



2005 ASSEMBLY BILL 494

June 14, 2005 – Introduced by Representatives UNDERHEIM, AINSWORTH, F. LASEE, BALLWEG and VAN ROY. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 59.692 (6m), 62.231 (6m) and 87.30 (1) (d); and **to create**
2 61.351 (6m) and 281.38 of the statutes; **relating to:** activities that are exempt
3 from water quality standards that are applicable to wetlands.

Analysis by the Legislative Reference Bureau

Under current law, a person may not discharge dredged or fill material into certain wetlands unless the discharge is authorized by a certification from the Department of Natural Resources (DNR) that the discharge will meet all applicable state water quality standards.

This bill creates an exemption from the DNR certification process for certain wetlands. Under the bill, an activity is considered to comply with the water quality standards that are applicable to wetlands if the wetland area that will be affected by the activity has negligible functional values, if the activity incorporates a plan to create at least 1.5 acres of wetland for each acre of wetland affected by the activity, and if the activity is located in a city, village, town, or county that has adopted a comprehensive plan under the statute popularly known as “Smart Growth.” Under the “Smart Growth” statute, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. Beginning on January 1, 2010, under Smart Growth, if a local governmental unit engages in certain actions that affect land use, those actions must be consistent with the local governmental unit’s comprehensive plan.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 59.692 (6m) of the statutes is amended to read:

2 59.692 **(6m)** For an amendment to an ordinance enacted under this section that
3 affects an activity that meets all of the requirements under s. 281.165 (2) or (3) (a)
4 or 281.38, the department may not proceed under sub. (6) or (7) (b) or (c), or otherwise
5 review the amendment, to determine whether the ordinance, as amended, fails to
6 meet the shoreland zoning standards.

7 **SECTION 2.** 61.351 (6m) of the statutes is created to read:

8 61.351 **(6m)** CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
9 ordinance enacted under this section that affects an activity that meets all of the
10 requirements under s. 281.38, the department of natural resources may not proceed
11 under sub. (6), or otherwise review the amendment, to determine whether the
12 ordinance, as amended, fails to meet reasonable minimum standards.

13 **SECTION 3.** 62.231 (6m) of the statutes is amended to read:

14 62.231 **(6m)** CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
15 ordinance enacted under this section that affects an activity that meets all of the
16 requirements under s. 281.165 (2) or (3) (a) or 281.38 the department of natural
17 resources may not proceed under sub. (6), or otherwise review the amendment, to
18 determine whether the ordinance, as amended, fails to meet reasonable minimum
19 standards.

20 **SECTION 4.** 87.30 (1) (d) of the statutes is amended to read:

