

# Two Important Issues Facing Oneida County's Waters

- \*Access & Viewing Corridors

- \*Tourist Rooming Houses – Vacation Rentals

A blue ribbon graphic with a folded end on the left side, containing white text.

# Protecting Our Shorelines – Access & Viewing Corridors



Center for Land Use Education  
College of Natural Resources  
University of Wisconsin-Stevens Point

Design by  
Melissa Nieuwenhuis

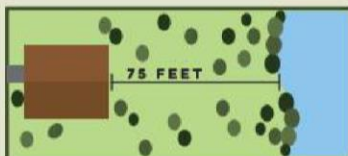


Extension  
UNIVERSITY OF WISCONSIN-MADISON

# THE VALUE OF SHORELAND ZONING

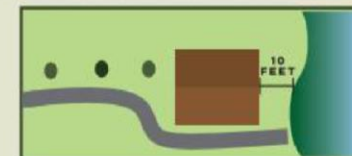
## ✓ SHORELAND ZONING

A house that is set back at least 75 feet from the water allows space for trees and native plants.



## NO SHORELAND ZONING ✗

A house that is close to the water does not leave space for trees and native plants that stabilize the shoreline.



When hard surfaces are built far from the shore and trees and native plants are kept in place, the shoreline is naturally more stable allowing:

Clear water =  
High waterfront  
property values

More trees and  
native plants =  
Stable shorelines =  
Less water pollution

More trees and  
native plants =  
More fish and frogs

Less algae growth



CONCLUSIONS

When hard surfaces are built close to the shore and native plants are removed, the shoreline erodes into the lake or river causing:

Cloudy water =  
Reduced waterfront  
property values

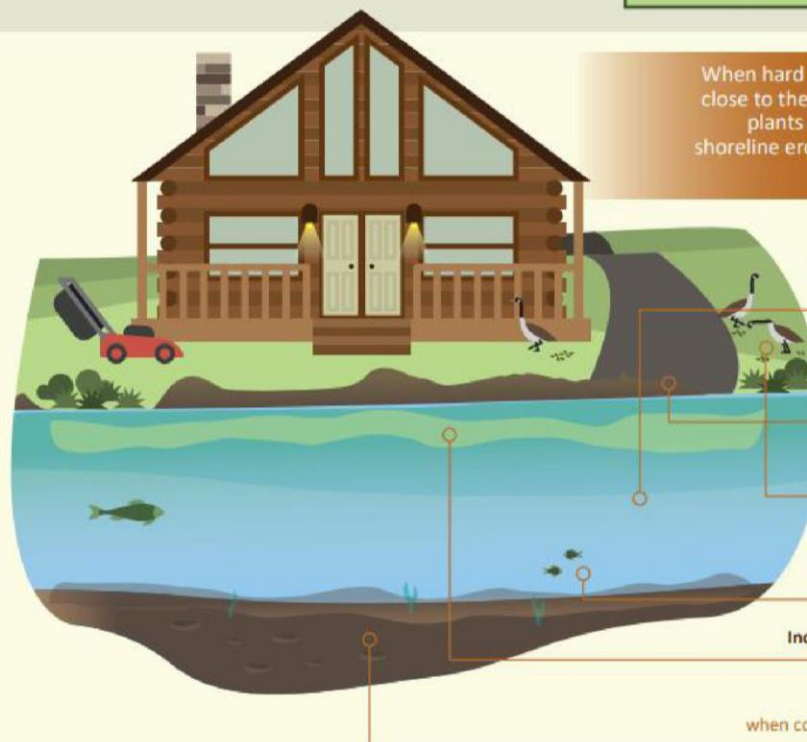
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Eroded shorelines =  
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More lawn  
attracts geese

Fewer frogs,  
fish, and fish  
species

Increased algae growth

Fish eggs suffocate  
when covered in eroded soil



WHAT DO SHORELAND ZONING  
STANDARDS ACCOMPLISH?

