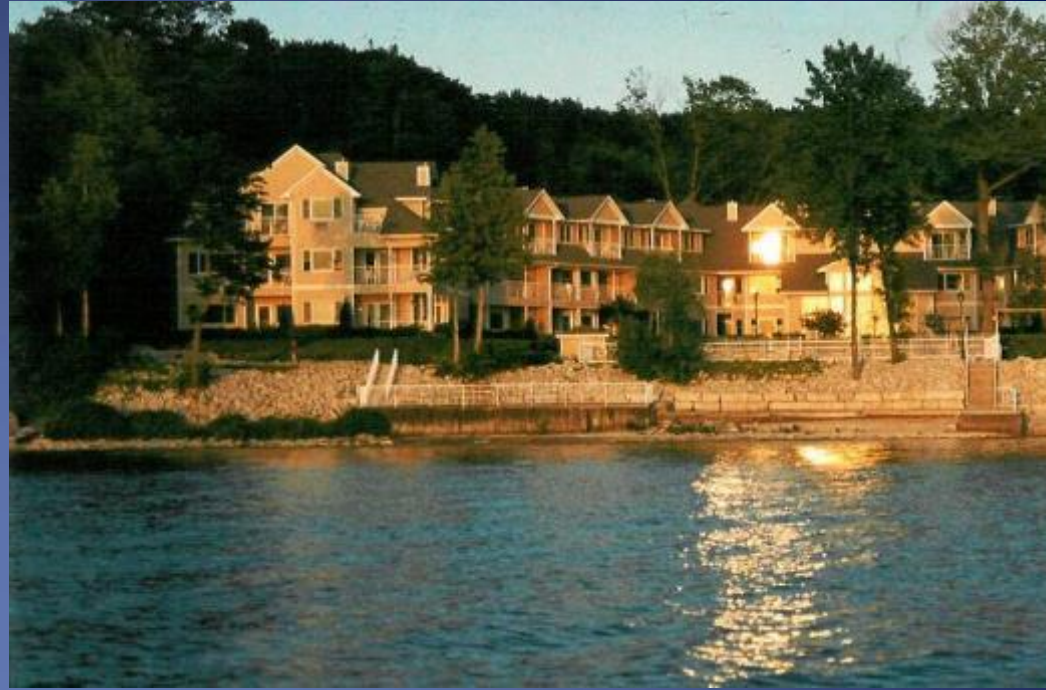


# Shoreland Zoning and Beyond: Options for the 2020s

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# For this session

- Shoreland zoning – Current status
- Additional tools to protect lakes & shorelands
  - Land purchases
  - Conservation subdivisions
  - Conservation easements
- Scenarios

# A bit of history

- The **Wisconsin Constitution**, adopted in 1848, says navigable waters are “common highways and forever free”
- This led to “**The waters of WI belong to the people of WI**” which is the basis of the Public Trust Doctrine
- State of WI has obligation to protect the **public’s rights** in all navigable waters including boating, fishing, swimming & hunting
- Shoreland zoning is a key part of how we protect the public’s rights in navigable waters



s. 281.31 Wisconsin Statutes

See short videos **Champions of the Public Trust** [dnr.wi.gov/topic/waterways/about\\_us/doctrine.htm](http://dnr.wi.gov/topic/waterways/about_us/doctrine.htm)

# From 1965 forward

- In 1965, the Legislature passed the Wisconsin Water Resources Act, including shoreland zoning and more



