

# WALWORTH COUNTY



## ZONING AND LAND CONSERVATION STANDARDS FOR SHORELAND VEGETATION REMOVAL

- If vegetation removal meets the criteria of the certification form for Vegetation Removal Exemption, please complete and sign the exemption form and return to County Land Use.
- If vegetation removal exceeds exemption criteria, please complete the Vegetation Removal Permit, sign and return to County Land Use, with applicable fee.

# WALWORTH COUNTY SHOREYARD VEGETATION PERMIT REQUIREMENTS

CHAPTER 74 OF THE WALWORTH COUNTY CODE OR ORDINANCES (SHORELAND ZONING), WALWORTH COUNTY, WISCONSIN REQUIRES THE REVIEW OF VEGETATION REMOVAL WITHIN THE SHORELAND JURISDICTION.

- VEGETATION REMOVAL SHALL BE CONDUCTED IN ACCORDANCE WITH WALWORTH COUNTY'S CONSERVATION STANDARDS AND SHALL REQUIRE A COUNTY APPROVED CONSERVATION PLAN AND PERMIT. County conservation standards are technical standards adopted by the land conservation committee and include the Wisconsin Field Office Technical Guide, Section IV, Conservation Standards and Construction Standards, the Wisconsin Construction Site Best Management Handbook, Wisconsin storm water manual and other standards approved by the land conservation committee.

- THE COUNTY ZONING ADMINISTRATOR MAY, WHERE APPROPRIATE, REQUIRE AN APPLICANT TO FURNISH A SURETY TO ENABLE THE COUNTY TO CARRY OUT LAND RESTORATION WORK IN THE EVENT OF DEFAULT BY THE APPLICANT IN CARRYING OUT AN APPROVED CONSERVATION PLAN. THE AMOUNT OF SUCH SURETY SHALL BE DETERMINED BY THE ZONING ADMINISTRATOR, AND THE FORM AND TYPE OF ALL SURETIES SHALL BE APPROVED BY THE COUNTY ZONING AGENCY.

- The county zoning administrator may, as appropriate, request a review of the proposed vegetation removal or earth movement activity by the Wisconsin Department of Natural Resources, the USDA Natural Resource Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a county permit but not to exceed thirty (30) days.

- All vegetation removal and earth movement activities shall be so conducted as to prevent erosion and sedimentation and preserve the natural scenic beauty of the county. Natural vegetation, especially woody cover, in the area closest to the water is crucial for fish and riparian wildlife.

**On those lands within 35 feet of the ordinary high-water mark, vegetation removal and/or land disturbing activities are prohibited (no touch zone), with the following exceptions subject to county approved conservation plan and permit:**

1. All earth movement activities within 75 feet of the ordinary high water mark shall be limited to minimal grade changes and only if it is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and preserves the natural shoreline beauty.

2. Vegetation removal for the creation of a view/access corridor. The corridor shall not exceed 40 feet or 30 percent of the lot or parcel's width at the ordinary high water mark, whichever is less, on lots or parcels of lands with 200 feet or less of width at the ordinary high water mark, implemented in increments of 30 feet in every 100 feet of lot width.

a. A conditional use permit approved by the county zoning agency is required to exceed limits.

3. On lots or parcels of land with more than 200 feet of width at the ordinary high water mark, the total width of the corridor or corridors shall not exceed 20 percent of the lot or parcels width at the ordinary high water mark. In no case shall this corridor be less than 35' in width.

a. A conditional use permit approved by the county zoning agency is required to exceed limits.

4. Vegetation removal for the location of those structures permitted within the shoreyard.

5. For those shoreline protection projects authorized by a DNR permit provided that erosion control measure are designed to remedy significant and existing erosion problems.

6. Vegetation removal along a farm drainage ditch provided the removal is part of drainage ditch maintenance work that is conducted consistent with the requirements of Chapter 88 of Wisconsin Statutes and if the land conservation division determines that soil and water conservation practices are sufficient and no pollution is occurring on the site.

7. Selective removal of exotic, invasive, damaged vegetation or vegetation that must be removed to control disease or poses an imminent safety hazard provided the vegetation is replaced with comparable species of native plants approved by the County Land Conservation Division.

8. Natural areas management with a DNR approved management plan that was developed by a professional natural resource manager to satisfy the purposes of Wis. Stats. 281.31(1) and (6).

9. Prescribed burns of greater than 150 linear feet of shoreline with a plan approved by the land conservation division provided the project can not be accomplished by selective removal in accordance with subsection (7) above and further provided it is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and preserves the natural shoreline beauty. Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural shoreline beauty.

