

SHORELAND MITIGATION

WHAT WORKS, WHAT DOESN'T AND WHAT TO CONSIDER

WISCONSIN COUNTY CODE ADMINISTRATORS
2014 FALL CONFERENCE



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VILLAGE OF SUMMIT SHORELAND OFFICIAL



OVERVIEW OF PRESENTATION

- ❑ HISTORY OF THE VILLAGE OF SUMMIT
- ❑ IMPLEMENTATION OF NR 115 COMPLIANT ORDINANCE
- ❑ WHAT WORKS / WHAT DOESN'T
- ❑ MITIGATION PRACTICES AND DOCUMENT CONSIDERATIONS
- ❑ ITEMS TO CONSIDER

VILLAGE OF SUMMIT

BREIF HISTORY:

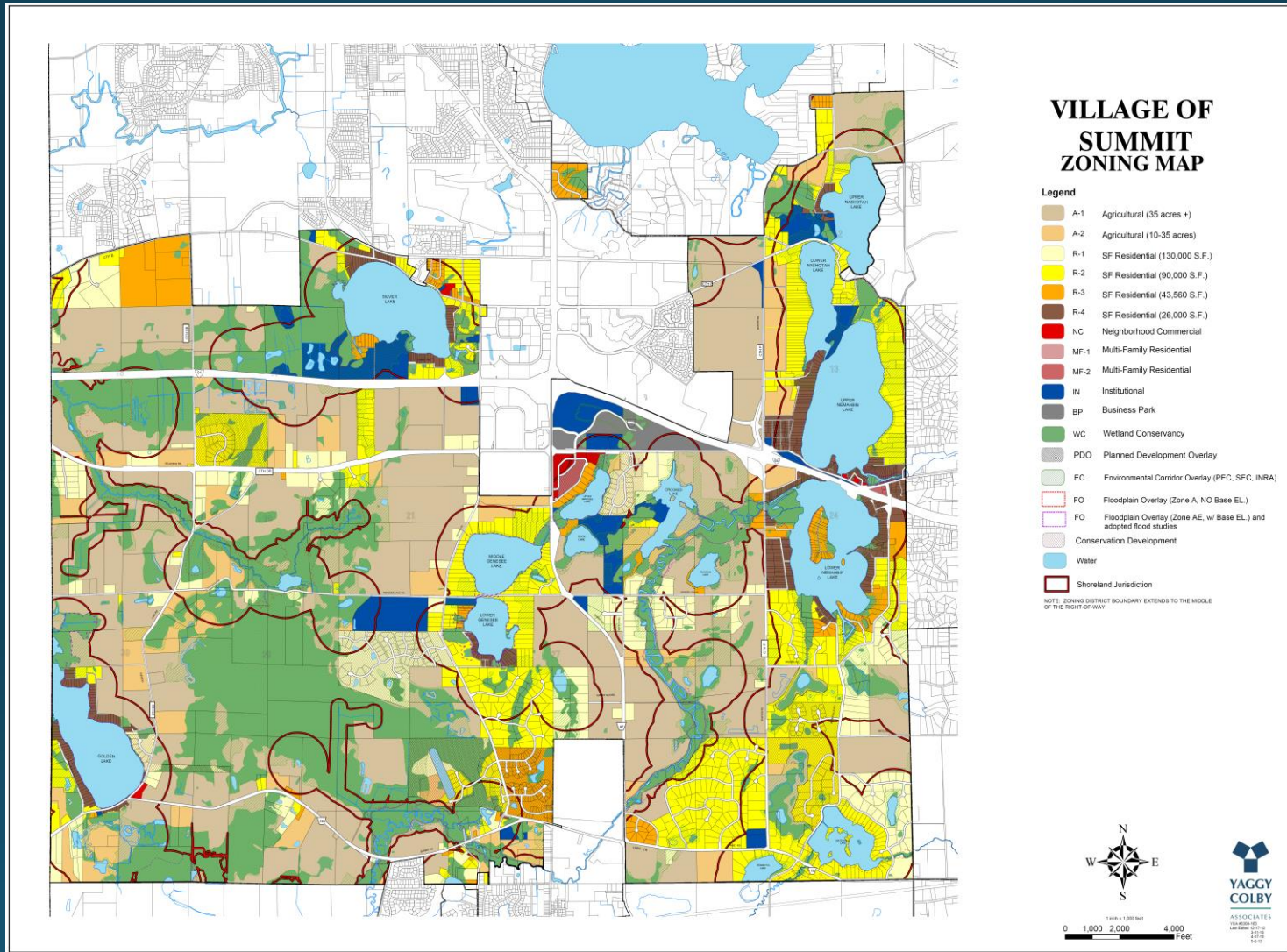
- Town of Summit Incorporated on July 29, 2010 and became the Village of Summit.
- State Statutes (at that time) dictated that the Village of Summit had to enforce County Shoreland regulations or adopt a new shoreland ordinance as restricitive as the County and WDNR standards.
- Village received a Grant from the WDNR to develop a comprehensive Zoning and Shoreland Protection Ordinance and Zoning Map. This took into consideration previous Town, County and current NR 115 regulations.
- On June 10, 2013, the WDNR certified that the Village of Summit's Zoning and Shoreland Protection Ordinance was in current compliance with NR 115 standards.

