



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Housing and Real Estate

FROM: Daniel Bahr, Government Affairs Associate

DATE: January 3, 2018

SUBJECT: Opposition to Assembly Bill 770

The Wisconsin Counties Association (WCA) is opposed to Assembly Bill 770 (AB 770), which makes numerous changes to local government's ability to regulate development-related activities and otherwise exercise local control over those activities in the best interests of the community. WCA appreciates the ongoing dialogue with the bill authors regarding concerns raised by counties and is confident many of the issues raised will be addressed through future amendments to the legislation.

The primary concerns raised by counties regarding AB 770 relate to the prohibition on any regulation of weekend work activities, mandatory development-related reporting, the elimination of local storm water management regulations, and changes to eminent domain procedure. With regard to weekend work requirements, WCA requests amending the bill to ensure counties can continue to regulate weekend hours of operation for highly-intensive operations such as quarry or mining operations. Currently, many counties regulate hours of operation for these activities via conditional use permits, a process that should remain available to counties. AB 770 also requires local development-related regulation reports. While we understand the intent of this provision is to require municipalities to report their development fee schedules to the public on a regular basis, the term municipality should be defined as not to include counties because the fees described in the bill have limited applicability to counties. Through conversations with bill authors, WCA believes both these requests are consistent with the intent of the legislation.

Counties have also raised concerns with proposed changes to local storm water management ordinances. Under AB 770, local ordinances must strictly conform to statewide standards. This provision applies a one-size-fits-all approach to local regulation and fails to account for varying geographic features unique to individual counties, which would necessitate water and soil preservation regulations beyond the minimum state

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standards. WCA requests this provision be removed or amended to account for geographic conditions that necessitate local standards in excess of state standards.

Finally, counties have raised concerns with eminent domain provisions of the bill which require new factors that must be considered when valuing property impacted by eminent domain. WCA understands the bill author's intent with this provision, but believes property must be both assessed for property tax purposes and valued for condemnation purposes in the same manner. Unfortunately, one of the strategies employed by big-box commercial retailers to reduce their property tax assessments has been to ignore income of a business when determining fair market value. To address county concerns with this provision, WCA requests this language be removed from AB 770 and instead inserted in dark store legislation currently before the legislature. This approach will provide consistency and fairness for both local governments and local taxpayers.

We respectfully request the committee amend AB 770 to address concerns raised by counties. Please feel free to contact WCA for further information.