**Beyond the 35 foot strip, a county approved conservation plan and permit shall be required for projects within 300 feet of the OHWM (ordinary high-water mark) and which are either (1) on slopes more than 20% (2) larger than 1000 square feet on slopes of 12-20% or (3) larger than 2000 square feet on slopes less than 12%.**

100 W. Walworth St. P.O. Box 1001 ELKHORN, WI 53121 PH.NO. 262-741-4972	<b>WALWORTH COUNTY</b>	<b>FEE: PAYABLE TO: WALWORTH COUNTY</b>
	<b>SHORELAND VEGETATION REMOVAL PERMIT</b>	
PERMIT NUMBER		TAX KEY NUMBER
PROJECT LOCATION (street address)		
OWNERS NAME	MAILING ADDRESS	TELEPHONE NO./FAX
CONTRACTOR'S NAME	MAILING ADDRESS	TELEPHONE NO./FAX
COMPLETE THE FOLLOWING: (ATTACH A SEPARATE SHEET IF NECESSARY)		
PLAN OF VEGETATION TO BE REMOVED WITHIN 35 FEET OF THE SHORE _____		
PLAN OF VEGETATION TO BE REMOVED BEYOND 35 FEET OF THE SHORE _____		
WILL LAND DISTURBANCE OCCUR WITH VEGETATION REMOVAL?      YES      NO		
PURPOSE FOR REMOVAL OF VEGETATION? _____		
<input type="checkbox"/> A SITE PLAN/MAP (DRAWN TO SCALE) IS REQUIRED AS AN ATTACHMENT		
<input type="checkbox"/> ATTACH A LANDSCAPE/CONSERVATION PLAN (if applicable)		
<input type="checkbox"/> ATTACH PHOTOS		
<input type="checkbox"/> PROJECT DESCRIPTION:		
THE OWNER/APPLICANT AGREES TO COMPLY WITH THE WALWORTH COUNTY CODE OF ORDINANCES (Chapter 74) AND WITH THE CONDITIONS OF THIS PERMIT; UNDERSTANDS THAT THE ISSUANCE OF THE PERMIT CREATED NO LEGAL LIABILITY, EXPRESS OR IMPLIED OF THE DEPARTMENT, MUNICIPALITY, AGENCY OR INSPECTOR; AND CERTIFIES THAT ALL THE ABOVE INFORMATION IS ACCURATE.		
OWNERS SIGNATURE:		DATE:
<b>**OFFICE USE ONLY**</b>		
CONDITIONS OF APPROVAL: THIS PERMIT IS ISSUED PURSUANT TO THE FOLLOWING CONDITIONS. FAILURE TO COMPLY MAY RESULT IN SUSPENSION OR REVOCATION OF PERMIT OR OTHER PENALTY.		
ZONING:		
CONSERVATION:		DATE:

# Walworth County Shoreland Vegetation Removal Exemption Certificate

By signing this shoreland vegetation removal exemption form, the property owner or authorized representative of the owner is certifying that the vegetation to be removed on the site identified below will meet the exemption criteria in accordance with the Walworth County Code of Ordinances.

## VEGETATION TO BE REMOVED

Type \_\_\_\_\_

Reason (please check all that apply)

- Dead\*
- Dying\*
- Diseased\*
- Poses a safety hazard to pedestrian or vehicular traffic, buildings or structures, or threatens to cause disruption to public utility services
- Prevents access to a lot or parcel of land
- Unreasonably prevents development of a lot or parcel of land or the physical use thereof
- Damaged or weakened by age, storm, fire or other cause
- Removal is part of an ongoing planting and harvesting project

Explanation (what kind of disease/damage caused by/replacement details/etc.)

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\*Exempt vegetation removal shall not require vegetation replacement, but may require certification by a licensed arborist or other person qualified to diagnose vegetation health status.

### Please include with this form:

- **Photo(s) of vegetation to be removed**
- **Site plan or plat of survey identifying the number and location of proposed vegetation removal & replacement (when applicable)**
- **Arborist certification (when applicable)**
- **Vegetation replacement details (when applicable)**
- **Ground Disturbance as part of project, including stump grinding- *please submit a Walworth County Erosion and Sediment Control Permit Application***

Owner's Name: \_\_\_\_\_ Tax Parcel #: \_\_\_\_\_

Site Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

I, \_\_\_\_\_ certify that I understand the criteria for exemption of Shoreland Vegetation removal and will abide by the regulations of Walworth County governing my Shoreland Vegetation removal request. Date: \_\_\_\_\_

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### Department Review

Zoning: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Conservation: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions: \_\_\_\_\_

# Application/Request for Conservation Plan Approval for Vegetation Removal

Land Conservation Division  
100 W. Walworth – Room 222  
Elkhorn, WI 53121  
Phone: 262.741-4972 Fax: 262.741-4973

