

### **14.13 MITIGATION.**

(1) When mitigation is required, the property owner shall submit a complete permit application. The application shall include the following:

- (a) A site plan that describes the proposed mitigation measures.
  - 1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
  - 2. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- (b) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures. The enforceable obligations shall be an affidavit recorded in the office of the Register of Deeds prior to the issuance of the permit.

(2) **Shoreland Mitigation Plan.** When required by sections 14.06(3)(a)2, 14.09, 14.11(5), and 14.11(7), the landowner shall submit a mitigation plan for review and approval by the Zoning Administrator.

(3) **Purpose.** To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed to compensate for adverse environmental effects when development is permitted within designated shoreline setback areas. Mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(4) **Applicability.** Prior to issuing a permit requiring mitigation, a complete permit application from the property owner shall be submitted for review and approval by the Land Use Control and/or Land and Water Conservation Division for:

- (a) New impervious surfaces greater than 15% of the lot area
- (b) Lateral expansion of a non-conforming principal structure
- (c) Relocation of non-conforming principal structure

**[(5)] Standards.** A complete permit application shall include:

- (a) Mitigation Plan. The plan shall describe the proposed mitigation measures and shall be designed and implemented to restore natural functions lost through development and human activities and shall include:
  - 1. Name and address of property owner
  - 2. Property address and legal description
  - 3. Scale (e.g. 1 inch = 10 feet)
  - 4. North arrow
  - 5. Ordinary high water mark (OHWM) location
  - 6. Location of all structures in the shoreland buffer zone
  - 7. Viewing and access corridor
  - 8. Existing trees, shrubs and native ground cover
  - 9. If there [are] areas to be planted with trees, shrubs and groundcovers, species of plants can be selected from the WISCONSIN BOTANICAL INFORMATION SYSTEM list at <http://www.botany.wisc.edu/cgi-bin/SearchResults.cgi?County=Dunn> or from the following website <http://www.Lwipa.net/resources/plant-lists> and approved for shoreline buffers by the Zoning and/or Land Conservationist. Substitutions must be approved by the Zoning and/or Land Conservationist. Substitutions to the lists will be

allowed in the event of lack of plant stock or seed availability on a case-by-case basis.

10. Implementation schedule – The approved Mitigation Plan must be started within one year from the issue of date of applicable permit. All plantings and any other required activities in the Shoreland Buffer Restoration Site Plan must be completed within two years of the permit issue date.
11. A plant species list
12. The vegetation density in the buffer zone shall reference NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat found at the following website <http://dnr.wi.gov/topic/shorelandzoning/documents/nrcsbiotechnote.pdf>.
13. Water diversions and channelized flow areas (if applicable)
14. Buffer Maintenance (weeding, replanting)
15. The structure meets the height and street, side and rear yard setback requirements for the zoning district in which it is located. Such structure shall be colored in earth tones to decrease the visual intrusion near the natural shoreline.

**[(6)] Optional Mitigation Measurers** shall accumulate a minimum of four (4) points from the following:

- (a) Development, restoration or maintenance of a shoreline vegetative buffer zone within ten (10) feet of the ordinary high water mark (OHWM) (1 points).
- (b) Development, restoration or maintenance of a shoreline vegetative buffer zone within twenty-five (25) feet of the OHWM (3 points).
- (c) Development, restoration or maintenance of a shoreline vegetative buffer zone within thirty-five (35) feet of the OHWM (4 points).
- (d) Restoration of native vegetation along both side yards to a minimum depth of 10 feet (1 point for every 10 feet of side yard restoration).
- (e) Removal of nonconforming accessory buildings from the shore setback area. (Up to 500 square feet = 1 point, greater than 500 square feet = 2 points)
- (f) Relocating nonconforming structure to a conforming location. (Up to 500 square feet = 1 point, greater than 500 square feet = 2 points)
- (g) Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting the site (1 point).
- (h) Reduction of the width of the viewing corridor (1 point/10 feet of reduction).
- (i) Installation of runoff infiltration measures (4 points). Runoff infiltration measures shall accommodate a runoff volume of water, based on a 5-year storm event at a 5-minute duration and may include measurers such as:
  1. Rain garden
  2. Infiltration structures
  3. French drains
  4. Retention/detention basin
  5. Diverting overland flows away from or parallel to the shore
  6. Installation of pervious pavers
- (j) Removal of other shoreland structures/items such as fire rings, benches, beaches, gazebos, decks, etc. (2 points)
- (k) Other practices agreed upon by the Zoning Department (removal of excessive dockage and mooring, etc.) (Points as determined by the Zoning Administrator).

**[(7)] Implementation schedule and enforceable obligation.** Measures to establish and maintain the mitigation plan shall be recorded in the Office of the Register of Deeds.