The land closest to the shore has the largest effect



Healthy watersheds make healthy lakes and higher property values

# HARMONY GROVE, COLUMBIA COUNTY (LAKE WISCONSIN)

1940

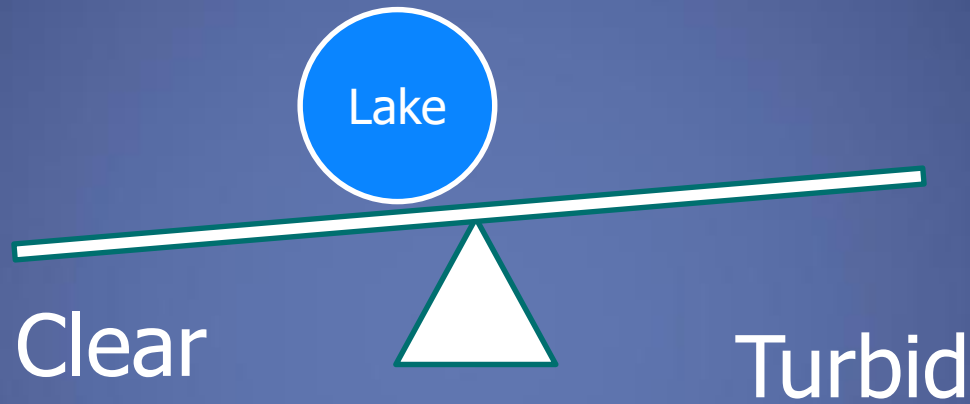
1968

2005



The pace and scale of shoreland development (and associated prices) was rather unprecedented in rural WI

# Lakes have tipping points



Disturbance (nutrients, erosion)

Impervious surfaces & more runoff

Longer summers & warmer winters

Larger lots (fewer homes & septic systems)

More woods & wetlands

Shoreline buffers & setbacks

# Purposes of shoreland zoning include...

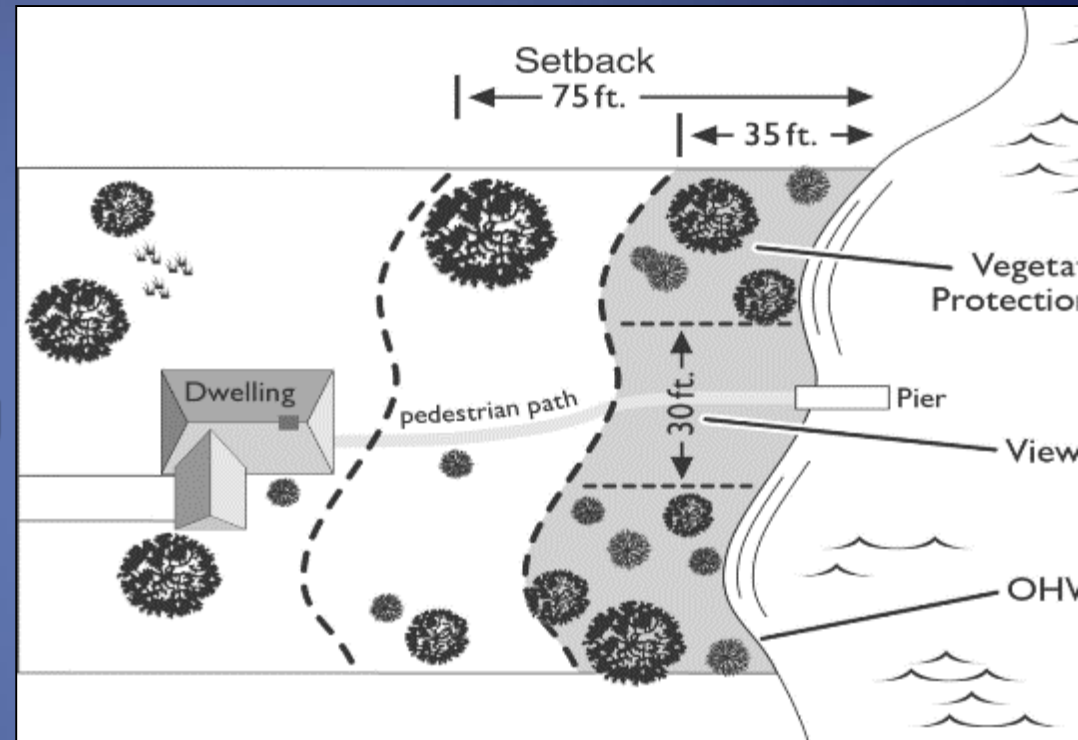
- Prevent and control water pollution
- Protect spawning grounds, fish and aquatic life
- Control building sites, placement of structure and land uses
- Reserve shore cover and natural beauty

s. 281.31 Wis. Stats.



