



UPDATES

Sue Vanden Langenberg

Shoreland Zoning Program Coordinator

March 20, 2025

NEW SHORELAND TEAMMATE



Welcome

Kristin Rankin

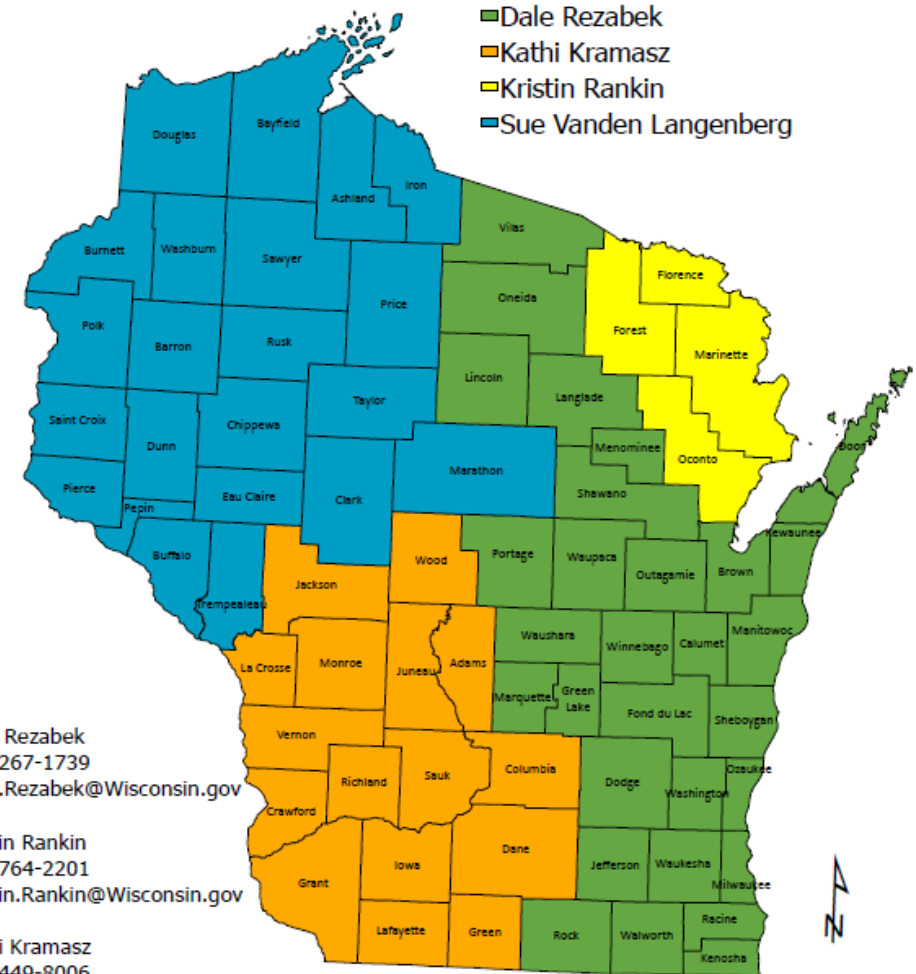
- 75% Floodplain Team & 25% Shoreland Team
- Floodplain and Shoreland Management Notes

DesiComments.com

SHORELAND TEAM

- Sue Vanden Langenberg (1 FTE)
 - NR 118 Lower St. Croix National Scenic Riverway
- Dale Rezabek (1 FTE)
- Kathi Kramasz (0.1 FTE)
- Kristin Rankin (0.25 FTE)

Shoreland Zoning Team Coverage



Dale Rezabek
920-267-1739
Dale.Rezabek@Wisconsin.gov

Kristin Rankin
920-764-2201
Kristin.Rankin@Wisconsin.gov

Kathi Kramasz
920-449-8006
Kathleen.Kramasz@Wisconsin.gov

Sue Vanden Langenberg
608-843-3290
Susan.Vandenlangenberg@Wisconsin.gov



March 2025

Let's test our new polling feature with a quick question!
How many cups of coffee did you have today?



APPROVED MODEL ORDINANCE

LEGALLY DEFENSABLE DECISION

INCLUDES RECENT LEGISLATION

LEARNED PAST 8+ YEARS

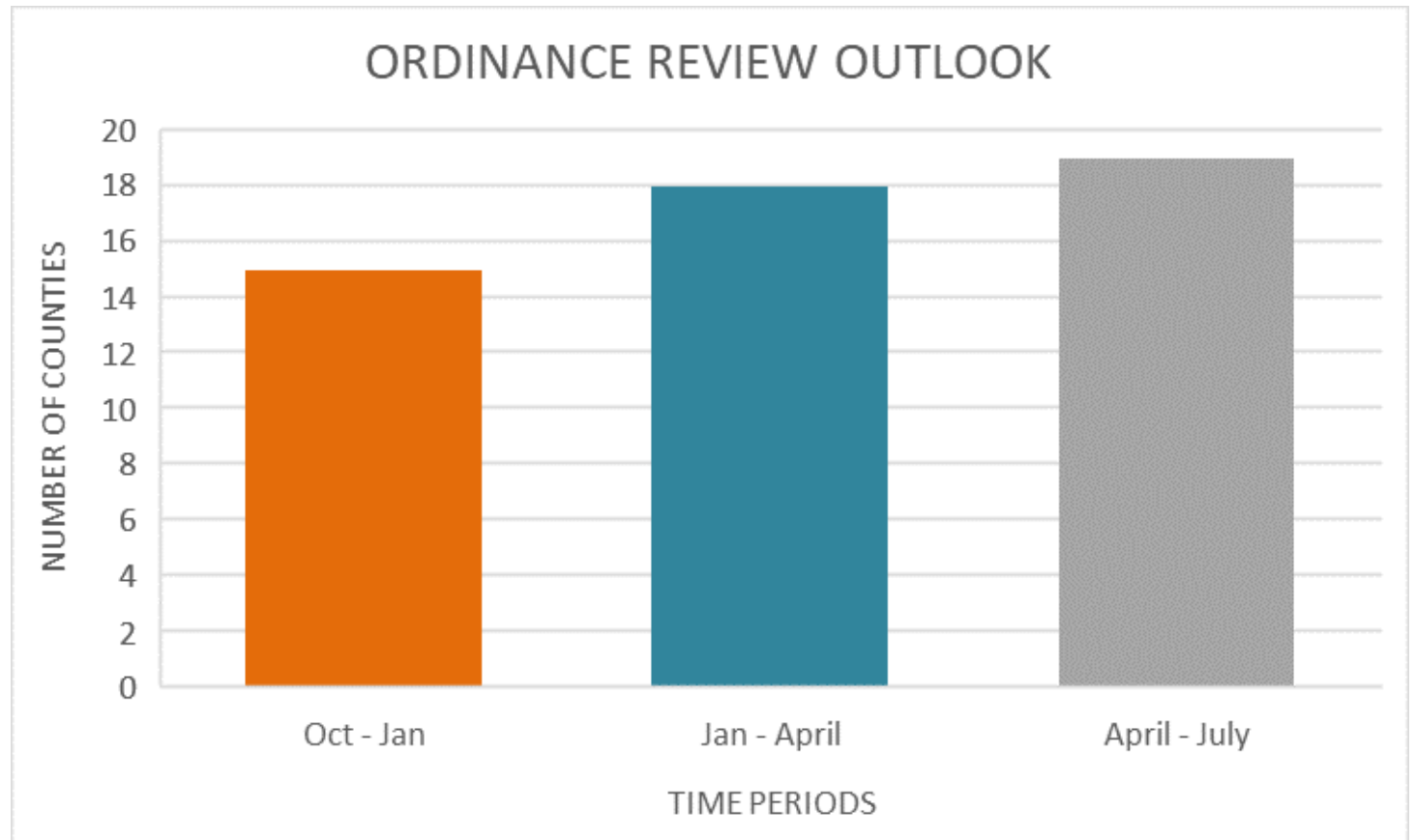
ORDINANCE FORMAT



AMENDMENTS: PARTNERSHIP MOVING FORWARD

ANTICIPATED
SUBMITTAL BASED ON
COUNTY RESPONSES

17 submitted to date



ORDINANCE AMENDMENT PROCESS & RESOURCES

- Reference Document: [Procedures For Adopting](#)
- [Crosswalk](#): County submits along with proposed ordinance amendments (*Not required if adopting model*).
- **Templates**: Documents needed for DNR certification such as: public hearing notice, notice of enacted ordinance, & certified statements. Available upon request.

PARTNERSHIP REQUESTS



Please:

- Send draft to your shoreland rep. (Dale, Kathi, Sue & Kristin)
- Provide anticipated future public hearing timeline.
- Understand review can take 4-8 weeks & is done in order the order submitted, which can impact timeframe.
- Wait to schedule public hearing until review is complete & amendments can be certified.
- Know the shoreland team will balance the workload.

REMINDERS...

Public Hearing Emails

- Alert us to cases that involve Shoreland Standards

Administrative Appeals: let us know ASAP

- Time to review: any problems?
- Time to write letters of support.

Keep asking great questions!



LOOKING FORWARD

- Working on cross jurisdiction topics between DNR & Co Code Admin.
- We are working on ways to:
 - build stronger partnership
 - to educate each other about processes & standards
 - create smoother process for all (CO/DNR/owners/applicants).



How many years of zoning experience do you have?



DOCUMENTING DECISIONS MADE EASIER & SUBSTANDARD LOTS

Sue Vanden Langenberg
Shoreland Zoning Program Coordinator
March 20, 2025

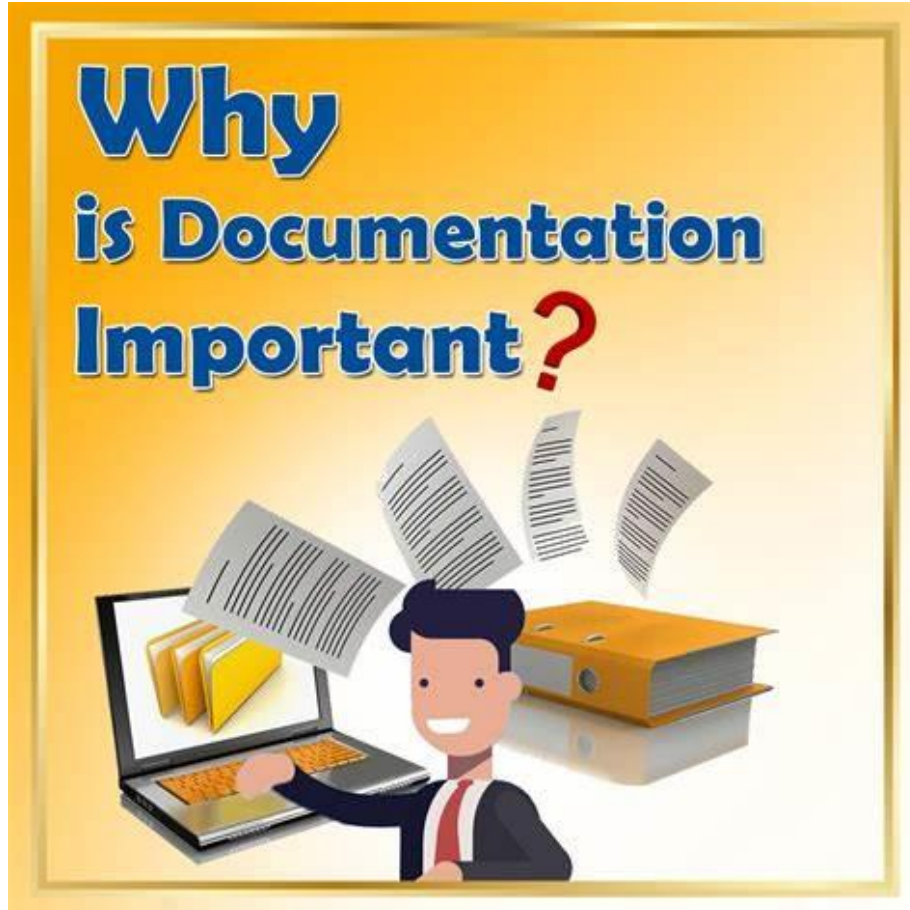
&

Kristin Rankin
Floodplain & Shoreland Zoning Specialist

TOPICS

- **Documenting legally defensible decisions**
 - Application review checklist
 - Additional types of documentation
 - Tips for documenting
 - Timeframe for documenting
- **Substandard Lots**

LEGALLY DEFENSIBLE DECISIONS



- Pictures & notes = EVIDENCE:
 - verify measurements
 - observations during inspections
 - locations of structures
 - vegetation buffer zone
 - (pictures say 1,000 words)
 - why permit issued/denied
 - prove elements of alleged violation
- Good documentation helps you to understand past decisions...

For waterfront lots, do you conduct onsite inspections?



LEGALLY DEFENSIBLE DECISIONS

Who: County Code Administrators.

What: Reasons for the decision to grant/deny.

Where: Store supportive documents with the application.

When: ASAP - Timely documentation leads to better recall.

How: Use application review checklist, photos & more.

When reviewing applications, what topics do you document consistently?



WHAT IS AN APPLICATION CHECKLIST?

	<u>Yes</u>	<u>No</u>
Complete application?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the property within Shoreland Zoning jurisdiction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the property located in a <u>Shoreland-Wetland</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Buildable lot</u> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the structure <u>nonconforming</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
What is the required <u>water setback</u> and proposed location?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the project involve <u>filling and grading</u> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Document <u>vegetation buffer zone</u> with photo at time of inspection.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Impervious surface</u> compliance, need mitigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Height</u> compliant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

BENEFITS TO USING A CHECKLIST

So much to do, so little time...



Printed checklist save time, creates efficiencies



Consistency: ensures all staff are reviewing the same thing



Phone interruption: find where you left off



Blank spaces encourage you to complete important information

Do you use a checklist for reviewing shoreland applications?



How can we help?

GOAL: Consistent Shoreland Zoning state-wide.

- Heard at workshops not everyone has a checklist.
- Share what works.
- Checklists are time savers.
- Reduces potential for missing something.
- Provides clarity when questions arise.
- Created to mirror the model.
- Able to be edited/updated.





Shoreland Application Checklist

County Shoreland Zoning Checklist (last revision //)

Property Address: _____		Items Submitted with Application:			
Property Parcel #: _____		Site plan(s): <input type="checkbox"/>			
Property Owner: _____		Elevation Views: <input type="checkbox"/>			
Applicant: _____		Floor Plans: <input type="checkbox"/>			
Zoning Administrator Initials and Date: _____		Impervious Surface Calculations: <input type="checkbox"/>			
Section	Ordinance Requirement	Proposed (take notes here)			
2.0	General Provisions - Areas Regulated				
2.1	1,000' of OHWM of Nav. [<i>Lake Pond Flowage</i>] 300' of OHWM of Nav. [<i>River Stream</i>] OR landward side of [<i>floodplain</i>] (wh. greater)	[<i>circle type</i>]			
3.0	Shoreland-Wetland District				
3.4	NR 115.04(3) contains absolute standards for permitted uses in shoreland wetlands which cannot be made more or less restrictive. Please refer to ordinance to verify all standards can be met. Per ordinance:	In a wetland? Y or N Fill proposed? Y or N Permit Required? Y or N Use Allowed? Y or N			
3.5	Any activity or use not listed in section 3.4 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.6 of this ordinance and s. 59.69(5)(e), Stat.	Rezoning required? Y or N			
4.0	Minimum Lot Size - Conforming Lots				
2/4.3	[<i>circle one</i>]	Area	Avg. Width	Frontage	Proposed Site: _____ sq ft
	<i>Sewered</i>	10, 000 sq ft	65'	65'	_____ ,
	<i>Unsewered</i>	20, 000 sq ft	100'	100'	_____ ,

Created by:

Kristin Rankin, Floodplain & Shoreland Zoning Specialist

Shoreland Zoning Application Checklist

- Customizable tool
 - Document Decisions (notes/measurements)
 - Word Document allows for editing
 - Based on the model ordinance layout and numbering
 - Make it work for you



Property Address: _____				Items Submitted with Application:	
Property Parcel #: _____				Site plan(s): <input type="checkbox"/>	
Property Owner: _____				Elevation Views: <input type="checkbox"/>	
Applicant: _____				Floor Plans: <input type="checkbox"/>	
Zoning Administrator Initials and Date: _____				Impervious Surface Calculations: <input type="checkbox"/>	
Section	Ordinance Requirement				Proposed (take notes here)
2.0	General Provisions - Areas Regulated				
2.1	1,000' of OHWM of Nav. [<i>Lake Pond Flowage</i>] 300' of OHWM of Nav. [<i>River Stream</i>] OR landward side of [<i>floodplain</i>] (wh. greater)				[circle type]
3.0	Shoreland-Wetland District				
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3.5	Any activity or use not listed in section 3.4 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.6 of this ordinance and s. 59.69(5)(e), Stat.				Rezoning required? Y or N
4.0	Minimum Lot Size - Conforming Lots				
4.2/4.3	[<i>circle one</i>]	Area	Avg. Width	Frontage	Proposed Site: _____ sq ft
	<i>Sewered</i>	10, 000 sq ft	65'	65'	_____'
	<i>Unsewered</i>	20, 000 sq ft	100'	100'	_____'
5.0	Substandard Lots - may be used as a building site if all the following are met:				
5.1	(1) Legally Created (2) Met min. avg. lot width and area when created (3) Never reconfigured or combined (4) No development over the lot line (5) Developed to comply with all other ord. req.				(1) <input type="checkbox"/> (2) <input type="checkbox"/> (3) <input type="checkbox"/> (4) <input type="checkbox"/> (5) <input type="checkbox"/>
7.0	Setbacks				
7.2	Shoreland Setback of 75' from OHWM to nearest part of building/structure *Includes Accessory structures				_____'
7.3(1)	Reduced Setback (2-sided averaging) *New Principal Structure				
	Existing principal structures in both directions are: a) Located on lots immediately adjacent to the proposed b) Within 250' of proposed c) The closest principal structure on their lot to the proposed d) Located less than 75' from OHWM e) Reduced setback equals the avg. of dist. from OHWM of existing principal structures f) The reduced setback shall not be reduced to less than 35' from OHWM				a) <input type="checkbox"/> b) <input type="checkbox"/> c) <input type="checkbox"/> d) <input type="checkbox"/> e) <input type="checkbox"/> f) <input type="checkbox"/> Calculate req. setback: _____ + _____ = _____ ÷ 2 = _____' Proposed: _____'