CONCLUSIONS

## WDNR (NR 115.05(1)(c)1)

**Requires us to protect natural scenic beauty, fish and wildlife habitat, and water quality.** A county shall **regulate removal of vegetation in shoreland areas**, consistent with the following: the county shall establish ordinance standards that **consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.** Land disturbance (such as filling, grading and excavating ) within the vegetative buffer zone is prohibited with the exception of **creating an access & viewing corridor, the construction of a boathouse, walkway, planting vegetation, or landscaping in the access and viewing corridor.**

# Vegetative Buffer Zone

- **Areas adjacent to the aquatic vegetation of streams, wetlands, and lakes serving to facilitate nutrient buffering**, while providing additional benefits of shading to reduce water temperature, enhance habitat, aesthetics, and soil stabilization, which area includes up to **the initial 35 feet landward from the OHWM of the entire length of the shoreline frontage**, and shall remain natural.

# Access and Viewing Corridor

**A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone and a reasonably unobstructed view of the lake, river, or stream from the principal structure located on the property, while minimizing the impact to water quality, fish and wildlife habitat, and natural scenic beauty.**

# Access and Viewing Corridor

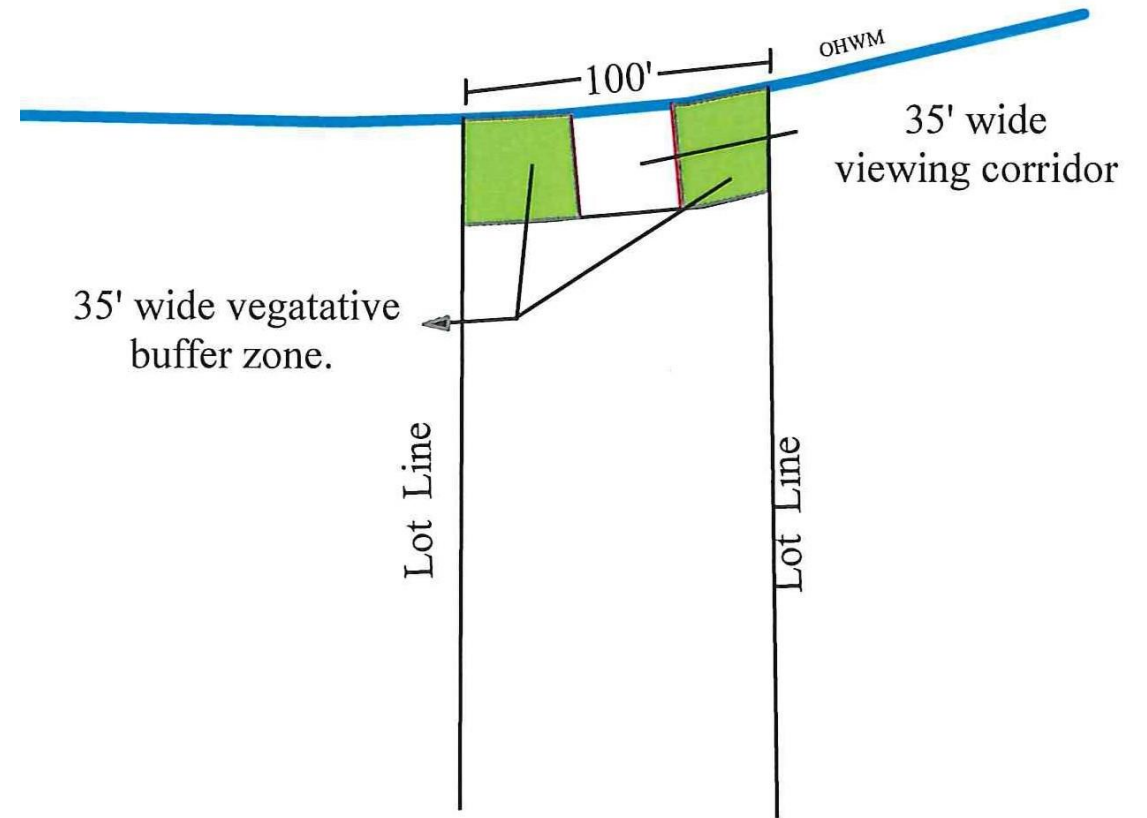
## Per 2021 WI Act 200, Senate Bill 867

A county may allow removal of trees and shrubs in the vegetative buffer zone to create an access and viewing corridor. The maximum width of an access and viewing corridor may be 10 feet or up to **35 percent of the shoreline frontage**, whichever is greater, except that the maximum width of an access and viewing corridor may not exceed 200 feet. The access and viewing corridor may run contiguously for the entire maximum allowed width of 200 feet.

