This indenture, made by ___________________________ and their successors in interest hereinafter, called "owner", own the following described parcel(s) of land in the State of Wisconsin: (provide legal description or location of property)

Execution of this affidavit is required to obtain a Zoning permit from the Waushara County Zoning Office documenting compliance with NR115 and the Waushara County Shoreland Zoning Code, and will be recorded in the Register of Deeds for Waushara County and shall be considered a restrictive covenant.

MITIGATION POINTS REQUIRED___________

☐ 2 Pts Code Compliant POWTS  
Attachment to be recorded: Sanitary Permit OR Evaluation

☐ 2 Pts Removal of all non-conforming structures that do not meet required water setbacks  
Nonconforming Structures to be removed: NONE OR (LIST NONCONFORMING STRUCTURES TO BE REMOVED)

☐ 2 Pts Code compliant shoreline vegetation protection area  
Attachment to be recorded: Approved revegetation plan OR Documentation that existing vegetation meets standards As determined by the Waushara County Land Conservation Department.

☐ 1 Pt Code compliant shoreline protection area twice as deep as required  
Attachment to be recorded: Approved revegetation plan OR Documentation that existing vegetation meets standards As determined by the Waushara County Land Conservation Department.

☐ 4 Pts Replacement or relocation of principal structure to most code compliant location relative to water setback.  
Attachment to be recorded: Site Plan

☐ 1 Pt Voluntary Reduction in Impervious Surface Limits  
Attachment to be recorded: Site Plan

☐ 1 Pt Voluntary Reduction in Height of Principal Structure  
Attachment to be recorded: Site Plan

☐ 1 Pt Voluntary Reduction in Viewing Corridor Width  
Attachment to be recorded: Approved revegetation plan OR Documentation that existing vegetation meets standards As determined by the Waushara County Land Conservation Department.

☐ 2 Pts No net increase in stormwater  
Attachment to be recorded: Zoning and/or Land Conservation Department documentation of no net increase.  
Post construction stormwater retention plan must be reviewed and approved.

☐ 2 Pts "0" stormwater runoff  
Attachment to be recorded: Zoning and/or Land Conservation Department documentation of no net increase.  
Post construction stormwater retention plan must be reviewed and approved.

Owner: ___________________________  
Print Name(s) ___________________________  
Signature(s) ___________________________

Owner: ___________________________  
Print Name(s) ___________________________  
Signature(s) ___________________________

Subscribed and sworn to before me on ____ day of _____________, 20____

Notary Public

My commission expires:_____________

THIS INSTRUMENT DRAFTED BY: ZONING OFFICE
SHORELAND ACTIVITIES WHICH REQUIRE A MITIGATION PLAN

Section 58-903(s)(2)(b)
Lateral expansion of principal structure if principal structure is greater than 35’ to OHWM but less than required water setbacks
Required mitigation points: 6
(Mitigation Items #1 and #2 are mandatory)

Section 58-903(s)(2)(d)
Re-location of principal structure within the existing building envelope, if principal structure is greater than 35’ to OHWM but less than required water setbacks (providing no other compliant location exists)
Required mitigation points: 6
(Mitigation Item #1 is mandatory)

Section 58-903(q)(3)(r)
Impervious surfaces increase greater than 15% but less than 30% of the lot area within 300’ of the ordinary high water mark
Required mitigation points: 4

MITIGATION ITEMS AND POINT VALUES

1. Code compliant POWTS*
   2 mitigation points

2. Removal of all non-conforming structures that do not meet required water setbacks*
   2 mitigation points

3. Code compliant shoreline vegetation protection area*
   2 mitigation points

4. Code compliant shoreline protection area twice as deep as required*
   1 mitigation point

5. Re-location of principal structure to the most code compliant location relative to the water setback (applies to Section 58-903(s)(2)(d) only)*
   4 mitigation points

6. Voluntary reduction in impervious surface limit*
   1 mitigation point

7. Voluntary Reduction in Height of Principal Structure*
   1 mitigation point

8. Voluntary Reduction in Viewing Corridor Width *
   1 mitigation point

9. No net increase in stormwater runoff*
   2 mitigation points

10. “0” stormwater runoff*
    2 mitigation points

*See page 2 of appendix for detailed explanation of mitigation items.