VILLAGE OF SUMMIT

- POPULATION = 4,695 (1/1/13)
- Covers 28.5 square miles
- 2.8 square miles are covered by water (almost 10% of the Village)
 - 17 Lakes
 - 2 River corridors
 - Large wetland and drainage areas



VILLAGE OF SUMMIT



VILLAGE OF SUMMIT

SHORELINE DEVELOPMENT “URBANIZED”



VILLAGE OF SUMMIT

SHORELINE DEVELOPMENT “PRESERVED NATURAL LANDSCAPE”



VILLAGE OF SUMMIT

ZONING & SHORELAND PROTECTION ORDINANCE VILLAGE DIRECTION

- Protect waters within the Village (adopted Impervious Surface standards in 2005).
- Allow property owners to redevelop properties.
- Make it so the general public can understand.
- Eliminate the Variance process (Administration).

WHAT WORKS, WHAT DOESN'T (THE DO'S & DON'TS)

DO

Significant work on your draft Shoreland Ordinance prior to working on your Mitigation section

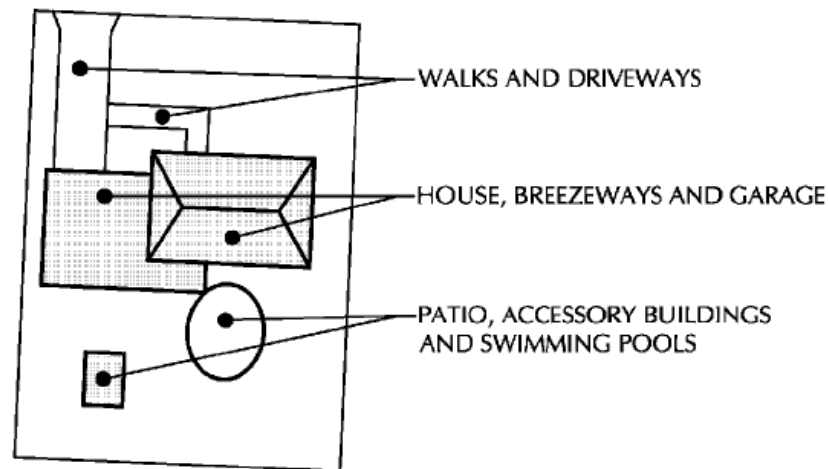
- Non-conforming structures
- Maintenance & Repair
- Impervious Surface

DON'T

Assume old provisions (definitions) will work well within your revised Shoreland Ordinance.

