

Mandatory Mitigation for Expanding Legal Pre-existing Structures

What is mitigation?

Mitigation is a practice that will aid in the protection of water quality. With an expansion or substantial improvement to a structure, two mitigation activities are mandatory. In particular, a thirty-five foot native vegetation buffer will be restored from the OHWM and extend landward. Native vegetation provides filtering and infiltration or runoff and doesn't require fertilizer or chemical applications. The buffer will minimally consist of dense ground-layer native vegetation. Shrubs and trees are can be planted at the property owner's option. Any existing vegetation in the buffer cannot be removed, except for selective pruning of noxious weeds and exotic vegetation. 30% of the buffer can be used for access. The access area shall be vegetated, can be mowed, but not fertilized. The primary structure is allowed a 15 ft. perimeter of lawn, even if the lawn extends into the buffer; however, one mitigation point is assigned if the perimeter of lawn extends into the buffer. The second mitigation activity will be the inspection of the property's septic system and placement on the three year maintenance inspection cycle. If the septic system is found to be failing, the system shall be brought up to the standards of current code.

In short, if a property owner wants to expand their structures to the total footprint limit, they can, so long as the 35 ft. native vegetation buffer is restored and the septic system is inspected, brought up to code if found to be failing, and put on the three year maintenance cycle.

Additional Mitigation for Expanding Legal Pre-existing Structures Beyond the Total Footprint Limit

Expanding beyond the total footprint

If a property owner wants to expand beyond the total footprint limit, the owner must perform other mitigation activities for every 100 sq. ft. beyond the total footprint limit. In particular, one mitigation point is assigned for every 100 sq. ft. of expansion beyond the total footprint limit. Therefore, the two mandatory mitigation activities would be employed, plus the needed amount of additional mitigation. The property owner has a choice as to how the additional mitigation points will be met. Below is a list of mitigation activities eligible to meet the mitigation points assigned.

Mandatory Mitigation includes:

1. Installing and maintaining a 35 ft. natural vegetated buffer in the primary buffer zone.
2. Septic system will be inspected on a regular basis (3 year cycle). Immediate inspection of septic system for failure. If found to be failing, septic systems will be brought up to code.

**Additional Mitigation activities (required when expanding beyond total footprint limit).
Property owner chooses which activities they will do.**

3. ½ pt. For passive restoration of each additional 100 sq. ft. of shoreline buffer in the access area.
1 pt. For active restoration of each additional 100 sq. ft. of shoreline buffer in the access area.
4. ½ pt. For passive restoration of each additional 100 sq. ft. of shoreline buffer beyond 35 ft. from OHWM.
1 pt. For active restoration of each additional 100 sq. ft. of shoreline buffer beyond 35 ft. from OHWM.
5. ½ pt. Passive restoration of 100 sq. ft. of native vegetation within 100 ft. of structure (max of 1.5 pts.)
1 pt. Active restoration of 100 sq. ft. of native vegetation within 100 ft. of structure (max of 3 pts.)
6. 1 pt. Directing runoff from impervious surfaces to existing naturally vegetated areas.
7. 1 pt. For removal of each 100 sq. ft of structure (such as decks, gazebos, boathouses, garages and bunkhouses) within 35 ft. of the OHWM.
8. 1 pt. Moving nonconforming boathouses into conforming status; 3 feet from the OHWM
9. ½ pt. All permanent outdoor lighting, if it exists, be down focused, shielded, not flashing
10. ½ pt. Using natural looking exterior colors for structures.
11. 3 pts. Conversion of lawn to raingardens in accordance with UWEX publication GWZ037 Rain Gardens a how to manual for homeowners and directing runoff from impervious surface to raingardens.
Raingarden definition – Excavated area of natural vegetation to which surface water runoff is directed with the purpose of slowing and filtering runoff and allowing for runoff infiltration.
12. ½ - 3 pt. Suggested activities deemed appropriate by Oconto County staff.
13. 1 pt. Install rain gutters/down spouts to divert water to a naturally vegetated area or raingarden.

