

Mitigation (Stormwater & Vegetative)

Mitigation – What is it?

Vegetative restoration is a mitigation strategy used to treat effects caused by impervious surface, storm water and runoff to protect water quality of Vilas County's surface water. A device or system, (example: stormwater pond, rain garden, bio swale, infiltration basin), used to treat effects caused by erosion, impervious surface, storm water and runoff can be used for mitigation.

Mitigation requires owners of waterfront property to provide water body protection measures in exchange for being able to construct or expand structures or uses on the shoreline property. The level of protection measures are influenced by sensitivity and existing development levels of the particular water body, and where the existing principal structure is located on the parcel.

Goals of Mitigation

Restoration of shoreland buffer zones is a primary goal of the mitigation strategies. Shoreland buffer zones are the last opportunity for detention or infiltration of pollution-laden runoff before it reaches the waterway. When shoreland vegetation is disturbed or removed by human activities, runoff can affect aquatic plants and animals by carrying elevated sediment, nutrient and toxicant loads to water bodies. Buffer zones provide critical habitat for wildlife and natural scenic beauty.

Background

Mitigation strategies are designed to:

1. Allow property owners a range of options to achieve the level of mitigation required.
2. Provide more environmental protection to more sensitive water bodies.
3. Provide higher levels of restoration to water bodies with more development.
4. Give credit to property owners who have maintained more natural environmental protective functions on their properties.
5. Promote removal of structures located within 75 feet of the ordinary high water mark.

Recent studies conducted by the Wisconsin Department of Natural Resources on Vilas County Lakes found as lakeshore development increased, the abundance of green frogs (an ecosystem indicator species) declined, bird species changed, and natural vegetation decreased, especially the shrub layer. The size and composition of shoreland buffer zones are critical factors for protecting fish and wildlife.

How Does the Point System Work?

Vilas County implemented a point system. Property owners are required to achieve a number of points corresponding to sensitivity and development level of the water body, and whether the primary structures are located within 75 feet of the OHWM of the water body. (Points found on the [Summary of Zoning Standards for Lakes Over 50 Acres and Class II Rivers and Streams](#) handout) Property owners choose strategies being worth a pre-determined number of points, to achieve a total number of points required for their properties. Once points are achieved the property owner agrees to implement and maintain the mitigation strategies into perpetuity, a zoning permit can be issued. In many cases where property owners are good stewards of the land, no additional activities are required. Should property owners change their minds or transfer the property to new owners, new mitigation plans can be filed and approved to meet those changed needs.

VILAS COUNTY (STORMWATER & VEGETATIVE) MITIGATION AGREEMENT

Property Owner Joe Smith Comp No (Tax I.D.) 1234 - 56
 Site Address 1234 Court Street Legal Description: Section 1, T 42 N, R 10 E Lot 22
 Water Body Name Example Lake

Construction within 300' of OHWM - Mitigation Requirements (Article XI)

Mitigation Point Requirement: 6
 Less than 75' Point Requirement: 1
 Total Points Required: 7

Circle the points and initial each item selected.

- | Owners | Pts. | Initials | |
|--------|------|-----------|---|
| | ③ | <u>JA</u> | Active 35' Buffer Zone* |
| | 2 | _____ | Secondary Active 15' Buffer Zone* |
| | 2 | _____ | Foot path only in Active Buffer Zone* |
| | 2 | _____ | Passive 35' Buffer Zone* |
| | ① | <u>JA</u> | Side Lot Buffer Area* |
| | ① | <u>JA</u> | Side Lot Buffer Area* |
| | 3 | _____ | Removal of Principal Building within 75' of OHWM |
| | ② | <u>JA</u> | Removal of Accessory Building within 35' of OHWM |
| | 1 | _____ | Removal of Accessory Building located between 35' and 75' of OHWM |
| | 1 | _____ | No non-principal accessory structures located within 75' of OHWM |

EXAMPLE

ZA/ZD(Initials)

- 3 _____ Other Practices (Prior approval Zoning Administrator/ Zoning Deputy)
 See Attachment/Back for further details.

7 **TOTAL POINTS**

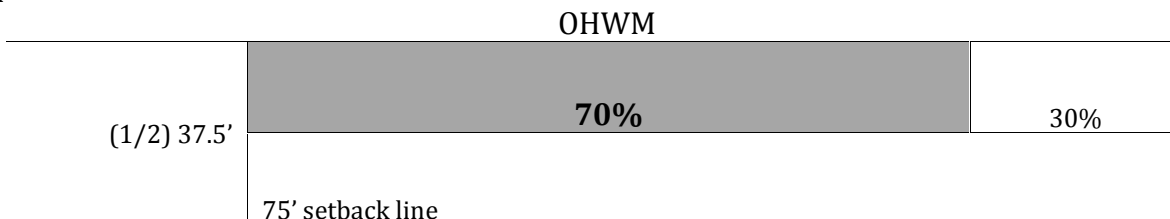
* No mowing is permitted in the buffer zone.

Accessory structures within 75' of OHWM - Mitigation Requirements (Article XII)

√ when complete

- "Before" photographs of the proposed construction site submitted. √
- On-site inspection prior to permit approval conducted by Deputy Zoning Administrator. _____
- Water frontage width 150 ft. x .7 x 37.5 = 3,937.5 sq. ft. of vegetative buffer zone required.

Example:

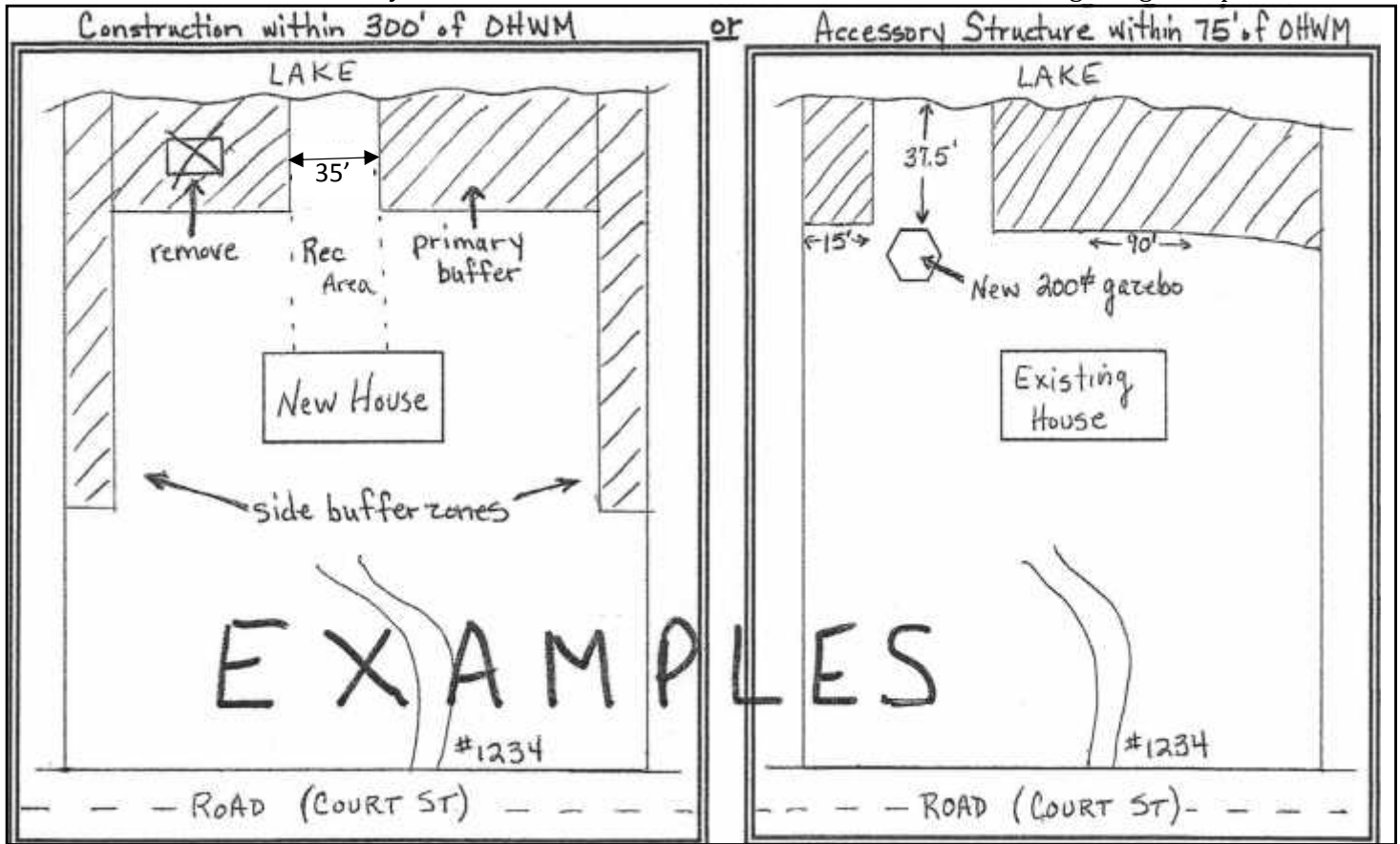


VILAS COUNTY (STORMWATER & VEGETATIVE) MITIGATION AGREEMENT Example pg.2

Base Sketch shall include: (1) Boundaries of property; (2) Location of existing structures & proposed structures/additions; (3) ordinary high water mark (OHWM) of water body; (4) North arrow; (5) scale or measurements of buildings to property boundaries; (6) scale of measurements of buildings to OHWM.

Overlay Sketch shall delineate: Existing Buffer Zones, Proposed Buffer Zones, Buildings planned for Removal, and any other project pre-approved by the Zoning Administrator or Deputy Administrator

NOTE: Base Sketch and Overlay Sketch shall contrast delineate the activities to achieving mitigation points.



Project Detail: Side buffer zones - 2 pts	15' X 37.5' = 562.5 sq. ft.
Remove existing shed - 2 pts	90' X 37.5' = 3,375.0 sq. ft.
Restore primary Buffer - 3 pts	Total = 3,937.5 sq. ft. vegetative buffer

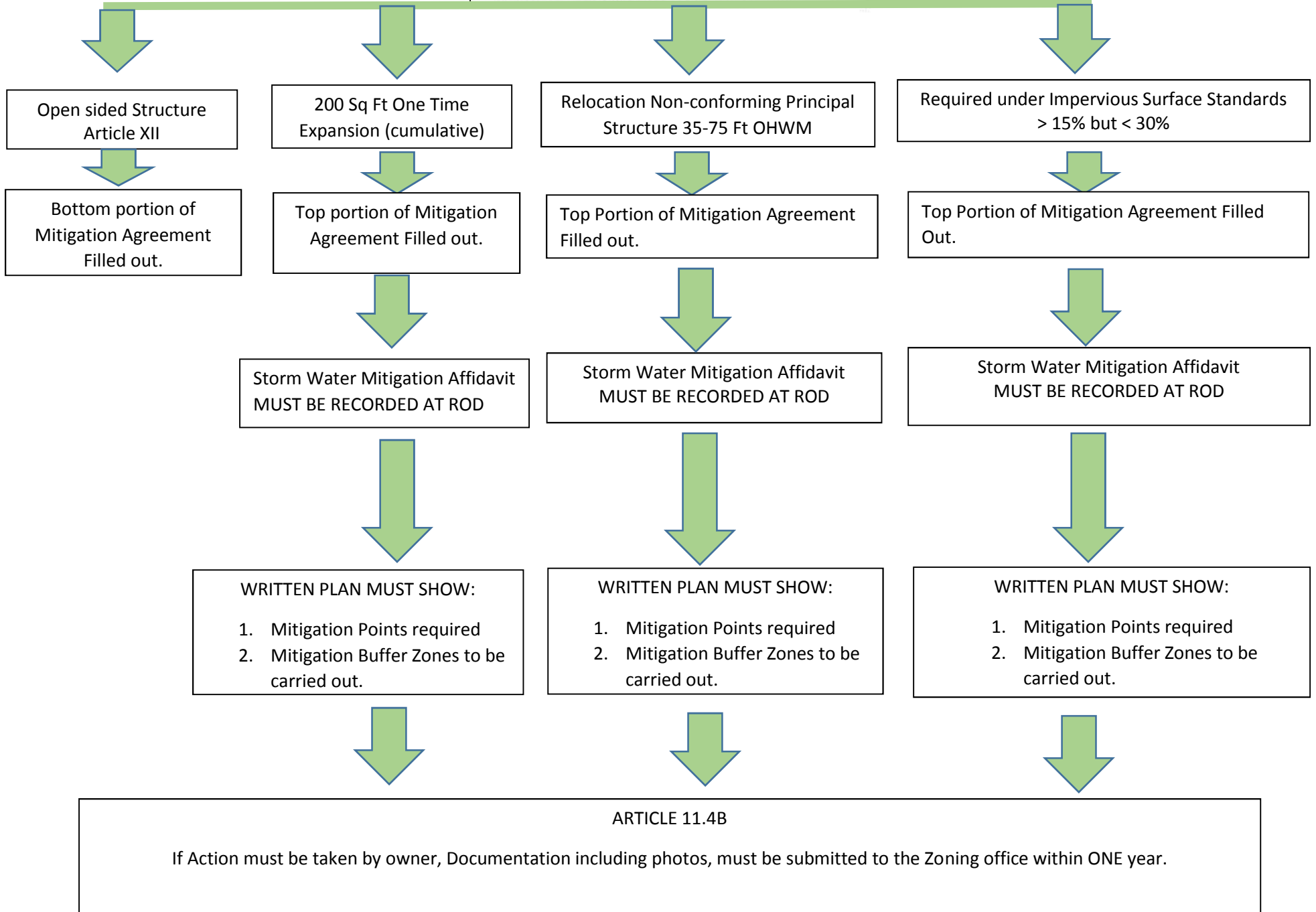
As property owner I hereby agree to mitigate and restore vegetative buffer areas I have selected in accordance with the Vilas County Shoreland Zoning Ordinance and other pertinent ordinances. I agree to allow Vilas County Zoning and Planning staff to enter my property to verify that my Shoreland mitigation practices are in conformance with this application.