Authority: Chapter 26-74, Walworth County Code of Ordinances  
Conservation Plan Approval for Vegetation Removal  
Walworth County Website: [www.co.walworth.wi.us](http://www.co.walworth.wi.us)

**Applicant Name:** \_\_\_\_\_  
Print Name

**Landscaper:** \_\_\_\_\_  
Contractor: Print Name

**Address :** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City State Zip**

**City State Zip**

**Phone: Cell:** \_\_\_\_\_

**Phone: Cell:** \_\_\_\_\_

**Fax: email:** \_\_\_\_\_

**Fax: email:** \_\_\_\_\_

**Required Submittal Items: ( If not applicable, mark NA. Check if attached.)**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Land Development Plan        | <input type="checkbox"/> Photographs (existing conditions) | <input type="checkbox"/> Prescribed Burn Plan      |
| <input type="checkbox"/> Scaled Project Site Plan Map | <input type="checkbox"/> Conservation Plan (See Checklist) | <input type="checkbox"/> Zoning Permit Application |

**Project Location: Municipality:** \_\_\_\_\_ **Section:** \_\_\_\_\_ **Tax Key Parcel #:** \_\_\_\_\_

**Project Site Address:** \_\_\_\_\_ **Shoreland: Yes No**

**Name of the initial downstream receiving water from the project site:** \_\_\_\_\_ (Lake/stream name)

**Purpose of Vegetation Removal;** \_\_\_\_\_

**Method (s) of Treatment:**  Manual  Chemical  Biological  Prescribed Burn (attach plan)

I certify that I am the owner or the authorized representative of the owner of the property that is subject to this Conservation Plan Approval. I certify that the information contained on this form and on the attachments is true, accurate and complete. I agree to comply with all applicable codes, statues and ordinances and the conditions of this plan approval. I understand that the approval of the conservation plan creates no legal liability, expressed or implied of the Walworth County Land Use and Resource Management Department.

The applicant/landowner understands by submitting this application, Walworth County staff may enter upon the parcel, as described above, for the purpose of obtaining information necessary to review the conservation plan, prepare the conservation plan approval and inspect vegetation removal activities.

I authorize: \_\_\_\_\_ (name) to serve as my representative for the purposes of the preparation and review of the conservation Plan for vegetation removal.

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Office Use Only:**

**Conservation Plan Reviewed by:** \_\_\_\_\_ (name)

**Conservation Plan Approved:** \_\_\_\_\_ (date)

**Plan Approval Conditions Attached.**

Base Fee: \_\_\_\_\_

Compliance Inspection Fee: \_\_\_\_\_

Other Fee: \_\_\_\_\_

**Total Fee**

Receipt #

# Vegetation Removal Conservation Plan Check List

A Conservation Plan for vegetation removal activities includes site plan maps, narratives, drawings, job sheets or other instructions and details of the area (s) proposed for vegetation removal. The following elements are the minimum requirements for preparing a Conservation Plan when vegetation removal is required to meet County Conservation Standards.

- 1. Description of the intended purpose** of the proposed vegetation removal area, (examples: water view or access corridor, manage noxious and invasive species, restore native plant community, conduct land surveying, and soil investigations for future development.) and the method of treatment, (examples: manual removal, chemical treatment, biological treatment, or controlled fire.)
- 2. A scaled site maps showing the location** (s) of the proposed vegetation removal area delineated, (treatment area). If parcel is a waterfront property, mark the 35 foot line from the ordinary high water mark of any body of water and Identify and label any stairways, pathways, piers or other structures, if present. **Show areas to be left undisturbed.** Show drainage ways, wetlands, steep slopes, environmental corridor and any environmentally sensitive features present on the parcel. Show the location of soil borings, or site preparation work, if proposed. Submit the approved subdivision plat, if this removal of vegetation is planned in advance of the land disturbing construction or development activities.
- 3. Prepare a list of the plant species present (by scientific name),distribution and count,** transect line location and **number and description of the targeted tree, shrub and forb species to be cut and cleared.**
- 4. Describe and include instructions of the **vegetation removal (treatment) methods.**
  - ◆ Types of equipment used on the project site.
  - ◆ Schedule and sequence of vegetation removal (treatment) tasks and procedures.
  - ◆ Herbicide Name, if used, rate of application, date of application, mixing instruction, (if applicable or reference to label instructions).
  - ◆ Biological agent, (if used) timing, duration and intensity of grazing or browsing, requirements when using insects or plants as control agents.
  - ◆ Prepare and submit a controlled burn plan complying with County Conservation Standards, if proposed.
- 5. Identify methods and locations for the disposal of cut vegetation.
- 6. Identify and locate **access sites** to the treatment areas on the project site plan. New temporary access driveways may require a County-approved Construction Site Erosion Control Plan and conform with Wisconsin Conservation Practice Code # 1957, Stone Tracking Pad and Tire Washing.
- 7. Identify and locate all **erosion control methods** to be used on the project area; these methods can include, mulching, silt fencing, geo-textile covering or matting
- 8. Replanting Plans**
  - ◆ Replanting location(s) shown on a scaled site plan.
  - ◆ Listing by species (by scientific name) density, and maturity
  - ◆ Planting methods, including site preparation instructions,
  - ◆ Mulching or matting specifications
  - ◆ Prepare a planting schedule
  - ◆ Care and handling of plant materials
  - ◆ Watering plan
- 9. Evaluation and Maintenance Plan.** Include a narrative to insure that sufficient monitoring and maintenance of the project area is undertaken and spot treatment or re-treatment is conducted. (for example, mowing or weeding to achieve desired plant community).
- 10. A project schedule, phasing and sequencing plan.
- 11. Treatment areas with severe or limiting site conditions, such slope, soils, or wetness, may require additional site planning information and considerations.



