

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE Oneida County Planning & Development Committee will hold a public hearing on Wednesday, July 15, 2020 at 2:00 p.m. in the County Board Room, Oneida County Courthouse, Rhinelander, WI 54501 on the following:

Conditional Use Permit application by Julie Stieber, owner to utilize the existing structure to operate an event center for weddings, reunions, fundraisers, gatherings and corporate meetings on the following described property: Part of the SE ¼ of the NE 1/4, Section 35, T37N, R8E, 5840 Forest Lane, PIN# NE 389-5, Town of Newbold.

Conditional Use Permit application submitted by Northwoods Connect, applicant and Anthony & Kathleen Tillman, owners to erect a 300' guyed tower for broadband internet services on the following described property: Parts of the NW-NE, NE-NE, Section 14, & parts of the SE-SE, SW-SE, Section 11, T38N, R11E, 558 Highway 32, PIN#TL 507, Town of Three Lakes.

Ordinance Amendment #6-2020 authored by the Planning and Development Committee to amend Chapter 9, Section 9.98 Piers and Other Berth Structures and Section 9.94 Shoreland Setbacks, Exempt Structures, Reduced Principal Structure Setbacks, Floodplain Structures, Impervious Services and Heights

Additions noted by underlined; deletions noted by ~~strikethrough~~

~~9.98 PIERS and OTHER BERTH STRUCTURES.~~

Article 9, Section 9.98 to be removed:

~~A. Purpose~~

~~Near shorelands and waters and land within statutorily established setback distances from the OHWM provide natural beauty and are biologically the most productive and the most important for recreational use. Excessive or inappropriate construction of berthing and recreation structures in Oneida County's waterways may have a substantial cumulative adverse effect on public rights and interests in those waters. These requirements are intended to minimize the adverse effects of such construction and to reduce conflict between adjacent or nearby riparian owners by separating their respective uses of the water. A pier shall not unreasonably obstruct navigation or otherwise interfere with public rights in the navigable water and shall not interfere with the rights of other riparian owners. It is recognized that berth structures may be used by people with or without boats, for swimming and fishing and may be used for general recreation. This ordinance does not regulate the placement or use of mooring buoys~~

~~other than to count them in any determination of the maximum number of berths allowed to a riparian land owner pursuant to section 9.98(D).~~

~~B. Compliance~~

- ~~1. A berth structure which existed prior to April 17, 2012 may be maintained in its present location and configuration as a permissible pre-existing berth structure subject to the requirements of Section 9.99 of this ordinance. The annual seasonal removal of the berth structure does not affect its status as a permissible pre-existing berth structure.~~
- ~~2. Subject to the conditions and restrictions of any existing State or County permit, a marina which existed prior to April 17, 2012 may be maintained in its present location and configuration as a permissible marina to the extent that it is located and used in accordance with such permit.~~
- ~~3. Any increase in the number of berths, any change in the location of, or any increase in the dimensions of, or any replacement of an existing berth structure shall be in accordance with this section. Boathouses are not subject to the dimensional restrictions of this section.~~

~~C. Berth Structures Limited (#83-2003)~~

- ~~1. Berth structures, except boathouses and boat shelters, may be placed by a riparian property owner without County permits if the construction complies with this section.~~
- ~~2. The use of the property must remain in conformity with the permissible uses enumerated within the zoning district.~~
- ~~3. Decks, platforms and other construction not essential for berthing of boats are prohibited, except that a canopy is permitted over a boat hoist or boat lift and a roof is permitted over a boat shelter or boathouse~~
- ~~4. A wharf shall only be permitted as an authorized berth structure upon the application for and issuance of a zoning permit after the following conditions have been established by the applicant:
 - ~~a. That the wharf will not unreasonably obstruct navigation or otherwise interfere with public rights in the navigable water.~~
 - ~~b. That the wharf does not interfere with the rights of other riparian owners.~~
 - ~~c. That the construction or installation of a pier is not a practicable alternative.~~~~

