

FOLKS Business Members

Anchorbank, SSB	877-4100
Barber's Bay	873-6121
Coldwell Banker Sveum Realtor	873-7731
Crown Point Resort	873-7833
Dean Thomas Homes, Inc	873-1935
Evergreen State Bank	873-5363
Jim's Tree Service	838-8188
Kegonsa Cove	838-6494
Mike Jensen Taxidermy	838-4862
Quam's Motor Sports	873-3366
Quick Stop - Mobil	873-5321
RE/MAX Preferred	877-0871
Sonny's Bar & Grill	873-4422
Springer's	205-9300
Stark Company Realtors - Stoughton Country Club	Marjie Hanssen (205-3003) and Tony Hill (205-3030) 873-7861
The UPS Store	877-2679
Web-Net	alan@web-net.us
Brown's Boats and Bait	873-6770

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**President's Message
Bob Arndt**

As the new president of FOLKS, I would like to welcome new board members Robbie Kritz, Marcia Gray, Brad Wagner, and Jim Schoeberl. I will also take this opportunity to thank departing officers and board members Kris Heckman, Doug Pfundheller, Mike Blake and Ed Heckman for their services over the past years. A special note of gratitude must be extended to Kris, who has served multiple terms as treasurer. Among her many contributions, Kris has handled the annual membership drives, organized the fall socials, and developed the database that is used for membership and the recently implemented lake network.

With eleven board members, we have representatives surrounding the entire lake. If you have any concerns or suggestions please feel free to contact me, or anyone of the board members listed on the last page of this newsletter and on our website (www.kegonsa.org). As always, phone numbers and email addresses for all officers and board members are included. While the FOLKS board organizes and carries out most of the activities of the organization, we always welcome volunteers. A listing and descriptions of current committees/projects will appear in our next newsletter.

Over the past year, shoreland district zoning issues have created a lot of concern for lake property owners. Nearly 100 people attended a presentation on this topic at the FOLKS annual meeting in January. The upcoming April elections should be of particular interest to FOLKS members. Patrick Miles, the incumbent, is being opposed by Gordon Kenggaard in District 34 which includes the Town of Dunn. Cynda Solberg is running against the incumbent, Richard Pertzborn in District 36, which includes Pleasant Springs. FOLKS took this opportunity to present a series of question on zoning related issues to candidates. Their responses are printed in this newsletter.

Public input and attendance at hearings has clearly had a positive impact on the direction the county board has been moving on this issue. The latest proposal being considered is also summarized in the following pages. If you have questions or concerns you should contact your county board representative.

For More About FOLKS, Visit Our
 Website at WWW.Kegonsa.org

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Proposed Shoreland Ordinance Amendment

The Dane County Board is considering the following amendment that reduces the square footage requirements for existing lots by 50 percent.

AMENDING CHAPTER 11 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING LOT SIZE AND COVERAGE IN THE SHORELAND DISTRICT

ARTICLE 2. Section 11.03(1) is amended to read as follows:

11.03 SHORELAND REGULATIONS. (1) ~~Building Lots. Lots located in shoreland areas shall meet all area, width, density and lot coverage standards required in section 10.05(4) and (5), R-1 residence district, section 10.16(3), general provisions and exceptions of chapter 10 of the Dane County Code of Ordinances.~~

(a) *Lot coverage.* All lots within the Shoreland area shall have a maximum building coverage of 30 percent. Building coverage shall include any structure or structures having a roof supported by posts, columns, or walls and its appendages including, but not limited to balconies, porches, decks, stoops, fireplaces, and chimneys.

(b) *Minimum area and width for newly created lots.*

1. *Lots not served by public sanitary sewer.* The minimum lot area shall be twenty thousand (20,000) square feet. The minimum lot width at the building setback line shall be one hundred (100) feet and if adjacent to a navigable body of water, one hundred (100) feet of frontage at the ordinary high water mark.
2. *Lots served by a public sanitary sewer.* The minimum lot area shall be fifteen thousand (15,000) square feet. The minimum lot width at the building setback line shall be one hundred (100) feet AND, if adjacent to a navigable body of water, one hundred (100) feet of frontage at the ordinary high water mark.

