

ADAMS COUNTY SHORELAND PROTECTION ORDINANCE

RIPARIAN BUFFERS

ADAMS COUNTY SHORELAND PROTECTION ORDINANCE

- **P&Z** → Regulatory, 608-339-4222
- **LWCD** → Technical Assistance
608-339-4269

ADAMS COUNTY SHORELAND PROTECTION ORDINANCE

- Original ordinance adopted 1971.
- Enforced when violations reported.
- Standards for corrections were vague
- Revision of NR115 still in process with no end in sight.

WHY REVISE NOW?

- LWCD REQUESTED STANDARDS FOR VIOLATIONS BE DEFINED.
- PROVIDE A CONSISTENT AND EQUITABLE METHOD FOR ENFORCEMENT



TYPES OF RIPARIAN BUFFERS

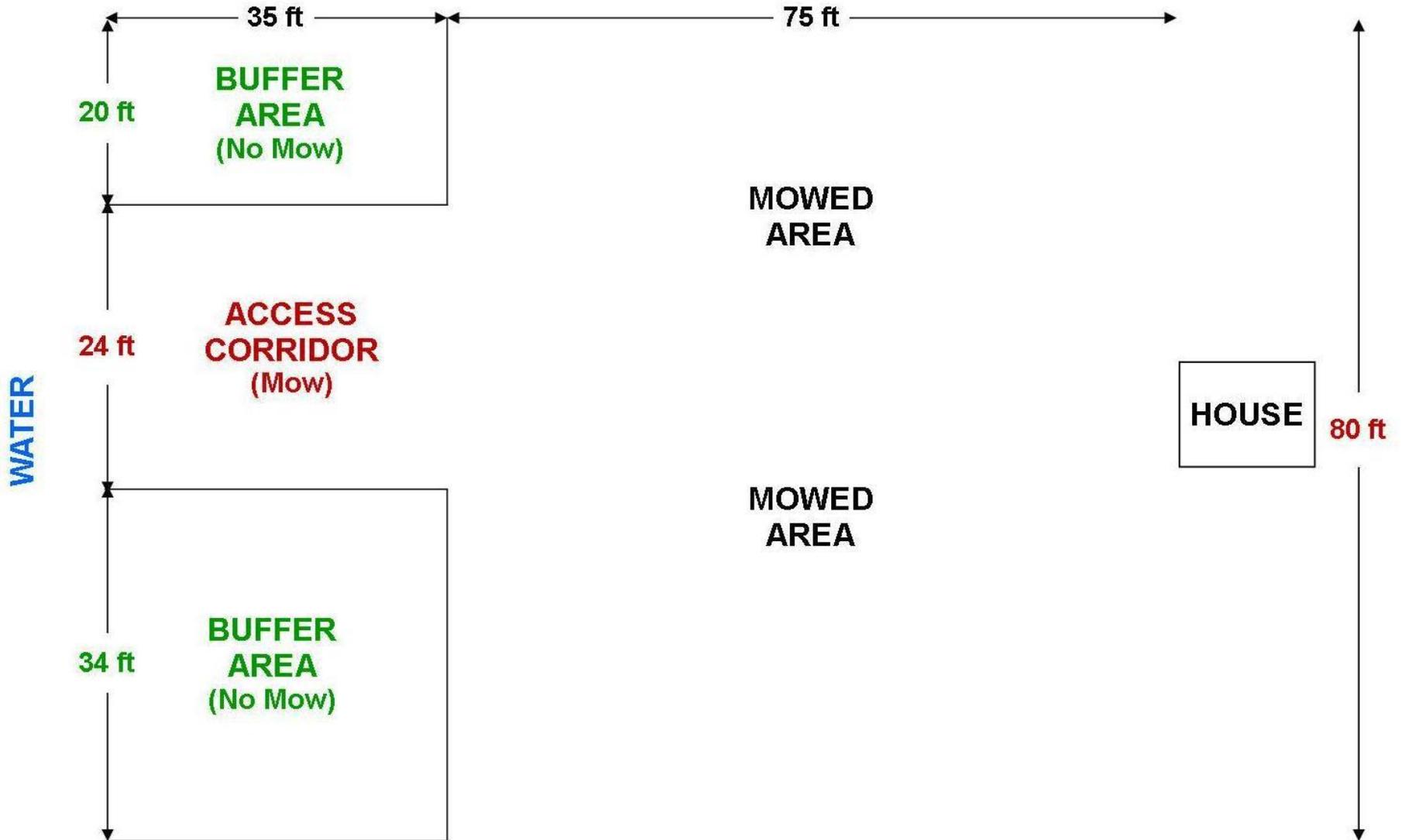
- **COMPLIANCE**
- **VIOLATIONS**
- **NONCONFORMING**