~~D. Number of Berths~~

- ~~1. For each lot, the total number of berths or moorings at a berth structure is limited to two for the first full 50 feet of shoreline and one berth for each additional full 50 feet. Other factors such as those referenced in section 9.98(E), below, may limit construction and placement to a lesser number. Contiguous lots in common ownership shall be considered a single lot for the purposes of this section.~~
- ~~2. The maximum number of berths that may be permitted for a marina shall be two times the number of berths that would otherwise be permitted under section 9.98(D)(1), subject to the same factors as those referenced in section 9.98(E), which may limit construction and placement to a lesser number. Compliance with this section shall be subject to section 9.98(B)(3).~~
- ~~3. For the purpose of this section, riparian shoreline frontage shall be determined pursuant to the provisions of Wis. Admin. Code NR 326.07.~~

~~E. Location of Berth Structures~~

- ~~1. Berth structures and moored boats must be confined to the owner's riparian zone as described in Wis. Admin. Code NR 326. Berth structures must be set back a minimum of 10 feet from side lot lines extended waterward and any additional distance required to confine approach and docking of the boat to the owner's riparian zone.~~
- ~~2. A berth structure may not unreasonably obstruct navigation or otherwise interfere with public rights in navigable waters. A pier may not encircle or isolate part of a waterway and may not interfere with the rights of other riparian owners.~~
- ~~3. Berth structures and their use may not damage public interest in waterways, including but not limited to, ecologically significant areas, i.e. spawning areas, important vegetation, loon or other waterfowl nesting areas, natural shoreline beauty.~~
- ~~4. Berth structures shall be consolidated as close together as practicable at a single location for each lot. Located within the view corridor, for each lot.~~
- ~~5. Berth structures, where practicable, shall be located immediately waterward from the shoreline where any boathouse or boat shelter is located.~~
- ~~6. The number of piers allowed accrues proportionately to the amount of shoreland frontage owned: one pier is permitted for riparian owners owning less than 150 feet of shoreland frontage. One additional pier is permitted for each additional full 100 feet. Multiple piers shall be consolidated as close together as practicable for each lot.~~

~~F. Dimensional Requirements (#83-2003)~~

~~1. Length~~

~~a. Unless limited by a pierhead line, as authorized by sec. 30.13, Wis. Stats., pier length is limited to:~~

~~(1) distance to three (3) foot water depth.~~

~~(2) length of boat to be berthed.~~

~~(3) depth required by boat to be berthed.~~

~~2. Width. The deck width of a pier, including "T" or "L" or similar finger extensions, may not exceed six (6) feet. Pursuant to Section 9.19, Relaxation of Standards for Persons with Disabilities, a deck width of up to eight (8) feet may be permitted because of the handicap of a frequent user.~~

~~3. Lateral extensions. Any lateral extensions on piers shall be a "T" or "L" shape and must not exceed 20 feet in total width.~~

~~G. Regulation of Lighting~~

~~The purpose of this section is to minimize light pollution of the shoreland environment without significantly inhibiting safety and security. This section applies to all lighting on berthing structures or designed to illuminate those structures and associated berths. Light fixtures which do not conform to these provisions may be allowed with a conditional use permit upon a showing of special circumstances affecting safety, security, or general public interest. *Legal pre-existing lighting in existence on the effective date of this section must be brought into compliance within five (5) years.*~~

~~1. Flashing and rotating lights are prohibited.~~

~~2. Lighting inside a boathouse and intended to illuminate its interior is permitted.~~

~~3. Lighting on exteriors of berthing structures shall be fitted with opaque shades or shields to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than 50 feet beyond the berthing structure.~~

~~4. Lighting not mounted on a berthing structure but designed to illuminate a berthing structure or its immediate vicinity shall comply with subparagraph 3 above.~~

~~5. Lighting installed on, or intended to illuminate, seasonally used berthing structures shall be turned off when not required for safety or security.~~

~~6. Public marinas may install illuminated signs with opaque shaded or shielded lighting that provide information pertaining to applicable federal, state or municipal rules and regulations relating to electrical, fueling, waste and sewage disposal or other safety and~~

~~environmental matters. Such sign illumination shall not be visible from off the berth structure.~~

