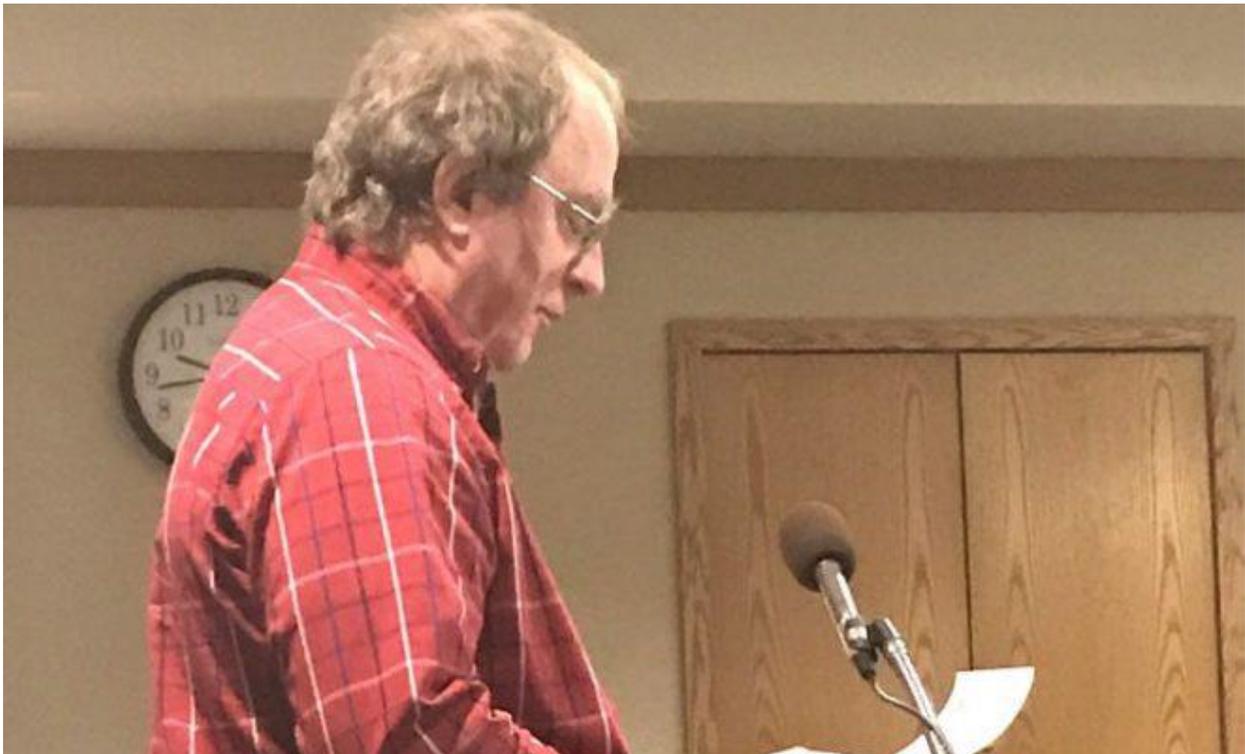


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County board reduces wetland grading setback

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Ted Rulseh of Harshaw appeared before the county board as a representative of the Oneida County Lakes and Rivers Association. Rulseh spoke against the proposed ordinance amendment that would decrease the required grading setback for wetlands.

By Lori Adler, reporter

The Oneida County Board of Supervisors voted to reduce the minimum setback requirements for grading next to a wetland/shoreland at their February meeting. Several area residents were in attendance at the meeting and spoke regarding the issue, and a long discussion among board members ensued before coming to their final decision.

Several public comments both for and against the resolution were made. Those against the setback change felt this would increase the environmental impact on wetland areas. Some wanted

to see scientific data that showed there was no difference in environmental impact between a 5-foot and 15-foot setback since this was stated in the proposed resolution. Some also wondered about the specific number of homeowners who have experienced significant loss of land use due to the 15-foot setback, as also stated in the proposed resolution. Those in favor of the change stated that other counties do not have a setback requirement for wetland/shoreland areas, as also noted in the proposed resolution.