Shoreland Protection Ordinance

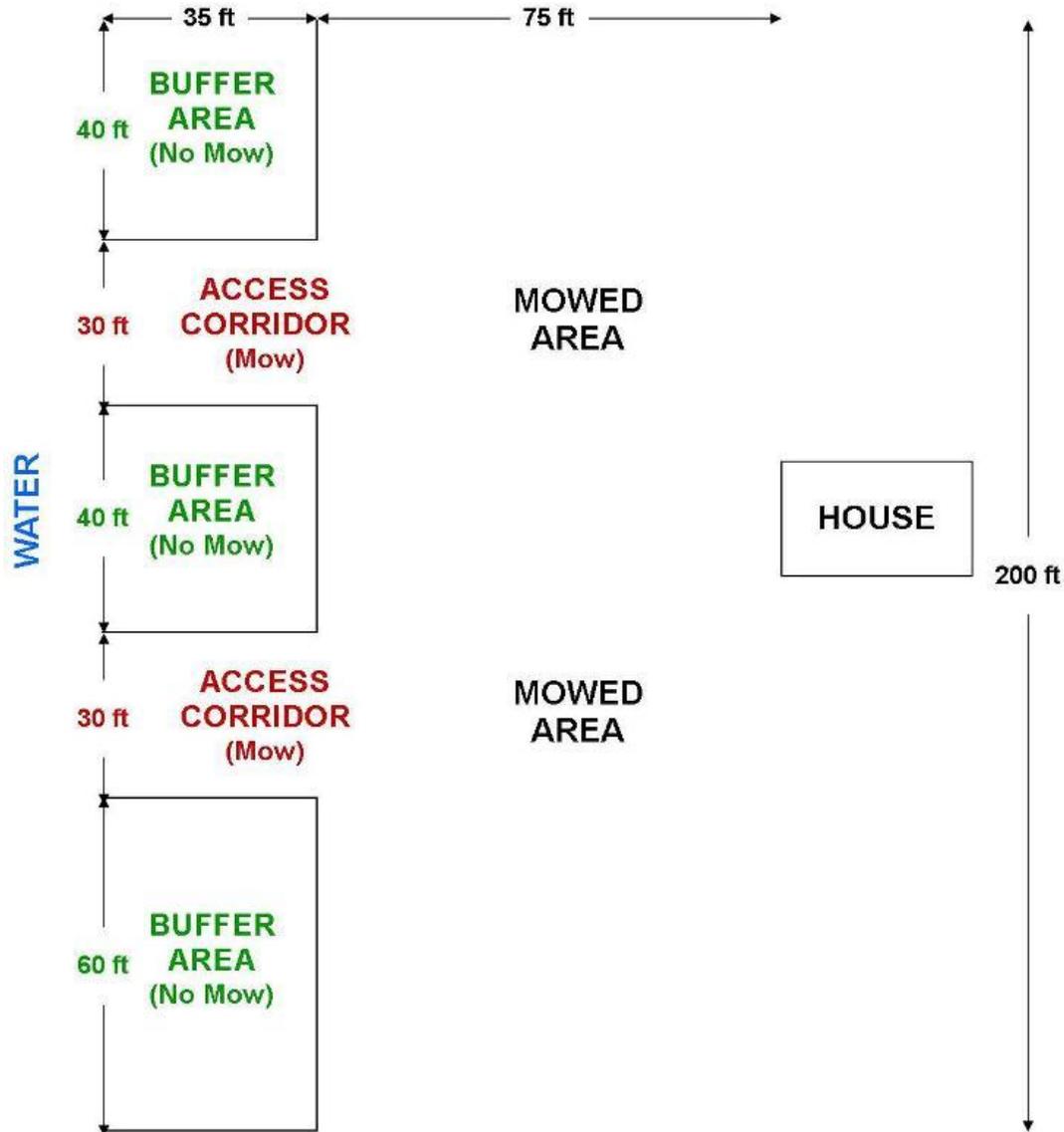
Parcels in Compliance – Section 4

- Applies to all shorelands in the unincorporated areas of Adams County.
- Vegetation paralleling the shoreline extending **35 feet inland** from all points of the ordinary high-water mark, referred to as the buffer area, **shall not be removed** (including tilling) except in the access corridor.
- Access corridor shall be the lesser of **30% of lot width** or **30 feet per 100 feet of width**.

30% of lot width Example



30 feet per 100 feet Example



Buffer Areas for parcels in **Compliance**

- **Grasses in the buffer area may be trimmed to a height of no less than 12 inches**
- **Exception for lots with 30 feet or less of water frontage.**
- **Shoreline stabilization measure contribute to 35 feet buffer requirement.**

View / Access Corridor for Parcels in Compliance

- Shall be a **minimum of 35 feet** between clear cut openings.
- Interpretation relative to beach areas:

Viewing corridor allows for the creation and maintenance of a beach area.

Note: Contact P&Z Dept before creating any beaches because any excavation, filling, grading needs to be permitted as described in Section 5.







Shoreland Protection Ordinance

Parcels in Violation – Section 4

- Those parcels where existing vegetation is **removed within** the 35 feet buffer area and outside of the allowable access corridor.
- Planting plan and maintenance plan **required immediately** to replace the vegetation removed with similar species, size and age according to minimum standards of WI Biology Tech. Note 1.

WI Biology Tech Note 1 Minimum Standards – Woodland Buffer

- 2 or more native trees, 0.5 – 5 / 100 sqft
- 3 or more native shrubs, 1 – 4 / 100 sqft
- Native grass/flower plugs 25 - 75 / 100 sqft
(3 or more species)
or
native grass/flower seed 6 – 12 oz / 1000 sqft
(3 or more species)

WI Biology Tech Note 1 Minimum Standards – Prairie Buffer

- 0 native trees, may have up to 0.2 / 100 sqft
- 2 or more native shrubs, 0.2 – 0.5 / 100 sqft
- Native grass/flower plugs 50-100 / 100 sqft
 (5 or more species)
- or
- native grass/flower seed 6 – 12 oz / 1000 sqft
 (3 or more species)





Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- Nonexistent, inadequate or otherwise ineffective 35 feet shoreline buffer areas as set forth in Section 4 shall be considered nonconforming, unless under existing maintenance or management plan approved by Adams County.

Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- All nonconforming shoreline buffer areas shall be brought into **compliance by September 30, 2013**, unless *NR115 as revised, requires less restoration for compliance.*





