

1 RESOLUTION NO. 23-15

2 Resolution In Opposition To Paragraph #23 of Joint Finance Committee Motion #520 to the  
3 State of Wisconsin 2015-2017 Budget Bill  
4 (Concerning Shoreland Regulations)

5 TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF  
6 POLK:

7 Ladies and Gentlemen:

8 WHEREAS, on May 29, 2015, the Joint Committee on Finance (“Joint Finance”) approved the  
9 inclusion of Item #23 of Motion #520 regarding county shoreland zoning standards in the budget bill,  
10 with no public input and only the 16 members of the Joint Finance Committee have had a chance to  
11 weigh in so far.

12  
13 WHEREAS, Polk County has shorelands along 437 lakes and 375 miles of streams; all of which  
14 shorelands are an invaluable environmental, recreational and economic resource for the people who  
15 live, work and play in the County – but only to the extent that the shoreline beauty and water quality  
16 are protected from the pressures of both new development and re-development of existing structures;  
17 and

18 WHEREAS, Sec. 59.692 (1m), Wis. Stats, directs counties to zone by ordinance all shorelands in  
19 unincorporated areas in order “...to effect the purposes of s. 281.31 and to promote the public health,  
20 safety and general welfare..”, with the rules set forth in NR 115 intended to be minimum standards  
21 and not maximums.

22 WHEREAS, Wisconsin’s shoreland zoning regulations have only been sparingly and thoughtfully  
23 revised over the 47 years they have been in existence, the most recent significant revisions being  
24 made to NR115 by the Natural Resources Board in 2010 via the rule-making process, said changes  
25 occurring only following many years of meetings, hearings, public input, and deliberation.

26 WHEREAS, Polk County has been administering county shoreland ordinances consistent with the  
27 minimum standards of NR 115 since its inception in the late 1960s, and has accumulated  
28 considerable experience while working with the various revisions of NR 115 over many years, and  
29 furthermore has noted during these many years that the current laws have protected the water quality  
30 in Polk County, and at the same time have protected property values, the County’s wildlife and  
31 fisheries habitat, and the natural scenic beauty of Polk County’s shorelands, and, at the same time,  
32 provided flexibility to property owners in development of their property; and

33 WHEREAS, the Polk County Board of Supervisors have concluded that the water quality of those  
34 water bodies within Polk County would suffer if development is not regulated to the benefit of both  
35 the property owner and the water body whose shorelines are proposed for development as it currently  
36 is in NR 115; and

37 WHEREAS, Polk County has had good protection of landowner rights, property values, and the  
38 environment, including water quality, when following the current minimum standards; and

39 WHEREAS, Polk County has, pursuant to Wisconsin law and by choice, provided some additional  
40 protections of our surface water resources by having a regulatory structure tailored to that unique

41 resource known as the lakes classification system, that is more restrictive than the minimum  
42 provisions in NR 115, and feels strongly that counties should be able to enforce more than the  
43 minimum standards to protect their unique resources; and

44 WHEREAS, Wisconsin's Comprehensive Planning Law requires local units of government to enact  
45 ordinances that are consistent with local comprehensive plans that outline the local areas' desired  
46 vision; and

47 WHEREAS, in response to the state mandate of Wisconsin's Comprehensive Planning Law, Polk  
48 County has adopted the Polk County County Comprehensive Plan that identifies surface water  
49 quality as the County's #1 priority and Polk County has engaged in the revision of its Shoreland  
50 Ordinance, a collaborative process that spanned nearly 5 years, that involved significant public input  
51 and resulted in a proposed ordinance revision that reflects the local interest for shoreland regulation  
52 to balance private property rights with environmental protection of water quality; and

53 WHEREAS, Item #23 consists of two type-written pages and fourteen paragraphs, represents  
54 significant policy shifts from existing, effective, county shoreland zoning regulations, and, if enacted,  
55 Item#23 would result, among things, in the following:

- 56 • Prevent local governmental units charged by the State of Wisconsin with overseeing  
57 development within its shorelands from protecting the rights of the property owner, the  
58 citizens of the area, and the environment in a fair and equitable manner;
- 59 • Prohibit DNR standards and county ordinances from regulating the maintenance, repair,  
60 replacement, restoration, rebuilding or remodeling of all or any part of a nonconforming  
61 structure within the same footprint and from requiring an approval process, application fee  
62 or mitigation of impervious surface. (In contrast, shoreland property owners who build new  
63 construction or seek to reconstruct or perform structural alterations to an conforming  
64 structure would be required to obtain and pay for a permit and perform mitigation with  
65 respect to impervious surfaces.);
- 66 • Prevent Polk County from implementing revised shoreland regulations that balance private  
67 property rights with environmental protection of water quality and that seek to accomplish  
68 the number one priority of surface water quality as provided for in the Polk County  
69 Comprehensive Plan and consistent with Wisconsin Comprehensive Planning Law;
- 70 • Lead to unchecked development along our shorelines which will cause irreparable harm to  
71 the water quality of our County;
- 72 • Result in a drop in property values which in turn will damage the economy of our County;
- 73 • Significantly alter the scope of shoreland regulation in Wisconsin with a complete lack of  
74 public input and review that is otherwise characteristic of the Wisconsin tradition in the  
75 development and promulgation of regulation that concerns natural resources and local land  
76 use.

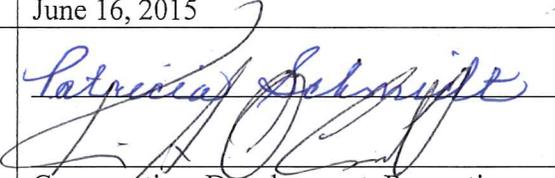
77 WHEREAS, Polk County strongly opposes paragraph 23 of Motion #520, amending the 2015-17  
78 Budget Bill (SB 21 and AB21) because it weakens regulation of non-conforming structures and does  
79 not provide adequate protection of our valuable water resources.

80 NOW, THEREFORE BE IT RESOLVED that the Polk County Board of Supervisors respectfully  
 81 requests that the Joint Committee on Finance Motion #520, Item #23, containing significant  
 82 regulatory changes pertaining to county shoreland zoning, be removed from the 2015-2017 budget  
 83 bill.

84 BE IT FURTHER RESOLVED, that, if it is deemed necessary to amend shoreland zoning  
 85 regulations, such be done by way of stand-alone legislation in regular legislative session with  
 86 meetings, hearings, public input, and deliberation, rather than as part of the budget process.

87 BE IT FURTHER RESOLVED that Polk County would welcome the opportunity to participate in  
 88 collaborative discussions, public listening sessions, and hearings regarding shoreland zoning  
 89 regulations to discuss manners in which they could be improved.

90 BE IT FURTHER RESOLVED that the Polk County Board of Supervisors directs the County Clerk  
 91 to cause to be distributed a certified copy of this resolution to Wisconsin Governor Scott Walker, the  
 92 Joint Finance Committee and the respective representatives of the Wisconsin Senate and Wisconsin  
 93 Assembly who serve and represent the citizens and constituents of Polk County.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	June 16, 2015
Submitted By: 	 Conservation, Development, Recreation and Education Committee (June 16, 2015)
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

James A. Edgel  
 W...  
 D... word  
 Alan Johnson  
 Craig Mousk

Acknowledgement of County Board Action

Mark As Appropriate:

At its regular business meeting on the 16<sup>th</sup> of June, 2015, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 23-15: **Resolution In Opposition To Paragraph #23 of Joint Finance Committee Motion #520 to the State of Wisconsin 2015-2017 Budget Bill**, as follows:

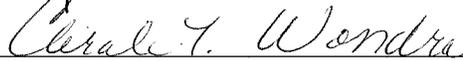
- Adopted by simple majority of the board of supervisors by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Adopted by unanimous vote.
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:



William F. Johnson, IV, County Board Chairperson

Attest:



Carole T. Wondra, County Clerk