Application Information

Ordinance Information and Notes

Example Use of Checklist

Property Address: <u>1234 Rocky Road</u>	Items Submitted with Application: <i>Only 1st floor submitted</i> <i>2nd floor submitted 2/27/25</i> →	Site plan(s): <input checked="" type="checkbox"/>
Property Parcel #: <u>12-22-543211</u>		Elevation Views: <input checked="" type="checkbox"/>
Property Owner: <u>Cher E. Blossom Trust</u>		Floor Plans: <input checked="" type="checkbox"/>
Applicant: <u>Big Builder LLC</u>		Impervious Surface Calculations: <input checked="" type="checkbox"/>
Zoning Administrator Initials and Date: <u>AB 2/26/25</u>		

Example Use of Checklist

Section	Ordinance Requirement				Proposed (take notes here)
2.0	General Provisions - Areas Regulated				
2.1	1,000' of OHWM of Nav. [<i>Lake Pond Flowage</i>] 300' of OHWM of Nav. [<i>River Stream</i>] OR landward side of [<i>floodplain</i>] (wh. greater)				[circle type] <i>On Green River</i>
3.0	Shoreland-Wetland District				
3.4	NR 115.04(3) contains absolute standards for permitted uses in shoreland wetlands which cannot be made more or less restrictive. Please refer to ordinance to verify all standards can be met. ordinance:				In a wetland? Y or N Fill proposed? Y or N Permit Required? Y or N Use Allowed? Y or N
3.5	Any activity or use not listed in section 3.4 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.6 of this ordinance and s. 59.69(5)(e), Stat.				Rezoning required? Y or N
4.0	Minimum Lot Size - Conforming Lots				<i>Doesn't meet min. size</i>
4.2/4.3	[circle one]	Area	Avg. Width	Frontage	Proposed Site: 19,562 sq ft
	Sewered	10, 000 sq ft	65'	65'	<i>Width: 103</i>
	Unsewered	20, 000 sq ft	100'	100'	<i>Frontage: 105</i>

NA - not in a wetland

Example Use of Checklist

5.0	Substandard Lots - may be used as a building site if all the following are met:		
5.1	(1) Legally Created (2) Met min. avg. lot width and area when created (3)Never reconfigured or combined (4)No development over the lot line (5) Developed to comply with all other ord. req.	(1)☑ (2)☑ (3)☑ (4)☑ (5)☑ <i>Created in 1952</i>	
7.0	Setbacks		
7.2	Shoreland Setback of 75' from OHWM to nearest part of building/structure *Includes Accessory structures	<i>Plans show 65'</i>	
7.3(1)	Reduced Setback (2-sided averaging) *New Principal Structure		
	Existing principal structures in both directions are: a) Located on lots immediately adjacent to the proposed b) Within 250' of proposed <i>Web shows within 100'</i> c)The closest principal structure on their lot to the proposed d) Located less than 75' from OHWM e) Reduced setback equals the avg. of dist. from OHWM of existing princ structures f) The reduced setback shall not be reduced to less than 35' from OHWM	<i>Onsite 2/28/2025</i> a)☑ b)☑ c)☑ d)☑ e)☑ f)☑	Calculate req. setback: <i>House to N: 60'</i> <i>House to S: 62'</i> + = <u>122'</u> ÷2 = <u>61'</u> Proposed: <u>62.5'</u>

Shoreland Zoning Application Checklist



- Keep a stack of checklists at your desk
- Take as many notes as needed
- Use several colors to differentiate each time you review
- Take onsite with you
 - TIP: Do a quick review of the checklist before leaving the site
- Make notes about conditions you want to add to the permit
- Store in the file with the application
 - Staple/clip them together

MORE EXAMPLES OF DOCUMENTATION

OHWM &
Navigability
Forms

Wetland
Maps

Topo Maps

Air Photos

Site Photos

Ordinary High Water Mark (OHWM) Determinations

OHWM Appearance in Different Places

It is important to remember that the OHWM is not a set elevation and typically does not change rapidly with temporary fluctuations in water levels. It also may not always be located at or near open water.

While the same type of biological and physical indicators are reviewed when determining the OHWM on any shoreline or streambank, the indicators can appear quite different depending on the type of waterbody under review. (see examples on the following page).

Coastal shorelines

- Exposed and/or vegetated lakebed (beach) is common during lower water level years.
- Very old, mature upland trees are often a primary indicator of the OHWM.

Inlake Lake shorelines

- Well established, mature vegetation is an excellent primary indicator of OHWM.
- Locations where historic stabilization has been placed is another key indicator.

Streambanks

- Bank erosion and undercutting, exposed root systems, changes in bank vegetation, and water staining on rocks are common indicators.

Knowing the boundary between private property and the public waterway can help save cost and time during project planning.



What is the OHWM?

The Wisconsin Department of Natural Resources is the custodian of Wisconsin's lakes and rivers: managing these resources for the benefit of all WI citizens. Because of the public's rights to utilize waterways for navigation, hunting, fishing, swimming, and other forms of recreation, establishing the boundary between the public resource and adjacent private (riparian) land is very important. The *Ordinary High Water Mark* (OHWM) serves as such a boundary.

The OHWM is defined as "the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic". *Diana Shooting Club v. Husting*, 156 Wis. 261, 272 (1914)

How OHWM affects your property or project

The OHWM isn't often identified on surveys or maps and may be difficult to distinguish on some sites. To help you understand your property rights and to plan projects, knowing the OHWM location can help you in many ways, such as:

- Understanding structural setback requirements
- Identifying the extent of your private property
- Discussing tax assessment or adjustments with your local municipality
- Determining what is accessible to the public
- Developing shoreline protection projects

Who determines the OHWM?

- County, city, or village zoning staff can be contacted to determine an OHWM specifically for measuring structural setbacks to help ensure your structure meets local zoning ordinance requirements.
- DNR Waterways staff are available upon request to determine the boundary between private property and public resource for purposes of shoreline structures and waterway-related activities.

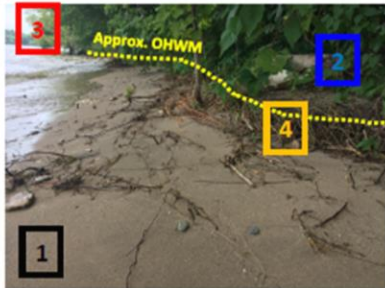
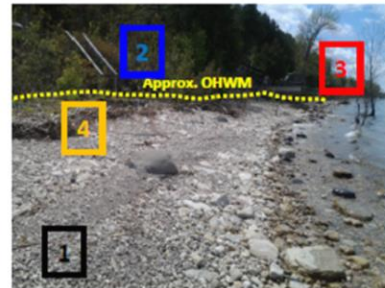
Visit these helpful websites for more information:

General Waterway Info: https://dnr.wi.gov/topic/waterways/general_info/ohwm.htm

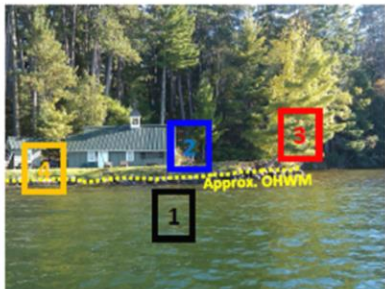

OHWM info: <https://dnr.wi.gov/topic/waterways/documents/OrdinaryHighWaterMark.pdf>

Ordinary High Water Mark Indicator Examples

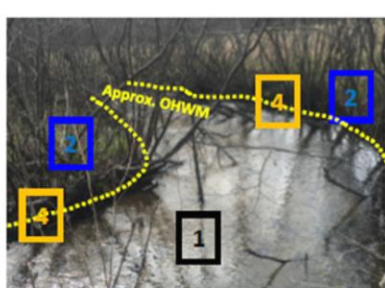

Coastal Shorelines

Inland Lakes

Rivers and Streams

OHWM Indicator Key

1. Exposed Lake bed, lack of vegetation due to inundation, aquatic vegetation (below OHWM)	2. Changes in Bank Vegetation, lateral exposed roots (above OHWM)	3. Mature Upland Vegetation (above OHWM)	4. Evidence of recent water action—Exposed Roots, bank erosion, or debris (near or below OHWM)
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RESOURCES:

Navigability Determinations

What does "navigable" mean?

A waterway feature is considered to be "navigable" and public when the following conditions exist: (1) water flows in a channel defined by having a bed and bank; and (2) there is enough water on a recouping basis to float a small watercraft.

You can look for navigable waterways tool. Some common tools used include USGS topographic maps, historic aerial imagery, old land records and original public surveys, and DNR's [Surface Water Data Viewer](#) (SWDV) mapping site.

Additional Information:

- See also the DNR's [Ordinary High Water Mark](#) Fact Sheet to help in the navigability determination process.
- A "riparian" is a waterfront landowner.
- Visit DNR's Waterways homepage at <https://dnr.wisconsin.gov/topic/Waterways>
- DNR's [Public or Private fact sheet](#)

Knowing if your water feature meets the state's definition of "navigable" can help you make informed decisions for project design and avoid permitting surprises.