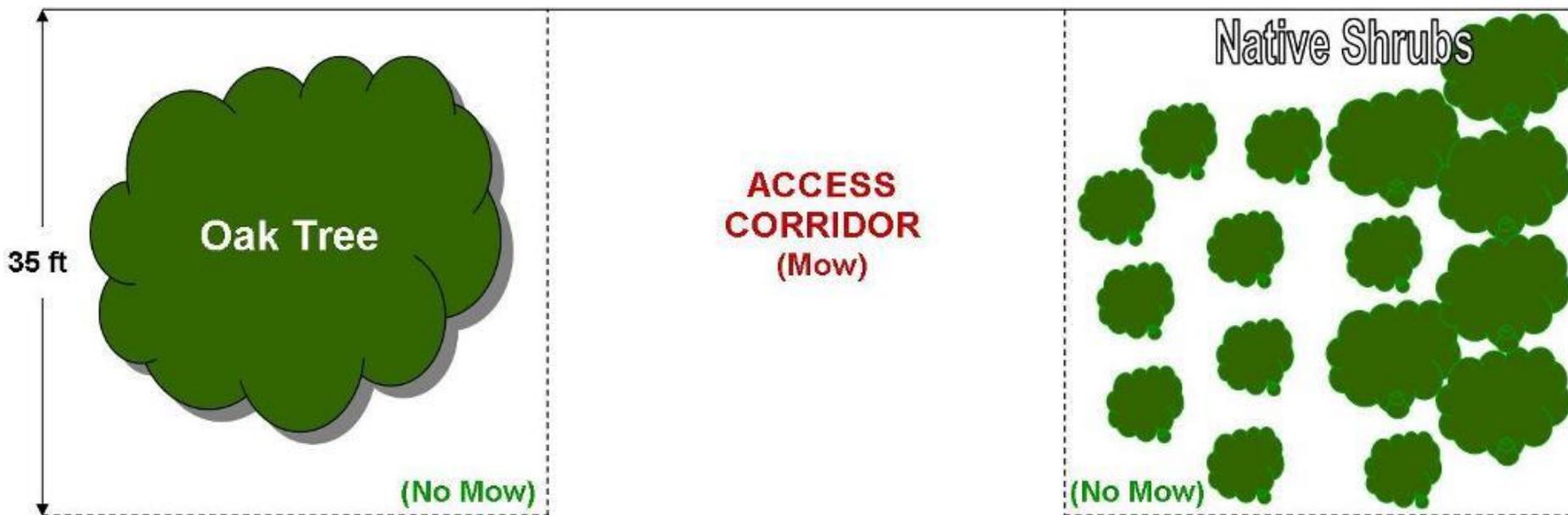
Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

Minimum Standards for compliance:

- Vegetation within 35 feet buffer area shall not be mowed (except for grasses which may be cut to a minimum height of 12 inches), cut tilled or otherwise removed.
- Consist of a minimum 50% native canopy upon maturity.