WHAT WORKS, WHAT DOESN'T (THE DO'S & DON'TS)

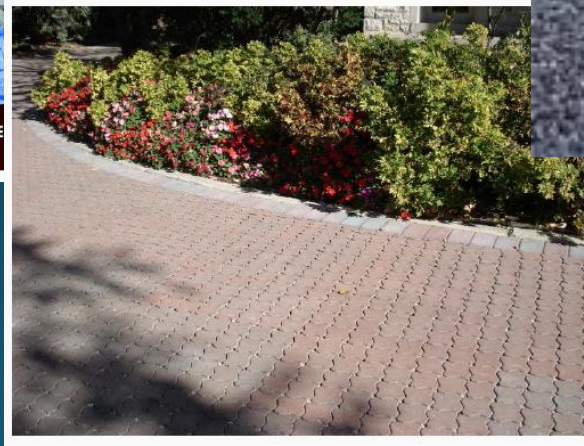
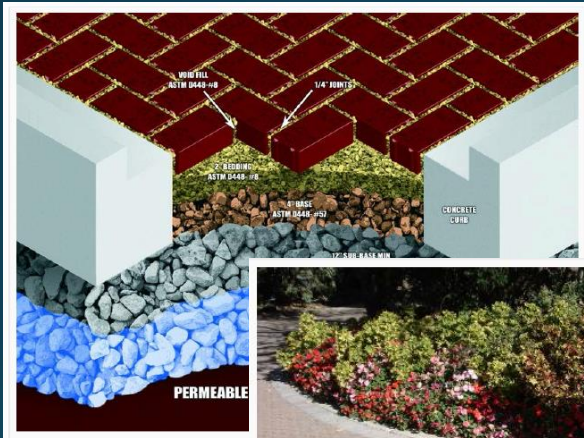
IMPERVIOUS SURFACE — A surface that is not covered with soil or natural vegetation. Such surfaces include areas covered by buildings, porches, decks, patios, terraces and swimming pools, and also include surfaces constructed of asphalt, concrete, gravel composite, brick, stone, tile or any other paving material used for parking, driveways and walkways.



WHAT WORKS, WHAT DOESN'T (THE DO'S & DON'TS)

IMPERVIOUS SURFACE

"A surface that is not covered by soil or natural vegetation."



WHAT WORKS, WHAT DOESN'T (THE DO'S & DON'TS)

DO

Determine if you should utilize the model 2010 WDNR language within the Ordinance, a revised version of this, or a "Mitigation Handbook."

DON'T

Assume the WDNR model language is "sufficient" or adopt a provision similar to another County because "it works well for them."

WHAT WORKS, WHAT DOESN'T

Village Adopted a Mitigation Handbook (Supplemental Document to the Ordinance)

- Identifies when required / who approves.
- Identifies implementation schedule and enforceable obligations.
- Allows for modification from time to time by approval of the Village Board.
- When a mitigation does not meet an approved mitigation practice, either the property owner or staff can request it be sent to the Plan Commission to determine if it meets the standards of mitigation.
- Plan Commission has authority to review appeals to Zoning Administrator's decision (not Board of Adjustment).

WHAT WORKS, WHAT DOESN'T (THE DO'S & DON'TS)

DO

Adopt Mitigation Practices/Measures that address the needs of your County – Community.