How navigability may affect your property or project

A navigable waterway is considered a public resource so is regulated by ch 30, Wis. Stats., to help maintain quality resources for the citizens of our state. A navigability determination will help you:

- Understand when local shoreland zoning requirements may apply to your property or project (for example: structural setbacks)
- Determine if citizens may legally recreate in/on the public waterway when keeping their feet wet (wading is one example of public use of navigable waterway)
- Understand when a waterway-related project (such as erosion control projects, dredging, waterway crossings, etc.) require a state waterway (Ch 30) permit

Who determines navigability?

DNR Water Management Specialists (WMS's) are responsible for navigability determinations to identify when a ch 30 permit is required for a project proposed in or near a public navigable waterway. WMS's are able to make "desktop" and "field" determinations as a way to review each unique site for a formal determination. *Please note - A lack of a determination does not mean the waterway feature is considered non-navigable.

Local zoning staff are responsible for navigability determinations when the purpose of the determination is to identify areas that fall under local shoreland zoning. Shoreland projects must meet requirements in the local shoreland ordinance.

Wisconsin's History of Navigability

The recognition of "navigable" waterways as public resources stem from English law and the settlement of Europeans in North America, and even more historic roots are found in Roman law! The state's waterway heritage was explicitly documented in the Northwest Ordinance of 1787 which describes navigable waters as "public highways...forever free". This was further established when Wisconsin became a territory in 1836. Important legal cases defining our state's navigable waterway heritage include:

- [Willow River Club v. Wade](#) (1898) determined navigable waterways are able to be used by the public for hunting and fishing.
- [Muench v. Public Service Commission](#) (1952) expanded the definition of *public interests* to include recreational activities.
- [DeGayner & Company Inc v. Dept of Natural Resources](#) (1975) further defined how navigability is determined and is what is still used today.

More information about navigability and public trust is online at https://dnr.wisconsin.gov/topic/Waterways/about_us/whyRegulate.html.

Notice: This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

Waterway Examples

Navigable Waterways

Defined bed and bank



Navigable Waterways
Enough water to support small watercraft (depth of channel)

Navigable waterways are public resources protected by state regulations and accessible by citizens from a public location or with landowner permission.

Non-navigable Waterways



Non-navigable waterways are not public resources so require landowner permission to access.



OHWM
Form

Navigability
Form

FORMS:

Notice: Collection of this information is authorized under ch. 30, Wis Stat. DNR has the authority to make waterway jurisdictional determination but this form can be used by any third party to provide information to help make this determination. DNR will use information in this form to make jurisdictional determinations if it is true, accurate and complete. Personal information collected on this form will be used for management of DNR programs. Information may be provided to requesters to the extent required by Wisconsin's Public Records law [ss. 19.31-19.39, Wis. Stats.].

Date:	Investigator:	Docket #:
Requestor:		Property Owner (local address & contact info):

Location of determination on waterbody (attach map):				Location Coordinates	
1/4 1/4	1/4	Section	Township	Range	<input type="radio"/> E <input type="radio"/> W
			N		
County		Waterway Name (If applicable):			
<input type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village					

Reason for Ordinary High Water Mark (OHWM) Determination
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Field Data Documentation
Photograph and Describe field observations at the site which apply to the determination. (see [OHWM Fact Sheet](#)):
☐ 1. Physical Characteristics typically occurring along the shoreline near the normal water surface elevation (ice scars, wave erosion, mud stain or debris, water staining, soil leach marks, change in soil type, etc.)

Photo # 1	
Bank Height (fractional ft):	Water Level (relative to OHWM):
Distance from OHWM to water's edge (ft):	
Photo #:	
Date/Time of Photo:	
Photo Description:	

Navigability Determination

Date:	Investigator:	Docket #:
Requestor:		Property Owner (local address & contact info):

Location of stream segment or waterbody (attach map):	
County:	Waterway Name (If applicable):
Town, Village, City:	

Defined bed and bank: Yes <input type="checkbox"/> No <input type="checkbox"/>		Bed type: Channelized <input type="checkbox"/> Natural <input type="checkbox"/> Unknown <input type="checkbox"/>
Bed width at top of banks (ft):		Bank height (ft):
Bed width at OHWM (ft):	Water depth at OHWM (ft):	Current water depth (ft):
Agricultural ditch: Yes <input type="checkbox"/> No <input type="checkbox"/>		Stream history: Yes <input type="checkbox"/> No <input type="checkbox"/>
Was the waterway navigated? Yes <input type="checkbox"/> No <input type="checkbox"/>		Approximate survey length:
Watercraft type/size (Example: 12-foot canoe with 4" draft):		

Navigable: <input type="checkbox"/>	Non-navigable: <input type="checkbox"/>
-------------------------------------	---

Documentation used to determine waterway history:
Hydrologic condition of the waterway (low or high water, recent heavy rainfall, etc.)
Physical characteristics of the waterway (land use, culverts, springs, tile lines, etc.)
Biological characteristics of the waterway (vegetation, fish, bugs, wildlife, etc.)
Additional notes:

Do you include photos in your application review and files?



OHWM location and photos:



1. Use flags / painted wooden arrow in photos to provide a visual reference.
2. Bring a copy of a survey showing the locations of the pipes. Document the distance from the pipe to the OHWM.

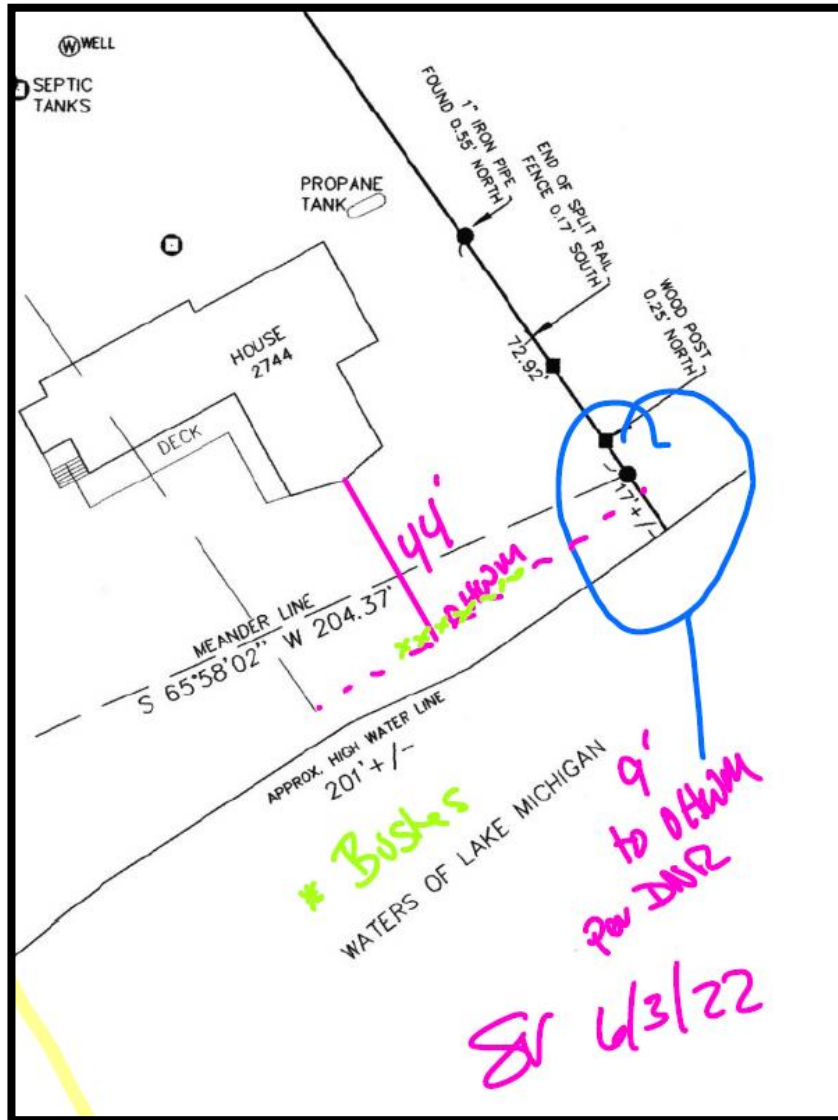
EXAMPLE 1.



EXAMPLE 1.



EXAMPLE 2.



TOPO & WETLAND MAPS

[LiDAR Viewer](#)



TOPO MAPS

Help tell a story

Things to consider:

- Erosion control conditions?
- Walk-out?
- Access to shore? HOW?
 - Need plans, vertical bluff.