EXAMPLE OF 50% CANOPY REQUIREMENT USING TREES/SHRUBS

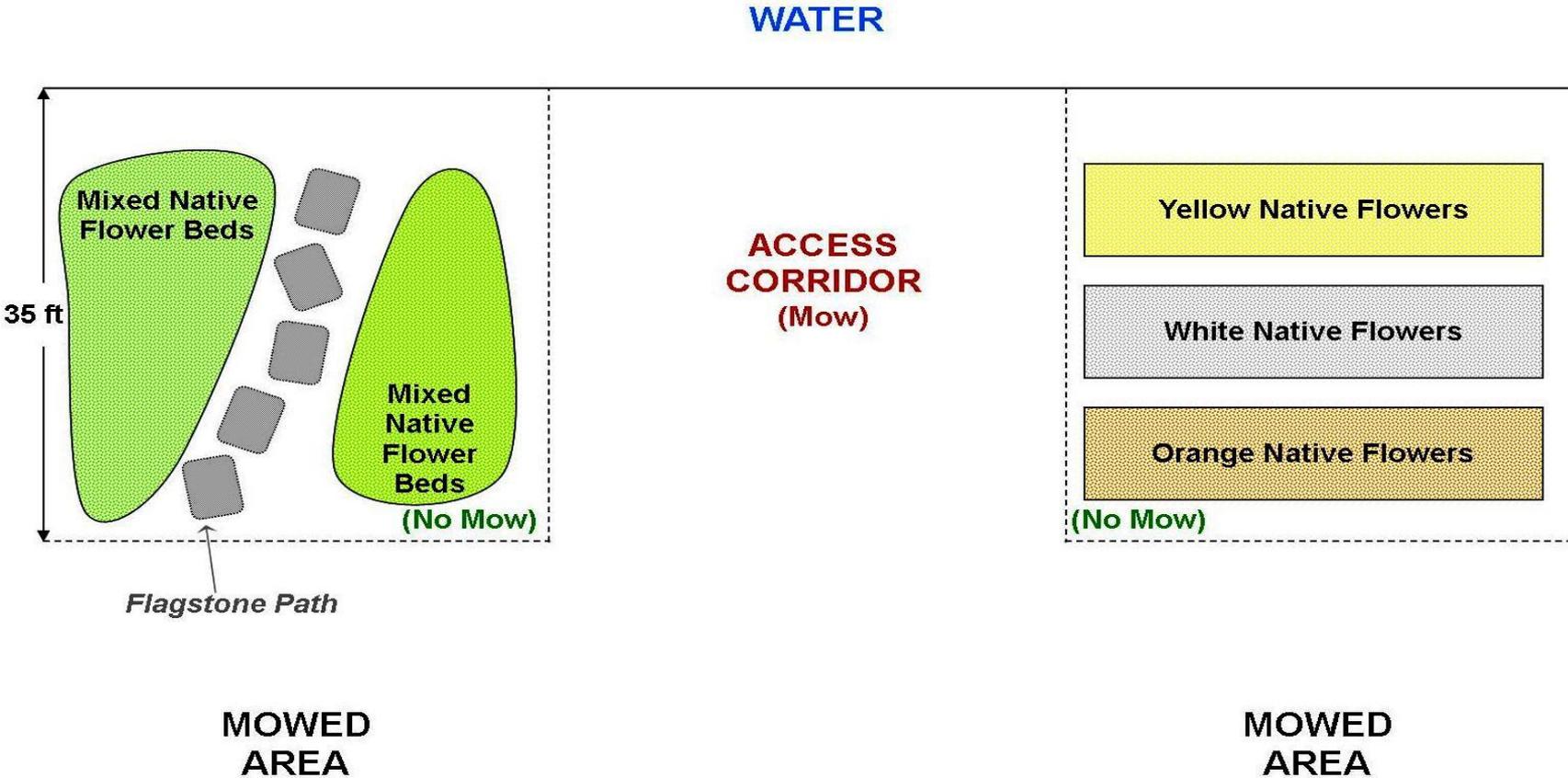
WATER



MOWED
AREA

MOWED
AREA

EXAMPLE OF 50% CANOPY REQUIREMENT USING LANDSCAPING



Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- Cases where **P&Z Dept and LWCD determine** a 35 feet buffer is not practical due to site limitations including but not limited to legal nonconforming setback encroachments, topography, the non-existence of soil, soil inadequacies; **other mitigation measures** capable of serving the purpose of this ordinance such as rain gardens may be implemented in lieu of a portion of the required buffer.

Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- < 35 feet, buffer area shall be a minimum of 33% of distance as measured horizontally from the Ordinary High Water Mark to the primary structure.

View / Access Corridor for Parcels in **Nonconformance**

- Interpretation relative to beach areas:

Existing beach areas outside of the viewing corridor are considered nonconforming and must be converted to vegetated buffer unless a Special Exception Permit to retain the beach area is applied for and granted – Section 5.

Viewing corridor allows for the creation and maintenance of a beach area.

Note: Contact P&Z Dept before creating any beaches because any excavation, filling, grading needs to be permitted as described in Section 5.

Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- In **all such cases** whether a buffer restoration/enhancement and/or other mitigation plan is required;
