Board recently extended the deadline until February 2014 for counties to comply with the proposed state shoreland protection code, NR 115.

"There's bigger and better minds at work on this at the state level," Zietlow said. "We're in no hurry; let's wait and find out what the state comes up with."

Ken Maki said, "I'm not against this, but I have a hard time understanding it."

Dean Pearson said he's "not against this," but one thing he's concerned about is "With all these new regulations, will we have to hire more people in the zoning department to take care of these new regulations."

County zoning and sanitation technician Jay Kozlowski said although there has been some opposition to NR 115 at the state level, the proposed modifications "are insignificant to this ordinance." The state review committee is looking at increasing the limit on impervious surfaces (now 15 percent), to allow a lot owner to add a garage or other impervious surface and offset that by adding a rain garden or other protection measure, he indicated. The NR 115 document is "valid right now, but it will be changed," he said.

Sawyer County's lake protection standards are currently more strict than state standards, Kozlowski added.

Jim Bassett said the DNR "has copied what Sawyer County has done in the past." Zoning ordinances are aimed at preventing a landowner "from trickling over onto his next-door neighbor," he added.

Olson said the new ordinance "isn't that dissimilar to our old ordinance or

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the first draft we had 10 months ago. We're hoping to get this through so our staff can get caught up."

Dale Thompson said, "A lot of work has been put into this already, and why can't we approve it and amend it as we go along."

Hayward area resident Howard Hanson questioned whether everyone on the board has read the ordinance, whether the DNR is forcing the county to pass something more restrictive than the current ordinance, and whether there has been a "formal written opinion (from the county's attorney) as to the information that's being forced upon the homeowners."

Hanson also said the requirement for a "'certificate of compliance' when building permits are issued doesn't make any sense."

Hanson added that "nobody even mentions the (impact on lakes) of oil, tar, sand and salt that drains off our highways" on sections where there is no curb and gutter.

Olson said the county currently requires all persons who apply for a land use permit on shoreline property to certify that their shoreland dwelling meets the setback requirements and their buffer zone complies with the county rules. If the landowner is not in compliance, he must certify that he will develop a plan to get into compliance. The conservation department then will send someone out to help that owner.

County Corporation Counsel Thomas J. Duffy said, "There is no doubt in my mind that this ordinance is constitutional," and local governments have broad authority to enact such ordinances. "This is clearer and less onerous than our last document," he added; "A lot of builders and Realtors were involved" in crafting it.

Chuck Gundersen said the new ordinance "is not a substantial change or burden upon a person who wants to build on lakeshore property in this area." Existing nonconforming dwellings are "grandfathered" in.

Zietlow said the new ordinance is more restrictive than the old ordinance in that persons with existing buildings less than 75 feet from the water can't expand them landward.

If an existing structure is nonconforming and it's not used for habitation or maintained for habitable living conditions for 12 months, any future use of it must conform to the ordinance.

For those existing principal structures that are 40 to 75 feet from the water, owners will be allowed to replace or relocate them with a permit and mitigation plan. A vertical addition can be built within the existing footprint as long as it is not more than 28 feet high. Owners also will be allowed to replace foundations or roof supports. But owners won't be allowed to add on to the back of their dwelling/cabin unless the addition is at least 75 feet from the water.

Structures damaged or destroyed by violent wind, ice, vandalism, fire or flood may be reconstructed as they previously existed with a permit; mitigation may be required.

The local building industry has done many remodels of nonconforming structures, so the new ordinance will "hit them hard," Zietlow said. "We shouldn't do anything to stifle the economy."

Local builder Jason Sjostrom agreed, stating that the new ordinance would have prohibited a project his business worked on all summer which employed four people.

Voting to adopt the new ordinance were Bruce Paulsen, Jim Bassett, Dale Thompson, Warren Johnson, Ron Kinsley, Chuck Gundersen, Kathy McCoy and Mel Olson.

Voting against the ordinance were Ken Maki, Tom W. Duffy, Fred Zietlow, Hal Helwig, Dale Schleeter, Walt Jaeger and Dean Pearson.

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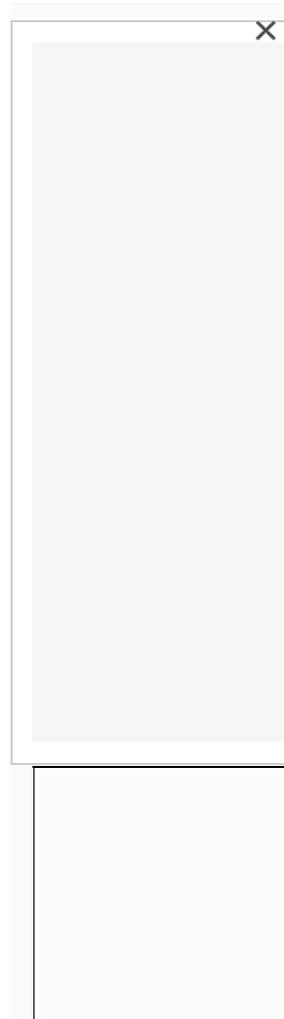
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