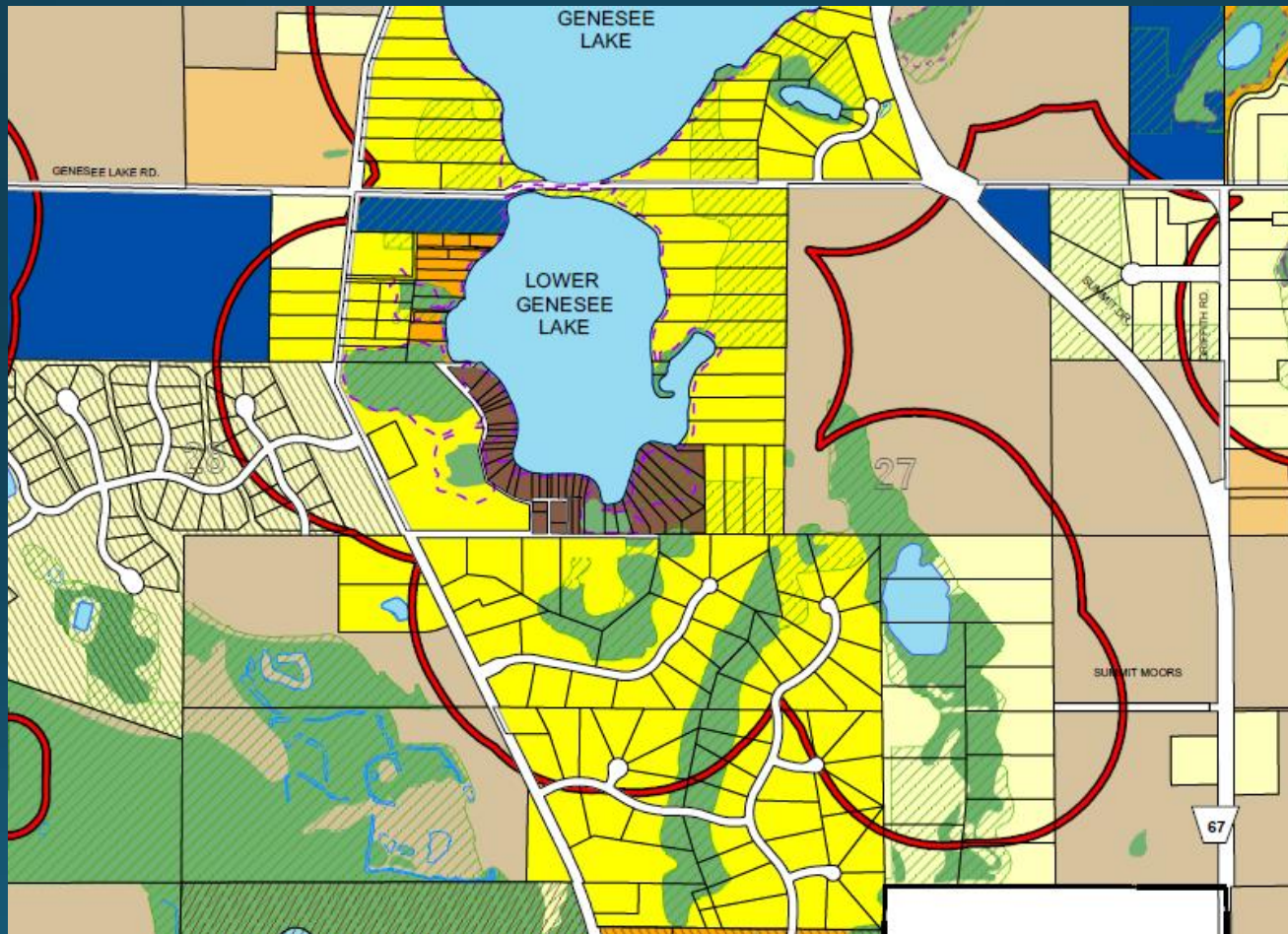
- ☐ Village of Summit is a major groundwater recharge area for Waukesha County.
- ☐ Village adopted Mitigation provisions for the entire Village, both Shoreland and Non-Shoreland areas.

DON'T

Adopt Mitigation provisions similar to a nearby County because “it works well for them.”