# Shoreland zoning standards & strengths

- Minimum lot sizes
- Building setbacks
- Height
- Impervious surfaces
- Filling, grading, dredging
- Nonconforming structures
- Vegetation

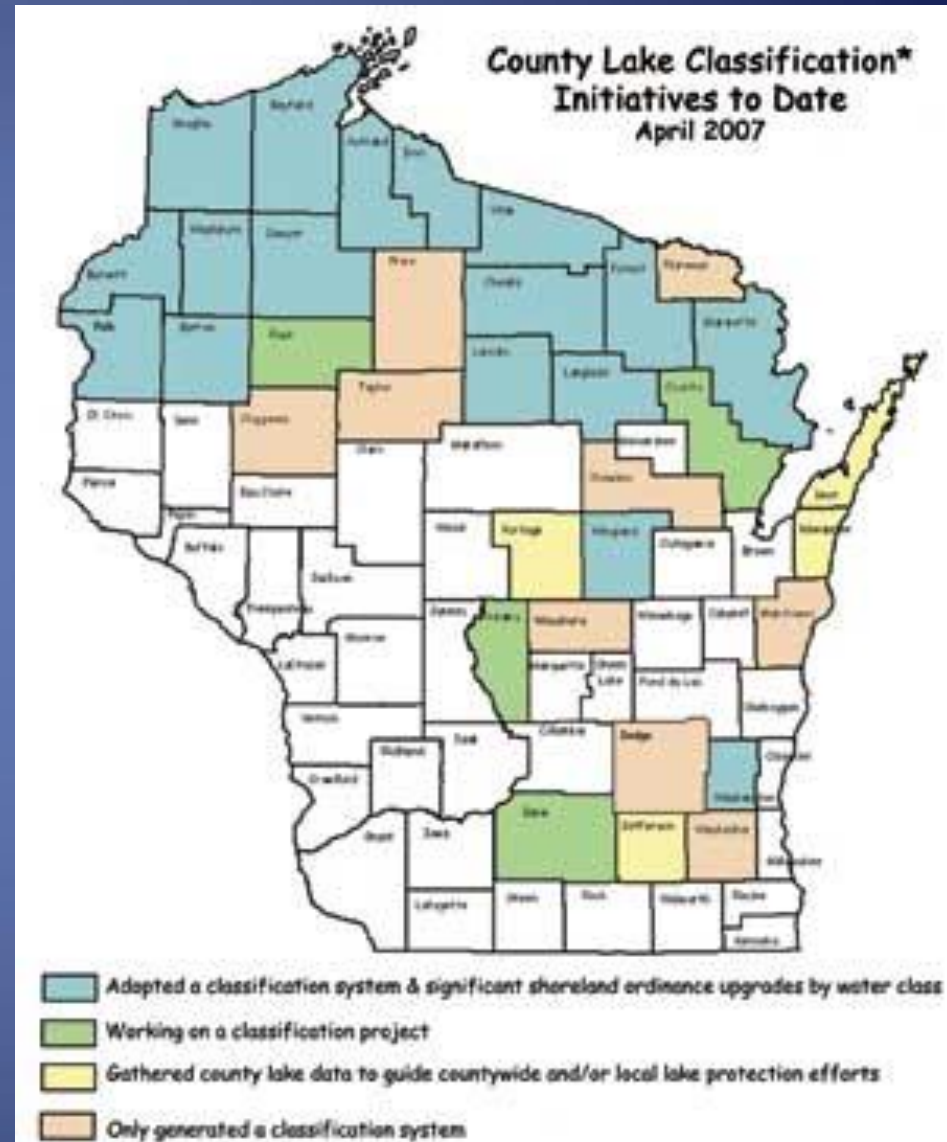


- Strengths: guiding the development pattern & limiting runoff
- Weaknesses: land preservation, maintaining shore vegetation



# Counties led...

- Many counties recognized inadequacies in 1965 state SL zoning law
  - Local experience
  - New science
- Starting in 1990s, **54 counties** adopted higher standards



\*The Lake Classification grant program and formal state enabling for counties to use the lake classification tool were initiated by statutory changes (in Ch. 28C.05, Wis. Stats.) passed by the Legislature and Governor in 1997 and administrative rules (DNR 290, Wis. Admin. Code) adopted by the Department of Natural Resources in 1999.