(c) *Substandard lots.*

1. *Not served by public sanitary sewer.* A substandard lot not served by public sanitary sewer which is at least ten thousand (10,000) square feet in area and at least sixty-five (65) feet in width at the building setback line and at least sixty-five (65) feet in width at the ordinary high-water mark if adjacent to a navigable body of water may be used as a building site upon issuance of a zoning permit certifying that:
 - a. The use is permitted in the zoning district; and
 - b. The lot was legally created and on record with the Dane County Register Deeds prior to September 17, 1970.
2. *Served by a Public Sanitary Sewer.* A substandard lot served by a public sanitary sewer which is at least seven thousand five hundred (7,500) square feet in area, at least fifty (50) feet in width at the building setback line and at least fifty (50) feet in width at the ordinary high-water mark if adjacent to a navigable body of water, may be used as a building site upon issuance of a zoning permit certifying that:
 - a. Such use is permitted in the zoning district; and
 - b. The lot was legally created and on record with the Dane County Register of Deeds prior to September 17, 1970.
3. *Other substandard lots.* Existing buildings on lots below the minimum requirements set forth in sub. (c) 1. and 2. may be repaired or maintained within the footprint of the existing building. All other improvements to the lot, such as additions to structures or new structures, shall be required to obtain a variance from the Board of Adjustment prior to issuance of a zoning permit.

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FOLKS monthly board meetings are held on the last Monday of each month and the public is welcome to attend. Next Meeting April 28, 2008, 5:30 - 7:00 PM.

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**Send news of interest to FOLKS to:
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Water Quality of Lake Kegonsa By Doug Pfundheller

First of all, I'm not a scientist or an expert on water quality, so what follows is just my recollections of 70 plus years using and living on Kegonsa, plus some speculation. Back in the days when Adam Rasdall and the Indians were the only ones here, I imagine the lake was crystal clear all the time. We read that when Camp Collins and others started coming here in the 1880s that was still the case. When the immigrants came they were almost all farmers, and in order to make a living, the farms became diversified, crops plus cows and other animals. Manure was spread on the fields in March while the ground was still frozen and the wagons and horses, later tractors, wouldn't get stuck. The run off to streams and the lake fertilized the wrong things, algae and weeds. Next came the cottages, all with out houses, not too bad, but after the war, septic systems, greater use and more run off. In order to save on the septic systems, many cottage owners ran their laundry water straight into the lake. Lots of phosphates. All this was bad but the worst was the Madison Sewer System treating their sewage and then running the results into the Yahara River then on to Wabesa and Kegonsa.

In 1937 the Stoughton newspaper reported that Lake Kegonsa was in filthy condition and the stench was unbearable, a Lake Kegonsa Protective Association was formed and things got better for awhile, then along comes the war and every thing got worse. I remember in the 1940s when if we had a north wind in the summer, it smelled so bad on Main Street in Stoughton it made you sick, and dead filth would pile up in long wind-rows on the beach. The algae was so thick, the birds could walk on it and after the D.N.R. started using copper sulfate as a treatment, the whole thing became a blue green mess

After the war, Madison was forced to improve their sewage treatment and the waste product went down the Badfish Creek not the Yaahara. Next came more cash crop farmers and less local cows, then the Kegonsa Sanitary Dist, and fertilizer without phosphates. Now I think our lake gets better every year and if we all work at it, it will keep getting better.



County Board Candidates Answer Questions on Shoreland Zoning

The four candidates running for the two county board positions representing the areas surrounding Lake Kegonsa were asked a series of questions relating to zoning issues. Their written responses are presented below. Patrick Miles and Gordon Kensgaard are running in District 34 which includes the Town of Dunn. Richard Pertzborn and Cynda Solberg are running in District which includes Pleasant Springs.

Background: The Board of Adjustment is made up of 5 citizens members appointed by the County Executive and approved by the county board. The Board of Adjustment made the decision in November of 2006 that the "grandfathering" of substandard lots provided for in Zoning Ordinance 10.16(3) did not pertain to shoreland substandard lots. As a result, most Lake Kegonsa property owners must apply for variances (and pay fees) to make structural changes on their property.

FOLKS: Should decision-making authority to grant variances to shoreland zoning regulations be in the hands of elected officials or appointed persons?

Miles (Dunn):

"Since the BOA interpretation of the shoreland regulations, many people have voiced frustration with the fact that the BOA is an appointed body. I completely understand the frustration, but I must warn those--be careful of what you wish for. The BOA was established to make decisions over a limited number of issues where there are exceptions to the rules. An unintended consequence of making the BOA an elected body would be the introduction of decisions being made for political purposes rather than the merits of the unique characteristics of a given situation."

"What we have seen with the current shoreland situation is that the BOA is dealing with a large number of variance appeals that are similar which suggests that they are not dealing with exceptions to the rules. To resolve that problem we are preparing an ordinance amendment to dramatically reduce the need for variances (the version presented February 27 and 28 reduces the need for variances from 100% of substandard lots to 6%)."

"While such a legislative fix will reduce the number of variances, I think there should be an additional step in the permitting process that will allow staff to measure other ways in which the intent of the ordinance can be met if a property does not meet minimum requirements. Such an administrative step would give property owners one more avenue by which meet the spirit of the ordinance and avoid the need for a variance."