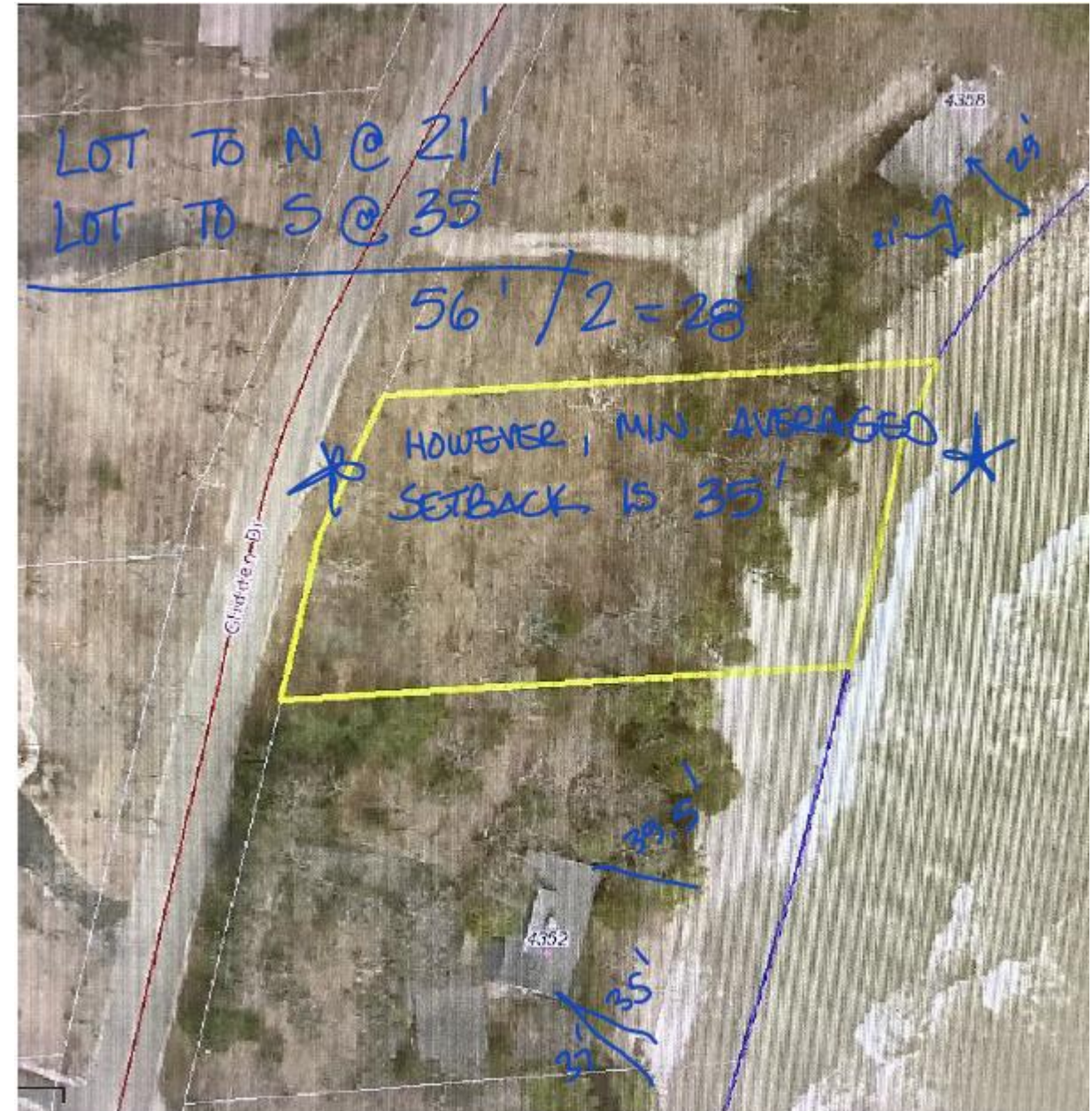
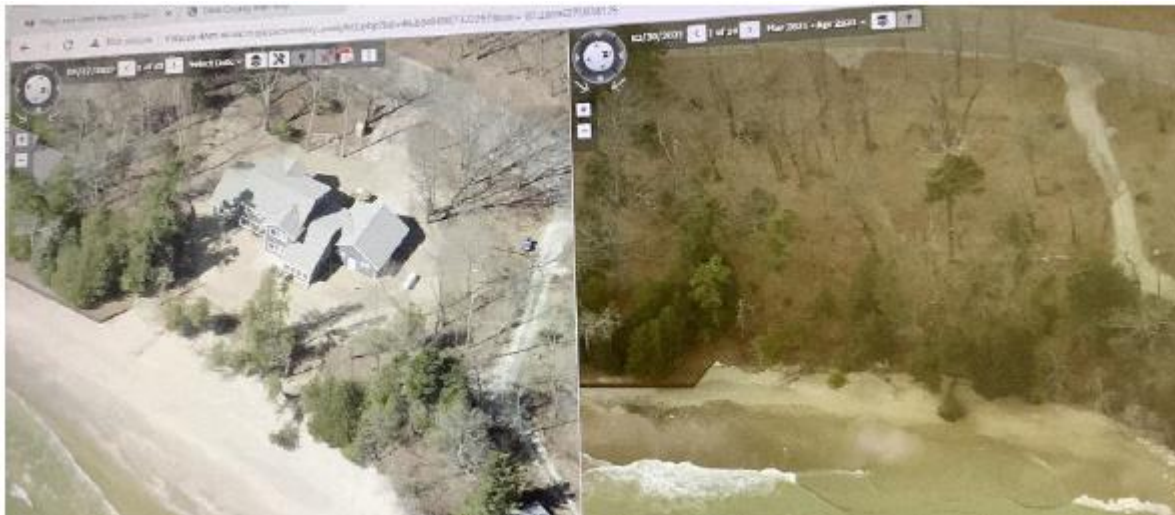
AIR PHOTOS HELP TO:

- Verify Impervious Surfaces & Calculations
 - Do use itemized IS forms in applications?
- Document structures:
 - Exempt?
 - Nonconforming?
 - Violations?
- Create a record for future reference



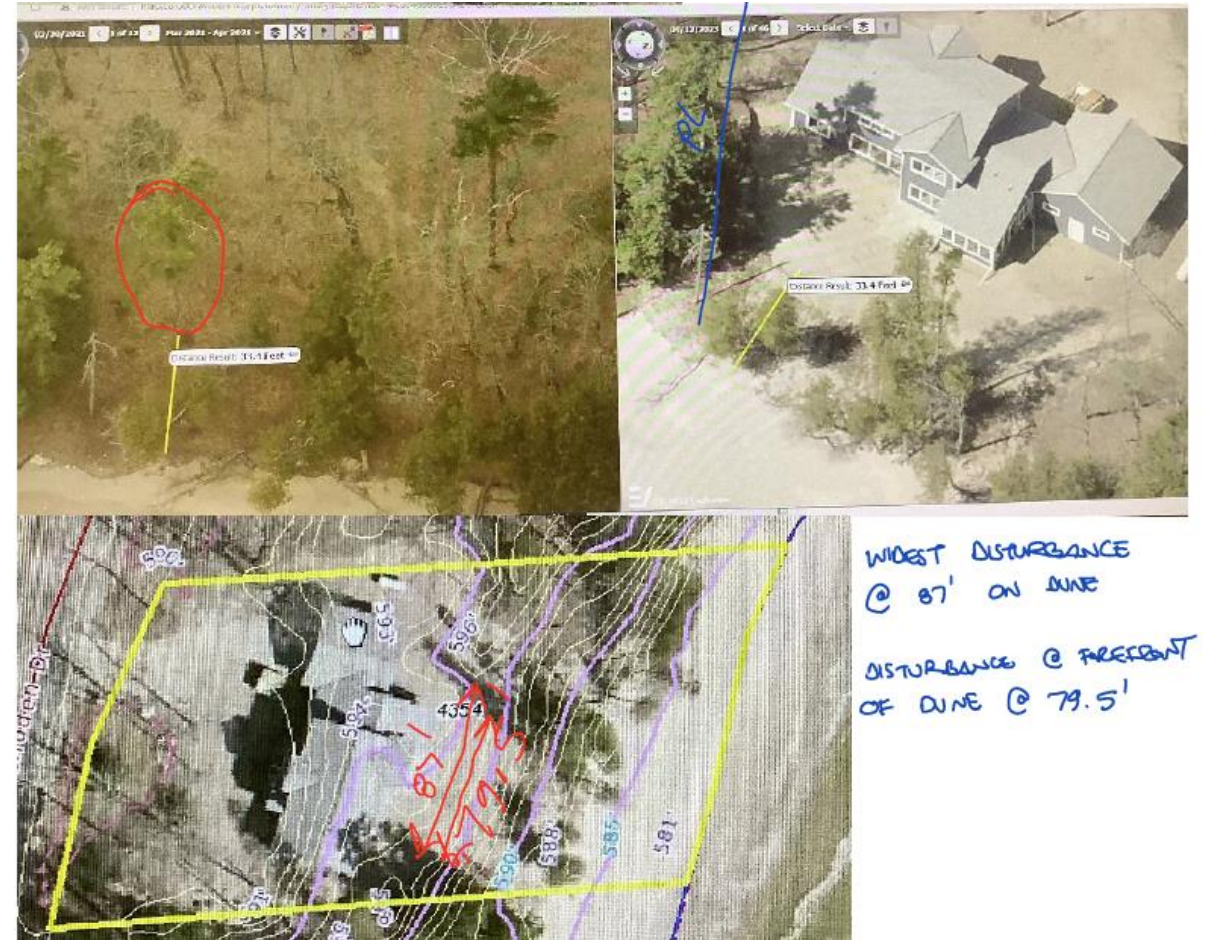
AIR PHOTOS

- Draw distances on air photo.
 - Find closest OHWM
- Document vegetation.
- Helps w/ certificate of compliance.



VEGETATION & LAND DISTURBANCES

- Pictures say 1,000 words.
- Vegetation & land disturbances enforcement are challenging.
- Pictures and notes provide documentation for future.