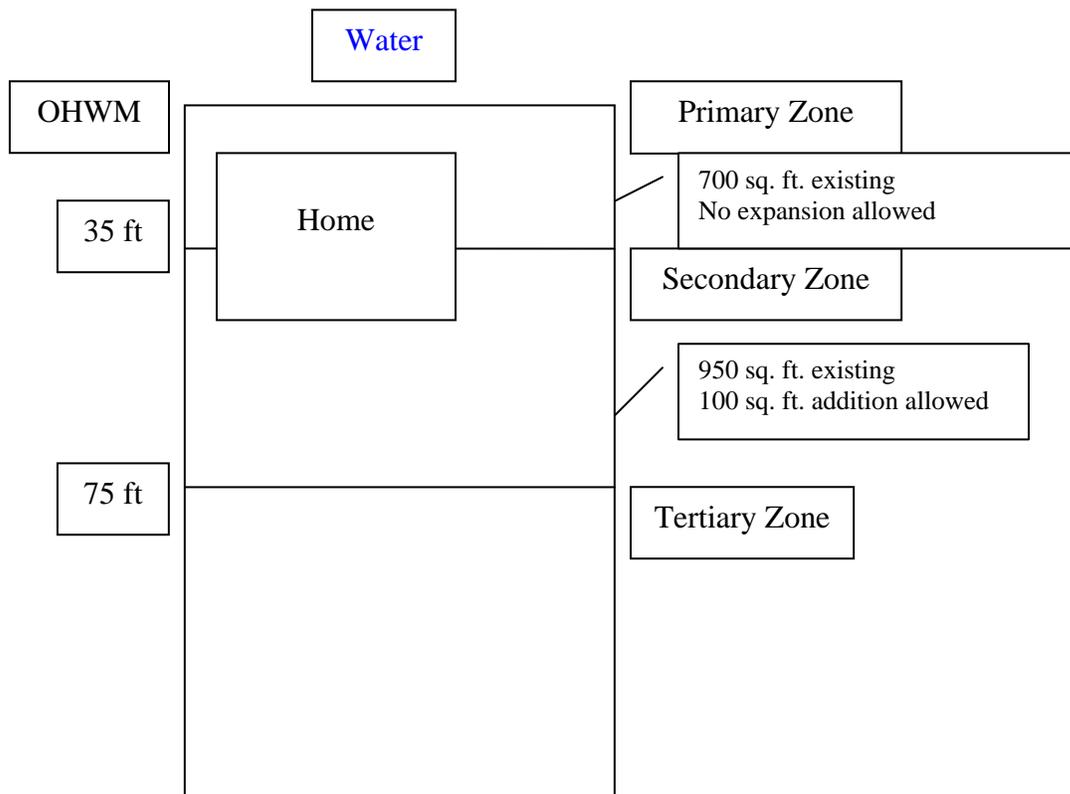
Total Footprint Limit For Expansion of Legal Pre-existing Structures

Total Footprint Limit Design

Illustrated through lots on Class 3 waters

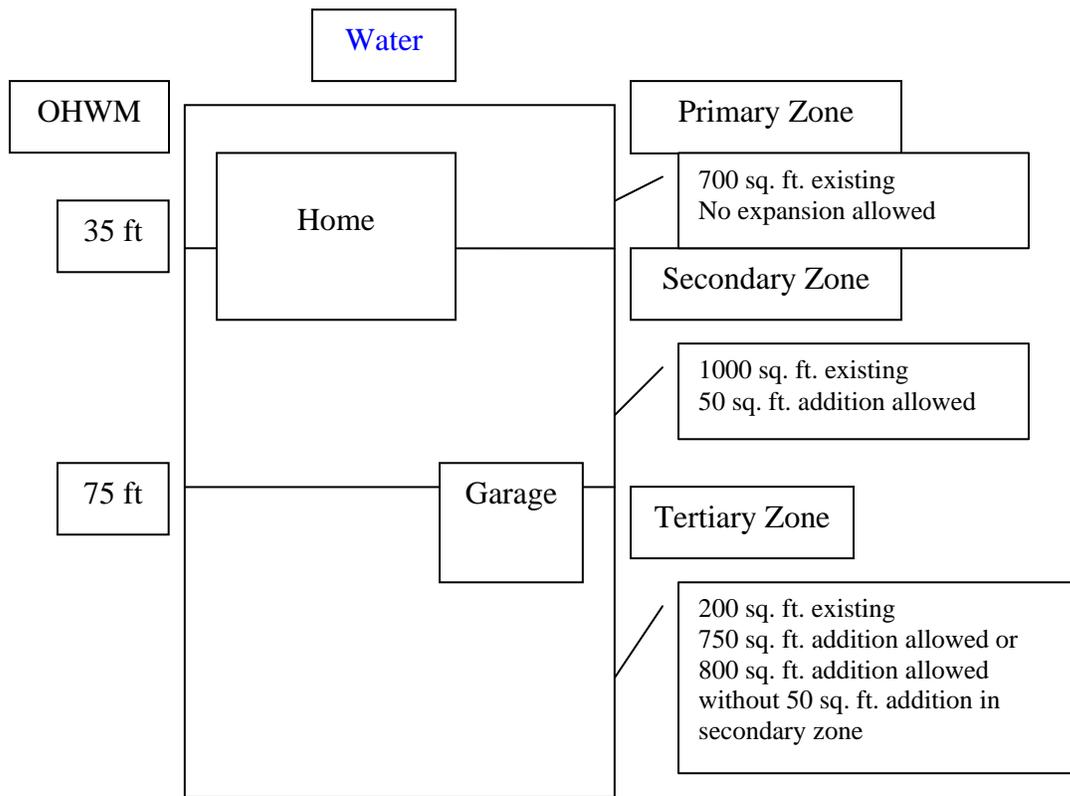
The total footprint limit for the primary and secondary zones is 1750 sq. ft. This means that no more than 1750 sq. ft. of structure can exist in those zones. The total footprint limit for the primary, secondary, and tertiary zones is 2700sq. ft. This means that no more than 2700 sq. ft. of structure can exist in those zones. Remember, no expansion is allowed in the primary zone. Though several illustrated examples, the total footprint limit and appropriate expansions will become clearer. First example, see Figure 4.