# Since 2010

- 2010: After 8 years of public input, 19 public hearings around the state, and over 14,000 public comments, statewide minimum shoreland zoning standards changed. Changed nonconforming structure standards and added impervious surface standards.
- 2015 budget bill: Counties can no longer have shoreland zoning standards that are any more restrictive (higher) than the state standards for any of their lakes and streams
- State minimum standards became **one-size-fits-all** standards for ALL Wisconsin lakes

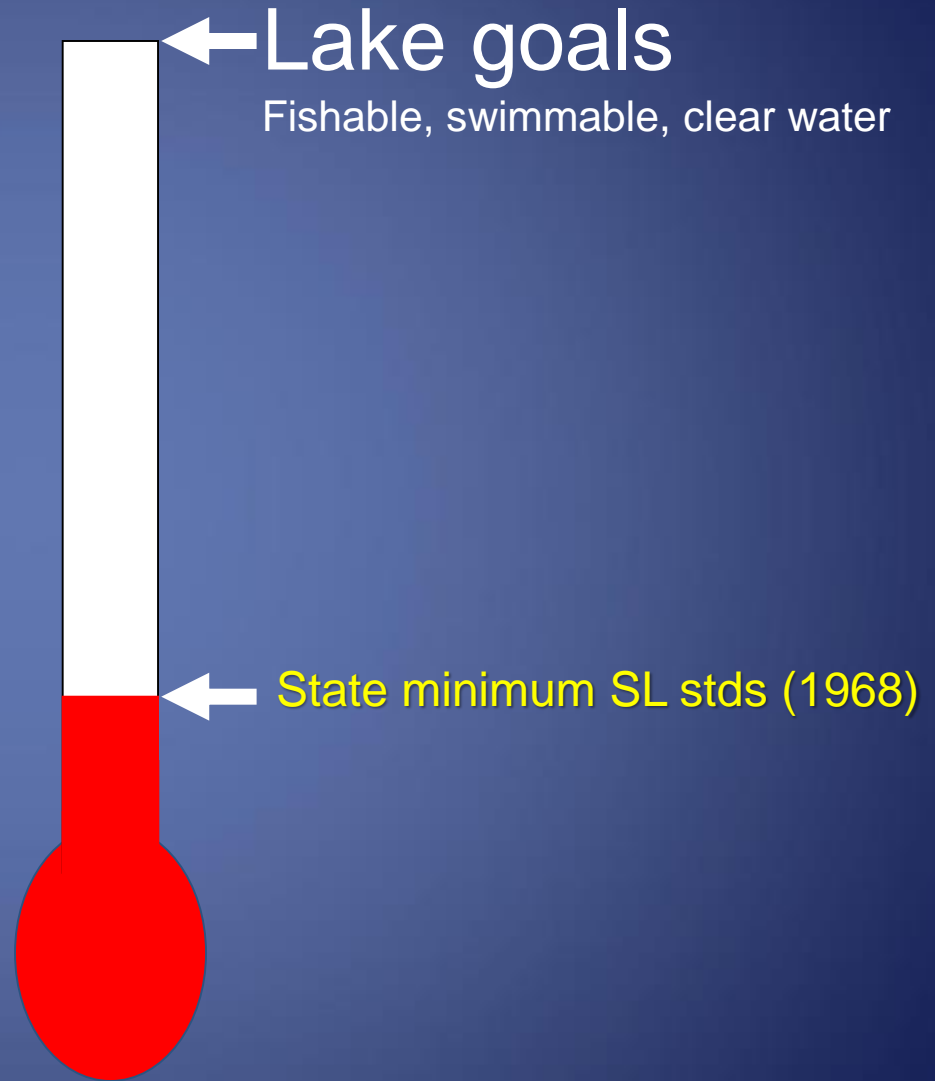
# Review

- The quality of a lake or river depends on what's happening on the land around it
- Shoreland zoning **can** be an effective tool to protect lake health and fisheries
- From 1968-2015 the state set minimum shoreland standards, and 54 counties adopted higher standards for some of their local lakes
- In 2015, the WI Legislature set **one-size-fits-all** shoreland standards statewide. **Counties are currently not allowed to have higher standards.**
- County shoreland ordinances now allow more lots, smaller setbacks and shoreline buffers, and rebuilding and expanding buildings close to the water