Speaking on behalf of Oneida County Lakes and Rivers Association, Ted Rulseh of Harshaw said, "The proposed change threatens habitat for native animals and plants, diminishes the wetland's capacity to help purify surface and subsurface waters and contributes to the degradation of the natural appearance our wetlands." Rulseh then added, "We oppose this amendment. I would also add that personally, my wife and I as lake property owners concur with this statement."

The grading (or land disturbance) setback for a wetland/shoreland (which is a wetland that is located within 1,000 feet of a lake or 300 feet of a stream) was at 15 feet. The distance, however, had been changed a number of times throughout the county's history. From 1999 to 2004, the setback was a distance of 25 feet, but in 2004, it was changed to five feet. Then in 2018, the setback was again changed, this time to 15 feet. The resolution before the board at February's meeting was to return the setback to five feet.

Though it is not clear exactly why so many changes have taken place over the years, the resolution brought forward at February's meeting came from board supervisor Scott Holewinski, representing the planning and zoning department. Holewinski stated the main reason for the change was to return the use of the land to the property owners.

Holewinski said, "So this morning you heard six public comments in opposition to this resolution. I'd like to remind everybody here that we sit here and represent almost 61,000 parcels of property in Oneida County and almost 38,000 people." He then added, "If it was good in 2004 with a unanimous vote of the county board members to change it from 25 feet to five feet, I believe it should be good today to change it from 15 feet back to that five feet."

Holewinski also noted that, in his opinion and with 30-plus years of residential construction experience, a properly installed and maintained silt fence makes no difference in impact on wetlands whether it is at five feet or 15 feet. He remarked that the change in 2018 from five to 15 feet caused a significant impact in property owners' ability to use their land. He then added that the eight counties surrounding Oneida County have no setback requirement for wetland/shoreland areas.

Supervisor Alan VanRaalte, presenting the conservation committee's position, stated, "The committee wondered at the time of the meeting how many times the difference between a five-foot setback and a 15-foot setback has been an issue. Is it a regular occurrence or is it an issue that can be addressed by considering granting a variance on a case-by-case basis? It was the consensus of the committee was that there was insufficient information provided in the resolution for the board to make an informed decision today." Van Raalte later added, "I don't know whether to oppose or support this resolution without more information."

Further discussion took place with most board members contributing to the conversation. A motion was made to postpone the vote on the resolution until March so further information could be gleaned, but that motion failed. The vote was then called, and the resolution was passed with 15-Yes, three-No, two-Absent and one-Vacant.

The wetland/shoreland grading setback is now five feet. This does not affect non-wetland/shorelands (wetlands located further than 1,000 feet from a lake or further than 300 feet from a stream).

Livestock Facilities

A resolution providing a moratorium on the licensing of any livestock facilities housing 500 animals or more (a feedlot) for a period of 12 months was brought before the board.

Previous moratoriums were in place in 2016 and 2017, but they have since expired. The planning and development committee stated it needs time to continue its review of the issue so it can prepare a draft resolution that would sufficiently address concerns.

A vote was called, and the decision was unanimous in favor of the resolution.

Bilogan Claim

The board went into closed session at the end of the meeting to discuss a Notice of Injury and Claim that was filed by former Oneida County Forestry Director John Bilogan on Jan. 3. The claim alleged Bilogan sustained damages caused by Oneida County and county employees. The matter was referred to the county's insurance carrier. The results of the insurance carrier's investigation were reviewed by the county board during the closed session. The board then reconvened into open session and voted to deny Bilogan's claim.

Next Meeting

The next meeting of the Oneida County Board of Supervisors is scheduled for Tuesday, March 17, at 9:30 a.m. at the Oneida County Courthouse.