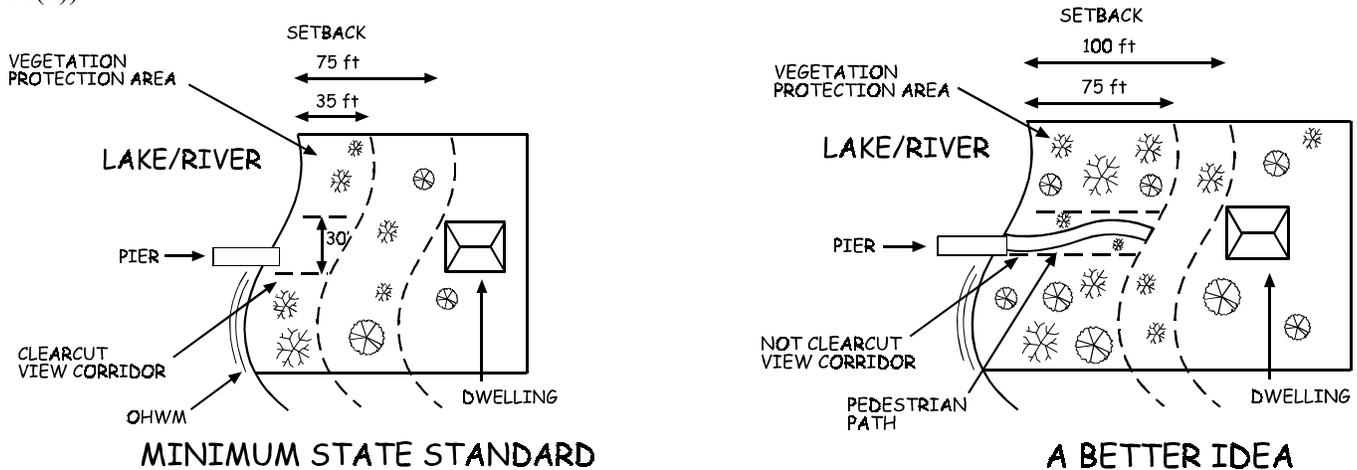


SHORELINE BUFFER ZONES AND SETBACKS

(fact sheet #5 of the Shoreland Management and Lake Classification Series)

ISSUE:

Definitions: The **ordinary high water mark (OHWM)** means the point on the bank or shore where the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic (Wis. Admin. Code § NR 115.03(6)).



Vegetated shorelines, heavy in brush, trees and diverse ground cover and larger setbacks:

- ❖ Stabilize the shoreline and help prevent runoff pollution from entering the waterway;
- ❖ Provide habitat for fish, birds and other wildlife;
- ❖ Normalize air and water temperature extremes in nearshore areas and within stream corridors, resulting in improved aquatic habitat; and
- ❖ Preserve a naturally beautiful shoreline.

MINIMUM STATE STANDARD:

Current minimum zoning standards require that in an area parallel to the ordinary high water mark (OHWM) extending 35 feet inland, **no more than 30 feet in any 100 feet of shoreline may be clear cut**. The result of this standard is that even if only two trees are left standing outside the permitted clear cut zone, the property will fall within current standards, to the detriment of wildlife habitat and water quality protection. Current zoning standards also require that **structures be set back at least 75 feet** from the OHWM (Wis. Admin. Code § NR 115.05(3)(c)).

OPTIONS:

Setback management should be considered in conjunction with revised standards for vegetation removal.

Leaving more shoreline vegetation intact will create a shoreline buffer which is more effective in curbing runoff pollution, providing for wildlife habitat, and preserving natural scenic beauty. Potential management strategies for creating a shoreline which provides homes for critters while protecting water quality are as follows:

1. Clear cut standard modification and larger vegetation protection area

Several counties have included more specific language in their ordinance regarding what kind of vegetation may be cut within the buffer zone or vegetation protection area (determined by measuring from the OHWM or from the building setback) and within the view corridor. These counties recognize that trees, shrubbery and ground cover are important to protect natural scenic beauty, wildlife habitat, and good water quality.

Potential performance standards for shoreline vegetation protection:

- ❖ Provide that within the vegetation protection area, or within 35 feet of the OHWM (and outside the view corridor), **dead, diseased or dying trees may be removed** only if they constitute a hazard.

- ❖ Modify “clear cut” standard for view corridor to provide that only a fraction of shore cover may be removed and the view corridor **shall not be clear cut**.
- ❖ **Specify the degree of vegetation which may be removed** within certain zones (i.e. 30% between 35 and 75 feet of the OHWM).
- ❖ Specify that within the area which may be cut, **no clearing of vegetation shall produce a clear cut** or open area in excess of a certain width (i.e. 30 feet).
- ❖ Require that land uses be **screened as viewed from the water** and that the scenic beauty of the shoreline be maintained.
- ❖ **Designate a pedestrian access path** of a certain width (i.e. 4 feet) within the viewing corridor.
- ❖ **Confine piers and wharves**, boathouses, shelters and lifts to view corridor.
- ❖ **Limit clear cut zone to 10 feet in width**.

2. Expansion of buffer zones

- ❖ Kenosha, Barron, Langlade, Waupaca, Marinette and Sheboygan counties apply shoreline cutting restrictions to expanded areas, ranging from 50 to 100 feet from the ordinary high water mark.

3. Expansion of buffer zones on specific bodies of water/classes of water

- ❖ Larger buffer zones may apply to specific bodies of water or in areas with unique ecological characteristics. Waushara County provides that the 35 foot strip from the OHWM where the clearcutting regulation is in effect is expanded to 60 feet in shorelands adjacent to Class I, II, and III trout streams.

4. Drainageway and wetland setbacks

- ❖ A county may provide that all buildings and structures be set back at least 40 feet from the landward edge of nonnavigable streams, wetlands and drainageways.

5. Larger setbacks

- ❖ Larger setbacks in combination with more shoreline vegetation left intact can create a shoreline buffer which is more effective in curbing runoff pollution, providing for wildlife habitat, and preserving natural scenic beauty.

EXAMPLE: For counties engaged in a lake classification project, setbacks and vegetation removal areas may vary with class.

	Class 1 (most protected)	Class 2	Class 3 (least protected)	Rivers/streams
Shore setback	125 feet	100 feet	75 feet	100 feet
Vegetation protection area	100 feet	75 feet	50 feet	75 feet

To learn about the value of a shoreline buffer for resource protection and wildlife habitat, see fact sheet #4.

References and other sources of assistance:

Standing, B.H, Bernthal, T.W. and Jones, S.A. 1997. Shoreland Zoning Resource Guide: An Annotated Model Shoreland Zoning Ordinance, Wisconsin Department of Natural Resources, Madison.

For examples of ordinances recently adopted which address these issues, contact:

Langlade County: Becky Frisch (zoning administrator) (715-627-6206)

Waupaca County: David Rosenfeldt (zoning administrator) (715-258-6255)

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For more information, contact your regional Department of Natural Resources lake coordinator, the Wisconsin Association of Lakes [800/542-5253] or UWEX/UW-Stevens Point [715/346-2116].