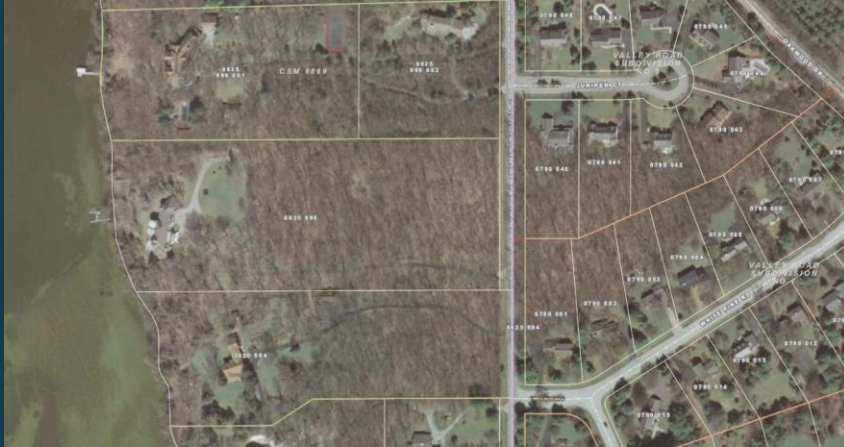
VILLAGE OF SUMMIT

MITIGATION PRACTICES



VILLAGE OF SUMMIT

MITIGATION PRACTICES



Wooded Lot

No Mow



WHAT WORKS, WHAT DOESN'T

(THE DO'S & DON'TS – PERSONAL EXPERIENCES)

DO

Have a face-to-face conversation with the property owner (at some point in the process).

DON'T

Work solely through the contractor.



MITIGATION PRACTICES POINT SYSTEM

WHAT TO CONSIDER:

- How many points are required to be in compliance with the mitigation provisions.
- Lay out the options for the property owner.
- Obtain buy in from property owner regarding the mitigation options.
- Explain mitigation document will be a legally recordable document and will be filed against the property (future title search).
- Have property owner draft and submit a signed letter indicating what options they have chosen for the mitigation plan.
- Determine who will prepare any site specific mitigation plans:
Property owner (contractor) vs County staff.

VILLAGE OF SUMMIT

Mitigation Practices – Point System

Lot Size – If a lot is larger than the prescribed minimum size, a property owner may receive ½ point for each 5,000 sq. ft. over the minimum size.

Shore Setback – Receive 1 point for each 5 feet of additional setback from the shore setback minimum.

Nonconforming Structure, Principal – Removal of a legal non-conforming principal structure.

Nonconforming Structure, Accessory – Removal of a legal non-conforming accessory structure.

Accessory Structure – Removal of a legal conforming accessory structure within 75 feet of the shore.

No structures within 75 feet of the shore – No structures will be constructed within the 75 foot shore setback.

VILLAGE OF SUMMIT

Mitigation Practices - Point System

Shore Improvements – Removal of improvements (beaches, retaining walls, fire pits, fountains, impervious surfaces) within 75 feet of the shore.

Shoreline Stabilization Removal – Removal of all shoreline stabilization materials.

Shoreline Stabilization Modification – Removal of seawall / rip rap and replacement with natural, non-structural stabilization materials.

No Shoreline Stabilization – No shoreline stabilization structures will be constructed on the property.

Public Sewer Connection / New Septic System

Parcel left in natural state and maintained – A portion of the property will be left in a natural state:

20%-40% / 40%-60% / >60%.

VILLAGE OF SUMMIT

Mitigation Practices - Point System

Maintain Existing Natural Buffer within 35 feet of the shore –

Existing vegetation that will be maintained within 35 feet of the shore:

No view corridor / With view corridor.

Planting of a Natural Buffer within 35 feet of the shore (with view corridor allowed).

Rain Garden.

Storm Water Infiltration System.

Rain Gutter Collection System.

Use of Earth-Tone Materials or Colors.

Removal of Shore lighting within 75 feet of the shore (replacement with downcast lighting allowed).

