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, one of those regulations required that adjacent substandard lots of record as of 1976 in common ownership be merged to allow for one building site; and
WHEREAS, the lots in question in the Murr case lacked at least one acre of net project area as required in the Ordinance; and

WHEREAS, net project area is defined to exclude land that is not suitable for building, including “slope preservation zones, floodplains, road rights-of-way and wetlands;” 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, countless ordinances all over the country include merger provisions similar to the one challenged in Murr; and

WHEREAS, although the Murr Family claims to have been “flabbergasted” by the impact of the merger clause in 2004, the rules had been in effect for 28 years prior; and

WHEREAS, although the Murrs believe that they are being treated differently and singled out, at least eight other property owners in the immediate area own contiguous substandard lots along the St. Croix River with just one building site; 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 St. Croix County Board of Supervisors is strongly opposed to adoption of 2017 SB 387 and 2017 AB 479; 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 micromanagement of land use controls and the continued erosion of local control; 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: |

Scott L. Cox, Corporation Counsel 10/27/2017

Robert Mittet, Finance Director 10/27/2017

Patrick Thompson, County Administrator 10/30/2017

11/07/17 Community Development Committee RECOMMENDED

RESULT: RECOMMENDED [4 TO 1]
MOVER: Jill Ann Berke, Vice chair
SECONDER: Tammy Moothedan, Supervisor
AYES: Dick Hesselink, Tammy Moothedan, Jill Ann Berke, Daniel Hansen
NAYS: Tom Coulter

Vote Confirmation.

Daniel Hansen, Supervisor 11/7/2017

St. Croix County Board of Supervisors Action:
### Roll Call - Vote Requirement – Majority of Supervisors Present

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ADOPTED [15 TO 4]</th>
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<tbody>
<tr>
<td>MOVER:</td>
<td>Roy Sjoberg, Supervisor</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Jill Ann Berke, Supervisor</td>
</tr>
<tr>
<td>NAYS:</td>
<td>Ryan S. Sicard, Tom Coulter, Bob Long, Andy Brinkman</td>
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</tbody>
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This Resolution was Adopted by the St. Croix County Board of Supervisors on November 7, 2017

Cindy Campbell, County Clerk