I further agree to **submit photos** to the Vilas County Zoning and Planning Office **within one year of the date shown below** as required by Ordinance. I agree that these **photos will show my Shoreland vegetative buffer areas** in which the mitigation points were achieved, and be clearly marked with name, address, telephone number, site address and computer number.

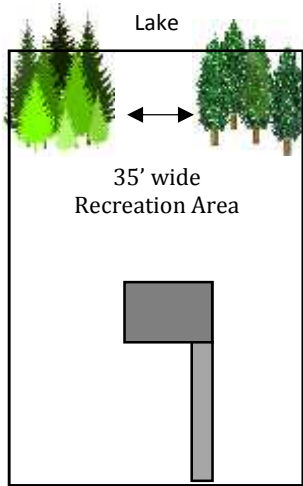
Being the owner of this property and realizing that surface water quality of Vilas County is affected by activities conducted on land adjacent to the water bodies, I agree to maintain the practices as listed above into perpetuity. Should I transfer my property in the future, I agree to notify the new owner of this agreement. Further, I understand that should the need arise, I can change the way that I have achieved Mitigation Points, **BUT only through a new Mitigation Plan approved by Vilas County.**

Signed: Owner(Signature) Date: 1-1-2016 Signed: Zoning Administrator/Deputy (Signature) Date: 1-1-2016

