

## Mitigation Summary Sheet

### **Definition: NR115.03(4r)**

Mitigation means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

### **Applicability**

#### ***Impervious Surfaces: NR115.05(1)(e)3***

- Mitigation is required when the Impervious Surface (IS) limits fall within the below % ranges:

#### **Percent IS requiring mitigation**

| <b>“Rural”<br/>Shorelines</b> | <b>Highly Developed<br/>Shorelines (Residential)</b> | <b>Highly Developed Shorelines<br/>(Commercial)</b> |
|-------------------------------|--|---|
| >15% - 30%                    | >30% - 40%   | >40% - 60%  |

- A Variance is required when the above IS% limits are exceeded
- The repair, replacement, or relocation of existing IS does not require mitigation.

#### ***Nonconforming Principal Structures: NR115.05(1)(g)5 & 6, as modified by Wis. Stats. 59.692***

- Mitigation is required for a lateral expansion within the shore setback (200 sq. ft. max. allowed).
- Mitigation is required for the relocation of a structure within the shore setback. Relocation is only available when no other more conforming location is available to accommodate a similar sized structure.

In order to make the above improvements to nonconforming structures, the following must be met:

- The existing principal structure must be located at least 35 ft. from the OHWM.
- No portion of the addition or relocated structure may be closer than the closest point of the existing structure.

### **Permitting Requirements: NR115.05(1)(e) and (g)**

- A mitigation plan shall be provided by the property owner and be reviewed/approved by the County. An implementation deadline shall be established as part of permit issuance.
- A mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the County determines are adequate to offset the impacts of the permitted activity on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- Mitigation measures shall be proportionate to the amount and impacts of the structure or impervious surfaces being permitted.
- The obligations of the property owner shall be evidenced by an instrument recorded in the office of the Register of Deeds.

### **Proposed Mitigation Approach Developed by County Staff**

Staff recommends that the ordinance incorporate the above standards and refer to a Mitigation Handbook that will provide options and standards for mitigation practices. The Waukesha County Park and Planning Commission would be charged with approving the handbook and subsequent amendments.