# **35 Rule – 35' Buffer Zone/ 35% Viewing Zone**

**(Informational illustrations provided by Oneida P&Z)**

**No disturbance outside of viewing zone**







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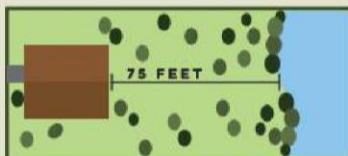


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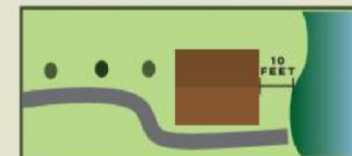
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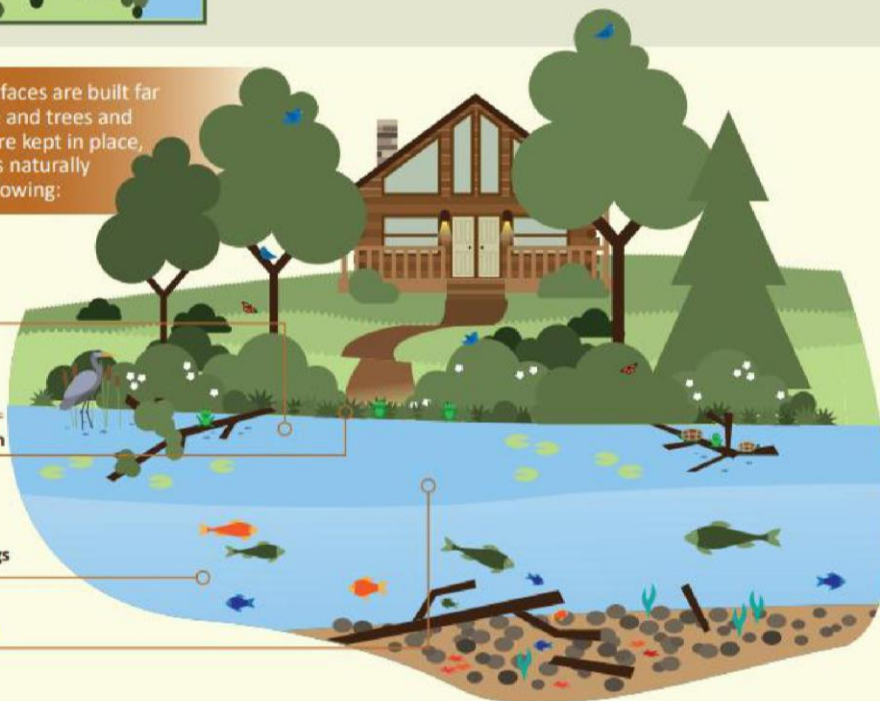
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# VISUAL BUFFER ZONE VIOLATION





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VISUAL  
BUFFER  
ZONE  
VIOLATION







# Shoreland Development and Zoning Issues

- “Urbanized”
- No natural habitat
- Areas that are mowed, unnaturally landscaped, rip-rapped to the water’s edge.
- Broken the “35 Rule”
- Not conducive to a healthy lake.





# Shoreland Development and Zoning Issues

- Better.....
- But Still “Urbanized”
- Per the current shoreland protection ordinance – rip-rap is allowed.
- Broken the “35 Rule”
- More conducive for a healthy lake