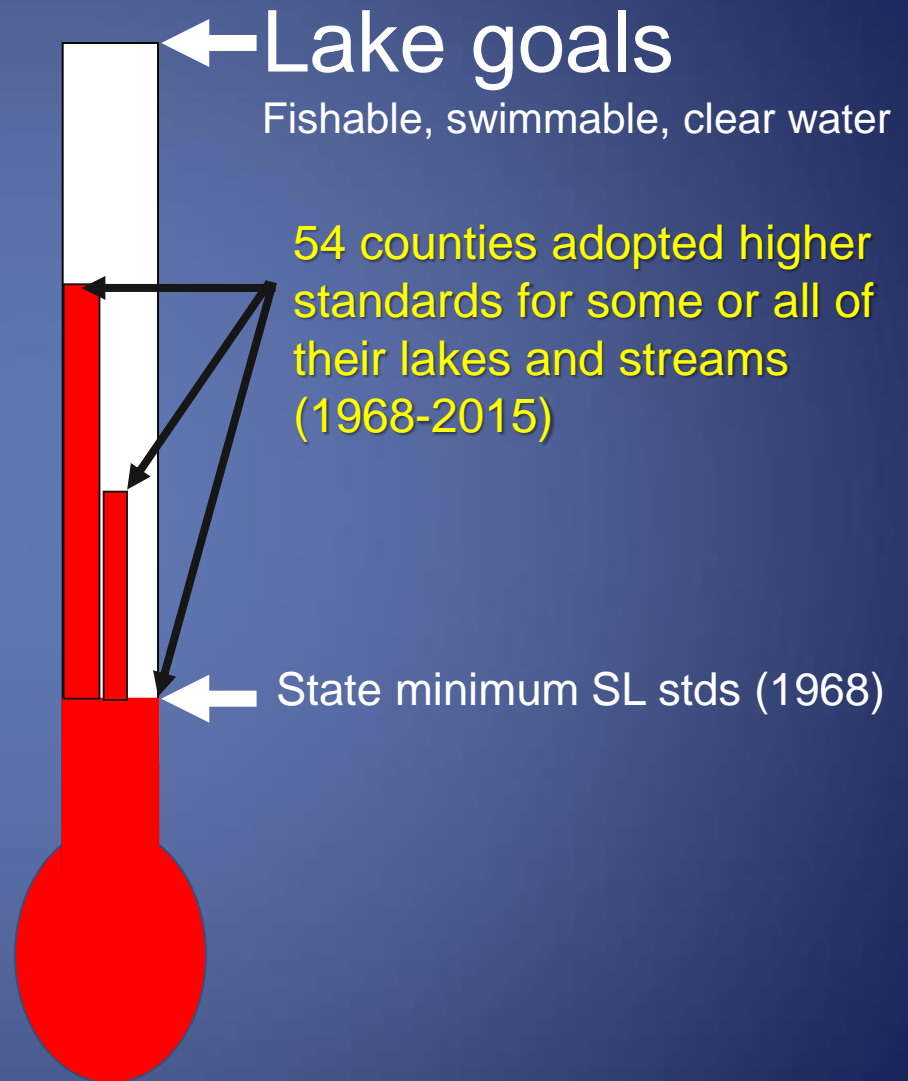
Regulations provide lake protection

Other tools are needed to achieve lake goals