ONSITE PHOTOS: VEGETATION

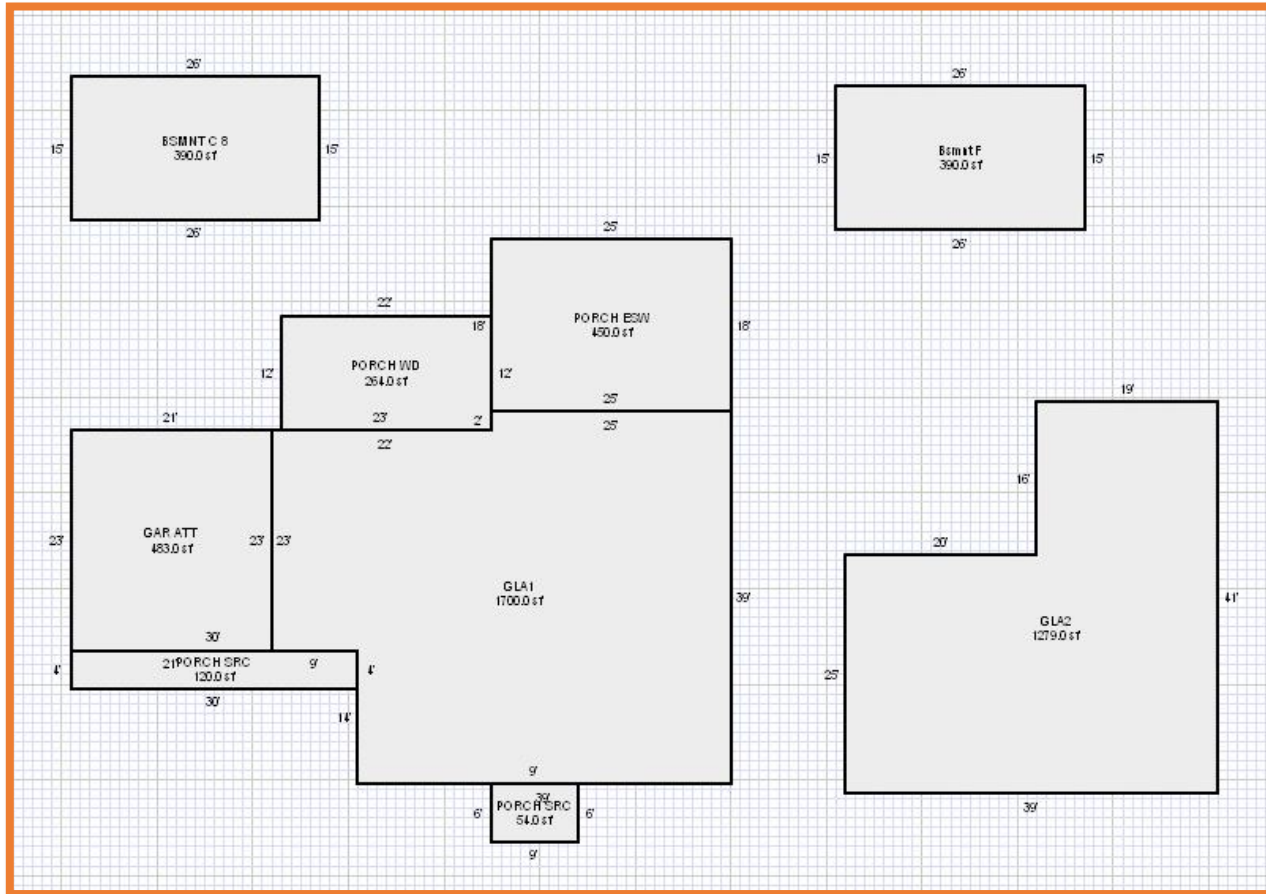


Compare pictures: 2022 vs 2023

ONSITE PHOTOS: LAND DISTURBANCE



DIMENSIONS OF STRUCTURES:



1. Document dimensions of structures, can help in future to show if structures were added/converted.
2. Need info. on size & when structure was built? The assessor, may have notes & drawings with dimensions.

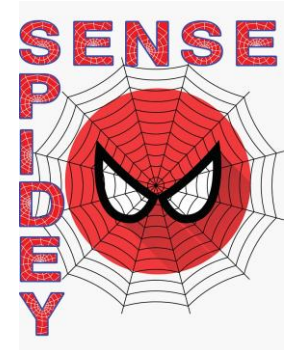
**Have you ever gotten back to the office
and realize you forgot to write down a
measurement?**



Documentation:



1. Finish field notes at a park / in the vehicle before going to the office (interruption central).
2. Does a phone call set off your *Spidey Sense?* ASAP - Summarize conversation, include names, date, and initial.



IMPORTANT: Document ASAP

Did you know?

- memory recall is 75-100% (w/in 24 hrs)
- memory recall is 50-75% (24 - 72 hrs)
- memory recall drops to 30% (after 72hrs)



Time Management:



- **BE PREPARED!** Block out time on your calendar to pre-review applications & review files.
- Block out 2 hours on your calendar: focus on application review ASAP after inspections.

SHIFTING GEARS



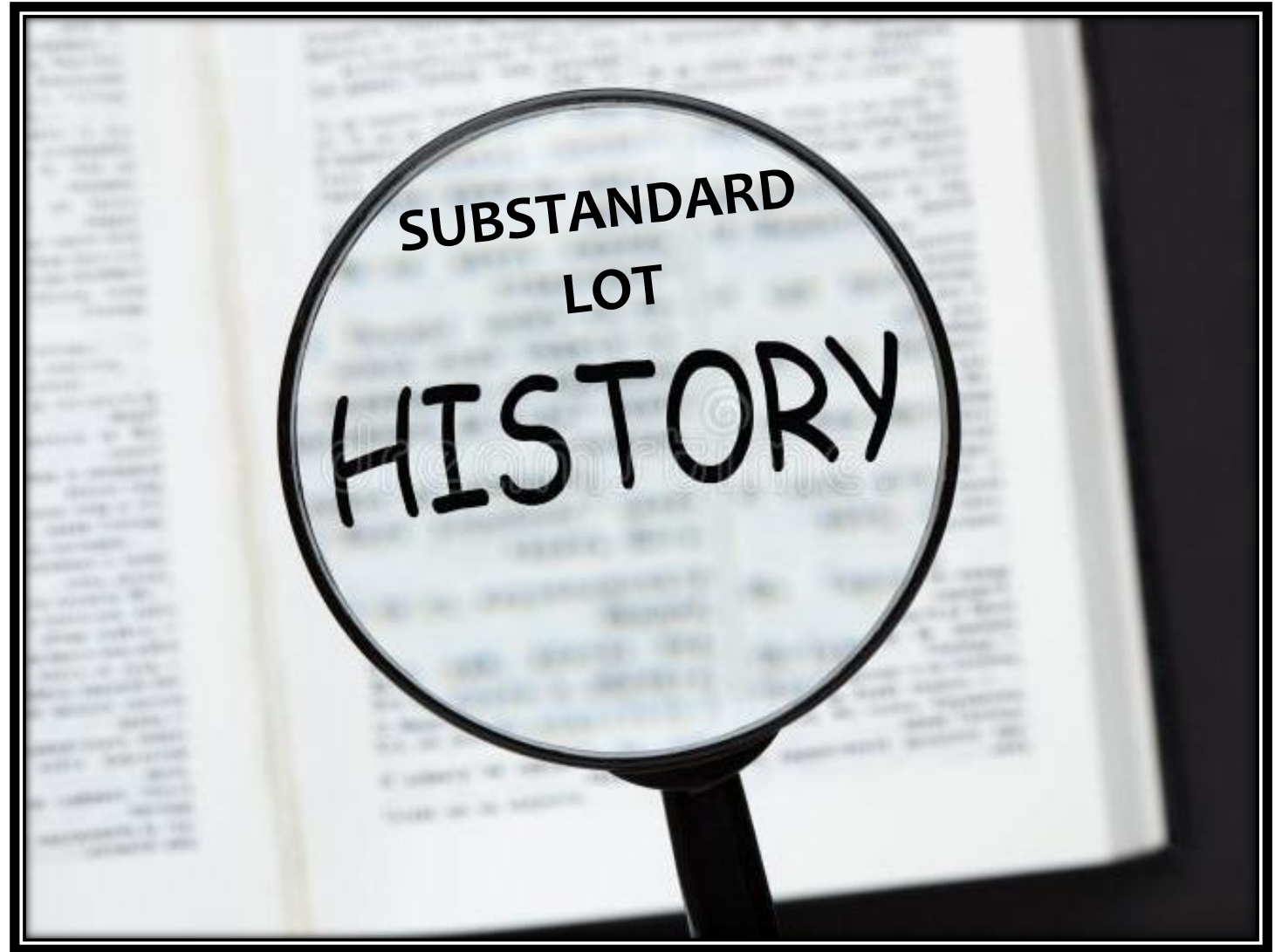
**Do you get confused when talking about
substandard lots?**



WHAT IS A SUBSTANDARD LOT?

(27) “Substandard Lots” means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

**IMPORTANT TO
HAVE CONTEXT**



Do you think the original shoreland model ordinance talked about substandard lots?



When was the first shoreland ordinance created?



SHORELAND ZONING: SHIFT IN CONCEPT

before

2015

after

- Min. standard: counties could & often were more restrictive.
- Substandard lots had to meet min. size to be buildable.
- Substandard lots held in common ownership were considered one.

- THE STANDARD: counties can't be more restrictive.
- Substandard lots don't need to meet min. size to be buildable.
- Substandard lots are buildable unless structures over a lot line.