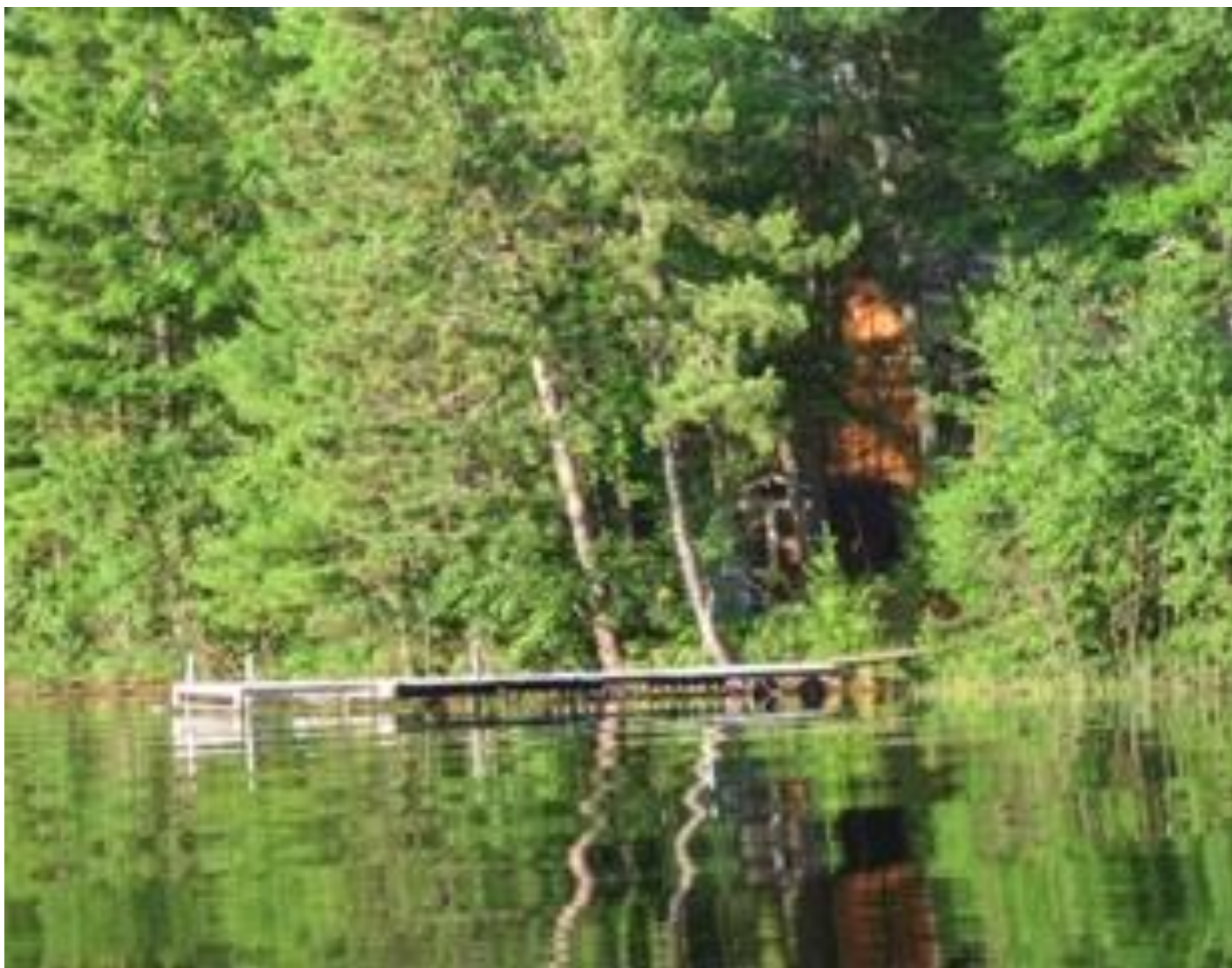




## Shoreland Development and Zoning Issues

- “Developed-Semi-Natural”
- Mostly Natural State.
- Much of the Natural Habitat is in Place
- Good for a Healthy Lake.





## Shoreland Development and Zoning Issues

- “Developed-Natural”
- THE BEST
- Shoreline that is developed but NO modifications to the natural habitat.
- Single pier, and a path.
- Excellent for a healthy lake.





Property Clear Cut in 2007  
15 Years To Recover





# Shoreland Development and Zoning Issues

- What Do We See Here?
- 2 Properties
- Left Property is "Urbanized", broken the "35 Rule"
- Right Property is
- "Developed-Semi-Natural"





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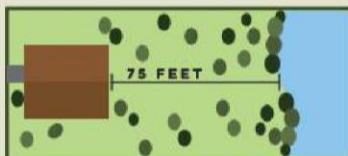


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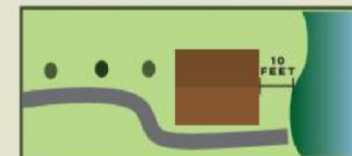
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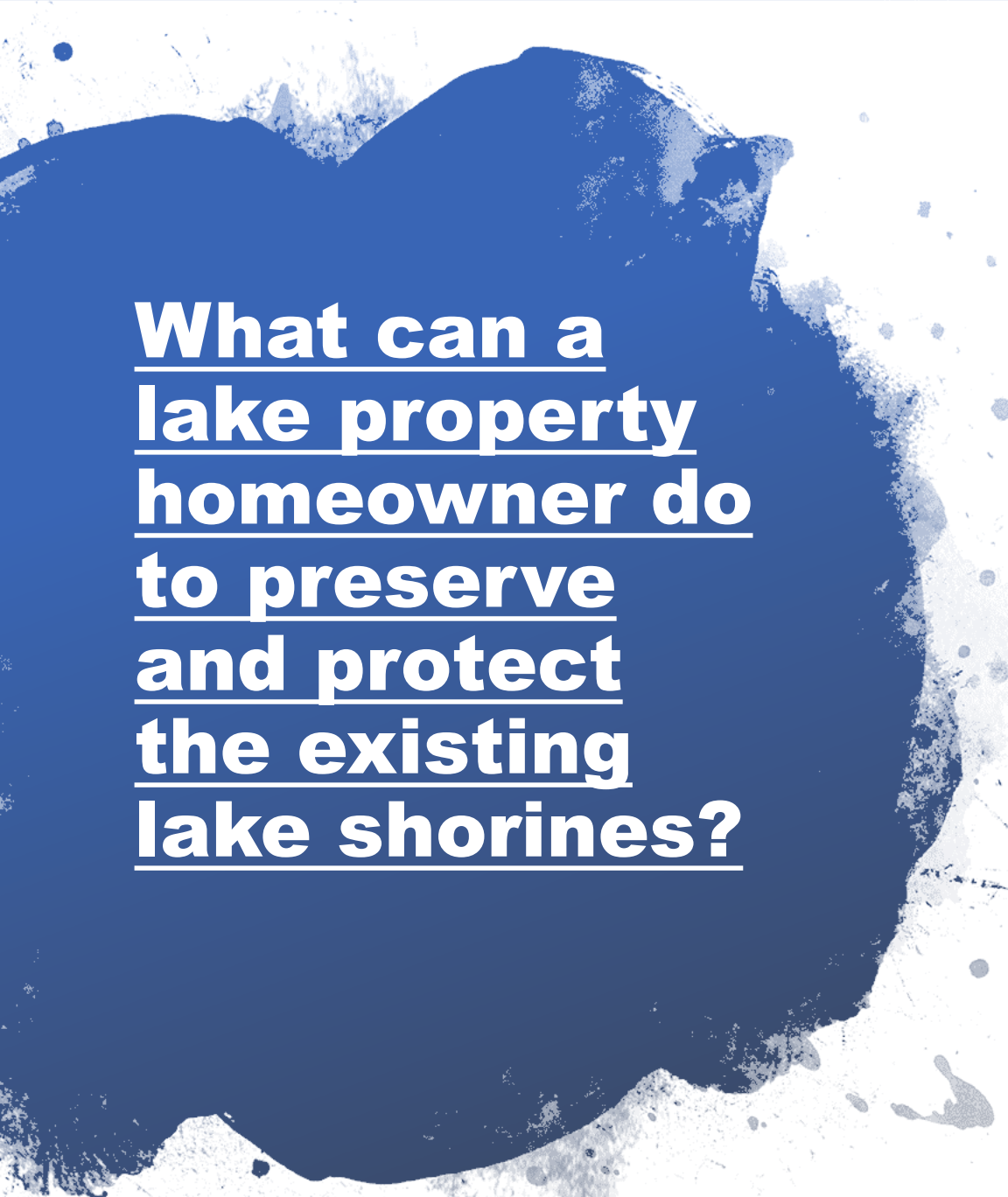
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CONCLUSIONS

WHAT DO SHORELAND ZONING  
STANDARDS ACCOMPLISH?



**What can a  
lake property  
homeowner do  
to preserve  
and protect  
the existing  
lake shorines?**

- **Protect your native shoreline buffers, adhere to the “35” Rule**
- **Assure proper maintenance of septic systems**
- **Use phosphorus-free lawn fertilizers**
- **Avoid filling in wetlands and polluting groundwater.**
- **Install rain gardens to minimize runoff into the lake.**

# TOURIST ROOMING HOUSES (TRHs) – VACATION RENTALS



# Vacation Rentals – What's the problem?

- Great for our economy
- Provided a method of reducing costs on seasonal dwellings/cottages – owners can generate some additional revenue

Except.....