Kensgaard (Dunn):

"I think that the decision making power should be considered by a group of individuals made up of people from the town or village that is being affected. I think that a combination of officials, both elected and appointed would work. The combination make-up would prevent any one group from taking over and enforcing special agendas. The terms could be staggered to make sure that the group changes on a regular basis. There also needs to be an "appeal process" that involves a different group, again, to make it fair to the property owners and avoid special interest agendas that may be contrary to the wishes of the majority of the people."

Pertzborn (Pleasant Springs):

"The elected members of the Zoning Committee grant variances in regards to land division ordinances."

County Board Candidates Answer Questions on Shoreland Zoning (Continued From Page 3)

Solberg (Pleasant Springs):

"I believe that these important decisions should be made by elected (and accountable) officials. We should look at writing our ordinances in a manner that gets rid of the need for most cases from ever having to go to the Board of Adjustments in the first place. If our ordinances on Shoreland Zoning were written with clear objective criteria for approval, the need for variances would be unnecessary for most cases. The criteria for these objectives should be measurable criteria that meet construction standards that perform in a way that protects the environment."

Background: Currently, Dane County Ordinances concerning shoreland zoning requirements apply only to unincorporated areas.

FOLKS: The Dane County Lakes and Watershed Commission was successful in banning phosphorous throughout Dane County for improved water quality in our lakes. Should uniform shoreland zoning in support of water quality apply to incorporated as well as unincorporated areas within Dane County?

Miles (Dunn):

"I am willing to look at applying minimum standards county-wide. In the coming months, the Urban Runoff Committee of the Lakes and Watershed Commission will be holding informational meetings to present the Waterbody Classification Report which includes several policy recommendations specific to each of three classes of waterbodies. As Chair of the committee, a question I will be asking both the committee and the public, is whether any or all of the policy recommendations should be adopted county-wide."

Kensgaard (Dunn):

"Banning phosphorous was a good step to improve water quality; however, it needs to be uniformly enforced for all area that could have runoff. This includes incorporated areas, unincorporated areas, farmland, parks, etc. You can't just enforce a ban on one area while exempting others. If phosphorus is banned for one area, it must be banned for all areas. This goes along with a uniform shoreland zoning that includes all areas."

Pertzborn (Pleasant Springs):

"Coverage of shoreline zoning is covered by State Law."

Solberg (Pleasant Springs):

"Yes, uniform requirements should be made of all property owners, not just those in the towns because they fall under the County's authority. The cities and villages should be required to have ordinances comparable to those of the County."

Background: Lake property owners have complained that they have not been adequately informed about zoning changes that will affect them.

FOLKS: Should public hearings be conducted in affected shoreland districts when zoning revision proposals are being considered by the Dane County Board?

County Board Candidates Answer Questions on Shoreland Zoning (Continued From Page 4)

Miles (Dunn):

"We should make the public hearings accessible to those affected as possible. That is why when a previous set of amendments was proposed and before the Zoning & Land Regulation Committee, I called for the public hearing to be held in my district that has more shoreland than any other. Because of the level of interest, we held that hearing in the McFarland Municipal Center." "Given the latest potential ordinance amendment, I requested the recent public information meetings held in the Towns of Dunn and Albion ahead of public hearings. Apparently holding such meetings has not been the norm. But I thought it was important to inform the public and get their feedback on this proposal so we could make final adjustments prior to introducing an amendment after which it will go to public hearing."

Kensgaard (Dunn):

"Public hearings should definitely be the procedure whenever zoning proposals are being considered by any body, local or county level. These hearings should be conducted in locations that are convenient to the owners of the affected properties, so as to get as much feedback and input possible, not just one at the County Board Meeting that goes on for hours and hours."

Pertzborn (Pleasant Springs):

"Public hearings be held? Yes, input is good."

Solberg (Pleasant Springs):

"Public hearing should absolutely be conducted in affected shoreland districts when zoning revisions are being considered by the County Board. The County should also have the responsibility of identifying and contacting property owners of such changes in writing."

"For example, it was not right that many property owners had to hear about the proposed changes to the grandfathered right of "substandard" lot owners from the REALTORS Association. This should have been the County's responsibility to inform the owners of such a significant change."

Update on the Pier Protection Bills

In the closing minutes of the last legislative session, the legislators passed the pier protection bills which essentially grandfathers all piers put into the water prior to February 2004 with the very limited exception of extremely large decks. Governor Doyle issued an executive order in 2006 which temporarily protected these existing piers from the proposed DNR rules. We are waiting for the Governor to sign the pier protection bill in law which is anticipated since the legislation is very similar to the 2006 executive order.

Some to the key features of this legislation are:

- Grandfathers all existing piers less than 8 feet wide with a deck smaller than 300 sq. ft.
- Owners of existing piers may repair, maintain, or replace the existing pier, but cannot enlarge its size
- Existing piers must be registered with DNR within a determined time period without any fee.

Please check the DNR website for the upcoming procedures for registration and/or installation of new piers after the bills are signed.