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**RESOLUTION #81 -2019**

**Resolution offered by Supervisor Alan VanRaalte**

**Amendment to Oneida County Zoning & Shoreland Protection Ordinance Chapter 9, Article 6, Section 9.61, Non-ferrous Metallic Mining Ordinance, to reflect the will of the electorate regarding metallic mining on county owned land.**

**Resolved by the Board of Supervisors of Oneida County, Wisconsin:**

**WHEREAS**, on August 21, 2012 the Board of Supervisors of Oneida County, Wisconsin (County Board) considered and ultimately rejected Resolution #59-2012 which would have endorsed Resolutions #94-2009 and #54-87 to pursue entering into mineral prospecting and mining leases on County Forest Land; and

**WHEREAS**, by rejection of Resolution #59-2012 County Board established a policy that the leasing of County Forest Land for the purposes of metallic mining would no longer be pursued; and

**WHEREAS**, County Board has taken no action to rescind that policy, either in whole or in part, except as by offering for consideration to the electors of Oneida County on November 6, 2018, a Referendum asking them whether a de facto exception to that policy should be made to allow the leasing of County owned lands in the Town of Lynne for the purpose of non-ferrous metallic mining activities including exploration, prospecting, bulk sampling and mining; and

**WHEREAS**, 84% of the Oneida County electorate voted in the November 6, 2018 general election; and

**WHEREAS**, 19,056 electors or 98% of those who voted November 6, 2018 cast votes to express their choices on said Referendum; and

**WHEREAS**, 11,927 or 62.59% of those who expressed their choice voted "NO"; and

**WHEREAS**, 7,129 or 37.41% of those who expressed their choice voted "YES"; and

**WHEREAS**, 18 of 21 municipalities reporting Referendum results voted "NO" in the majority; and

**WHEREAS**, only 3 of 21 municipalities reporting Referendum results voted "YES" in the majority; and

**WHEREAS**, while said Referendum was advisory only, County Board acknowledges that, as the elected representatives of the people of Oneida County, it has: 1) statutory responsibilities under §59.69 Wis. Stats. to protect, preserve and promote the public health; property values and the property tax base; groundwater resources; wetlands and natural resources; 2) accountability to the electorate to act in accordance with their will.

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

52 Direct the Planning & Develop Committee and Planning & Zoning staff to amend the  
53 Zoning and Shoreland Protection Ordinance, Chapter 9, Article 6, Section 9.61, Non-ferrous  
54 Metallic Mining Ordinance with the following language and conduct public hearings on said  
55 changes as required by §59.69 (5) (e):  
56

57 Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict  
58 with this ordinance shall be and hereby are repealed as far as any conflict exists.

59 Section 2. This ordinance shall take effect the day after passage and publication as  
60 required by law.

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

64 Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended  
65 as follows:  
66

67 Add the following language to the Zoning and Shoreland Protection Ordinance, Chapter 9,  
68 Article 6, Section 9.61, Non-ferrous Metallic Mining Ordinance [Sections A through U remain  
69 unchanged, additions noted by underline]:  
70

70 :

71 V. Oneida County Owned Land.  
72

- 73 1. The provisions set forth in sections H through U of this ordinance notwithstanding,  
74 all non-ferrous metallic mining activities, including exploration, prospecting, bulk  
75 sampling and mining operations are prohibited on Oneida County owned land.  
76 2. The sale of Oneida County owned land for the explicit or implicit purpose of  
77 exploration, prospecting, bulk sampling, or mining operations of non-ferrous metallic  
78 minerals located thereon is prohibited.  
79

80  
81 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #NN-  
82 2019 by the Oneida County Board of Supervisors, cause a certified copy thereof to be  
83 transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of  
84 Natural Resources.  
85

86 Approved by Supervisor Alan VanRaalte this 2th day of October, 2019.  
87

88  
89  
90 Vote Required: Majority = X 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_  
91

92 The County Board has the legal authority to adopt: Yes X No \_\_\_\_\_ as reviewed  
93 by the Corporation Counsel, [Signature], Date:  
94 10/14/19  
95

96  
97 **Consent/Agenda Item:**  YES  NO  
98

99  
100 Offered and passage moved by:

Alan VanRaalte  
Supervisor  
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Seconded by Winkler

8 Ayes

11 Nays

2 Absent

0 Abstain

     Adopted

by the County Board of Supervisors this 15 day October, 2019.

X Defeated

Tracy Hartman

D. Hintz

Tracy Hartman, County Clerk

David Hintz, County Board Chair

**Resolution - # 81-2019**

Supervisors	AYE	NAY	ABS	ABSTAIN
Kelly		X		
Winkler	X			
VanRaalte	X			
Cushing	X			
Timmons	—	—	X	
Ives		X		
Paszak		X		
Jensen		X		
Oettinger		X		
Schreier	X			
Pence	X			
Holewinski	—	—	X	
Liebert		X		
Metropulos	X			
Krolczyk	X			
Sorensen		X		
Almekinder	X			
Fried		X		
Fisher		X		
Mott		X		
Hintz		X		
<b>TOTALS</b>	8	11	2	
TAGS				

**Resolution #81 – 2019:** Offered by Supervisor Alan VanRaalte to direct the Planning and Development Committee to prepare an ordinance amendment to the Oneida County Zoning and Shoreland Protection Ordinance Chapter 9, Article 6, Section 9.61, Non-ferrous Metallic Mining Ordinance, conduct a public hearing on that ordinance amendment and present said ordinance amendment to the County Board.