

TOWN OF TROY RESOLUTION 2017-07
OPPOSING SB387 AND AB479
STATE OF WISCONSIN
Town of Troy
St. Croix County, Wisconsin

WHEREAS, SB 387 and AB 479 proposes to limit the authority of local government to regulate development on substandard lots and generally prohibit the merging of substandard lots; and

WHEREAS, SB 387 and AB 479 are in part a reaction to the United State Supreme Courts affirming the rights of State and local government to merge substandard lots in *Murr v. State of Wisconsin, et al*; and

WHEREAS, in 1968, the U.S. Congress enacted the Wild and Scenic Rivers Act (16 U.S.C. § 1271) to preserve and protect selected rivers because of their scenic beauty, recreational, geological, historic, cultural, and other positive values; and

WHEREAS, in 1972, the U.S. Congress enacted the Lower St. Croix River Act (16 U.S.C. § 1247(a)(9)) in order to include the 52-mile section of the St. Croix River below Taylors Falls to the confluence with the Mississippi River as part of the National Wild and Scenic River System; and

WHEREAS, pursuant to the Lower St. Croix River Act enacted by the U.S. Congress, Wisconsin Statute § 30.27 was enacted to provide for protections of the Lower St. Croix River and directed the Wisconsin Department of Natural Resources to adopt guidelines and specific standards for Riverway zoning ordinances; and

WHEREAS, effective January 1, 1976, the Wisconsin Department of Natural Resources adopted Administrative Code NR 118, providing regulations for the Lower St. Croix National Scenic Riverway, including minimum standards for the “issuance for building permits” and the “establishment of acreage, frontage and set-back requirements” for the “banks, bluffs and bluff-tops” of the river; and

WHEREAS, effective January, 1976, St. Croix County amended its zoning Ordinance to include the St. Croix River Valley District in order to comply with Wis. Stat. § 30.27(3) and Wis. Admin. Code NR 118.02(3) and has continued to update its zoning ordinance to reflect subsequent changes by the Wisconsin Department of Natural Resources in NR 118; and

WHEREAS, the County Riverway Zoning Ordinance and NR 118 were enacted to reduce the adverse effects of overcrowding and poorly planned shoreline and bluff area development, prevent soil erosion and pollution, to allow for the provision of sufficient space on lots for sanitary facilities, minimize flood damage, maintain overall property values, and to preserve and maintain the exceptional scenic, cultural and natural characteristics of the water and related land; and

WHEREAS, the St. Croix County Ordinance requiring merger of adjacent substandard lots in common ownership furthers the goals of the Riverway Act, State Statute and County

Ordinance by reducing overcrowding along the St. Croix River, thereby enhancing property values; and

WHEREAS, merger provisions, like the one challenged in the Murr case and subject to the proposed legislation, have been a common, well-accepted feature of zoning ordinances for decades and are well within the reasonable expectation of land owners and attorneys; and

WHEREAS, merger provisions have long been recognized as the most reasonable way to reconcile a single land-owner's interest in developing substandard lot with the community's interest in preventing congestion and preserving property values; and

WHEREAS, The St. Croix River is the Town of Troy's western boundary and the Town of Troy wants to insure the continued protections of the scenic beauty of the bluffs and shorelands along the river; and

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

WHEREAS, this is one more attempt by the Wisconsin legislature to take away local control from local governments.

THEREFORE, BE IT RESOLVED that the Town of Troy is strongly opposed to adoption of 2017 SB 387 and 2017 AB 479; and

BE IT FURTHER RESOLVED the Town of Troy 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 Town of Troy requests that Governor Scott Walker line item VETO Sections 29, 30, and 31 of SB 387 and AB 479; and,

BE IT FURTHER RESOLVED the Town of Troy emails Governor Scott Walker @ Governor@Wisconsin.gov a copy of this resolution asap and emails a copy of this resolution to St. Croix County, and the towns of St. Joseph, Hudson, and Somerset.

Adopted this 9th day of November, 2017.


Jan Cuccta, Town Vice-Chairperson

Date: 11/9/2017

Attest:


Jennifer Clark, Town Clerk/Treasurer

Date: 11/9/2017