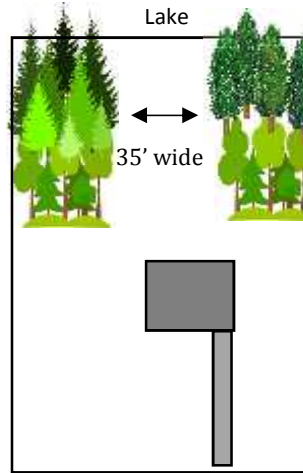
MITIGATION REQUIRED



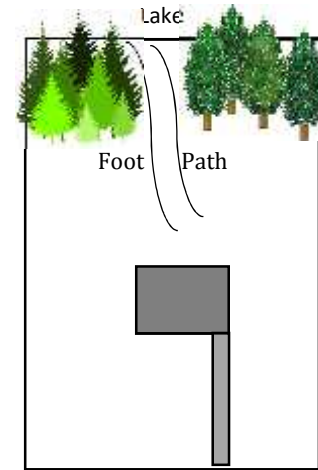
Active Buffer Zone



3 Mitigation Points

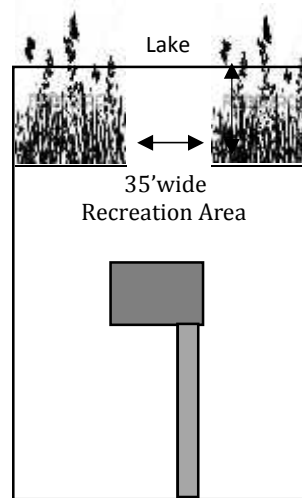


2 Additional Mitigation Points
For additional 15' buffer zone.

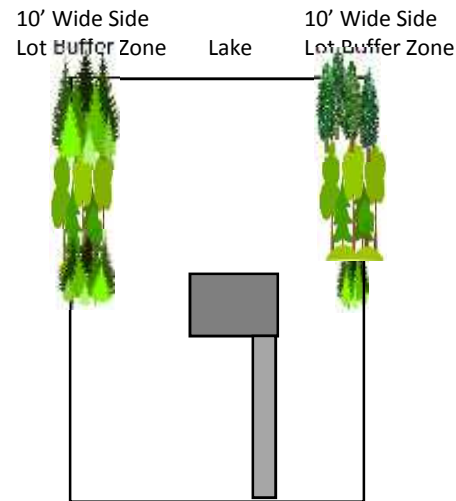


2 Additional Mitigation Points
For leaving only a footpath in buffer area.

Passive Buffer Zone



2 Mitigation Points for returning mowed grass lawn to unmowed grassy area.



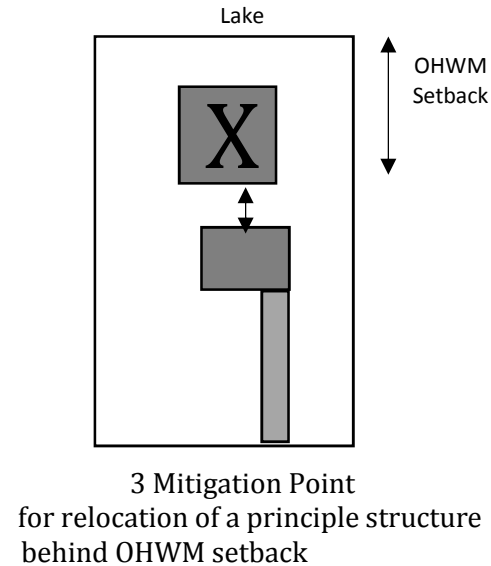
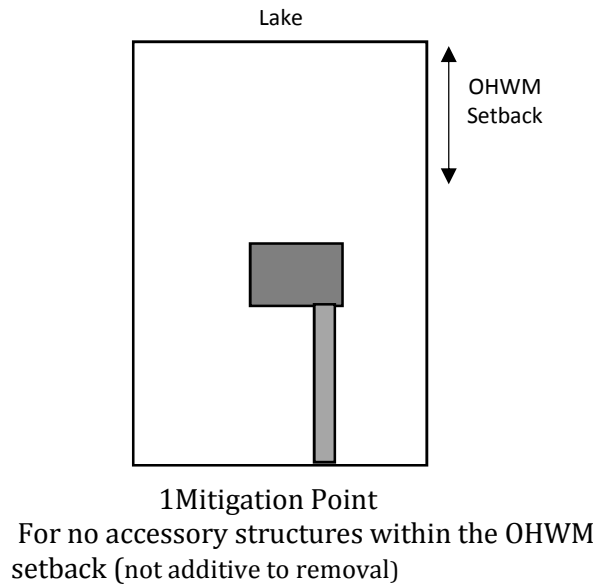
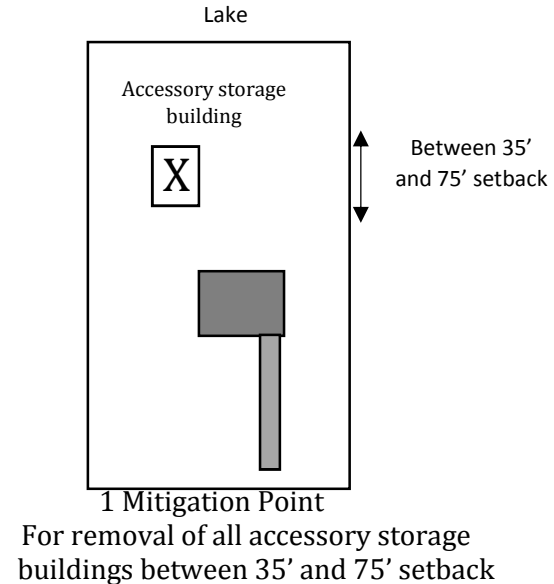
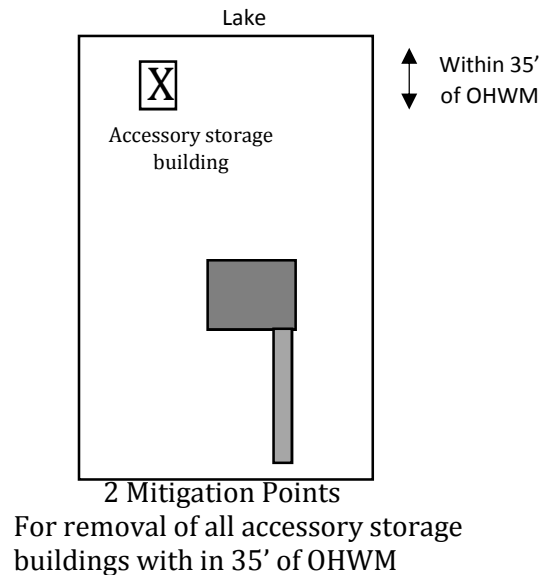
1 Mitigation Point per sidelot for existence of 10' sidelot buffer zone for depth of 100'.