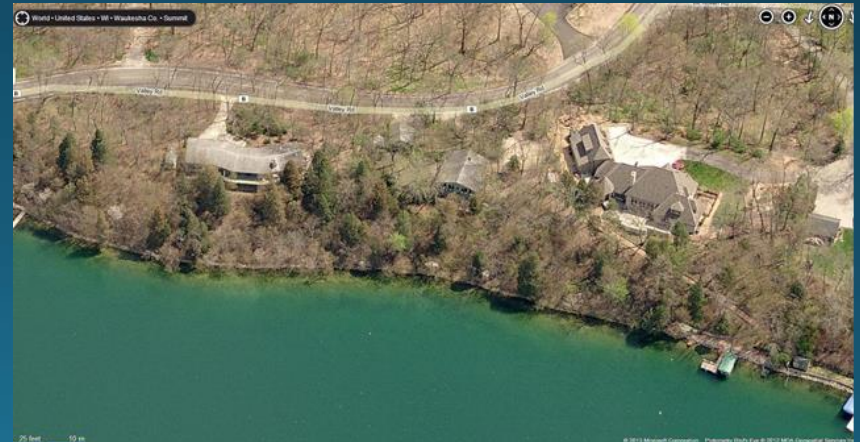
VILLAGE OF SUMMIT

Mitigation Practices - Point System

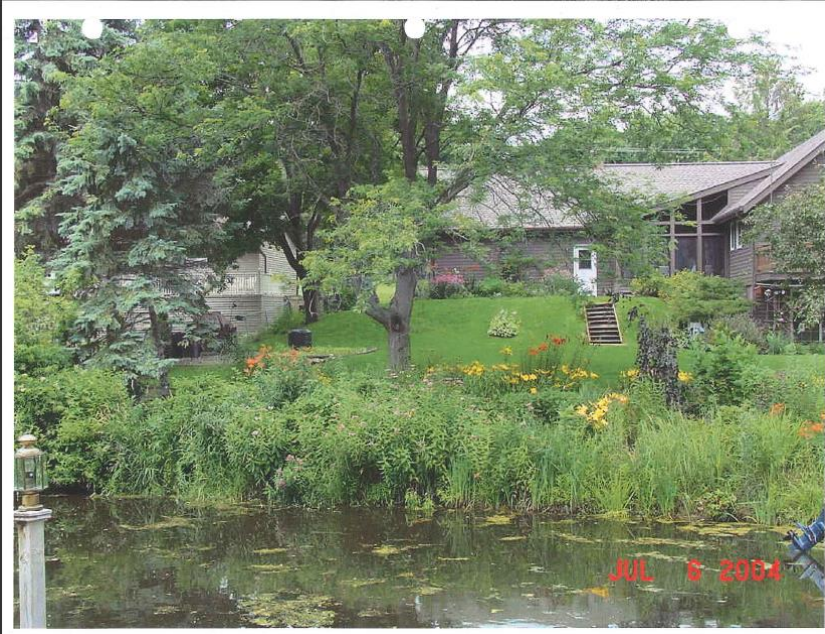
Alternative Method Approved by Zoning Administrator.

- Existing Improvements
 - Infiltration systems.
 - Rock garden.
- Removal of Improvements
 - Water pump in the lake to water the yard.
 - Decking by shore replaced with grass and large stones

MITIGATION PRACTICES VISUAL AIDS



MITIGATION PRACTICES VISUAL AIDS



MITIGATION PRACTICES VISUAL AIDS



MITIGATION PRACTICES VISUAL AIDS



MITIGATION PRACTICES RECORDABLE DOCUMENT

WHAT TO INCLUDE:

- What was permitted as a result of the mitigation plan.
- How mitigation will be accomplished / who will maintain.
- Ramifications of not implementing or maintaining the mitigation plan.
- Specific landscaping plans and surveys recorded?

Many examples of recordable mitigation documents are available from Counties currently utilizing mitigation in their Shoreland Ordinance.

MITIGATION

ADDITIONAL ITEMS TO CONSIDER:

- What happens when the property owner wants to do next improvement (increasing the impervious area from 17% to 22%).
- What are some items that may be impervious but do not require a permit (path or sidewalk 200 feet from the shore).
- Procedure if a property owner exceeds what was permitted (Permeable Surface Agreement).
- With several staff members, how is the public ensured that each staff person considers the “other alternatives as approved by Zoning Administrator” the same in each situation.
- Ensure your mitigation options have staff to implement / follow through.

QUESTIONS?

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