



Resolution No. 28 (2017)
RESOLUTION IN OPPOSITION TO SENATE BILL 309 AND ASSEMBLY BILL 399
REGARDING LOWER ST. CROIX RIVERWAY ZONING REGULATIONS

1 **WHEREAS**, in 1968, the U.S. Congress enacted the Wild and Scenic Rivers Act (16
2 U.S.C. § 1271) to preserve and protect selected rivers because of their scenic beauty, recreational,
3 geological, historic, culture, and other positive values; and
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5 **WHEREAS**, in 1972, the U.S. Congress enacted the Lower St. Croix River Act (16 U.S.C.
6 § 1247(a)(9)) in order to include the 52-mile section of the St. Croix River below Taylors Falls to
7 the confluence with the Mississippi River as part of the National Wild and Scenic River System;
8 and
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10 **WHEREAS**, pursuant to the Lower St. Croix River Act enacted by the U.S. Congress,
11 Wisconsin Statute § 30.27 was enacted to provide for protections of the Lower St. Croix River and
12 directed the Wisconsin Department of Natural Resources to adopt guidelines and specific
13 standards for riverway zoning ordinances; and
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15 **WHEREAS**, effective January 1, 1976, the Wisconsin Department of Natural Resources
16 promulgated Wisconsin Administrative Code NR 118, standards for the Lower St. Croix National
17 Scenic Riverway; and
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19 **WHEREAS**, effective January, 1976, St. Croix County amended its zoning Ordinance to
20 include the St. Croix River Valley District in order to comply with Wis. Stat. § 30.27(3) and Wis.
21 Admin. Code NR 118.02(3) and has continued to update its zoning ordinance to reflect subsequent
22 changes by the Wisconsin Department of Natural Resources in NR 118; and
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24 **WHEREAS**, the regulations are currently contained in Chapter 17.36 of the St. Croix
25 County Code of Ordinances entitled “Lower St. Croix Riverway Overlay District”; and
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27 **WHEREAS**, 2017 Senate Bill 309 and 2017 Assembly Bill 399 call for an amendment to
28 Wis. Stat. §30.27(3) and to create Wis. Stat. § 30.27(2)(d) relating to zoning ordinances in the
29 Lower St. Croix Riverway; and
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31 **WHEREAS**, the proposed bills create Wis. Stat. § 30.27(2)(d), which removes the
32 authority of the Wisconsin Department of Natural Resources and a county from enforcing a
33 guideline, standard, or ordinance against a property owner who wishes to have an event facility
34 and lodging establishment in buildings that were previously used as a recreational campground;
35 and
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37 **WHEREAS**, Senate Bill 309 and Assembly Bill 399 were introduced into the Legislature
38 without the knowledge or advisement by local officials in the towns or counties in whom the Lower
39 St. Croix Riverway lies and in whom may be affected by the amendment of Wis. Stat. § 30.27(3)
40 and creation of Wis. Stat. § 30.27(2)(d); and
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42 **WHEREAS**, the proposed legislation targets the site of the former church camp, Camp
43 Clearwater, in the Town of Somerset, which the landowner has developed into a wedding and
44 event center; and

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WHEREAS, the issue related to the use of the property affected by this legislation was addressed by St. Croix County in the case of *St. Croix County vs. Family First Farms, LLC et al*, St. Croix County Case No. 15CX08; and

WHEREAS, this special interest legislation was introduced only after the court confirmed that a wedding and event center is a prohibited use in the St. Croix Riverway Overlay District; and

WHEREAS, creation of Wis. Stat. § 30.27(2)(d) would allow for the commercial activity of an event facility and lodging establishment to take place on a parcel of land that is currently not zoned as commercial without any oversight or regulation of the parking areas, removal of trees, times of activity, number of people on the property, etc.; and

WHEREAS, the State has previously taken away local control of nonmetallic mining, livestock facility siting, wireless communication and shoreland regulation; and

WHEREAS, adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399 removes local control from the county to regulate certain land use activities; and

WHEREAS, adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399 erodes the purposes of the Wild and Scenic Rivers Act and the Lower St. Croix River Act; and

WHEREAS, the proposed legislation undermines the St. Croix Riverway Overlay District, especially the wild and scenic protections, which combined with the state rules under NR 118, provides numerous positive effects on water quality, fisheries, vegetation and wildlife; and

WHEREAS, the St. Croix Riverway Overlay District zoning regulations ensure continued high property values and a high quality of life to property owners along the Riverway, as well as positive impacts related to tourism; and

WHEREAS, the towns of Somerset and St. Joseph passed resolutions in opposition to Senate Bill 309 and Assembly Bill 399.

THEREFORE, BE IT RESOLVED that the St. Croix County Board of Supervisors is strongly opposed to adoption of 2017 Senate Bill 309 and 2017 Assembly Bill 399; and

BE IT FURTHER RESOLVED the St. Croix County Board of Supervisors is requesting that the state leaders continue their commitment to the Wild and Scenic Rivers Program and the aesthetic and consequent impacts related to property values, quality of life and tourism; and

BE IT FURTHER RESOLVED that the St. Croix Board of Supervisors requests that the Legislature reject this attempt at the State engaging in the rezoning of property; and

BE IT FURTHER RESOLVED the St. Croix County Board of Supervisors directs the County Clerk to send a copy of this resolution to the Wisconsin Counties Association, State Legislators, State of Wisconsin U.S. Legislators, and Governor Scott Walker.

Legal – Fiscal – Administrative Approvals:

Legal Note:

Fiscal Impact:

Increased commercial activity on the St. Croix River may have a negative impact on property values resulting in a decrease in assessed property values and property taxes.


Scott L. Cox, Corporation Counsel 7/27/2017


Robert Mittet, Finance Director 7/24/2017


Patrick Thompson, County Administrator 7/27/2017

07/26/17 Community Development Committee APPROVED AS AMENDED

RESULT: APPROVED AS AMENDED [3 TO 1]
MOVER: Jill Ann Berke, Supervisor
SECONDER: Daniel Hansen, Vice Chair
AYES: Agnes Ring, Jill Ann Berke, Daniel Hansen
NAYS: Tom Coulter
EXCUSED: Dick Hesselink

Vote Confirmation.


Agnes Ring, Supervisor 7/28/2017

St. Croix County Board of Supervisors Action:

Roll Call - Vote Requirement – Majority of Supervisors Present

RESULT:	ADOPTED [14 TO 2]
MOVER:	Jill Ann Berke, Supervisor
SECONDER:	Daniel Hansen, Supervisor
AYES:	Ring, Sjoberg, Nelson, Berke, Ostness, Larson, Hansen, Peterson, Anderson, Achterhof, Leibfried, Peavey, Ard, Moothedan
NAYS:	Tom Coulter, Bob Long
ABSTAIN:	Ryan S. Sicard
ABSENT:	Christopher Babbitt, Andy Brinkman

This Resolution was Adopted by the St. Croix County Board of Supervisors on August 1, 2017

Cindy Campbell, County Clerk