

9.95 VEGETATION (NR 115.05(1)(c))

- A. Purpose. (NR 115.05(1)(c)1) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: the county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients. Filling, grading and excavating within the vegetative buffer zone is prohibited with the exception of construction of a boathouse, walkway or planting vegetation.
- B. Activities Allowed within the Vegetative Buffer Zone. (NR 15.05(1)(c)2) To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:
1. The county may allow routine maintenance of vegetation.
 2. The county may allow **select cutting removal** of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Wis. Stats. **The minimum vegetation density for trees shall be maintained at 1 tree per 200 sq. ft, evenly spaced with a minimum 4" diameter at breast height (DBH). The minimum vegetation density for shrubs shall be maintained at 3 shrubs per 200 sq. ft, evenly spaced.** The viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width or shoreline frontage owned.
 3. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25 (2)(b), and described in department publication "Wisconsin Forest Management Guidelines" (publication FR- 226), provided that vegetation removal be consistent with these practices.
 4. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
 5. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

6. Shoreline protection activities authorized by a state permit and erosion control measures approved by the county Land Conservation Department which are designed to remedy significant existing erosion problems.

9.96 SHORELAND MITIGATION PLAN

Mitigation (s. 59.692(1v), Wis. Stats, NR 115.05(1)(e)3, (g)5, (g)6) When the county issues a permit requiring mitigation under sections 9.94(A)(2), 9.94(F)(4)(b) and 9.99(C and E), the property owner must submit a complete permit application that is reviewed and approved by the county. 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 evidenced by an instrument recorded in the office of the Register of Deeds.
- C. Mitigation options meeting the requirements of section 9.94(A)(2) “open sided and screened structures,” shall preserve and/or establish a 37.5 feet vegetative buffer zone. A buffer zone at least 37.5 feet from and parallel to the ordinary high water mark shall be planted or restored and maintained with vegetation native to the area. ~~to the fullest practicable extent possible.~~ The minimum vegetation density for trees shall be 1 per 200 sq. ft. evenly spaced with a minimum one inch (1”) diameter, subject to provisions of 9.95. The minimum vegetation density for shrubs shall be 3 per 200 sq. ft. evenly spaced, subject to the provisions of section 9.95.
- D. Mitigation options meeting the requirements of section 9.99(C) and (E). Up to 200 sf lateral expansion or relocation of a nonconforming principal structure located 35 feet to 75 feet from the OHWM:

The property owner shall choose and implement two of the following to meet the mitigation requirements under 9.99(C) and three of the following to meet the mitigation requirements under 9.99(E):

1. Removal of an accessory structure located less than 75 ft from the OHWM.
2. Installation of a rain garden.
3. Installation of one of the impervious surface treatment options under 9.96(E).
4. Removal of an existing beach.
5. Increase depth of 35 ft vegetative buffer to 50 ft (active or passive restoration).
6. Reduce view corridor width to 25% of the shoreline frontage.

Admin. Code. (Note: If the system was evaluated within 3 years and maintenance is up-to-date a new evaluation will not be required.)

9. Establish a buffer zone at least 35 feet from, and parallel to the ordinary high water mark. The buffer shall be planted or restored and maintained with vegetation native to the area. to the fullest practicable extent possible. The minimum vegetation density for trees shall be 1 per 200 sq. ft. evenly spaced with a minimum one inch (1") diameter, subject to provisions of 9.95. The minimum vegetation density for shrubs shall be 3 per 200 sq. ft. evenly spaced, subject to the provisions of section 9.95.

E. Mitigation options for properties exceeding the impervious surface requirements of section 9.94(F)(4). Development that exceeds 15% impervious surface but not more than 30% impervious surface shall be required to utilize one of the following treatment systems in order to offset the impacts of the impervious surface being permitted.

1. Buffer strips
2. Constructed wetlands
3. Depressed pervious area
4. Extended detention ponds
5. Infiltration basins
6. Infiltration trenches
7. Infiltration tubes
8. Rain gardens
9. Rain harvesting systems
10. Vegetated filter strips
11. Vegetated swales/grassed channels
12. Wet detention ponds
13. Wet retention ponds

9.97 SHOREYARD ALTERATION PERMITS AND FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d))

Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Wis. Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

A. Shoreyard Alteration Permit Required

As specified in this section, a shoreyard alteration permit is required for the filling, grading, lagooning, dredging, ditching or excavation of a shoreyard except in the Shoreland-Wetland District (District 11) when done in association with the activities specified in sections 9.91(D)(2). Filling, grading and excavating within the vegetative buffer zone is prohibited with the exception of construction of a boathouse, walkway or planting vegetation. Onsite inspections may be required prior to excavation, during construction and upon completion. Shoreline protection activities authorized by a state permit and erosion control measures approved by