



# Shoreland Wetland Zoning

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<http://dnr.wi.gov/org/water/wm/dsfm/shore/title.htm>

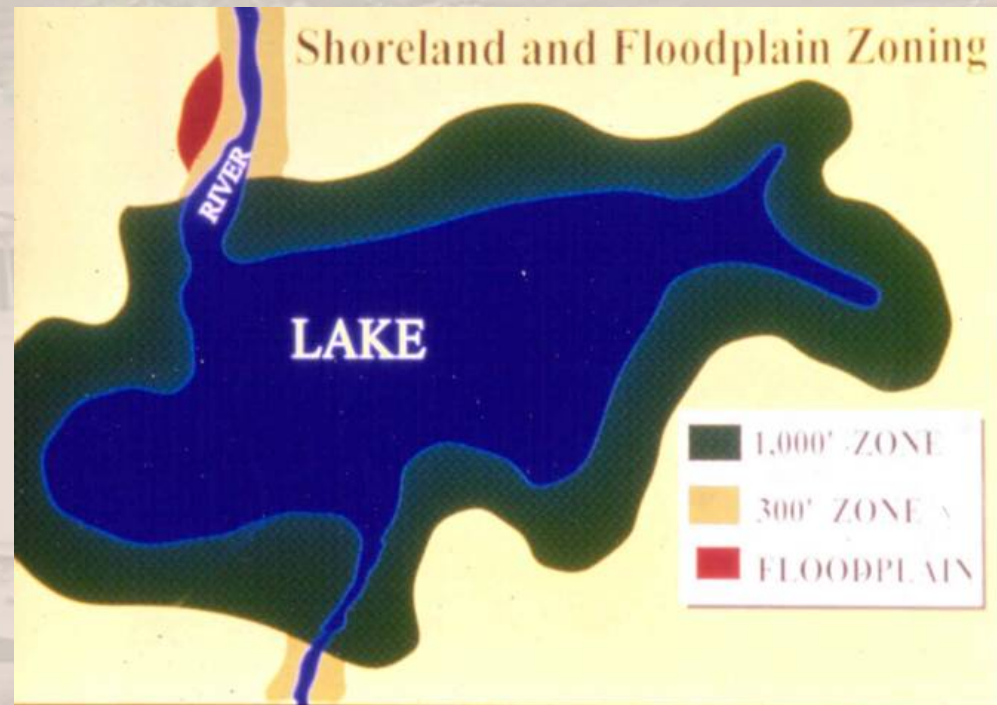
# Shoreland Zone



- Counties, Cities, and Villages regulate wetlands within the “Shoreland” Zone

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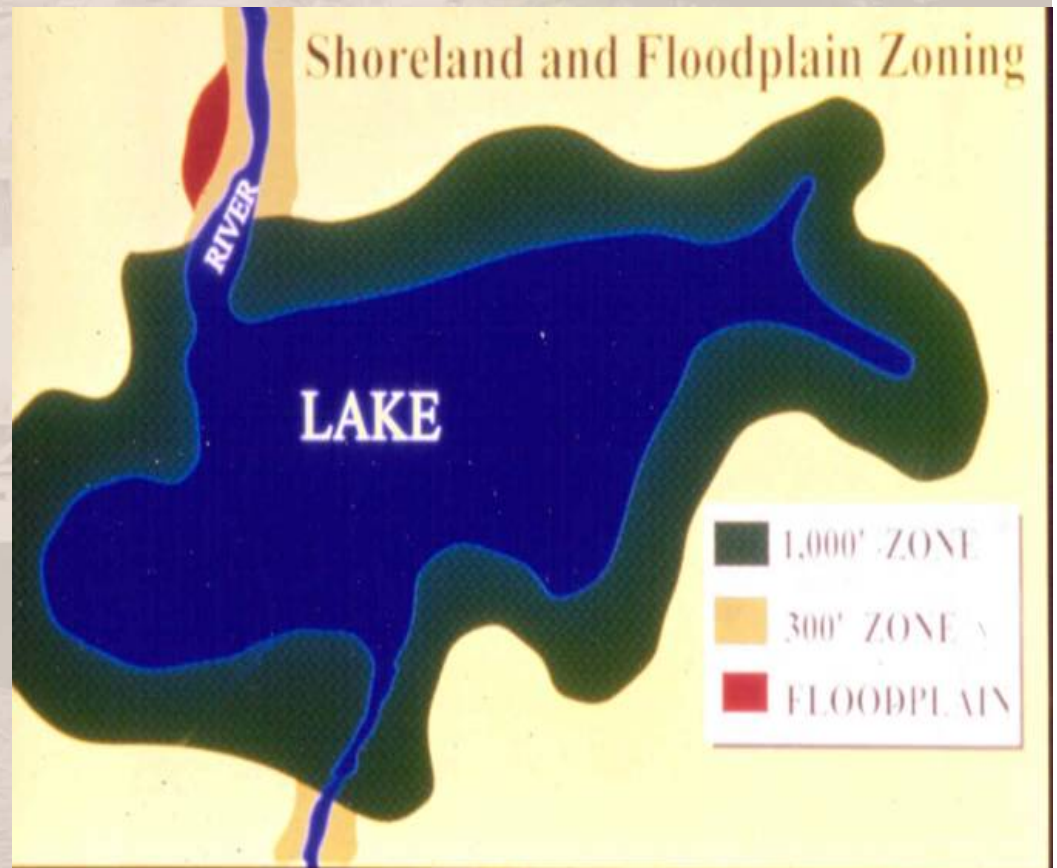
# Shoreland Zone



