

**RESOLUTION # 08-2009
ORDINANCE AMENDMENT 21-2008**

1 Ordinance Amendment Offered by Supervisors of the Planning and Zoning Committee.

2
3 Resolved by the Board of Supervisors of Oneida County, Wisconsin:

4
5 **WHEREAS**, the Planning & Zoning Committee, having considered Ordinance
6 Amendment #21-2008, (copy attached) which was filed November 13, 2008, to amend
7 the Oneida County Zoning and Shoreland Protection Ordinance, and having given
8 notice thereof as provided by law and having held a public hearing thereon December 3,
9 2008 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of
10 the facts pertinent to the changes which are as follows:

11
12 **WHEREAS**, the Planning and Zoning Committee believes the proposed
13 language is a compromise between the mitigation requirements of removing all
14 accessory structures located less than 35 feet from the ordinary high water mark and
15 allowing some existing open decks or patios in the viewing area to remain; and

16
17 **WHEREAS**, Oneida County Corporation Counsel, in a memo dated November 3,
18 2008, states the County has the legal authority to adopt (copy attached); and

19
20 **WHEREAS**, the Wisconsin Department of Natural Resources has concerns
21 regarding the proposed language (copy attached); and

22
23 **WHEREAS**, all Towns were provided with written notice of said changes and no
24 Town objected; and

25
26 **WHEREAS**, the Planning & Zoning Committee has carefully studied the
27 proposed changes after listening to comments made at the public hearing and
28 recommends approval; and

29
30 **NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS**
31 **DOES ORDAIN AS FOLLOWS:**

32
33 Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict
34 with this ordinance shall be and are hereby repealed as far as any conflict exists.

35 Section 2: This ordinance shall take effect the day after passage and publication as
36 required by law.

37 Section 3: If any claims, provisions, or portions of this ordinance are adjudged
38 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the
39 ordinance shall not be affected thereby.

40 Section 4: Additions noted by underline; deletions noted by ~~strikethrough~~.
41 Chapter 9 of the Oneida County Zoning & Shoreland Protection Ordinance is amended
42 as follows:

43 9.96 SHORELAND MITIGATION PLAN (#30-2001 & 02-2006)

44 The construction, alteration, reconstruction or structural repair of such structures located
45 in close proximity to our navigable waters can cause severe erosion, sedimentation,
46 pollution and nutrient loading of such waters. Prior to such construction, alteration,
47 reconstruction or structural repair, the land owner shall be required to submit a plan to
48 mitigate the adverse affects of such structures as related to the buffer area for review
49 and approval by the Department, if the existing conditions do not meet the minimum
50 requirements set forth below. The Department may require consultation with the Land
51 Conservation Department, a certified arborist or certified landscaper prior to the
52 issuance of a permit. A copy of the approved mitigation plan, or amendment there of
53 shall be signed by the property owner, and filed with the Department. Mitigation plans
54 shall be completed within one year of issuance of the related zoning permit. The Plan
55 shall include an implementation schedule for the following requirements:

56 A. Any sanitary system associated with a structure located within seventy five feet
57 (75') of the OHWM shall be brought up to current standards for new construction.

58 B. A buffer zone at least 35 feet from, and parallel to the ordinary high water mark
59 shall be planted or restored and maintained with vegetation native to the area to the
60 fullest practicable extent possible with effective and permanent erosion and sediment
61 control. Existing natural beaches or beaches which have been or may be permitted by
62 the DNR shall be allowed to be continued and maintained. In addition, the minimum
63 vegetation density for trees shall be 1 per 200 sq. ft. evenly spaced with a minimum one
64 inch (1") diameter, subject to the provisions of 9.95. The minimum vegetation density for
65 shrubs shall be 3 per 200 sq. ft. evenly spaced, subject to the provisions of section 9.95.
66 Those structures issued special zoning permission under section 9.94(B) shall establish
67 a vegetation buffer that covers at least 70% of the half of the 75-foot setback area that
68 is nearest to the OHWM. (Amend. #08-2000)

69 C. Open decks or patios within the viewing area located less than 35 feet from the
70 ordinary high water mark shall not be enclosed, covered or expanded, but replacement
71 of up to 200 square feet shall be allowed. Excluding boathouses, all other accessory
72 structures including open decks or patios located outside of the viewing area and less
73 than 35 feet from the ordinary high water mark must be removed.

74 ~~C. D.~~ Excess fill, rock or materials associated with reconstruction or repair shall be
75 removed from the site and may not be deposited within the seventy-five (75) foot
76 setback area from the OHWM. The mitigation plan shall also be subject to any
77 provisions of this ordinance which set impervious surface limits, storm water and runoff
78 control, and forestry and construction best management practices.

79 ~~D. E~~ A buffer zone at least ten feet (10') wide extending along each side lot line for a
80 depth of at least seventy-five feet (75') from the ordinary high water mark shall be
81 planted or restored and maintained with vegetation native to the area to the fullest
82 practicable extent possible with effective and permanent erosion and sediment control.
83 No cutting or mowing is permitted in this buffer zone. In addition, the minimum
84 vegetation density for trees shall be 1 per 200 sq. ft. evenly spaced with a minimum one
85 inch (1") diameter, subject to the provisions of section 9.95. The minimum vegetation
86 density for shrubs shall be 3 per 200 sq. ft. evenly spaced, subject to the provisions of
87 section 9.95.

88 Mitigation requirements A-~~D~~ E above shall be implemented for the following:

- 89 1. Properties requiring a permit under sections 9.32(E) and 9.33(B) and meet the
90 requirements of section 9.99.
- 91 2. New boathouse construction on properties with existing dwellings or principal
92 buildings.

93 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment
94 #21-2008 by the Oneida County Board of Supervisors, cause a certified copy thereof to
95 be transmitted by mail to all Town Clerks and the Wisconsin Department of Natural
96 Resources.

97
98 Approved by the Planning and Zoning Committee this 7th day of January, 2009.
99

100 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority =
101 _____

102
103 The County Board has the legal authority to adopt: Yes _____ No _____ as
104 reviewed by the Corporation Counsel, _____, Date:
105 _____

106
107
108 Offered and passage moved by: _____
109 Supervisor
110
111 _____
112 Supervisor
113
114 _____
115 Supervisor
116
117 _____
118 Supervisor
119
120 _____
121 Supervisor
122

123 Seconded by: _____
124

125
126 _____ Ayes
127
128 _____ Nays
129
130 _____ Absent
131
132 _____ Abstain
133 _____ Adopted
134

135 by the County Board of Supervisors this _____ day of _____ 2009.

136
137 _____ Defeated
138

139
140 _____
141 Robert Brusio, Clerk Andrew P. Smith, County Board Chair
142