- The TRHs take business away from existing resorts and lodges – especially if not permitted or licensed
- TRHs are so financially lucrative that the vacation rental business has become commercialized – no longer just a cost offset, but a viable business opportunity – in 'residential neighborhoods' – at odds with residential zoning.
- Has created a lack of 'affordable housing' crisis

# Vacation Rentals – What's the problem?

- Properties used seasonally – perhaps 3 or 4 weeks a year – now are being utilized year-round, especially during the 13-week tourist season June to September
- Complaints from full time residential neighborhood residents have overwhelmed the planning and zoning
- Septic systems are being overburdened – huge issue on lake TRH properties
- Parking, Noise, Trash, Parties, Pets.....continuous through the summer
- Sales Tax/Room Tax evasion



# Why Regulate?

- Eliminate the unfair business practice (as defined by DATCP) to locate and address unlicensed facilities.
- Health Department (HD) Inspection & License Ensures:
  - That the property complies with the WI Lodging Code
  - Fire/smoke/carbon monoxide detection
  - Water and Wastewater
    - Drinking water from private wells must be tested annually for bacteria
  - Stairways and Railings & General safety
  - Compliance with the Health Department Cabin and Vacation Home Checklist



# Why Regulate?

Oneida County (OC) Planning and Zoning (P&Z) requires an Administrative Review permit which ensures that:

- **Septic System capacity is not exceeded for the advertised TRH number of vacationers**
- **OC Health Department License and Inspection has occurred**
- **WI Sales Tax Sellers Permit number has been obtained**
- Town Room Tax requirements are met, if applicable
- Appropriate Commercial Insurance is in place
- Review of Rental Occupancy days – cannot be 6 days or less (not in all cases)
- Contact Information of Management Company/Agent/Owner – radius of 25 miles
- Town Approval in some cases
- Parking, Signage, Piers, Garbage/Recycling etc. must comply with regulations

# Overview- Enforcement of Ordinance

- **According to advertisements— there were over 1,000 TRH listings in Oneida County in July of 2020**
- **Challenge was to determine if a TRH property was properly permitted by P&Z and licensed by the HD**
- **NO new regulation** was necessary (already required by OC HD Code & OC SPO) – only enforcement of existing ordinances
- **Ensure that the TRH was registered for a WI Sales Tax Seller's permit**

<https://www.vrbo.com/vacation-rentals/usa/wisconsin/oneida-county>

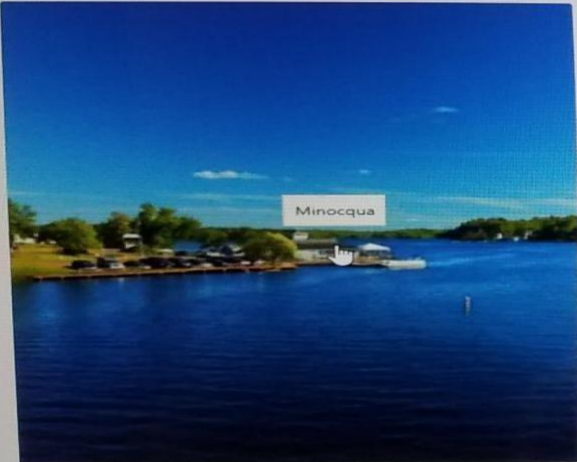
robert.thomejr@gmail.com | How to Take a Screenshot | Oneida County, US Vac | + -

HomeAway.com, Inc. [US] | <https://www.vrbo.com/vacation-rentals/usa/wisconsin/oneida-county>

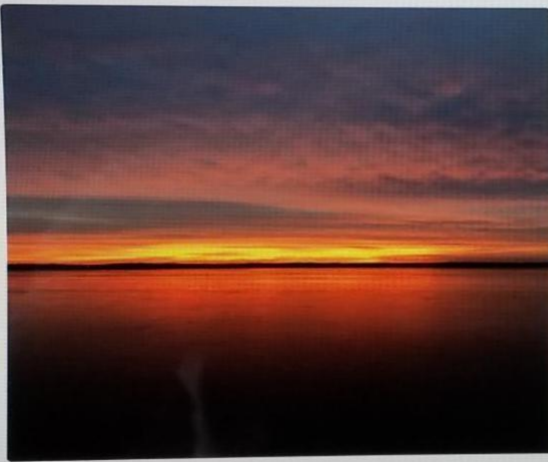
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★ Properties in Oneida County average 4.7 out of 5 stars.


