



Agenda

Village of Chenequa Lake Management Committee Meeting
Thursday, March 28, 2024 at 2:00 p.m.
31275 W. County Road K, Chenequa, WI 53029

Thursday, March 28, 2024

This is official notice that a meeting of the Chenequa Lake Management Committee will be held on Thursday, March 28, 2024, at 2:00 p.m. utilizing zoom communications. The following matters will be discussed, with possible actions, as well as any other matters that may come before the Committee:

- 1) Call to order
- 2) Approval of February 15, 2024, Minutes.
- 3) Review and consider action on proposed pier regulation.
- 4) Follow up discussion with possible action on wakeboating guidelines.
- 5) Follow up discussion with possible action on aerator guidelines.
- 6) Items for future meetings.
- 7) Propose next meeting date.
- 8) Adjourn

Respectfully submitted by:
Deanna Braunschweig, Clerk-Treasurer

To participate via Zoom:

<https://us02web.zoom.us/j/83706002545?pwd=Ni80WDFrWE9PNU4ycDlmU1pHaC9UQT09>

Meeting ID is 837 0600 2545 and the Passcode is 686406

Or Dial: 646 931 3860 US

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Administrator with as much advance notice as possible. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any other governmental body except by the governing body noticed above.

NOTICE OF POSTING TO VILLAGE HALL BULLETIN & WEBSITE

Village Clerk posted this agenda on Thursday, March 21, 2024 by 4:30 PM

www.chenequa.org
Phone 262-367-2239

Minutes Lake Management Committee 2/15/24

- 1) **Call to Order:** The meeting was called to order at 2:05 p.m.
- 2) **Attendance:** Villavicencio, Manegold, Hansen, Lincoln, Braunschweig, McNear, Matuszak Absent: AGehl, SeidelSr.
- 3) **Minutes:** The minutes of January 28, 2024, were approved without addition or correction.
- 4) A general discussion about our role as advisory to the Board, on matters of boating, lake use, on the lake, in the lake was had. We don't make policy but can recommend it from a spectrum of education to guidelines to full ordinance. We can provide background, research, data and recommendations but Village Board has final say. Topics so far have been referred to us. We are ad hoc.
- 5) **Pierhead line proposal:** Municipal pierhead line ordinances in general discussed. Definition and best way to measure OHWM on an applicant's lot was discussed, staked by surveyor best at 902.72 feet, Pine Lake definition of OHWM. Cody shared measuring 160 piers on Pine Lake, majority are 40-60 feet long. PLYC island pier is outlier at 165 ft. Twenty-two piers were greater than 80 feet so >86% of current Pine Lake piers are less than 80 feet. A recommendation for 80-foot pierhead line will be made. Hardship variance can be sought. Existing piers will be grandfathered till remodeled or replaced, Cody will discuss "grandfather" options with Village Attorney.
- 6) **Pier permit regulations:** Discussed Oneida County vs Sunflower LLC pier regulation jurisdiction issues, DNR vs local, more restrictive or not. Discussed permit responsibility to be Village Forester receives/reviews application and refers for approval to Planning Commission and then Village Board if application meets ordinance. Definition of "grandfathered" discussed, and endpoint of the grandfathered period, will get legal opinion. OHWM CS stake will be required along with Waukesha GIS map for lake frontage and lot lines. Definition of slip discussed and to be included, concern re space for sailboats expressed. Otherwise DNR slip number/frontage will be included. Difficulty of adjudicating conflict over riparian rights when on a convex curve of shore extending into the water was discussed. DNR declines adjudicating, will place language referring to Village Board who may decline and ask that the matter be resolved civilly. Size of lifts recommended by DNR discussed for lakes our size. Canopy extends further than 12 by 24. Language will be changed to no multi-level piers. Remove section on solid boat covers. Remove language about number of piers per lot, per lot frontage. Cody will speak with Village Attorney about the few legal questions we had, so revised proposal can be made.
- 7) **Wakeboating guidelines:** Village Board approved these guidelines at 2/12/24 meeting. Discussion of VB feedback. Windword has been contacted and asked to include them in spring newsletter. Will also contact PLYC and PLSS possibly disseminating on websites, at opening picnic, possibly into regatta packet, send to owner group. Cody is working on map sign with CMAP, Chief on guideline sign for landing and incorporation into boating education in Chenequa. We expect follow-up this summer on guidelines and how they are working, follow-up on off lake wakeboat numbers from landing log.
- 8) **Aerators:** Will discuss with Chief making sure we communicate so aerator owners understand responsibilities re open ice, silt on neighbor pump intakes. DNR aerator information sheet was in last month's newsletter, along with discussion of safe, unsafe ice.
- 9) **New Business:** Danielle Matuszak a lake biologist of DNR/SEWPRC joined the entire meeting. She notified us Pine Lake has received a new "high quality water" designation from the DNR. They have a surface water grant for educational events, and she will be interviewing stakeholders on HQW lakes with an event in 2025 for lake stakeholders from HQW lakes to meet and share ideas and strategies.
<https://dnr.wisconsin.gov/topic/SurfaceWater/HQW.html>
- 10) **Adjourn:** The meeting was adjourned at 3:50 p.m.