~~H. Accessory Construction~~

~~A pier may include only the following accessory construction:~~

- ~~1. Fuel or sewage handling equipment if applicable state and local safety and pollution prevention rules are complied with and necessary State and/or County permits are obtained.~~
- ~~2. Up to two (2) benches that are 6 feet or less in length or two (2) swivel seats, or one bench 6 feet or less and one swivel seat.~~
- ~~3. Flag pole.~~
- ~~4. A vertical boarding ladder or near vertical water stairs with handrails not to exceed four (4) feet in width.~~
- ~~5. An open railing may be permitted pursuant to Section 9.19 Relaxation of Standards for Persons with Disabilities.~~
- ~~6. Bumpers to protect watercraft and pier from damage.~~

~~I. Pier Construction Materials~~

~~Piers may be constructed of wood, treated wood, metal or other material, subject to the following:~~

- ~~1. They shall be free of any product residue or pollutants.~~
- ~~2. Metallic flotation devices shall be coated or painted to prevent corrosion.~~
- ~~3. They shall not include any container previously used to store hazardous substances as defined in sec. 144.01, Wis. Stats~~
- ~~4. They shall not include material that may readily fragment or break up, such as unprotected polystyrene or polyurethane floats.~~
- ~~5. Flotation devices shall be securely attached to the frame and maintained in serviceable condition at all times.~~

~~J. Marina Permit Guidelines~~

~~Granting of permits for marina facilities under this section shall be guided by the following principles:~~

- ~~1. The County has an obligation to protect public water resources and public safety by regulating construction of berth structures for boats.~~
- ~~2. The County encourages public access to navigable water consistent with its obligation to prevent degradation of water resources by overuse.~~
- ~~3. The uncontrolled drainage of developed riparian land has a significant adverse impact upon the health, safety, and welfare of the County by increasing the siltation and pollution of ground and surface water, by accelerating the eutrophication of receiving waters, by~~

~~diminishing groundwater recharge and by increasing the incidence and severity of flooding.~~

- ~~4. The right to place berths, berth structures or on-site storage facilities for boats accrues in proportion to the amount of shoreline owned as described in section 9.98(D). Any such berth or storage facility in excess of the number permitted pursuant to section 9.98(D), shall be authorized only for the purpose of serving the public's interests and rights in the navigable waterways of this County. Such berths or on-site storage facilities must be available to members of the public on a first come - first served basis. Rentals or leases for the exclusive use of any such berths shall not be permitted for periods in excess of one year.~~

~~K. Marina Facilities~~

- ~~1. Any pier, boat shelter or mooring placement which exceeds the requirements of section 9.98(D) is deemed a marina facility for the purposes of meeting the requirements of this section and shall require a conditional use permit which may only be issued after a duly noticed public hearing has been held. Such permits may only be approved for lots which are located in zoning districts which allow marinas, or if the facility is owned by the federal, state or a municipal government.~~
- ~~2. In making a determination of whether a site is appropriate for a marina, the type of information contained in a CUP application may be considered as well as the impact of a marina on neighboring land or public facilities and of the public need for a marina. The following additional criteria must be addressed:
 - ~~a. Existing land and water uses within 2 mile of the marina, including all current business uses of the property.~~
 - ~~b. Current zoning district designation within 2 mile of the marina.~~
 - ~~c. Proximity of the marina to existing public boat landings, public swimming beaches and marinas.~~
 - ~~d. Buffer areas between the marina and adjacent properties.~~
 - ~~e. Location of ecologically significant areas within 2 mile of the proposed site.~~
 - ~~f. Noise control measures.~~
 - ~~g. A detailed sketch showing location and size of existing and proposed buildings, wells, septic systems, piers, individual slips, mooring buoys, water depth for berths and berth structures, boat launching facilities, beaches, fuel tanks and dispenser, parking lots, traffic circulation for both vehicles and boats.~~
 - ~~h. A statement from the applicant indicating the number of berths proposed to be sold, rented, or leased and the method of conveyance (e.g., fee simple, lease).~~~~