Mitigation Points are cumulative. For example: A site with a code compliant shoreline protection area twice as deep as required would get 1 point for the extra buffer area, as well as 2 points for the standard code compliant vegetation protection area, for a total of 3 points.
1. Code compliant POWTS – A written and approved verification that all Private Onsite Wastewater Treatment System (POWTS) on the lot or parcel comply with all requirements of Comm 83, Wisconsin Administrative Code, and Chapter 54, Waushara County Private Utilities Code, other than sizing requirements, or proper connection is verified to municipal sewer. Acceptable written verification includes either a sanitary permit on file in the zoning office with a signed inspection by Waushara County Land Conservation and Zoning Department staff, or written verification from a Wisconsin Master Plumber, Master Plumber-Restricted Sewer, Journeyman Plumber, Journeyman Plumber-Restricted Sewer, POWTS Inspector, or Certified Soil Tester, or installation of a new system meeting these requirements, or an approved sanitary permit may be substituted with installation of the POWTS to take place within the life of the land use permit.

2. Removal of other non-conforming structures that do not meet required water setbacks – Removal of all other structures on the lot or parcel that do not comply with the required water setbacks, unless there is a specific exemption in the code for such a structure.

3. Code compliant shoreline vegetation protection area – A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and the provisions of this code, or verification that existing vegetation meets these standards. The Waushara County Land Conservation & Zoning Department shall review the restoration plan or verify that existing vegetation is adequate to meet these requirements.

4. Code compliant shoreline protection area twice as deep as required by code – A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and this code, or verification that existing vegetation meets these standards, to at least twice the depth normally required in Chapter 58. The Waushara County Land Conservation & Zoning Department shall review the plan or verify that existing vegetation is adequate to meet these requirements.

5. Re-location of principal structure to the most code compliant location (applies to Sections 58-903(s)(2)(d) only) – In the case of the re-location of the principal structure or the relocation of the principal structure involving a vertical expansion, providing the principal structure is greater than 35’ to OHWM but less than the required water setbacks, and where no compliant location exists, the structure being relocated is positioned in the most code compliant location relative to the water setback.

6. Voluntary reduction in impervious surface limit – A plan to reduce the impervious surfaces to 7.5% or less, or verification that existing impervious surfaces meet this limit, on that portion of the lot or parcel that is within 300 feet of the ordinary high water mark.

7. Voluntary reduction in height of principal structure – A plan to alter the height of the principal structure to a maximum of 20 feet or less, or verification by Departmental staff that the existing or proposed structure will meet this limit.

8. Voluntary reduction in viewing corridor width—A plan to reduce the viewing corridor to 15% or less of the lot width with a maximum width of 15 feet with no structures in the viewing corridor other than permitted accesses, or verification that the existing parcel meets these conditions. The Waushara County Land Conservation & Zoning Department shall review the restoration plan or verify that existing vegetation and structures are adequate to meet these requirements.

9. No net increase in stormwater runoff – A post construction stormwater retention plan which will result in no net increase in runoff from the site within 300 feet of the ordinary high water mark. The Waushara County Land Conservation & Zoning Department shall review the plan to determine adequacy. This plan shall be designed to handle the stormwater from a one year storm as designated by NRCS for Waushara County, and in compliance with the “Controlling Runoff and Erosion from your Waterfront Property-A Guide for Landowners” copyright 2008 by Burnett County Land and Water Conservation Department, available on both the Waushara County and Wisconsin DNR websites.

10. “0” stormwater runoff—A post construction stormwater retention plan which will result in no runoff from any impervious surface on the site within 300 feet of the ordinary high water mark. The Waushara County Land Conservation & Zoning Department shall review the plan to determine adequacy. This plan shall be designed to handle the stormwater from a one year storm as designated by NRCS for Waushara County, and in compliance with the “Controlling Runoff and Erosion from your Waterfront Property-A Guide for Landowners” copyright 2008 by Burnett County Land and Water Conservation Department, available on both the Waushara County and Wisconsin DNR websites.

Updated March 13, 2019