- 1000' from a lake, pond or impoundment
- 300' from a river or stream
- Or the floodplain, whichever is greater

# Shoreland-Wetland Zoning

- Shoreland Zone
- Some counties regulate wetlands regardless of size
- Some have extra territorial zoning for contiguous wetlands



# Shoreland-Wetland Zoning

Most counties have provision that allows regulation based on site conditions

A wetland is defined in  
SS 23.32



# Shoreland-Wetland Zoning



## 3 Types of county regulations for wetlands

- Permitted uses or “Allowed” uses
- Uses allowed with Issuance of Permit
- Rezoning

# Zoning Uses Allowed



- Allowed without submitting any paperwork
- Minimal impact to wetlands
- Existing agricultural use

# Zoning Uses Allowed

- Must be carried out without filling, flooding, draining, ditching, tiling, or excavating
- Hiking, fishing, trapping, swimming, boating, and hunting, including the construction of blinds for waterfowl



# Zoning Uses Allowed

- Harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

*Peat mining is prohibited since it involves substantial excavation and may harm wetland functions*

# Zoning Uses Allowed

- Practice of silviculture, including the planting, thinning, and harvesting of timber
- Pasturing of livestock and the construction and maintenance of fences
- Cultivation of agricultural crops
- Construction and maintenance of docks, piers and walkways

# Zoning Uses Allowed

- Maintenance, repair, replacement and reconstruction of existing town and county highways and bridges
- May involve filling, flooding, draining, ditching, tiling or excavating as specifically provided
- Temporary water level stabilization measures, for silviculture, if determined by a professional forester
- Dike and dam construction for growing and harvesting cranberries

# Zoning Uses Allowed

- Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the **existing agricultural use**



# Zoning Uses Allowed

- May involve filling, flooding, draining, ditching, tiling or excavating as specifically provided
- Temporary water level stabilization measures, for silviculture, if determined by a professional forester
- Dike and dam construction for growing and harvesting cranberries

# Uses Allowed with Permit

- Silvicultural Roads that meet certain standards
- Non-residential buildings for raising minnows, waterfowl or other wetland or aquatic animals
- Public and private parks and rec areas, boat access sites, wildlife areas, etc.
- Installation of utility lines

# Permitted Uses

All these uses are subject to specific conditions

Cannot be located in wetland if there is an upland alternative

Filling, excavating, ditching, or draining must be necessary for construction and minimize wetland impacts



Any Other Use  
**PROHIBITED**

Rezone is needed for any other use in  
shoreland-wetland

# Rezoning Shoreland-Wetlands



- Every ordinance includes strict language
- The rezone shall not be granted if it would result in a significant adverse impact to:

# Standards for Re-zoning

- No significant adverse impact to:
  - Storm and Flood water storage capacity
  - Maintenance of dry season stream flow, groundwater discharge to a wetland, groundwater recharge from a wetland to another area, or groundwater flow through
  - Filtering of pollutants
  - Shoreline protection against erosion
  - Fish habitat
  - Wildlife habitat
  - Areas of special resource interest

# Standards for Re-zoning



<http://dnr.wi.gov/org/water/wm/dsfm/shore/title.htm>

# Role of DNR

- DNR must be sent notice of proposed rezone 10 days prior to hearing by the county
- DNR usually provides comments concerning existing function and impacts to rezone
- DNR can appeal the decision by adopting superseding ordinance
- DNR permits are also required under NR 103

# Re-zoning process

- Wetland is identified (delineated)
- Applicant requests rezone
- County staff provides staff recommendation to Resources Committee or board
- DNR staff provides comments to Resources Committee or board
- Often referred to second county board Committee for review

# Re-zoning Process

- If Committees approve, request is sent to full county board for final adoption
- If DNR has sent letter of objection, rezone not final for 30 days after County Board adoption
- *This is not the same process for mapping errors*

# Re-zoning Process

- Public notice required prior to Resource Committee hearing
- Public comments allowed at any committee hearing
- Public comments allowed at County Board hearing prior to final decision
- All DNR correspondence is open records

# Conclusion

- Coordination, Communication, and Flexibility will generally find an environmental, regulatory, and project proponent solution
- Shoreland Wetland Zoning is one part of the public trust doctrine
- There is more than one regulating entity- all share the same interests to achieve slightly different goals

# Thank You

- Federal
  - Interstate Commerce & Clean Water
- State
  - Public Waters
- Local
  - Land Use
  
- Questions?