



**Wisconsin County Code
Administrators-2015 FALL Legislative
Update
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PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS

- The Governor's budget recommended transferring all regulatory authority related to the review of private on-site wastewater treatment systems, as well position and associated funding from the Department of Safety and Professional Services to the Department of Natural Resources
- The proposal also deleted funding for the Wisconsin Fund Grant Program. In 2014, \$2.3 million was allocated to low income homeowners for assistance with their Private Onsite Wastewater Treatment System (POWTS)
- Thanks to the work of WCCA and WCA staff, the POWTS program will remain in in DSPS and full funding was restored in the first year of the biennium and half of the funding was restored in the second year.

RECYCLING

Municipal and County Recycling Grants: The Governor's budget cuts \$4 million in funding from the program in FY 2015-16 and maintains current funding levels for the program in FY 2016-17.

Funding for the program declines from \$19 million to \$15 million in FY 2015-16 and is held at \$19 million in FY 2016-17. The program was created by 1989 Act 335 to provide grants to responsible units of local government for expenses related to DNR approved recycling programs and for landfill bans on recyclable materials.

UPDATE SB 340: A follow up bill by Sen. Cowles is in play to restore \$2.3 million of the \$4 million dollar first year cut from the ending balance in the Environmental Management Account.

SMART GROWTH & COMPREHENSIVE PLANNING

- **SB 266:** a bill relating to the repeal of the comprehensive planning law signed in 1999 by Governor Thompson. The policy is often referred to as “smart growth.”
- At the time, the final product was developed after months of deliberations among a unique coalition of organizations, including the Wisconsin Realtors Association, 1000 Friends of Wisconsin and WCA.
- There are several benefits of comprehensive planning that includes consideration of economic development, housing, transportation systems, agricultural resources, natural resources, historic resources, utilities and community facilities.

SMART GROWTH & COMPREHENSIVE PLANNING

- Not every community is required to have a comprehensive plan, only those cities, villages, towns and counties that are involved with official mapping, subdivision regulation and zoning are required to implement a comprehensive plan.
- WCA issued testimony in opposition to the bill. Similar bills to repeal the law are typically introduced each session.

General Zoning

- **State-Wide Town Withdrawal from County Zoning**

WCA does not expect movement on a statewide bill

- **Dane County Zoning**

WCA expects to see a bill pushed by Dane County GOP Legislators and from the Dane County Towns Association

Shore-land Zoning Clean Up Bill

WCA is working with Rep. Adam Jarchow and Sen. Sheila Harsdorf on changes to the state's shore-land zoning code, in response to changes made during the state budget process (Now Act 55).

WCA worked with WCCA President Terri Dopp-Paukstat and WCCA 1st Vice-President Terry Ochs to provide land owners and counties flexibility.

Our workgroup provided three main asks to the legislature. Rep. Adam Jarchow is currently drafting a bill to address our requests:

Setbacks

- Counties will continue to use the NR 115, 75 foot setback from the ordinary water mark as a general rule. However, the statutes should specify that counties can have flexibility, in the circumstance that an “Existing Developmental Pattern” exists to establish a “median average setback” that may exceed the 75 foot, NR 115 standard if the median average setback in the “Existing Development Pattern” is greater than 75 ft.
- In the absence of an “Existing Development Pattern” the NR 115 standard setback of 75 feet would apply. The justification for this modification is the protection of the viewing corridor and property values of the already existing adjoining structures located within the “Existing Developmental Pattern” who would be affected negatively by the placement of new structure with a setback of only 75 feet.

Height Limitations

- Specify that the 35 ft. height limitation be applicable to only the principal structure on a lot. Specify that counties may establish a lower height standard applicable to the non-principal structures on a lot.
- This adjustment would also protect the viewing corridor for adjoining property owners and would allow counties to limit the height of structures such as boathouses, sheds and other non-principal structures below the 35 ft. established standard for the principal structure.

Non-Conforming Structures

- Specify that a non-conforming structure located with-in a 75 ft. setback can be rebuilt with in the original 3-dimensional footprint. The standard enacted with-in ACT 55 would allow for unlimited vertical expansion.
- We are suggesting that the original structure and dimensions be grandfathered and not be allowed unlimited vertical expansion.
- Further, specify that a permit is required so that both the property owner and zoning officials can be assured that they have satisfied all applicable land use standards.

Questions?
Group Discussion?

