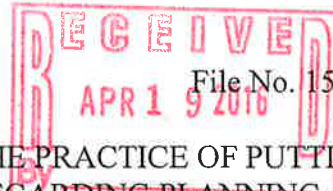


Enrolled No. R159-097

RESOLUTION

File No. 15-16/144



-REQUESTING THE LEGISLATURE DISCONTINUE THE PRACTICE OF PUTTING FORTH AND FAST-TRACKING PIECEMEAL BILLS REGARDING PLANNING, ZONING AND LAND USE-

WHEREAS, on November 3, 2015 Eau Claire County adopted Resolution R159-047 to repeal statutory provisions enacted in the State of Wisconsin 2015-2017 budget concerning shoreland zoning standards (Sections 1922am – 1922L of 2015 Wisconsin Act 55); and

WHEREAS, 2015 Wisconsin Act 55 (the biennial budget bill), including the revisions to Wis. Stat. § 59.692 was enacted on July 12, 2015, published July 13, 2015 and in full force and effect from and after July 14, 2015, significantly and immediately changed that state's shoreland zoning policy, purpose and regulations. These changes were enacted without meaningful notice, public input opportunity, review by and input from local units of government or analysis by the Wisconsin Department of Natural Resources; and

WHEREAS, predictably the manner in which this legislation came about has resulted in a general state of confusion as to interpretation and implementation of the 2015 Wisconsin Act 55 shoreland zoning revisions. Opinions and interpretations have been put forth by the Wisconsin Department of Natural Resources (DNR), the Wisconsin Counties Association (WCA), the Wisconsin Legislative Council, and others regarding the meaning and impact of the 2015 Wisconsin Act 55 shoreland zoning revisions. These opinions and interpretations are not entirely consistent regarding the interplay of the 2015 Wisconsin Act 55 shoreland zoning revisions with existing law, including Wis. Admin Code § NR 115 and Wis. Stats. §§ 59.69, 59.692 and 281. Consequently there is a lack of clear guidance regarding what the 2015 Wisconsin Act 55 shoreland zoning revisions require and allow, and a resulting uncertainty as to implementation, administration and enforcement of shoreland zoning at the county level; and

WHEREAS, Wisconsin counties have been authorized by state statutes since 1968 to enact and administer general zoning regulations in towns choosing to be subject to those regulations. The enabling legislation is currently codified in Wis. Stat. § 59.69; and

WHEREAS, Wisconsin counties have been required by state statutes since 1968 to enact and administer shoreland zoning regulations. The enabling legislation is codified in Wis. Stat. § 59.692 with rules and standards promulgated by the DNR and set for in Wis. Admin Code § NR 115; and

WHEREAS, state statutes dictate the process by which counties may revise shoreland or zoning regulations, said process typically involves numerous steps and notifications and opportunities for town board and public input. This process generally takes anywhere from 4-8 weeks to complete; and

WHEREAS, subsequent to enactment of the 2015 Wisconsin Act 55 shoreland zoning revisions, a number of bills were proposed, including AB563, AB582, AB583 and AB600, that impact planning, zoning and land-use at the local level. These bills were introduced one week, and several were sent to public hearing the next, offering little or no opportunity for public input, or analysis by state or local regulators of the meaning of the bills or how the proposed law would interact with existing laws.

WHEREAS, the development community and property owners typically seek information from county code administrators regarding pertinent zoning regulations months before submitting final applications, relying on the code administrators to provide accurate information as to the zoning regulations surrounding a project. The changes brought about the 2015 Wisconsin Act 55 shoreland zoning revisions, and the piecemeal bills subsequently introduced and fast-tracked, have created a climate of uncertainty and frustration for the development community, property owners, and county code administrators, all of which contributes to a loss of efficiency and productivity.

NOW THEREFORE BE IT RESOLVED the Eau Claire County Board of Supervisors respectfully requests that the legislature discontinue the practice of putting forth and fast-tracking piecemeal bills regarding planning, zoning and land use.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors urges the state legislature to instead adopt a systematic review by a group of primary stakeholders of state laws (existing or proposed) that impact planning, zoning, and land use, with a concurrent process involving notice and public input opportunities. This will result in the thoughtful and deliberate consideration that is certainly due planning, zoning, and land use laws.

BE IT FURTHER RESOLVED by the Eau Claire County Board of Supervisors that Eau Claire County would welcome the opportunity to participate in comprehensive, collaborative discussions, public listening sessions, and hearings regarding state shoreland and comprehensive zoning regulations to discuss manners in which each could be improved.

BE IT FURTHER RESOLVED that the Eau Claire County Board of Supervisors directs the county clerk to forward this resolution to the governor, assembly members and senators representing Eau Claire County, the Secretary of the DNR and the Wisconsin Counties Association.

ADOPTED: April 6, 2016

Janet K. Loomis
County Clerk