

December 11, 2007

Ms. Pamela Toshner
Lake Management Coordinator
Northern Region – West
Wisconsin Department of Natural Resources
810 W. Maple Street
Spooner, WI 54801

Re: Long Lake County and Township Ordinance Evaluation

Dear Ms. Toshner:

The Long Lake Protection and Rehabilitation District has completed an evaluation of County and Township Ordinances to attain the following goals and objectives outlined in the District's WDNR Lake Planning Grant Application (Small Scale Grant):

Goal 1: To determine the adequacy of current County and Township ordinances to protect the water quality of Long Lake

Goal 2: To identify additional ordinances that may either protect the water quality of Long Lake or further improve Long Lake water quality.

Objective 1: Evaluate County and Township ordinances to determine their adequacy to protect Long Lake water quality

Objective 2: Identify recommended changes or improvements to County and Township ordinances

Objective 3: Determine whether ordinances recommended in Long Lake Management Plan are currently in place or whether additional ordinances are needed to implement the Long Lake Management Plan

The District first reviewed ordinances recommended in the lake's water quality management plan (Barr 2003). The management plan recommended two ordinances, a stormwater ordinance and a septic system ordinance. In addition, the management plan recommended watershed management practices to protect the lake's water quality, including shoreland gardens and the use of phosphate free fertilizers.

After reviewing the lake's management plan, the District reviewed all County and Township ordinances to determine the adequacy of current ordinances to protect the water quality of Long Lake. The District identified the following County ordinances that currently protect the lake's water quality.

1. Polk County Stormwater Management and Erosion Control Ordinance – The ordinance was passed December 20, 2005 and took effect on January 1, 2006. A pdf of the ordinance is found at the following web site:
http://www.co.polk.wi.us/landwater/Stormw%20Ord_wfee%20sch.12-20-05.pdf
2. Polk County Comprehensive Land Use Ordinance – This ordinance was revised May 15, 2007. A pdf of the ordinance is found at the following website:
<http://www.co.polk.wi.us/landinfo/PDFs/Ordinances/Subdivision%20Ordinance%202005-07-01.pdf>
3. Polk County Shoreland Protective Zoning Ordinance – The ordinance became effective June 1, 2007. A pdf of the ordinance is found at the following website:
<http://www.co.polk.wi.us/landinfo/PDFs/Ordinances/Shoreland%20Ordinance%20-%20Final2007-05-15.pdf>
4. Polk County Land Use Regulations Chapter 18 Subdivisions – The ordinance was approved June 21, 2005 and took effect on July 1, 2005. A pdf of the ordinance is found at the following website:
<http://www.co.polk.wi.us/landinfo/PDFs/Ordinances/Comprehensive%20Land%20Use%20Ordinance%20-%20Final2007-05-15.pdf>
5. Polk County Private Sewage System Ordinance—A pdf of the ordinance is found at the following website:
<http://www.co.polk.wi.us/landinfo/PDFs/Ordinances/SanitaryOrdinance.pdf>

The District then compared the above list of ordinances with the ordinances recommended in the Long Lake Management Plan. The two ordinances recommended in the lake's management plan have been passed by the County. The Polk County Stormwater Management and Erosion Control Ordinance and Private Sewage System Ordinance are the two ordinances recommended in the lake's management plan. Hence, the District goal of protecting Long Lake by these ordinances has been attained.

The District then reviewed the above ordinances to determine whether management practices recommended in the lake's management plan are regulated by the ordinances. The District found that the management plan recommendation to use phosphate free fertilizer within the lake's watershed is regulated by the Shoreland Protective Zoning Ordinance. The ordinance prohibits the use of phosphate fertilizers within shoreland areas.

The District noted that the use of shoreland gardens is supported by the Shoreland Protective Zoning Ordinance. Article 14 of the Shoreland Protective Zoning Ordinance, Land Use Runoff Rating, supports the use of shoreland gardens to reduce runoff to Long Lake. The Ordinance regulates the amount of runoff allowed from developed lots. Landowners are required to implement measures to meet the maximum allowable runoff volume from a developed lot. Shoreland gardens (rain basins, vegetative areas) are mentioned in the ordinance as options to reduce runoff volume to attain the ordinance requirement.

The Stormwater Management and Erosion Control Ordinance also encourages the use of shoreland gardens to manage stormwater runoff. The ordinance contains Rain Garden Design information to encourage the use of shoreland gardens to manage stormwater runoff.

The District concluded that the ordinances recommended in the Long Lake Management Plan have been passed by the County and are currently in effect. Management practices recommended in the lake's management plan are either required by an existing ordinance (i.e., phosphate free fertilizer required for shoreland properties) or are encouraged by an ordinance (shoreland gardens encouraged by Shoreland Protective Zoning Ordinance and Stormwater Management and Erosion Control Ordinance).

The District identified two areas of concern which require either ordinance revisions or the passage of new ordinances.

1. The District recommends that Polk County either pass a new ordinance or amend an existing ordinance to further regulate future development of commercial businesses and housing complexes adjacent to shoreline property. The District finds the current ordinance vague about the containment of storm runoff water and septic systems for these areas of concern and would like ordinance language to further clarify these matters of concern or the passage of a new ordinance to address this matter.
2. The District recommends a sewage system ordinance directed toward future commercial businesses and housing complexes. The private sewage system ordinance does not address commercial businesses and housing complexes.

The District did not identify Township ordinances which currently protect the lake's water quality and also did not identify recommendations for additional township ordinances. The District believes that the 2 matters of concern identified by the ordinance evaluation project are best addressed at the County level.

Sincerely,

Patricia F. Langer
President, Long Lake Protection and Rehabilitation District

MRR:mrr