Figure 4 Expansion of 1650 sq. ft. in the primary and secondary zones



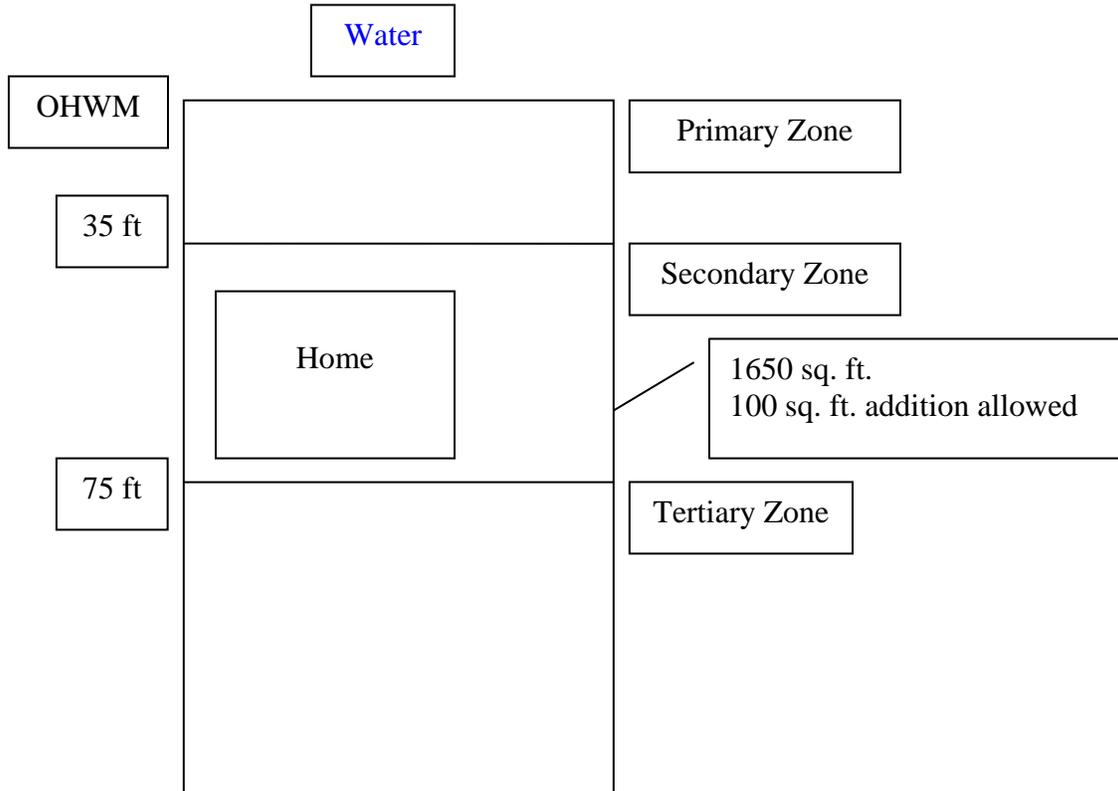
Continuing with the first example, see Figure 5, the property now has a 250 sq. ft. garage in the secondary and tertiary zones. The garage has 50 sq. ft. in the secondary zone and 200 sq. ft. in the tertiary zone. Now, the footprint in the primary and secondary zones is 1700 sq. ft., allowing 50 sq. ft. of expansion to either the home or garage in the secondary zone, and 750 sq. ft. to the garage in the tertiary zone. However, if no addition is made in the secondary zone, then the garage can be expanded by 800 sq. ft. in the tertiary zone.