HISTORY HELPS US TO UNDERSTAND

STATE OF WISCONSIN
DEPARTMENT OF RESOURCE DEVELOPMENT

July, 1967

MODEL SHORELAND-FLOOD PLAIN REGULATIONS

6.32 Substandard Lots Not Served by Public Sewer

The provisions of 6.31 (1)-(4) and Section 5.3 of this Ordinance shall apply and in addition the minimum lot area shall be 10,000 square feet and the minimum lot width sixty-five (65) feet at the building line and sixty-five (65) feet at the water's edge.

SUBSTANDARD LOT CRITERIA

History Continued



6.3 Substandard Lots

6.31 Substandard Lots Served by Public Sewer

A lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance but which is at least fifty (50) feet wide and 7,500 square feet in area may be used as a building site for a single family dwelling upon issuance of a zoning permit subject to the following conditions:

21

- (1) Such use is permitted in the zoning district.
- (2) The lot is of record in the County Register of Deeds Office prior to the effective date of this Ordinance.
- (3) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Ordinance.
- (4) All the dimensional requirements of this Ordinance be complied with insofar as practical.

Criteria

SUBSTANDARD LOTS

5.1 A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

LET'S 
UNPACK
THAT!

CURRENT: SUBSTANDARD LOTS

5.1 A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

Is an unrecorded plat held in the Real Property Lister's files considered a Lot of Record?



Legally Created:

(15) “Lot of record” means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Research when lot was created. Examples of recorded documents:

- Quit claim deed
- Warranty deed
- Certified Survey Map (CSM)
- Plat

(15) “Lot of record” means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

How to determine if the lot complied:

- If created prior to shoreland zoning, any lot size.
- Determine minimum lot size in the ordinance when lot was created.

5.1 EXAMPLE:



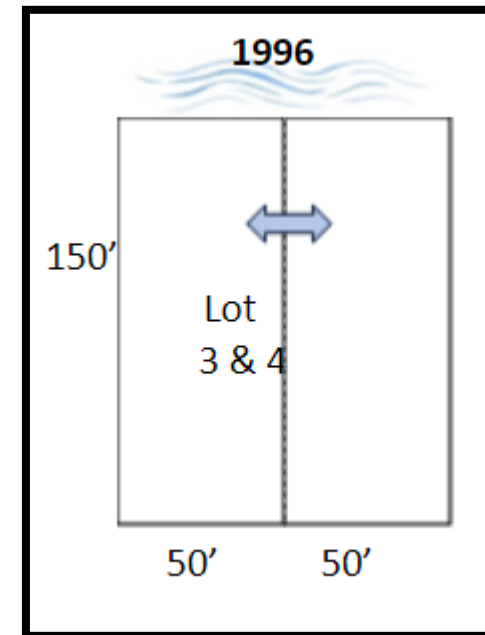
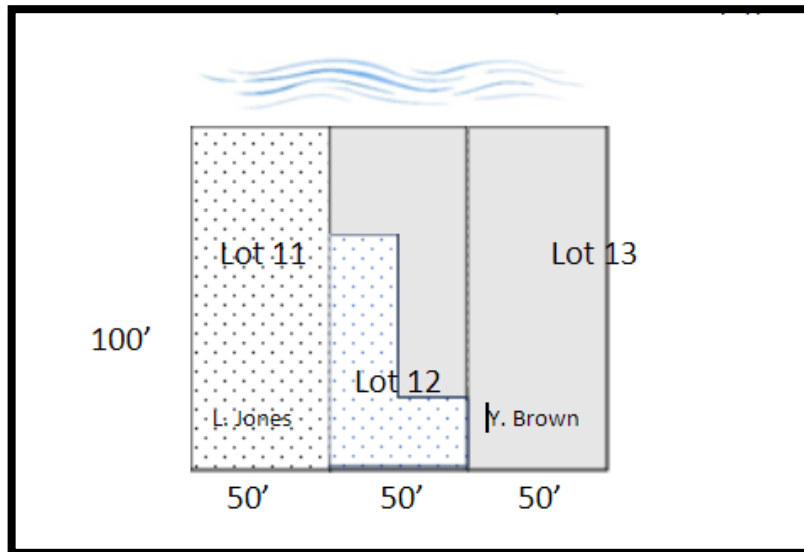
Substandard lot: created in 1960

- ✓ created legally prior to shoreland zoning, no minimum width & area.
- ✓ never reconfigured, combined with another lot /consolidation into one parcel.
- ✓ lot or parcel never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- ✓ lot developed to comply with all other ordinance requirements.
- Parcel buildable

5.1(1) The substandard lot or parcel was never combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

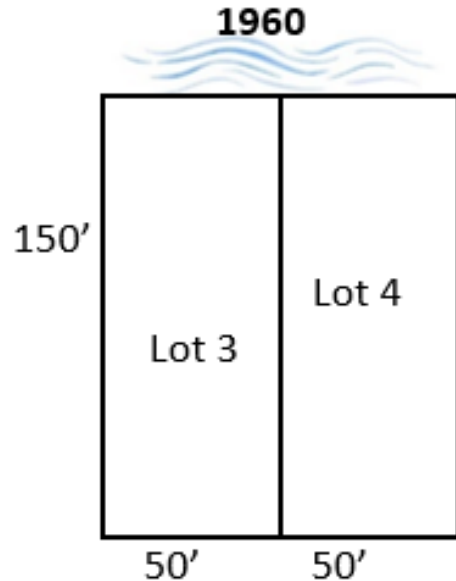
Note: Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the register of deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site.

BUT: once combined, they can't be redivided back to the original dimensions.



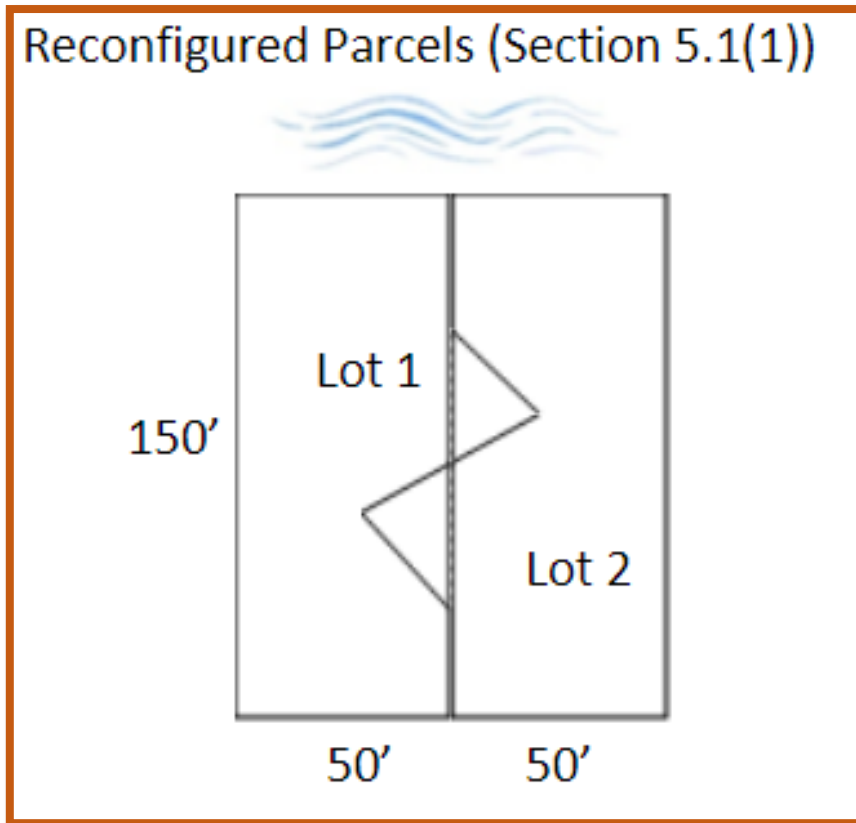
5.1(1) The substandard lot or parcel was never combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

Note: Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated.



- Real Property Lister: assigns one Parcel #: 012-50-003A so only one tax bill.
- No CSM or deed was recorded to combine Lot's 3 & 4.

5.1(1) The substandard lot or parcel was never reconfigured; original lot dimensions were never reduced/rearranged.



Ex: 50' Platted Lots created 1960

- Lots were rearranged in 1980 by deed, lot descriptions changed.
- Lots are NOT buildable unless variance for lot width & area.

5.1(2) EXAMPLE

Each lot = 50' wide & 10,000 sq. ft

Substandard lot never developed with structure(s) partly upon an adjacent lot.

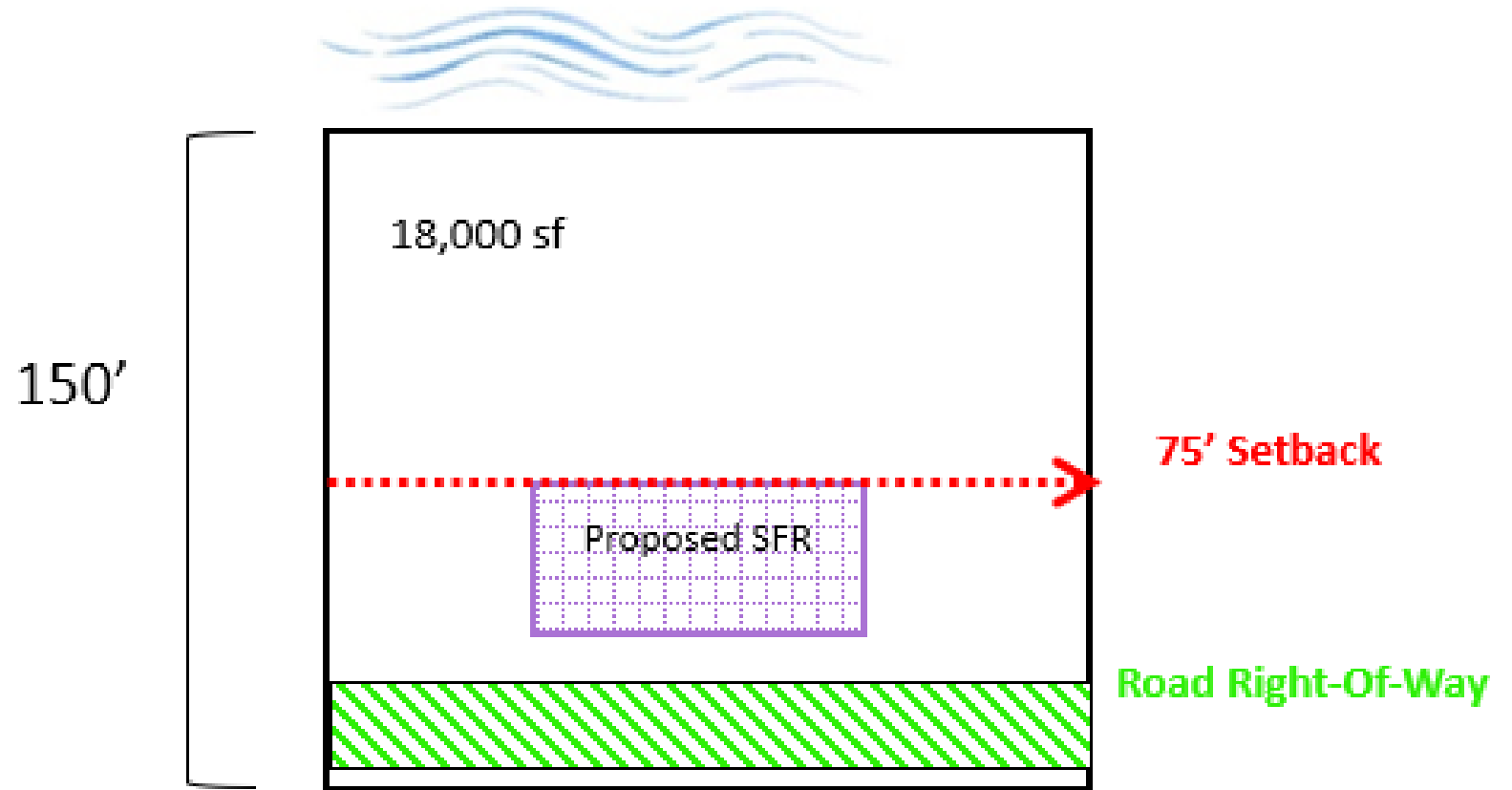
- Lots 163 & 165 are one lot.
- Lot 167 substandard & buildable.
- Lot 169 substandard & buildable.

Note: Lots that have had development over the lot lines **should be combined with a legal description and recorded with a new deed prior to new development occurring.**



5.1(3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

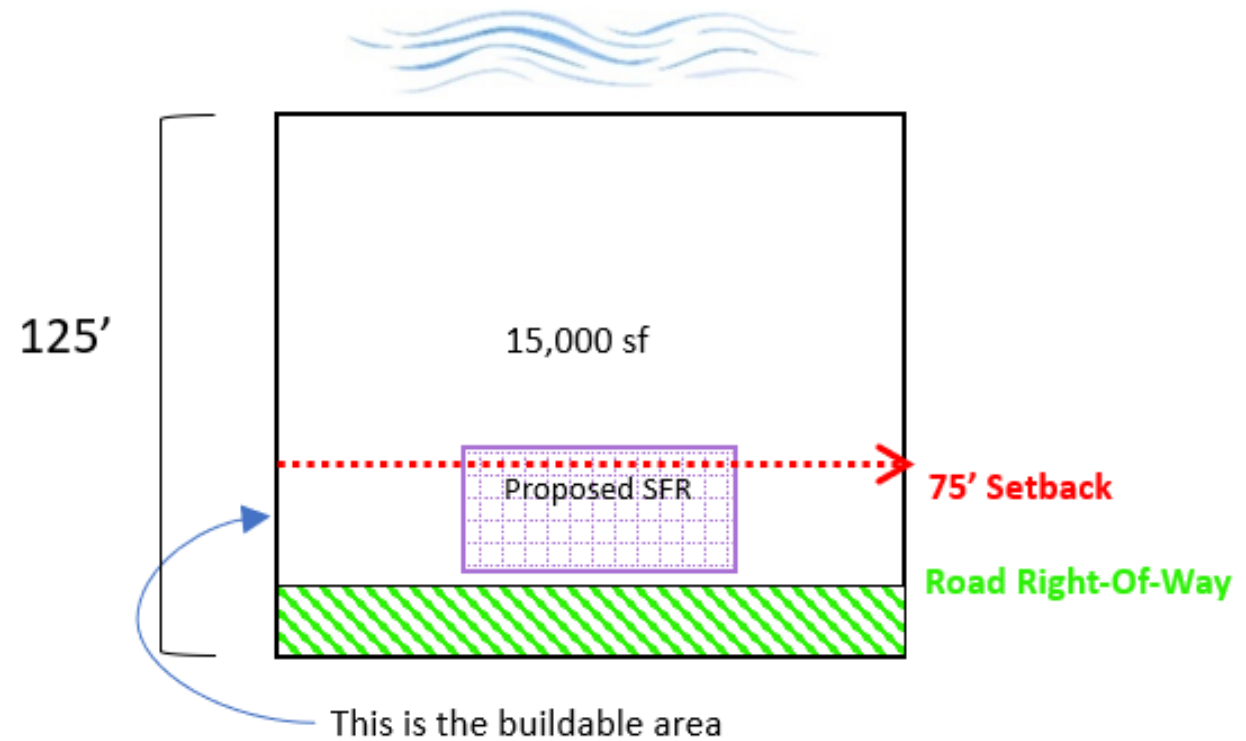
For example, if house meets the water setback & all other ordinance requirements the lot is buildable.



5.2 OTHER SUBSTANDARD LOTS.

Lots that don't meet the current min. average lot width & area & don't meet substandard requirements; permits for improvements shall only be issued if a variance is granted.

EXAMPLE 5.2



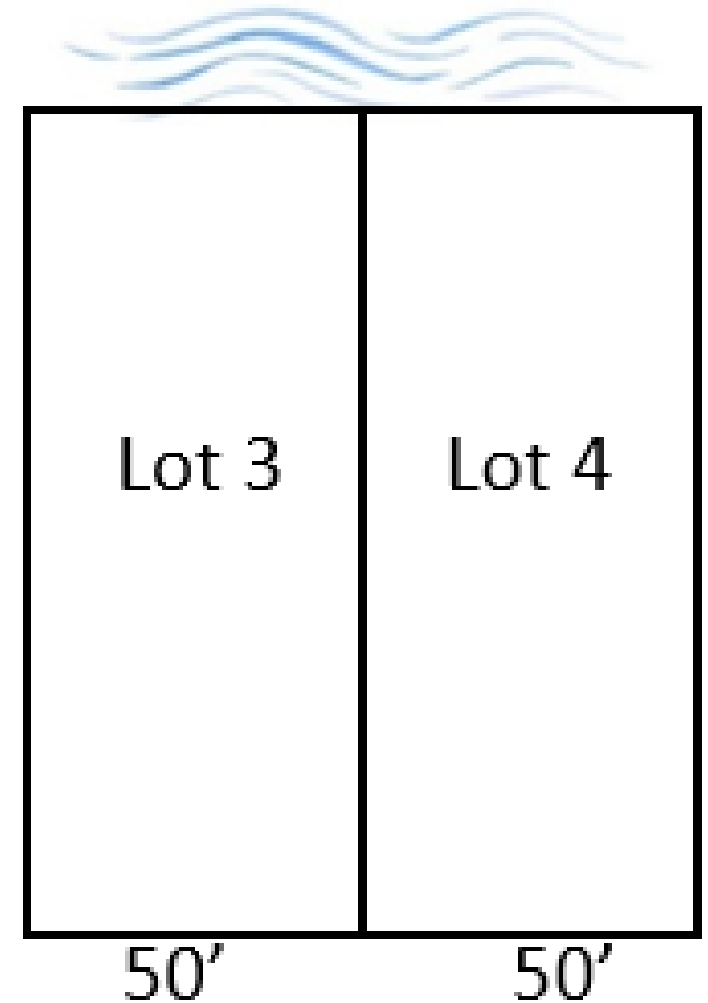
6.0 ILLEGALLY CREATED LOTS.

A lot created in violation of the minimum area & average width requirements shall not be used for construction purposes without the granting of a variance.

EXAMPLE 6.0

Lots were created by deed in 1978.

The lots are 50' wide & 8,550 sq ft.



What shoreland topics do you want covered in the future?



CONNECT WITH US

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"WILD WISCONSIN:
OFF THE RECORD"