Sidelot Buffer Zone

OTHER PRACTICES (for Mitigation Points)

59.692(1K)6.1. The standards provide that a surface is considered pervious if the runoff from the surface is treated by a device or system, or is discharged to an internally drained pervious area, that retains the runoff on or off the parcel to allow infiltration into the soil. (Require approval from Zoning or Deputy Administrator.)

Restoration of Setbacks – Structures



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STORMWATER MITGATION AFFIDAVIT

This agreement is made between the Government Unit and the Real Property owner(s)	
Governmental Unit: VILAS County Zoning Administration	Date:
Parcel #	Real Property owner(s):
We, the Real Property owner(s) acknowledge that the mitigation applies to the following property (legal description, attach separate sheet if necessary):	
Return to: Vilas County Zoning Administration	

As an inducement to **Vilas County** to issue a Zoning Permit for the above described property, we agree to the following:

1. Owner(s) agree to conform to the conditions of the aforementioned Stormwater Mitigation Plan and will follow the mitigation plan referenced here and filed in the Vilas County Zoning office.

If these conditions are not met **Vilas County** does have the right to revoke said Zoning Permit and enforce the Stormwater Mitigation Plan standards. Owner(s) agrees that removal of the structures authorized by the Zoning Permit will not void this agreement or the conditions placed hereon.

2. Said Stormwater Mitigation shall remain and be preserved upon this described property in perpetuity.
3. Owner(s) agree to allow authorized representatives of **Vilas County** to enter upon the owner's property at the above description

to inspect the structure(s) authorized by permit and to determine if agreed conditions are being met.

4. This Stormwater Mitigation Agreement shall be binding upon the owner(s), their heirs, successors and assigns. The owner(s) shall submit this agreement & recording fee to the Vilas County Zoning Administration, and the agreement shall be recorded by the Register of Deeds in a manner which will notify any individual referencing the deed to the property as to the existence of this agreement.

Owner Signature: _____	Governmental Unit Official Signature: _____
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State of Wisconsin
 Vilas County
 Personally came before me on _____

the above named _____

Notary Signature: _____
 Name:
 Commission Expires:

State of Wisconsin
 Vilas County
 Personally came before me on _____

the above named _____

Notary Signature: _____
 Name:
 Commission Expires:

Drafted by: Dawn Schmidt, Zoning Administrator