# *Waking Up to Wetlands Know Before You Buy or Build*

*A helpful guide for determining wetlands*

In accordance with Wisconsin State Statute 59.691, the information provided herein is to give you notice regarding potential Wetlands. You are responsible for complying with State and Federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetlands Identification Web Page or contact a Department of Natural Resources Service Center.

I (applicant) acknowledge notice of this wetland information.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Wetlands may not be obvious. You can take some simple steps to learn if property you're interested in buying or building on has these valuable natural resources that are protected by law.

In addition, all the maps and other information you need can be found on DNR's website at [dnr.wi.gov/wetlands](http://dnr.wi.gov/wetlands). Click on *Getting Started*.

### *Step 1: Review Maps*

If the maps show a wetland or a potential wetland, consult a wetland professional to verify that you have a wetland and to identify its boundaries.

### *Step 2: Put Boots on the Ground*

Walk the property with this checklist\*, and look for wetland clues. Photos of common plants, wetland soils and evidence of water can be viewed on DNR's website on the *Physical Clues* page.

\*This checklist is not intended to represent an inclusive listing of all wetland characteristics, but is a rough guide. You must get a professional to verify a wetland is present and determine wetland boundaries.

### *Step 3: Explore Your Options*

If the maps indicate wetlands and/or you answered "Yes" to any wetland clue questions, a wetland is likely present.

**If you're buying land**, please consider completing a wetland real estate addendum, found at DNR's website and attach it to your offer to purchase. This addendum allows more time to consult with a professional to verify if a wetland is present and if so, you can renegotiate or rescind your offer.

**If you're planning to build on land you already own**, consult a wetland professional to verify wetlands and mark their boundaries so you can plan your project to avoid them. If you can't avoid them, apply for state and federal permits detailed on DNR's website and contact your local government to see if any local rules apply. Half of Wisconsin's original wetlands have been destroyed, so permit applications are reviewed carefully and are not automatically granted.

Wetlands are wonderlands that are great places to enjoy and explore. Some wetlands may be in poor health making them good candidates for landowners who want to restore or enhance them. To learn more visit DNR's website.

## *Wetland Clues Checklist*

### *Is there evidence of water?*

Yes No

- Are there ponds, lakes, streams, springs or seeps?
- Are there "low spots" where water collects or the ground is soggy for at least a week?
- Are there drainage channels or has the site been ditched or tiled in spots to "dry it out?"
- If the site is a farm field, are there areas where crops do not grow or the plants are stunted or yellowing during years with normal rainfall?
- Are there water marks or stains on tree trunks?
- Do trees have a shallow root system?
- Are there areas where water has scoured away plants and leaves, flattened vegetation or where no vegetation is growing?
- Are sticks, leaves, soil and other debris deposited by water in a line on plants and trees?

### *Are water-loving plants present?*

Yes No

- Are these plants present: cattails, reed canary grass, sedges, rushes, blue flag iris, joe-pye-weed, new england aster, sensitive fern, skunk cabbage or sphagnum moss?
- Are these shrubs present: dogwoods, willows, alder, leatherleaf, spiraea or blueberry?
- Are these trees present: willows, silver maple, box elder, black or green ash, cottonwood, elm, balsam fir, tamarack or spruce?
- Do plants have roots growing from their stems above the soil?
- Do trees have multiple trunks or are the trunks expanded or swollen at the base?

### *Are there wet soils or signs of them?*

Dig a hole down 20 inches:

Yes No

- Is the soil dark brown or black?
- Does the soil feel moist or can you squeeze out water?
- Is the soil primarily peat (decaying plants) or muck?
- Does the hole fill partially with water or does water trickle down the sides?
- Is the soil gray, gray-blue or gray-green or marked with reddish or yellowish spots or dark streaks?
- Are there crayfish burrows -- mounds of dirt with a hole?