

Overview of proposed changes to shoreland protection rules

Landowners, counties gain flexibility and certainty; lakes and rivers better protected

Public hearings are set for July and August on proposed changes to Wisconsin's statewide minimum shore protection standards along lakes and rivers, primarily in unincorporated areas. A 1997 study found that current standards for lot sizes, building setbacks and limits on cutting plants and trees were inadequate to meet a 1966 law. That law mandates the protection of clean water, good habitat, and natural scenic beauty by controlling development density and maintaining a natural buffer of native plants, trees and shrubs. Counties must adopt the statewide minimums or more protective ones.

DNR in 2002 convened a citizen advisory committee to help revise the standards to address their inadequacies and concerns identified by landowners and the counties, which administer and enforce the standards. The draft now offered for public review reflects the advisory committee's work and extensive public participation. The standards are found in Natural Resources Chapter 115 of the Wisconsin Administrative Code.



Proposed changes to statewide minimum shoreland standards safeguard good fishing, clean water and natural scenic beauty while allowing landowners more flexibility on their properties and counties an easier time enforcing the rules.

Proposal provides more flexibility for landowners while better protecting natural shorelines

The proposed changes to the minimum statewide standards provide more flexibility and certainty for landowners and the counties that administer and enforce the rules, reduce runoff to lakes and rivers, and better protect habitat immediately next to the water. This area, the "primary buffer," extends 35 feet landward and it's the most critical. The native plants, trees and shrubs found in this area provide habitat, flood control, privacy and natural scenic beauty, and they trap polluted runoff from entering lakes and rivers, preserving water quality.

Key provisions under the proposed changes would:

- Keep the same requirements for minimum lot sizes for single family homes: 65 feet wide and 10,000 square feet for sewerer lots; 100 feet wide and 20,000 square feet for lots with septic systems. Lot size standards would be established for multi-unit residential development, campgrounds and mobile home parks.
- Keep the same requirement that homes be set back 75 feet from the ordinary high water mark but allow counties to exempt walkways, open faces, and more than a dozen other kinds of structures from this 75-foot set back requirement. (Current rules exempt only piers, boat hoists and boathouses from the 75-foot setback.)
- Require new boathouses to be set back 75 feet from the ordinary high water mark.
- Provide owners of homes not meeting the current setback more flexibility in repairing and replacing the structure in exchange for restoring and maintaining the primary buffer and taking other actions to offset impacts of their activities. Repairs and reconstruction of such "nonconforming structures" would no longer be limited to 50 percent of the current equalized value over the lifetime of the structure. Instead, work allowed would be based on a structure's size and location, as would the mitigation steps people needed to take to offset the impacts of their activities.
- Clarify setbacks for landowners with a wetland or bog between their upland and open water, and potentially allow homes to be closer to open water than currently allowed.
- Establish standards requiring landowners to control runoff from their property if their construction project results in more than 20 percent of the property being covered by hard surfaces, i.e. roofs, paved or gravel driveways, etc. People would need to maintain or establish shoreland vegetation to absorb and filter runoff.
- Keep similar requirements allowing removal of algae, aquatic plants, and other debris washed ashore. Also allowed is removal from the 35-foot primary buffer zone of any exotic or invasive species, damaged, diseased vegetation, with any removed vegetation required to be replaced by comparable native species in the same area.