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## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN THAT THE** Oneida County Planning & Development Committee will hold a public hearing on Wednesday, May 1, 2019 at 2:00 p.m. in the County Board Room, Oneida County Courthouse, Rhinelander, WI 54501 on the following:

**Conditional Use Permit** application by the Northwoods Communication Technologies, applicant and David Priegnitz, landowner to lease and erect and operate a 200' tall broadband communication tower that will provide internet services for the area residents on the following described property: Lot 1, CSM 4431, being a part of Government Lot 1, Section 13, T37N, R6E, 4917 Currie Lake Road, PIN CA 188, Town of Cassian.

**Ordinance Amendment #3-2019** authored by the Planning and Development Committee to amend Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 9, Sections 9.90-Shoreland Protection; 9.91-Shoreland-Wetland Zoning (District 11); 9.94-Shoreland Setbacks, Exempt Structures, Reduced Principal Structure Setbacks, Floodplain Structures, Impervious Surfaces and Height; and 9.99-Nonconforming Uses and Structures (NR 115.05(1)(g)).

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

### 9.90 SHORELAND PROTECTION

Article 9, Section 9.90 remains unchanged except for the following:

#### F. DNR Notices and Copies of County Decisions

1. Written notice shall be given to the ~~Northern Region~~ appropriate Service Center of the DNR at least ten (10) days prior to hearings on proposed shoreland variances, special uses (conditional uses), appeals for map or text interpretations and map or text amendments.
2. Copies of decisions on shoreland variances, special uses (special exceptions), (conditional uses), appeals for map or text interpretations, and map or text amendments shall be submitted to the ~~Northern Region~~ appropriate Service Center of the DNR within ten (10) days after they are granted or denied.

### 9.91 SHORELAND WETLAND ZONING (DISTRICT 11)

Article 9, Section 9.91 remains unchanged except for the following:

#### B. Designation

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin

Wetland Inventory maps as depicted on the Department of Natural Resources Surface Water Data Viewer <https://dnrm.wi.gov/H5/?viewer=SWDV>.

9.94 SHORELAND SETBACKS, EXEMPT STRUCTURES, REDUCED PRINCIPAL STRUCTURE SETBACKS, FLOODPLAIN STRUCTURES, IMPERVIOUS SURFACES AND HEIGHT

Article 9, Section 9.94(A)(1) remains unchanged except for the following:

A. Exempt Structures (NR 115.05(1)(b)1m.) and s59.692(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:

~~k. The placement of decking on top of a flat roof boathouse is not permitted.~~

~~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.~~

~~l. ‡ Boathouse construction must comply with the provisions of Section 9.97.~~

~~m. n. Onsite inspections may be required prior to excavation, during construction and upon completion for the placement all boathouses.~~

9.99 NONCONFORMING USES AND STRUCTURES (NR 115.05(1)(g))

Article 9, Section 9.99(F) remains unchanged except for the following:

F. Maintenance, Repair, Replacement or Vertical Expansion of Structures that were authorized by variance. (s. 59.692(1k)(a)2. and (a)4, Wis. Stats.)

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

MAINTENANCE, REPAIR, REPLACEMENT OF ILLEGAL STRUCTURES s. 59.692(1k)(a)2c, Stats) A structure that was illegally constructed, which is older than ten years and may not be enforced under the shoreland ordinance (s59.692(1t) Stats) may be maintained, repaired, replaced, restored, rebuilt or

remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

Note: Section 59.692(1k)(a)2. Wis. Stats. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

Copies of the foregoing documents are available for public inspection during normal business hours at the Planning & Zoning Office, Oneida County Courthouse, 2<sup>nd</sup> 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](http://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 12th day of April 2019.

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