- **A maintenance agreement shall be approved** by LWCD and P&Z Dept.
- **Maintenance agreement shall be filed** with the LWCD and P&Z Dept.

Costs to Comply

- Minimum standards = \$0 to \$200
- Prairie buffer = \$.15 to \$1.00 / sqft
- Woodland buffer = \$.50 to \$2.00 / sqft
- Landscaped buffer = \$.25 to \$3.00 / sqft
- 70% - 75% Cost share available for native restorations











Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- All nonconforming shoreline buffer areas shall be brought into **compliance by September 30, 2013**, unless *NR115 as revised, requires less restoration for compliance.*

REVISED NR115, JANUARY 2010

- NR115.05(1)(g)1. ‘General rule for nonconforming uses.’ Pursuant to ss. 59.69(10)(a) and 59.692(2)(a), Stats., an ordinance enacted under those provisions may not prohibit the continuation of the lawful use of a building, structure or property, that exists when an ordinance or ordinance amendment takes effect, which is not in conformity with the provisions of the ordinance or amendment.

WHAT'S NEXT?

- **Majority of current Adams Planning and Development Committee members desire buffer compliance.**
- **Define trigger mechanism for nonconforming parcels**
- **Lawful use vs unlawful use during original ordinance**
- **Adams Corporation Counsel and WDNR Counsel communicating to meet oversight committee's desire.**

QUESTIONS

