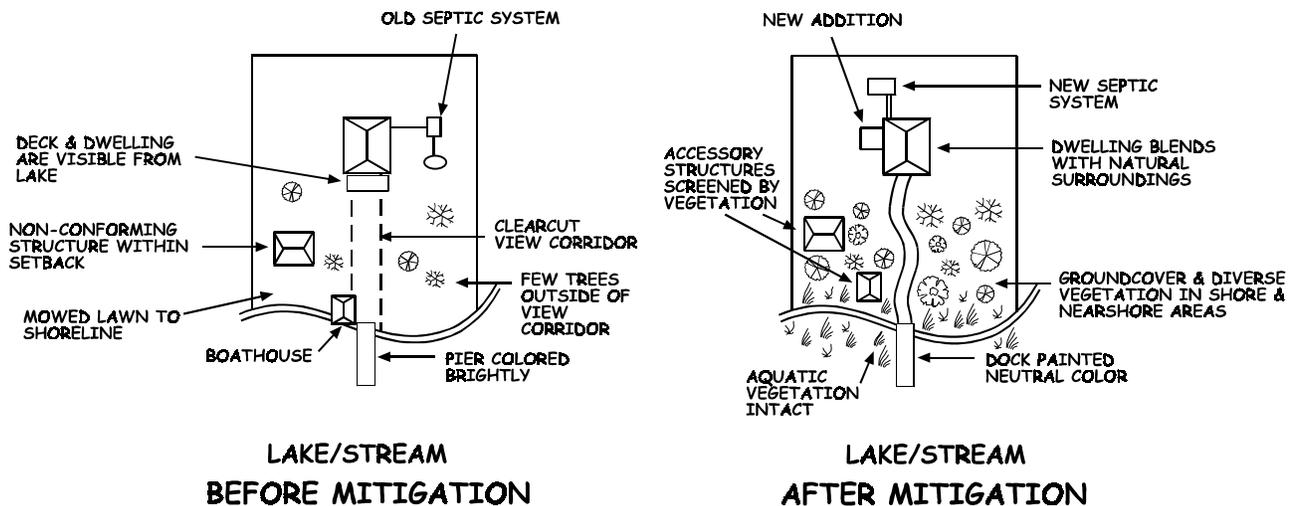


MITIGATION

(fact sheet #18 of the Shoreland Management and Lake Classification Series)

ISSUE:

Definition: Mitigation is an action required of a shoreland property owner and is designed to compensate for lost shore buffer functions. In the figure below, the property owners have proposed adding a room to their nonconforming dwelling. In exchange for permitting the addition, the zoning office will require mitigation.



Through mitigation, values associated with a natural shoreline are restored to some extent following development of the property. Specifically, mitigation may result in:

- ❖ A shoreline rich in diverse vegetation and groundcover and a buffer zone effective in curbing runoff pollution and providing habitat for wildlife.
- ❖ A shoreline where dwellings and other structures are unobtrusive and blend with the natural surroundings.
- ❖ Evaluation of the condition of septic systems and other structures with the possibility of upgrades and/or removal.

STATE STANDARD: State law does not require that mitigation be performed. However, several counties do include provisions in their ordinances requiring that certain mitigative measures take place before a permit can be issued for certain projects (i.e. new decks, structures).

OPTIONS:

Mitigation is required to compensate for lost shore buffer area functions usually when nonconforming structures are improved or expanded within the shore setback area. While mitigation is normally directed at properties with nonconforming structures because they are the most contrary to zoning ordinance objectives, mitigation could be used as a tool to restore buffer quality wherever it has been diminished and no longer meets the state minimum dimensional standards of Wis. Admin. Code § NR 115 (Wisconsin Shoreland Zoning Program). Counties are also encouraged to require mitigative measures which create shoreline conditions exceeding the standards of NR 115.

The focus of all mitigation requirements is to restore the benefits of a functioning buffer zone. These benefits are recognized in shoreland zoning ordinances as the prevention of water pollution, protection of fish and wildlife habitat, and the preservation of natural scenic beauty.

Mitigative measures could include some or all of the following:

- ❖ **Evaluation of the sanitary system and upgrade** to current standards if necessary.
- ❖ **Restoration of a functioning shore buffer** area by re-establishing natural vegetation to the minimum dimensional standards of NR 115. Vegetation re-establishment can be accomplished by simply allowing natural plant succession to proceed or by planting a variety of natural shoreland plants. Stretches of mowed lawn could also be reduced as part of this effort.
- ❖ **Implementation of standard erosion and storm water runoff controls** during construction.
- ❖ Installation and modification of exterior building materials of structures within the shore setback area so that the structures are **as visually unobtrusive as possible**. Requiring exterior building colors that blend in with the natural surroundings is the simplest method to achieve compliance.
- ❖ **Restoration of aquatic habitat** by adding brush bundles and other sources of aquatic structure key to the well-being of an underwater community.
- ❖ **Removal of nonconforming or obtrusive accessory structures** within the shore setback area.

There could be additional requirements that would also be appropriate for restoring the codified benefits of the shore buffer and near shore areas, depending on conditions and needs at the site in question.

DETERMINING WHAT MITIGATION ACTIONS ARE NEEDED:

The county's zoning office is responsible for approving the property owner's proposed plan for mitigation. Counties could establish a list of minimum mitigative measures that would be applied in all instances, with enough detail to allow property owners to estimate mitigation costs during the planning process. A county could also establish that necessary mitigative measures will vary with lake class and the condition of the property.

Additional site specific requirements, if necessary, would be determined by the county before final plan approval, based on a review of site conditions and the need for any special buffer area protection or restoration measures. As with the county's minimum requirements, these additional requirements should be determined in a way that would allow property owners to estimate mitigation costs during the planning process. A manual or other document that would establish the need for any additional mitigative measures based on expected site characteristics could be developed by county zoning officials to aid in this mitigation planning process.

To learn about the value of a shoreline buffer for resource protection and wildlife habitat, see fact sheet #4.

*For examples of recently adopted ordinances and proposed ordinance language, contact:
Langlade county: Becky Frisch (zoning administrator) (715/627-6206)

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For more information, contact your regional Department of Natural Resources lake coordinator, the Wisconsin Association of Lakes [800/542-5253] or UWEX/UW-Stevens Point [715/346-2116].