

2009 Regulation Change Summary

These proposed 2009 Whitefish Lake & Lakeshore Regulations reflect the most significant update of the lakeshore regulations since their inception more than 25 years ago.

The objectives of this comprehensive regulation update, in order of priority, were:

1. To consolidate, sort, and simplify regulation text to make the lakeshore regulations more applicant-friendly, and easier to administer.
2. To clarify regulations in a manner that is consistent with prior County and City Planning Office interpretation and enforcement.
3. To address several regulatory problem areas that have resulted in more frequent or more serious violations – including riprap construction and maintenance of grandfathered structures.
4. To ease regulations where possible, for the benefit of both the applicant and planning office administration.
5. To implement any regulation changes which committee members have logged during permit reviews in recent years.

One of the most important changes was the merging of Chapters 4.2 Policy Considerations, 5.1 General Construction Standards, 5.2 Construction Standards for Specific Facilities and 6.4 Nonconforming Structures into a single new Chapter 5.1 entitled Construction Standards. This was done to consolidate and simplify standards, as they pertained to each facility or activity in the lakeshore protection zone.

As part of this review, clarifications were added where necessary, and duplications and/or unnecessary text was deleted. At the same time, the Definitions (Chapter 7) were incorporated into the main body of the regulations as needed to ensure consistency.

Listed below are the other most significant changes in this proposed regulation update:

- Administration:
 - Corrects mean high water elevation on Whitefish Lake and Lost Coon Lake for NAVD 1988 and NGVD 1929 survey standards.
 - Eases regulations to allow an Administrative Permit to be issued for docks up to 60' in length.
 - Allows replacement of an existing shorestation or buoy without requiring a new lakeshore permit.
 - Allows a variance to be granted for a project or permit that would “result in a general and universal public benefit.”
- Erosion, Sedimentation & Storm Runoff:
 - Clarifies that collected storm runoff must be terminated and filtered prior to entering the lakeshore protection zone.
- Vegetation:
 - Specifically allows sprinkler drip lines in the lakeshore protection zone.

- Lawns and Grasses:
 - Clarifies the distinction between grandfathered lawns (which existed prior to lakeshore regulations) versus the establishment of new lawns (which are prohibited). Does not affect or change maintenance of grandfathered lawns in the lakeshore protection zone.

- Docks, Swim Docks, and Floating Trampolines:
 - Removes the restriction that shared docks must be T-shaped or that wing length is restricted to 30'.
 - Allows shared docks to be up to 60' in width, regardless of configuration.

- Marinas:
 - Clarifies the distinction between public versus private marinas.
 - Prohibits construction of a marina immediately lakeward of a wetland area (without a variance).
 - Eases the regulation on marinas to allow the docks (with a 12' gangway) to be moved as water level drops, instead of requiring the docks to remain fixed at high water (with a 20' gangway). [This change was specifically requested by private marinas.]
 - Increases the maximum allowable boat slip length for a private marina from 20' to 26'.
 - Permits the governing body to establish slip allocation criteria for a public marina.

- Riprap and Retaining Walls:
 - Clarifies when retaining walls versus riprap may be used.
 - Consolidates Construction Standards for both retaining walls and riprap in an applicant-friendly format.
 - Removes conflicting regulations on retaining wall construction materials.
 - Updates construction criteria and permit requirements to help prevent the most common causes of violations in this area.

- Dredging and Filling:
 - Allows selective picking of rock from the shoreline without a permit if certain conditions are met.
 - Addresses the method of restoring the shoreline from a violation where a shoreline has been altered.

- Non-Conforming Structures
 - The distinction between “routine” versus “necessary” maintenance have been carried from Chapter 7 – Definitions into the regulations for ease of understanding.
 - The descriptions for “change of use” and “improvement” have been defined to match Chapter 7 – Definitions, as well as interpretation precedent set by the Planning Offices.
 - A regulation allowing replacement (without a permit) of up to 25% of siding or roofing as routine maintenance has been added.
 - A regulation allowing 100% replacement of access stairways under necessary maintenance (requiring a permit) has been added.
 - A regulation allowing up to 50% of a non-conforming structure to be replaced through routine or necessary maintenance over a 5-year period has been added.
 - The regulation allowing complete replacement of a non-conforming structure with a

20% reduction in surface area has been deleted. This regulation was originally proposed by the Whitefish Lakeshore Protection Committee with a concept of gradually migrating non-conforming structures out of the 20' lakeshore protection zone. It has not worked in real-time application, as old dilapidated boathouses or structures have been replaced with new construction of a more permanent and lasting nature. It has also created complaints of inequity from the majority of lakeshore owners who are not allowed to build new structures in the lakeshore protection zone.

RECOMMENDED PROCEDURE FOR REVIEW

There are 3 documents provided for ease of understanding:

- **2009 Regulation Change Summary.doc** - Provides a quick 10-minute review of the most significant changes in the lakeshore regulations.
- **2009 WF Lake & Lakeshore Regulations.doc** - The complete set of new proposed regulations, with an updated Table of Contents and more comprehensive index to help applicants locate the section(s) applicable to their permit or project. Additions to the regulations are underlined in this document.
- **2004 Pre-merged Chapters 4.2-5.1-5.2-6.4.doc** – A side-by-side comparison of editing changes and notes, prior to merging of these chapters into the new regulations. Note the individually edited regulations of these pre-merged chapters will obviously appear in a different order and/or different section of Chapter 5.1-Amended of the new regulations.