

## SECTION 4.0 - REMOVAL OF SHORE COVER, BUFFER ZONES AND MITIGATION

### 4-1.00 PURPOSE

To protect natural scenic beauty, fish and wildlife habitat, and water quality, Adams County shall regulate removal of vegetation in shoreland areas, consistent with generally accepted forestry management practices and the following 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.

### 4-2.00 MAINTENANCE AND ESTABLISHMENT OF A VEGETATIVE BUFFER ZONE

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, this ordinance designates land that extends from the ordinary high water mark to a minimum of thirty-five (35) feet inland as a vegetative buffer zone and prohibits the removal of vegetation in the vegetative buffer zone except as follows:

- 4-2.01 Trees and shrubs may be removed in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed thirty percent (30%) of the shoreline frontage. Within the access and viewing corridor, a sand recreational area may be maintained with hand tools.

**Note:** If creating a new sand recreational area, all activities must meet Section 5 of this Ordinance.

- 4-2.02 In the remaining seventy percent (70%) length of this strip, vegetation shall be preserved as stated in a maintenance agreement approved by the County. At a minimum, the maintenance agreement shall be on file at the County and shall describe existing vegetation and/or vegetation restored and what activities shall occur to maintain the vegetative buffer zone. Vegetative buffer zones shall consist of a minimum fifty percent (50%) native plant canopy upon maturity. The following maintenance activities are allowed in the vegetative buffer zone:
- (A) Except as provided in paragraph (B) below, on all soils and slopes, routine maintenance of grasses that does not result in the death of the grass plants and does not require earth disturbance may occur to a height of no less than six (6) inches during the period between Memorial Day and Labor Day. Grass maintenance shall not result in a grass height of less than six (6) inches.
  - (B) On all types of sandy soils with a minimum native species tree/shrub population of one plant per one hundred (100) square feet, routine maintenance of grasses that does not result in the death of the grass plants and does not require earth disturbance may occur to a height of three (3) inches during the period between Memorial Day and Labor Day. Grass maintenance shall not result in a grass height of less than three (3) inches.
  - (C) With prior approval of the County, removal of trees and shrubs in the vegetative buffer zone on a parcel with ten (10) or more acres of forested land consistent with "generally accepted forestry management practices" as described in Department publication "Wisconsin Forest management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices;
  - (D) With prior approval of the County, removal of vegetation 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 under the permit be replaced by replanting in the same area as soon as practicable;
  - (E) The County may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this paragraph 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.
- 4-2.03 Natural vegetation shall be preserved to retard runoff, promote infiltration, prevent erosion and preserve natural beauty. If the County determines that re-vegetation is necessary due to removal, ordinance violation or other similar circumstance that undermines the purposes of this Ordinance, vegetation shall be replaced per the Wisconsin Biology Technical Note 1: Shoreland Habitat. Replacement vegetation shall be similar size and age or the most mature plant size reasonably available. A planting and maintenance plan shall be submitted to the County for approval prior to replacing the vegetation.
- 4-2.04 The portions of permitted shoreline stabilization measures located above the ordinary high water mark are acceptable as contributing to the measurement of the thirty-five (35) foot buffer requirement.
- 4-2.05 By July 1, 2015, all lands that extend from the ordinary high water mark to a minimum of thirty-five (35) feet inland that currently do not meet the requirements of Section 4-2.00 above, shall become vegetative buffer zones specifically complying with Section 4-2.01, 4-2.02 or such lands shall be considered to be in violation of this ordinance and be subject to enforcement and penalties as stated in Section 15 of this ordinance. Exception to this requirement are lands that extend from the ordinary high water mark to a minimum of thirty-five (35) feet inland that had no existing vegetation prior to the Adams County Shoreland Protection Ordinance effective date of 1/1/1971.
- 4-2.06 A mitigation plan shall be required when the county issues a permit under Sections: 3-8.04 Maximum Impervious Surface, 6-1.06 Vertical Expansion of Nonconforming Principal Structure and 6-1.08 Replacement or Relocation of Nonconforming Principle Structure.
- 4-2.07 As determined by Adams County, in cases where a thirty-five (35) ft. buffer is not practical due to site limitations including but not limited to legal nonconforming setback encroachments, topography, the non-existence of soil (e.g. bedrock), soil inadequacies; other mitigation measures capable of serving the purposes of this Ordinance such as rain gardens shall be implemented in lieu of complying with the requirements in Section 4. If less than a thirty-five (35) ft. buffer is to be established, the buffer area shall be at a minimum, thirty-three percent (33%) of the distance as measured horizontally from the Ordinary High Water Mark to the primary structure or other limiting obstruction.