Next meeting of the Lake Management Committee will be Wednesday March 28 at 2 p.m.
Respectfully submitted, D. McNear

Proposal: Pine Lake Pier Regulation 3.0

The Lake Management Committee has met in response to resident complaints about pier length and overall size. Our goal is to prevent overdevelopment of the shoreline with larger and longer piers to maintain view, ecology/habitat, lake health, and the character of the Village. We encourage the smallest shortest piers to meet the swimming, boating, and recreational needs of resident families. See zoning ordinance (6.1) “to preserve the rustic nature of the Village”, “protect it’s ecology” and “to limit the number and character of structures located in proximity to the lakeshores of the Village.”

In the interest of maintaining maximum navigable water and in the public interest and preservation of shoreline view and the Lake Management Committee proposes:

- 1) Establishment of a municipal pierhead line per Wisconsin Statute 30.13, 30.11.
- 2) An ordinance for Pine Lake pier regulation requiring a permit (per WI 30.13(2)) for 1) new piers 2) replacement of existing piers 3) remodeling/additions to an existing pier. No permit required for repairs. Piers on Pine Lake must match the pierhead line, and specified dimensions re width, maximum loading zone, maximum number of slips/your lake frontage (per WI 30.12.) Piers existing prior to adoption of this ordinance are grandfathered **until remodeled or replaced.** Permit process is proposed to go through **Village Forester, to Planning Commission to Village Board for final approval.**

Most of this is WI DNR pier planner language plus WI statute 30.12, WI 30.13.

Current nearby lakes with established pierhead lines: Lake Geneva (4,396 acres): 100 feet, Pewaukee Lake (2,437 acres):100 feet, Delavan Lake (1906 acres): 80 feet, Browns Lake (549 acres):48 feet, Tichigan Lake (279 acres): 1 boat length or 3-foot water depth.

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- 1) A) As municipalities in the State of WI retain the right to establish a pierhead line (Sections 30.13(3) and Section 30.11 WI Statutes) and in the interest of the preservation and protection of shoreline and public rights in navigable waters, the Village of Chenequa hereby sets a pierhead line of 80 feet maximum pier length waterward **from the annual OHWM for Pine Lake 902.72 feet, as staked on a riparian landowner’s property by a certified surveyor.**

B) Any pier which extends into navigable waters beyond the pierhead line constitutes an unlawful obstruction of navigable waters unless it was provably pre-existing prior to the adoption of this ordinance (DATE.) The seasonal removal of a pier does not affect its status as permissible pre-existing pier if it is re-established in the same form.
 - 2) The Village of Chenequa hereby requires (via WI statute 30.13(2)) a **Village Pine Lake pier permit be submitted to the Village Forester before the 15th of the month** for 1) any new pier 2) replacement of an existing pier 3) remodeling/addition to an existing pier. Repairs do not require a permit, repairs defined as repair/replacement to decking, handrails and vertical supports that does not expand or extend the pier in any way and remains in the footprint of the current pier.

Riparian owners only may apply for a pier permit. **A stake placed by a certified surveyor at the OHWM on the riparian owner's shore at the site of the start of the pier is required, as is a Waukesha GIS map of frontage and property lines.**

https://prd1.waukcogeo.com/HTML5Viewer/?viewer=html_viewer_ext.

- 3) **Piers existing before the adoption of this ordinance (DATE) are grandfathered until remodeled or replaced, at which point they must be brought into compliance. Application will be reviewed by the Village Forester, who will refer if for approval to the Planning Commission and Village Board if it meets village ordinance.** Dimensional regulation as follows:
- a) 80 feet max length from staked OHWM- the municipal pierhead line. This includes loading zone.
 - b) Max width 6 feet.
 - c) May contain 1 loading zone max 200 square feet.
 - d) Max boat slips are based on your lot frontage: **A boat slip is defined as surrounded by pier on 3 sides.** Two boat slips are allowed per 50 feet of riparian owner shoreline. One boat slip per additional 50 feet of shoreline owned is allowed. In addition, 2 PWCs for the first 50 feet and 1 additional PWC for the next 50 feet are allowed. (This is DNR.)
 - e) Piers may be in a variety of configurations, straight, T or L.
 - f) A pier may not interfere with the riparian zones of other owners. Where such lot line extension is not at a right angle, the respective rights of neighboring riparian owners shall be determined by drawing a cord between each pair of property lines at the point where each line meets the shoreline, extending perpendicular lines into the navigable water from each end of such cords, and bisecting the resulting angles. The bisecting lines shall be considered the coterminous riparian rights line extensions. See DNR "coterminous method."
https://dnr.wisconsin.gov/sites/default/files/topic/Waterways/pier_planner_082012.pdf
 - G) To the extent that the Wisconsin Department of Natural Resources does not have jurisdiction over, declines to exercise jurisdiction over or otherwise fails to establish the riparian rights zone between neighboring property owners or amongst competing owners of riparian property, the Village Board shall make such determination. This determination shall be made using the methodology provided elsewhere in this chapter with respect to competing property owners and shall take into account the interests of the public to use navigable waters and any relevant consideration given the interests of the parties involved. Where an issue arises regarding the competing interests of co-owners of property or property that is held jointly or in common with more than one party, the Village may allocate riparian rights amongst the owners and allocate the same as otherwise set forth in this chapter. **The Village Board may also determine to decline jurisdiction over such matters and require the matter be settled civilly.**
 - H) No portion of pier shall be placed within 12 feet of a lot line or extension of the lot line into the navigable waters. Where such lot line extension is not at a right angle, The coterminous method shall be considered the riparian rights line off which the 12 foot setback shall be considered.
 - I) Maximum boat lift size is 12 feet wide by 24 feet long, **not including the canopy.** (This is DNR for lakes <1,000 acres.)
 - J) Catwalks, finger piers or similar features may be used as long as they meet the size requirements above.
 - K) A pier may not enclose or isolate any part of a waterway.