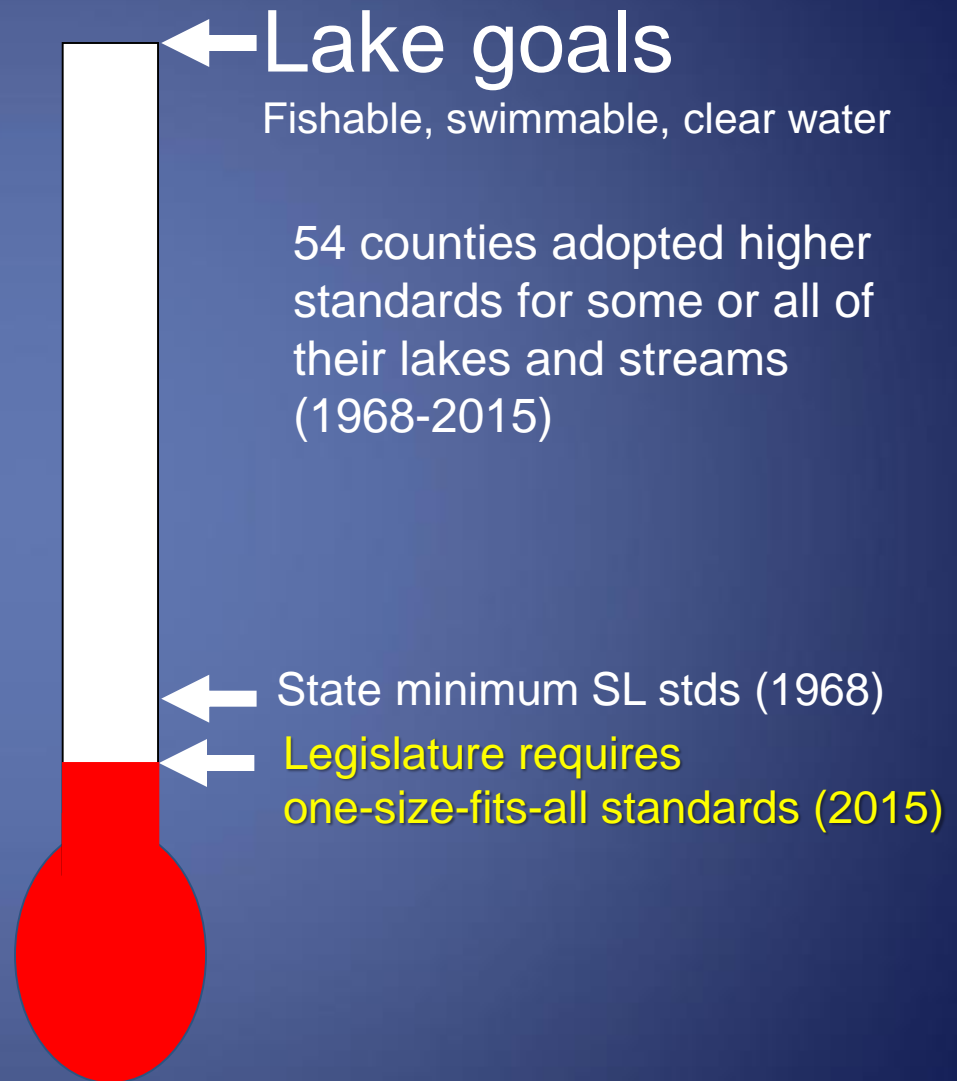
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