



**Wisconsin
County Code
Administrators**

March 17, 2010

Representative Spencer Black
77th Assembly District
Room 210 North
State Capitol
P.O. Box 8952
Madison, WI 53708
Re: AB 818

Dear Representative Black:

I am writing on behalf of the Wisconsin County Code Administrators (WCCA). WCCA is an association of county planning, zoning and sanitary code officials throughout the State of Wisconsin who administer land use and environmental health regulations.

I understand that the Committee of Natural Resources will hold a public hearing on AB 818 on March 24, 2010, which is a companion bill to SB 557.

The WCCA is concerned about the responsibility rendered to county, city, village and towns (municipality) to give a written notice that contains information about construction near or on wetlands. The bill requires that a county give a statement that advises the applicant that the applicant is responsible for complying with state and federal laws concerning construction near or on wetlands, lakes and streams. The bill also provides for the municipality to require the applicant to sign a statement acknowledging that the person has received the notice.

Zoning officials around the state already check permit applications for proximity to floodplain, wetlands and shoreland and strive to keep educational information readily available in their departments. Officials currently display DNR brochures, informational sheets, and other such documents in plain view for the public to see when they come in for a permit.

The issue at hand is the written notice requirement, which will undoubtedly be missed at times or misplaced, and the potential liability to the permitting agent if such document is not retrievable. Applicants may mistakenly feel that they would have circumvented the requirement by not signing the document or by the document being irretrievable and therefore feel free to make alterations that otherwise would not be allowed. This

municipality responsibility may in fact have the opposite affect for those who think by not signing the document, they are free to alter the land as they see fit.

WCCA understands the necessity for the protection of our states resources however is opposed to the notion of this portion of the bill that assumes unnecessary local liability. Wetlands, streams and lake boundaries change over time and there would be some who would not have to sign a document upon time of permit application that would actually become subject to the guidelines at a future date. These individuals may feel they are grandfathered in due to not signing the document that their neighbors were forced to sign.

Finally, it is recommended that the committee remove the municipal requirements in this bill and consider making the notification at the discretion of the municipality. The WCCA would also entertain a standard requirement on all land use permits issued in the municipality to have the following disclaimer, "The owner/applicant is responsible for complying with state and federal laws concerning construction near or on wetlands, lakes and streams, for more information visit [www._____](#)." This disclaimer would indirectly accomplish the legislatures goal here of notification and would provide that applicants would not slip through the cracks. The applicant signs every land use permit therefore, the acknowledgment by the applicant would be given on the application and not a separate document. This would ensure that all applicants, whether near a wetland, lake or stream, or otherwise, would be informed of their responsibility.

Thank you for your consideration of these issues.

Sincerely,

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