- L) Free movement of water: Any wharf or pier shall be constructed so as to allow the free movement of water underneath. It must be constructed in a way that will not allow creation of new land on the lakebed.
- M) **No multi-level** piers are allowed on any part of Pine Lake.
- N) If a DNR pier permit is also required, it must be attached to this application.
- O) Revocation; other legal remedies: If the wharf or pier for which a permit has been granted is not erected in accordance with the application and specifications submitted by the applicant, or if the wharf or pier violates any of the provisions of this ordinance, applicable laws of the state or rules or orders of the DNR, the Village Forester, Planning Commission and Village Board may revoke the permit. The provisions of this ordinance shall not affect the Village's rights to pursue any other legal remedies it may have as provided in this ordinance or otherwise by law including citation with daily fine of \$XX.00 and enjoining/removing the pier/part of the pier out of compliance.

{Town Clerk must submit the proposed ordinance to the DNR 60 days before Village Board can take final action.}

Pier permit examples:

East Troy/Lake Beulah:

<https://cdn.townweb.com/townofeasttroy.com/wp-content/uploads/2024/01/1-pier-registration-form.pdf>

Town of Waterford:

[https://www.tn.waterford.wi.gov/sites/default/files/fileattachments/administration/page/2271/pier_permit_application .pdf](https://www.tn.waterford.wi.gov/sites/default/files/fileattachments/administration/page/2271/pier_permit_application.pdf)

Lauderdale Lakes:

<https://www.lauderdalelakedistrict.com/documents/pier-permit-application-112019-191117103800.pdf>

Town of Geneva:

<https://townofgenevawi.com/wp-content/uploads/2020/08/FORM-Lake-Como-Pier-Application-080320.pdf>

Twin Lakes:

<http://www.villageoftwinlakes.net/wp-content/uploads/2022/12/2023-PIER.pdf>

Lake ordinances with pier regulations:

Fontana/Lake Geneva:

<https://ecode360.com/14152049>

East Troy/Lake Beulah:

<https://www.codepublishing.com/WI/EastTroy/#!/EastTroy16/EastTroy1610.html%2316.10.040>
<https://www.codepublishing.com/WI/EastTroy/#!/EastTroy16/EastTroy1610.html%2316.10>

<https://protectlakebeulah.org/property-piers>

Town of West Bend: Big Cedar, Little Cedar, Gilbert, Sullivan:

<https://cdn.townweb.com/townofwestbend.com/wp-content/uploads/2021/07/Ordinance-Resolution-Regulating-Piers-and-Wharves-on-BCL-Gilbert-LC-and-S-Lakes-DRAFT.pdf>

Town Of Geneva/Lake Como:

<https://townofgenevawi.com/wp-content/uploads/2021/04/ORDIN-57-Piers-REV-011121-POST.pdf>

La Grange/Sugar Creek/Lauderdale Lakes:

<https://www.lauderdalelakedistrict.com/documents/2021-03-04-pier-ordinance-revision-3-29-21-230118091959.pdf>

Waterford/Tichigan Lake/Fox River:

<https://ecode360.com/WA2177/laws/LF1762231.pdf>

https://www.tn.waterford.wi.gov/sites/default/files/fileattachments/administration/page/2271/pier_ordinance.pdf

Twin Lakes:

<http://www.villageoftwinlakes.net/wp-content/uploads/2022/05/Permit-Information-Packet.pdf>

<http://www.villageoftwinlakes.net/wp-content/uploads/2022/12/2023-PIER.pdf>

Oneida County: since repealed after Oneida County vs Sunflower Prop II LLC

<https://www.oneidacountywi.gov/wp-content/uploads/Oneida-County-Pier-Regulations-March-without-NR-326.07-change-to-diagramJune2019.pdf>

Oneida County vs Sunflower Prop II LLC 2020:

<https://caselaw.findlaw.com/court/wi-court-of-appeals/2062100.html>