

WASHINGTON COUNTY, WISCONSIN

Date of enactment: 9-10-2025
Date of publication: 9-18-2025

2025 RESOLUTION 35

Advisory Resolution Urging the Wisconsin Legislature to Amend the Wisconsin Administrative Code Flood Storage and Flood Fringe Regulations to Protect Personal Property Rights and Property Values

WHEREAS, for the first time flood storage zones were outlined for additional parts of Washington County including the area of Druid Lake in the Town of Erin; and

WHEREAS homes on Druid Lake representing over \$23,745,300 of total assessed property value in the Town of Erin will be left with new flood storage restrictions that over time prohibit repair, reconstruction, and improvement to these 'nonconforming' structures, ultimately resulting in the eventual seizure of these properties by the county on behalf of the state; and

WHEREAS, residents at the local level have expressed substantial concern regarding the implementation of floodplain laws in the state as their livelihood will be significantly impacted; and

WHEREAS, flood storage districts are not regulated by the Federal Emergency Management Agency or any adjacent neighboring states; and

WHEREAS, Washington County denied a homeowner's request to use pylons for elevating their new residential construction in order to conform with current regulations and guidelines from the state, because the DNR stated that this case did not meet Wisconsin Administrative Code guidelines; and

WHEREAS, the only way to make an existing home conform to state guidelines for flood fringe zones is to bring in fill, which due to the size of lots on Druid Lake is virtually impossible, as in flood storage zones there cannot be an increase equal to or greater than 0.00 feet in the height of the regional flood elevation; and

WHEREAS, riparian owners of lakes in Wisconsin should, at a minimum, enjoy the same flexibility and access to technology for flood mitigation and building structures above flood elevation that Wisconsin's neighbors including Illinois, Minnesota, Michigan, and Ohio enjoy; and

WHEREAS, the Federal Emergency Management Agency (FEMA) requires under the Substantial Improvement/Substantial Damage Rule which is defined in the Code of Federal Regulation, Title 44 CFR §59.1 and §60.3, that if the cost of improvements—or the cost to restore a flood-damaged building—to its pre-damage state equals or exceeds 50% of the structure's market value before the construction/repair, the building must be brought up to current floodplain management standards; and

1 **WHEREAS**, Wisconsin Code as written in NR 116.15.(1) is more restrictive than FEMA
2 guidelines, as it requires any Substantial Improvement/Substantial Damage to not exceed 50% of
3 a nonconforming building's present equalized assessed value over the life of the building and this
4 standard represents a taking by the government;

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6 **NOW, THEREFORE, BE IT RESOLVED**, by the Washington County Board of
7 Supervisors that this Board recommends that the Wisconsin Administrative Code allow for
8 additional means, besides merely fill, for homeowners to comply with flood storage and flood
9 fringe district policy in the State of Wisconsin, such as the use of pylons, helical piers, and other
10 engineering systems.

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12 **BE IT FURTHER RESOLVED** that this Board recommends that the Wisconsin
13 Administrative Code be amended to reflect the FEMA guidelines for the Substantial
14 Improvement/Substantial Damage Rule for law-abiding citizens due to the conflicting definitions
15 of NR 116.15.(1) and Title 44 CFR §59.1.

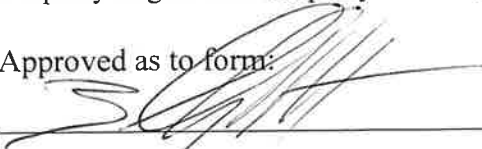
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17 **BE IT FURTHER RESOLVED** that this Board urges a review of flood storage flood
18 fringe regulation in order to protect personal property rights, and property values.

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20 **BE IT FURTHER RESOLVED** that copies of this resolution, if approved, be sent to the
21 Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin County
22 Code Administrators, and members of the State Legislature representing Washington County.

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26 VOTE REQUIREMENT FOR PASSAGE: Majority

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28 RESOLUTION SUMMARY: Advisory resolution recommending the Wisconsin Legislature
29 amend the Administrative Code Flood Storage and Flood Fringe Regulations to Protect Personal
30 Property Rights and Property Values.

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32 Approved as to form:

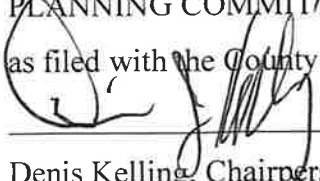
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34 
Bradley S. Stern, County Attorney

35 Dated Sept 11, 2025

Introduced by members of the LAND USE and

36 PLANNING COMMITTEE

as filed with the County Clerk.

37 
Denis Kelling, Chairperson

38 Approved:

39 
Josh Schoemann, County Executive

40 Dated 15 Sept 25

41 Veto

42 Partial Veto

43
44 (No fiscal effect.)

Considered 9-10-2025

Adopted 9-10-2025

Ayes 21 Noes 0 Absent 0

Voice Vote _____