



## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

**DOCUMENT ID WT-19-0017**

**DOCUMENT TITLE STRUCTURES IN FLOODPLAIN CAMPGROUNDS**

**PROGRAM/BUREAU WATERWAYS PROGRAM**

**STATUTORY AUTHORITY OR LEGAL CITATION WIS. ADM. CODE. CH. NR 116**

**DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS) 9/2/19**

**DATE FINALIZED 10/21/19**

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

A handwritten signature in black ink, appearing to read 'Michael C. [unclear]'.

10/11/19

Signature

Date

# **BUREAU OF WATERSHED MANAGEMENT PROGRAM GUIDANCE**

## **Structures in Floodplain Campgrounds**

**March 4, 2015**

*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.*

### **Background**

State and federal floodplain management regulations limit the placement of camping units and other structures in floodplain campgrounds to specific time limits and/or removal requirements due to the unpredictability of dangerous flood events and the potential hazards to human life, health and property.

### **Purpose**

To provide guidance to local zoning officials with regard to placement and use of structures in campgrounds within the regulatory floodplain as depicted on the community's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

### **Guidance**

Campgrounds typically have an on-site manager and charge set fees based on the season and duration of stay, but these regulations also apply to other camping operations including, but not limited to:

- Individually-owned campsites
- Condominium or cooperative campgrounds
- Corporate or institutional campgrounds
- Any other camping activities which would meet the intent of the definition stated above

Definitions: The following definitions are in NR 116, Wis. Admin. Code, and provide the regulatory basis for this guidance.

"CAMPGROUND" NR116.03(1e) - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for **nonpermanent overnight use** by 4 or more camping units, or which is advertised or represented as a camping area.

"CAMPING UNIT" NR116.03(1s) – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

"MOBILE RECREATIONAL VEHICLE" NR116.03(30m) – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

#### Limitations on camping units and accessory structures in a floodplain

Camping units are an allowable use in any floodplain area, but there are strict limitations on what can be placed on a campsite and how long a camping unit or a camping-related accessory structure can be on the site.

Chapter NR 116.12(2)(b)5. states that "only mobile recreational vehicles with self-contained holding tanks or easily removable tents or camper units are allowable. No other habitable structures or buildings are permitted."

Federal floodplain regulations do not specifically mention campgrounds, but do place limits on recreational vehicles in mapped floodplains. 44CFR 60.3(c)(14) requires that recreational vehicles placed in a mapped floodplain must be on the site for less than 180 consecutive days and be fully licensed and ready for highway use. A recreational vehicle is considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanently attached additions.

"Camping units" meet the requirements for a "mobile recreational vehicle." Park model units, however, do not. These units are designed, advertised and constructed for permanent placement on a site and have added design elements and amenities which make them too heavy and unstable for frequent moving. These units can only be placed in a campground if they meet the elevation and dryland access standards in NR 116.13, Floodfringe Development Standards.

## Standards for structures in a campground

A community's floodplain zoning ordinance must meet both the minimum state and federal floodplain regulations, as enumerated in Chapter NR 116, Wis. Admin. Code, and 44 CFR Part 60.3. While the state regulations do allow for certain structures accessory to permitted open space uses (agriculture, recreation), the federal standards have no such provision.

Based on these regulatory requirements and considering the transitory, nonpermanent nature of camping, the department has concluded that no camping-related accessory structure can be permanently placed in a campground. Permanent structures are prohibited in a floodplain campground unless it is a legal, nonconforming structure or use. Transient camping activities which meet the guidance requirements would be considered a recreational open-space use and the following non-permanent accessory structures could be allowed provided all required permits are obtained from the community zoning office.

Please be aware that this guidance is limited to interpreting floodplain zoning standards. Other programs, including shoreland and shoreland/wetland zoning, wetland fill standards, and community zoning ordinances, may also apply.

**Deck/landing** – A portable landing solely for providing ingress and egress from the camping unit may be allowed for each entry provided that the landing is not permanently attached to the ground, is no more than 32 square feet in size, and can be removed from the campground by a light-duty pickup truck. Decks/patios that are constructed completely at or below grade are allowed, but must also comply with applicable shoreland zoning setbacks.

**Screen Tent** – Portable units, not permanently attached to the ground, are allowed.

**Screen Room/Add-On Room** – Not allowed

**Attached Awning** – Allowed

**Shed/Storage Building** – Only small portable storage containers or collapsible, modular sheds which can be easily disassembled and removed from the site can be allowed. These units cannot exceed 64 square feet in size and are limited to 180 consecutive days on site.

These storage sheds must comply with applicable shoreland zoning setbacks.

**Fill/Campsite pads** – minimal (< 3 cubic yards) fill/concrete/aggregate can be allowed to level out and establish a camp site. Landscaping timbers/retaining walls are not allowed unless they are placed at or below grade. Camping unit pads must comply with applicable shoreland zoning setbacks.

**Skirting** – Allowed if not permanent

While communities have some discretion in deciding what is and isn't allowable in a floodplain campground, these guidelines are strictly based on existing state and federal regulations. Please contact the department if further clarification is needed.

Meg Mallory for

Waterway PMT

3.5.2015

Date

Michael A. Scott

Michael Scott, Staff Attorney

3/4/15

Date

Pamela Biersach

Pamela Biersach, Watershed Bureau Director

3/5/15

Date