### Popular Oneida County destinations on Vrbo




Minocqua  
288 properties available



Rhinelanders  
701 properties available



Three Lakes  
514 properties available



Harshaw  
200 properties available

### Find spaces that suit your style

Search here to search

# BY THE NUMBERS – AS OF YEAR END 2021

- OC P&Z has contracted an outside Host Compliance Company to identify TRHs in the county – over 700 listings have been identified thus far
- OC P&Z department has permitted about 100 units – up to 600 units will likely need to be permitted
- OC Health Department has licensed over 280 TRH's – up to 420 units will likely need to be licensed

# Once Permitted/Licensed – What now?

- Challenge is to monitor/maintain compliance of the permitted/licensed TRH
- Once permitted/licensed – ~32% TRH's so far do not stay in compliance with OCPZ requirements.
- Number of renters, length of (number of days) stay, vehicles, parking.
- Example: At one point - 37 permitted TRH in Minocqua, 17 were out of compliance.
- Penalties for non-compliance may not be severe enough to change behavior.

# Once Permitted/Licensed – What now?

The three largest issues are:

- Length of stay
- Number of occupants
- Zoning requirements differ from town to town and zoning district to zoning district.....



# OCLRA TRH Message to Property Owners

## A Message to Lake Property Owners

From Oneida County Lakes and Rivers Association



Perhaps you have rented your cabin or home to tourists, or may decide to do so in the future. To help ensure a safe and positive rental experience for yourself and your guests, to help protect our precious water resources, and to help you stay in compliance, we offer this practical advice.

### *Under Oneida County regulations:*

1. Rentals by the day are not allowed; the minimum term is one week (there are some exceptions).
2. You must have a Lodging Establishment Health Inspection performed by the county Health Department and obtain a tourist rooming house license.
3. In zoned townships, an administrative review permit from the county Planning and Zoning Department is required.
4. The health department must inspect and certify your septic system.
5. There are occupancy limits based upon number of bedrooms, the septic system size, and cubic feet of air space
6. A qualified person must perform a fire safety inspection; safety equipment such as smoke and carbon monoxide detectors must be in place.
7. You must obtain a Wisconsin Department of Revenue Sales Tax Number (seller's permit) and, if applicable, a room tax permit from your municipality.
8. It is strongly advisable to carry adequate personal injury and property damage insurance.
9. A resident agent must be available to deal with issues or complaints; the agent's contact information must be prominently posted.
10. Adequate parking must be available; spaces may be limited based on the number of bedrooms.
11. Sealable trash and recycling containers must be available to renters.
12. Local noise ordinances must be observed.



Your lake association might have other useful materials and advice that relate to your lake specifically. Please join and support your association if you have not already done so.

We offer this advice in keeping with OCLRA's Mission: To protect and preserve Oneida County's inland waters through education, collaboration and advocacy.

For more information about renting your property, please contact the Oneida County Planning and Zoning office at: [www.co.oneida.wi.us/departments/pz/](http://www.co.oneida.wi.us/departments/pz/)

# OCLRA TRH Message To Guests

## A MESSAGE TO OUR VALUED GUESTS

*Thank you for visiting our lakeside retreat.  
As you enjoy your stay, we ask that you show due respect  
for this property, the lake, and our neighbors.*

### PLEASE:

- Be considerate of neighbors' desire for peace and quiet, especially in the early and late hours.
- Before launching a boat, inspect for and remove any plants, weeds or other "aquatic hitchhikers" – it's the law!
- Consider launching your water vehicles at a launch staffed by CB/CW inspectors.
- When boating, obey state safety rules, observe no-wake areas, and be courteous to anglers, paddlers, and others. Minimize wakes near shore to prevent erosion.
- Place trash and recyclables in the containers provided, and keep the lids secured.
- Keep pets on a leash; pick up their waste to keep the grounds and the lake clean.
- Park vehicles and trailers only in designated areas.
- Confine campfires to the rings provided; handle fuel and other combustibles with care.
- To help share the beauty of the night sky, keep outdoor lights off when not needed.

*Above all, remember that the lake belongs to everyone.  
Respect it as if it were your own.*



# END

## Questions