Figure 5 Expansion of 1700 sq. ft. in the primary, secondary, and tertiary zones



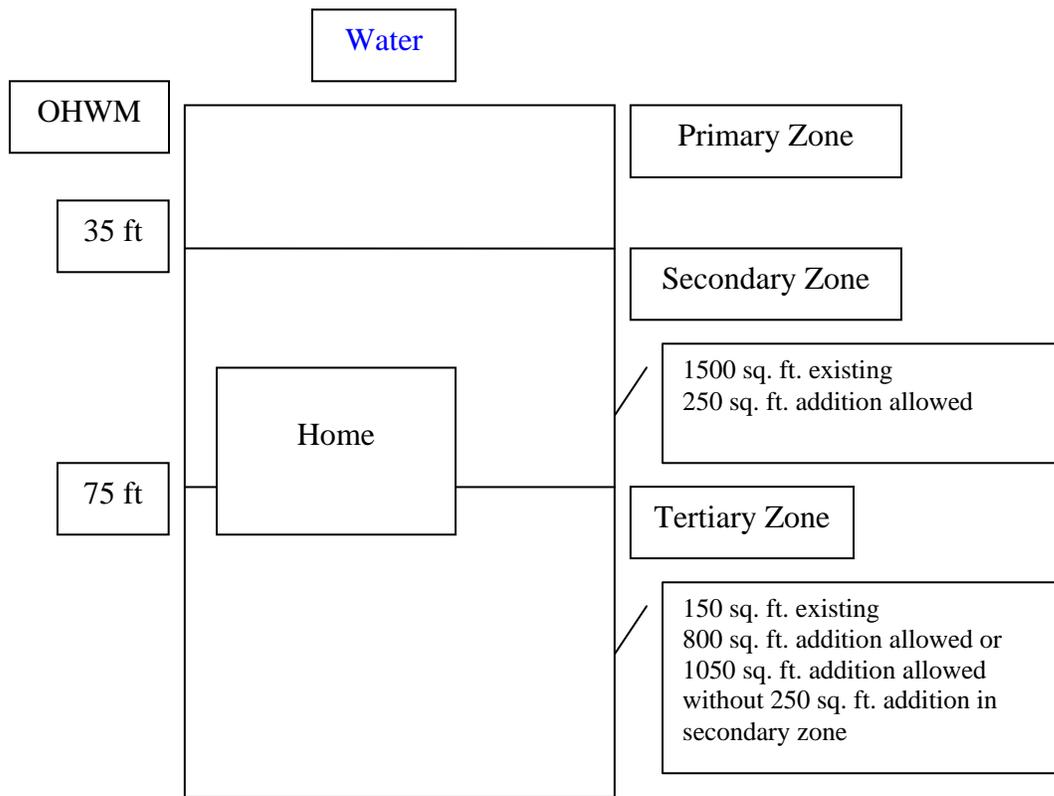
A third example shows a 1650 sq. ft. home just in the secondary zone, see Figure 6. The property owner can expand another 100 sq. ft. before exceeding the total footprint limit.