- ~~i. Methods of waste collection and disposal. Identify precautions to stop improper disposal.~~
- ~~j. Visual markers and/or signage of reasonable dimensions necessary to identify and/or locate the project.~~
- ~~k. Exterior lighting of the marina facility.~~
- ~~l. Sewage system capacity and compliance.~~
- ~~m. Motor vehicle and trailer parking facilities.~~
- ~~n. Hours of operation.~~
- ~~o. Anticipated future changes or additional phases of the project.~~
- ~~p. Methods to safely dispensing fuel.~~
- ~~q. Location of any existing or proposed no-wake buoys.~~
- ~~r. Erosion control measures.~~
- ~~s. Storm water runoff controls.~~
- ~~t. Fire protection measures.~~
- ~~u. A statement from the applicant identifying all permits applied for or obtained by the applicant or his/her predecessor at the site, or obtained by the applicant or his/her operator at any other commercial site within the preceding ten (10) years and the extent of compliance with such permits.~~

~~L. Marina Facility Requirements~~

~~Marina facilities shall comply with the following requirements:~~

- ~~1. Marina facilities may not be permitted on waters formally designated by federal or state government as an outstanding resource water.~~
- ~~2. The applicant is required to secure authorization required by municipal floodplain, shoreland, wetland and general zoning ordinances and applicable state statutes and administrative rules, including but not limited to regulations relating to electrical, fueling, waste and sewage disposal and other safety and environmental regulations.~~
- ~~3. The applicant must demonstrate that on-land boat storage or trailer launch facilities are not a feasible alternative to any proposed pier, boat shelter or mooring construction.~~
- ~~4. The applicant shall employ erosion control measures to prevent erosion, siltation, sedimentation and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes and related activities of the applicant or the contractors. Such measures shall include, but not be limited to, seeding, sodding, mulching, watering, ponding and the construction of berms.~~
- ~~5. The applicant shall determine stormwater runoff or flow as a result of this development. The applicant shall provide stormwater management facilities either in the form of an infiltration structure or a detention basin which will retain on-site the first inch of stormwater from all impervious surfaces from this development.~~

- ~~6. Berthing privileges available to members of the public shall be rented or leased only on a first come – first served basis for terms no longer than one (1) year.~~
- ~~7. Any change or proposed change involving the facts relating to criteria identified in sections 9.98(K) and (L) or as a condition of approval for which a conditional use permit was issued must be submitted to and approved by the County prior to implementation of such change.~~
- ~~8. Reasonable public access to the facility and handicapped parking in compliance with state and federal regulations for the disabled must be provided.~~
- ~~9. Permits issued under this section are subject to further restrictions, conditions, modifications or revocation if the County determines the facility has become detrimental to the public interest or that it is not being adequately offered for use to the general public.~~
- ~~10. Boats berthed at a marina facility shall not be used for overnight lodging.~~

~~M. Boathouses~~

~~Any permitted boathouse shall be confined to the viewing area, shall be at least 10 feet from the side yard lot line and subject to the provisions of section 9.94(A).~~

9.94 SHORELAND SETBACKS, EXEMPT STRUCTURES, REDUCED PRINCIPAL STRUCTURE SETBACKS, FLOODPLAIN STRUCTURES, IMPERVIOUS SURFACES AND HEIGHT (#3-2019)

Article 9, Section 9.94 remains unchanged except for the following:

- A. Exempt Structures (NR 115.05(1)(b)1m) and sec. 59.692(1k)(a)(6), Wis. Stats. All of the following structures are exempt from the shoreland setback standards in section 9.94. Any structure not specifically mentioned under section 9.94(A)(1-7) below is not permitted.
 1. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:
 - ~~j. The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).~~
 - j.k. Stairs placed on the exterior side of a boathouse to gain access to a flat roof are not permitted. Concrete aprons/boat launch pads placed between the boathouse and OHWM are not permitted.
 - k.l. Boathouse construction must comply with the provisions of section 9.97.
 - l.m. Onsite inspections may be required prior to excavation,

during construction and upon completion for the placement all
boathouses.

Copies of the foregoing documents are available for public inspection during
normal business hours at the Planning & Zoning Office, Oneida County
Courthouse, 2nd Floor, Rhinelander, Wisconsin 54501 or phone 715-369-6130.
The Oneida County Zoning and Shoreland Protection Ordinance is available
online at www.co.oneida.wi.us.

Anyone having interest may attend and be heard. Interested parties who are
unable to attend may send written comments to the undersigned.

Dated this 25th day of June, 2020.

/s/Scott Holewinski, Chairman
Oneida County Planning & Development Committee
PO Box 400
Rhinelander WI 54501