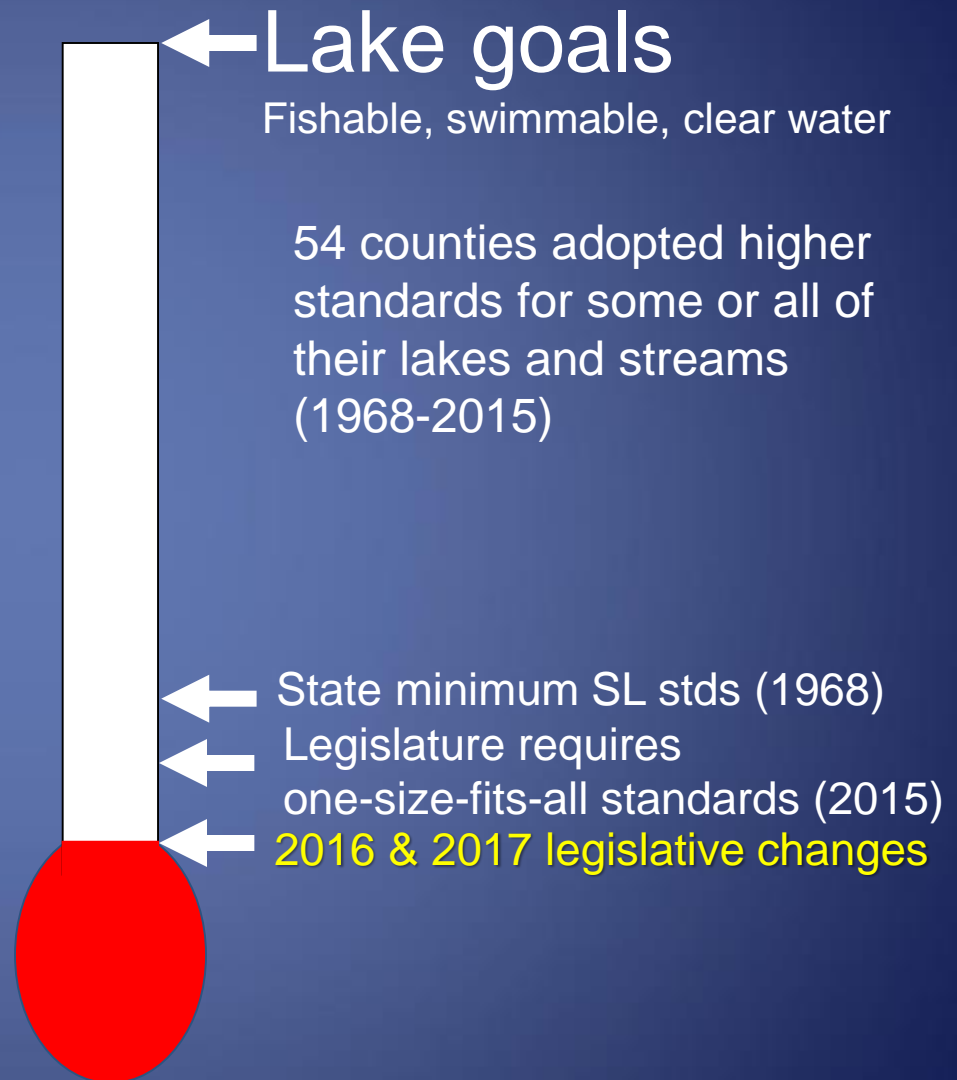
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Regulations provide lake protection

