



# JERRY PETROWSKI

WISCONSIN STATE SENATOR

## Testimony in Support of Senate Bill 662 Towns Shoreland Zoning Agreements

Thank you, Mr. Chairman and members of the committee, for hearing testimony today on Senate Bill 662 (Assembly Bill 736), a bill that bring about some clarity to shoreland zoning in Wisconsin's towns. I appreciate the committee meeting today to consider this legislation.

This is a very simple bill. It only does two things:

First, it makes a simple addition to the zoning options available to a county and a town. Under current law, towns and counties can cooperate to adopt a zoning ordinance in the town. However, it is not clear whether a town and county can agree to apply a zoning ordinance in only *part of a town*, instead of the entire town. This bill specifies that this practice is allowed.

Second, the bill adds clarity to current law related to the interplay between town regulatory authority in shoreland areas and county shoreland zoning authority. The bill's provisions do not change current law. Not only will these clarifications allow towns and counties to operate more smoothly and predictably, but they also solidify farmers' eligibility for tax credits in shoreland areas that are part of the state's farmland protection program.

The bill language has been endorsed by both the Wisconsin Towns Association and the Wisconsin Counties Association. We do not expect any opposition to this bill.

Again, thank you for your consideration of SB 662. Should you have any technical questions on the bill, I know that there are industry experts here with us today who plan to testify and I believe can be helpful, as well.

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**Testimony for Senate Bill 662  
Senate Committee on Natural Resources and Energy  
January 22<sup>nd</sup>, 2020**

Thank you Chairman Cowles and members of the Senate Committee on Natural Resources and Energy for hearing Senate Bill 662 related to town zoning in shorelands, the scope of county shoreland zoning ordinances, and authorizing partial county zoning.

This bill was drafted in collaboration with the Wisconsin Towns Association and the Wisconsin Counties Association. It is meant to provide clarification to a 2015 law, Act 41, which related to town zoning authority within a shoreland area. This piece of legislation clarifies existing law and does the following two things:

First, it gives a county and a town a simple addition to their zoning options. Cities and counties can cooperate under current law to adopt a city zoning ordinance. However, it is not clear whether a town and county will agree to enforce a zoning ordinance in only part of a town, instead of the entire town. The bill defines that this procedure is allowed.

Second, the bill brings clarification to the current law on the interaction between the local regulatory authority in shoreland areas and the zoning authority in county shorelands. The provisions of the bill do not alter current law, but provide clarifications that will allow towns and counties to run more effectively and efficiently. This bill will also strengthen the eligibility of farmers for tax credits in shoreland areas that are part of the state's farmland protection program.

If you should have technical questions, there are experts present that can provide helpful insight.

Again, thank you for hearing Senate Bill 662.

Committee on Local Government  
Public Hearing on Assembly Bill 736  
January 23, 2020

My Name is Scott L. Holewinski.

I am here on behalf of the Town of Sugar Camp in support of Assembly Bill 736.

I am a member of the Sugar Camp Town Board for the past 27 years, serving as Town Board Chairman for 23 of those years.

I am a member of the Oneida County Board of Supervisors for the past 18 years representing District 14 which is the entire Town of Sugar Camp.

I am also a member of the Oneida County Planning and Development Committee dealing with county shoreland ordinances for the past 17 years, while being chairman of that committee for 12 years.

Currently Oneida County has 20 towns and 1 city within its boundaries. 17 of those have county general zoning and 3 towns are un-zoned except the town of Sugar Camp that has 2 lakes under General Zoning rules.

History

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| May 16, 1933      | Oneida County adopted its first zoning ordinance with 2 classes of use districts  |
| April 20, 1960    | Oneida County adopted a county zoning ordinance with 10 towns approving it and 10 towns left un-zoned   |
| 1966              | The state of Wisconsin enacted a new statute giving counties the power to zone all lands within 1,000 feet of a lake, pond or flowage and 300 feet from a river or stream. The state also developed shoreland zoning rules. This could be done without town board approval. |
| February 21, 1967 | Oneida County adopted a Shoreland Protection ordinance to comply with the statute passed in 1966.   |
| October 7, 1987   | Oneida County passed general zoning (residential district) around Sugar Camp Lake in the Town of Sugar Camp.  |
| December 4, 1991  | Oneida County, with Town Board approval, passed general zoning (residential district) around Indian Lake which is next to Sugar Camp Lake.  |
| 2015              | The state enacted Wisconsin Act 55. With that Act came the confusion of an un-zoned town having partial general zoning versus shoreland zoning and does a town have the authority to approve or deny general zoning versus shoreland zoning.                                |

- April 11, 2017 The attorney general was sent a request to give his legal opinion on this matter.
- April 17, 2017 The Sugar Camp Town Board held its annual meeting. One item discussed that night was should the town retain general zoning around Sugar Camp and Indian Lake, shoreland zoning around all other lakes, ponds and flowages to 1,000 feet from OHWM and 300 feet from a river or stream, and stay un-zoned in the remaining areas of the town. The advisory vote was 55 aye, 1 no. This was the most attended annual meeting that I had in the 27 years of being on the board.
- January 16, 2018 Oneida County, along with Sugar Camp board approval, adopted an ordinance amendment to its shoreland protection ordinance allowing the town to keep the 2 lakes in general zoning as passed 31 years prior on Sugar Camp Lake and 27 years prior on Indian Lake. It also allowed the town to keep shoreland zoning as mandated by the state and not general zoning in rest of the shoreland area of Sugar Camp.
- January 2, 2019 Oneida County planning and zoning department received from Brad D. Schimel, the Attorney General, his legal response to questions raised by the Planning and Development Committee. It basically said the county has broad power to zone the shorelands and that nothing in Wis State. 59.69 or 59.692 prohibits a county from incorporating elements of its general zoning ordinance into its shoreland ordinance. Simply put, the legislature has given shoreland zoning authority to counties, not towns.

So the interpretation from the Attorney General was it didn't say the county could not enact general zoning in the shoreland area, so it must be permitted.

Assembly Bill 736 clears this up. Under Section 3. 59.692 (1c) line 11 through 13 clears up that the town has to approve general zoning in any of its shoreland areas. It clarifies that any general zoning areas created prior to this bill are considered legal, valid and binding. It also clarifies that a town can general zone any part of an area in its township and not the whole town.

The Town of Sugar Camp thanks everyone involved in bringing this bill forward to clarify what has been happening in Oneida County.



Scott L. Holewinski  
Sugar Camp Town Board Chairman