Figure 6 Expansion of 1650 sq. ft. in secondary zone



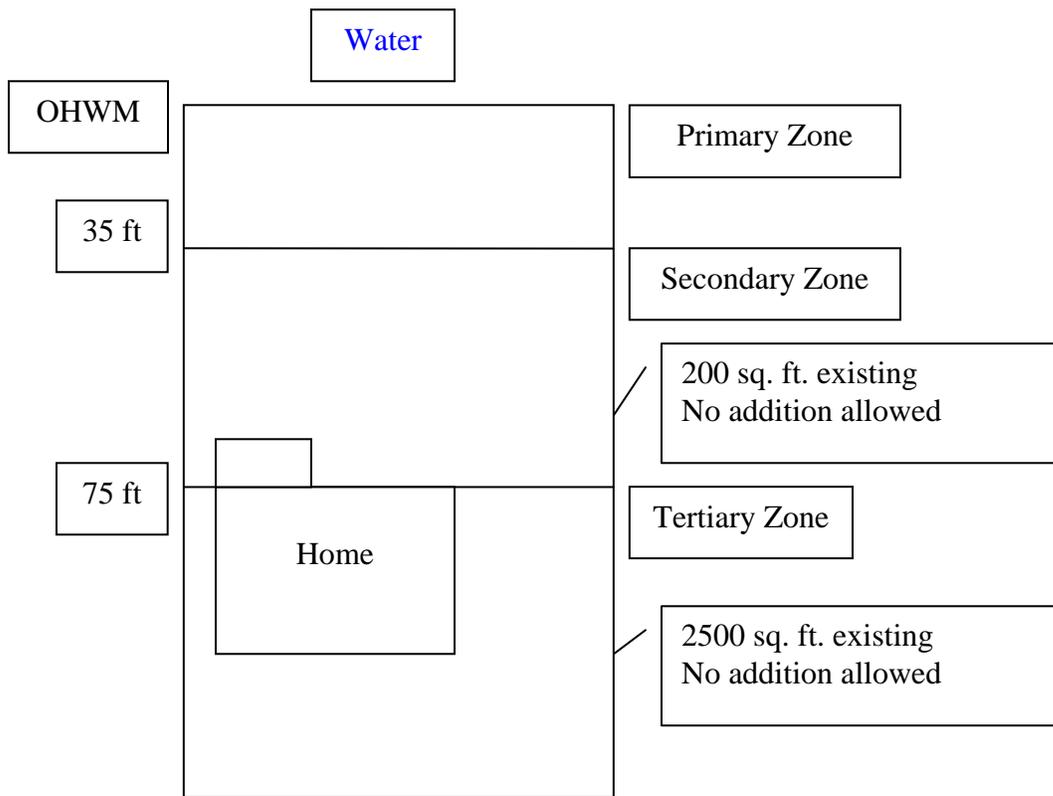
Let's continue with the third example illustrated in Figure 6, see Figure 7. If the home has 1500 sq. ft. in the secondary zone and 150 sq. ft. in the tertiary zone, 250 sq. ft. can be added in the secondary zone (giving a total footprint of 1750 sq. ft. in the primary and secondary zones) and another 800 sq. ft. can be added to the structure in the tertiary zone (giving a total footprint of 2700 sq. ft. in the primary, secondary, and tertiary zones). Or, 1050 sq. ft. can be added in the tertiary zone, giving a total footprint of 2700 sq. ft. See Figure 7.

Figure 7 Expansion of 1650 sq. ft. in secondary and tertiary zones



A fourth example is illustrated by Figure 8. The total footprint is 2700 sq. ft. A home has a 2500 sq. ft. footprint in the tertiary zone and a 200 sq. ft. footprint in the secondary zone. Any expansion would exceed the total footprint limit of 2700 sq. ft. for the primary, secondary, and tertiary zones. Despite the fact that only 200 sq. ft. exists in the secondary zone (the primary and secondary zone total footprint limit is 1750 sq. ft.) and is below 1750 sq. ft., the primary, secondary, and tertiary zone total footprint limit of 2700 sq. ft. has been met.

Figure 8 Expansion of 2700 sq. ft. in secondary and tertiary zones



A fifth example is illustrated by Figure 9. The property has a footprint of 2200 sq. ft. A shed of 200 sq. ft. is in the secondary zone and a home of 2000 sq. ft. is in the tertiary zone. The shed and the home can be expanded in any combination of 500 sq. ft. However, the property owner only wants to expand the home and expand it greater than the 500 sq. ft. that is allowed by the 2700 sq. ft. total footprint limit. By moving the 200 sq. ft. shed out of the secondary zone into the tertiary zone, and creating a lot where all structures are in the tertiary zone, the total footprint limit does not apply.

Figure 9 Expansion of 2200 sq. ft. in secondary and tertiary zones