Other tools are needed to achieve lake goals



# Other tools for lake protection

- Land purchase – how do land trusts pay the taxes each year?
- Conservation subdivision
- Conservation easements





**They all depend on healthy shorelines**



# Questions? Comments?

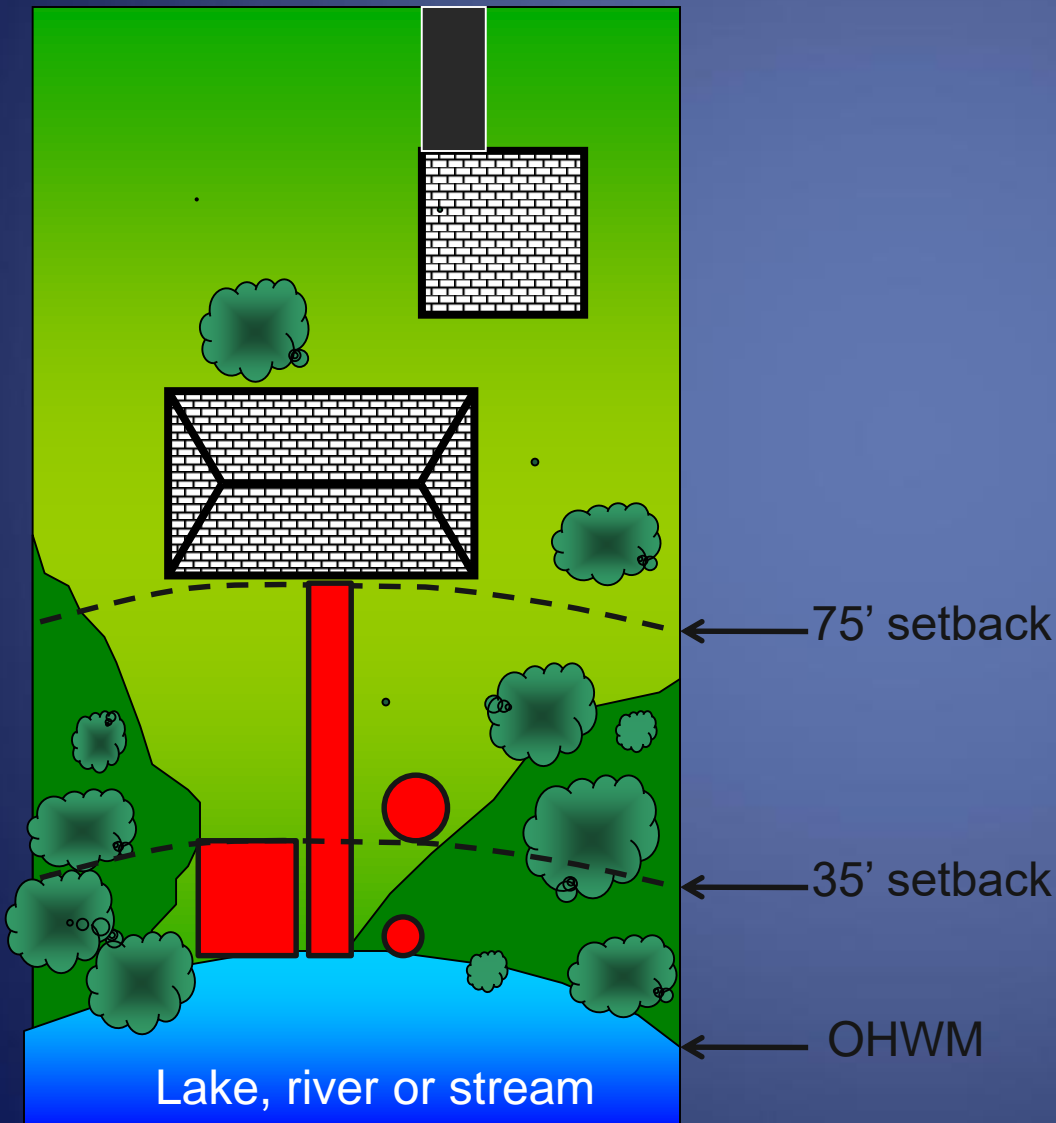
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# 2015-16 changes



- All exempt structures may be replaced within their 3-dimensional building envelope with no approval, fee or mitigation
- Counties must allow a boathouse above OHWM on all waterfront lots
- Roof of a flat boathouse may be used as a deck (no side walls or screens)
- Counties may continue to set standards for the number of boathouses per lot and square footage per boathouse as well as other requirements that would not prohibit the BH

# 2015-17 changes

- Counties may allow higher impervious surface limits on commercial, industrial or business land uses and highly developed shorelines. IS not counted if treated/internally drained
- NCS and structures located at less than the shoreland setback by variance can be replaced in their current location if the activity does not expand the footprint
- NCS and structures located at less than the shoreland setback by variance can be expanded to 35 feet in height
- No approval, fee or mitigation required through shoreland zoning for replacement or vertical expansion
- A building permit, general zoning permit, floodplain zoning permit, etc. often needed