

2007 DRAFTING REQUEST

Bill

Received: 02/01/2008

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Samantha Kerkman (608) 266-2530

By/Representing: Vicky Halverson

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - wet/shore/flood

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kerkman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Floodplain zoning exemption for a building in the city of Burlington

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	rkite 02/05/2008	kfollett 02/05/2008	nmatzke 02/06/2008	_____	sbasford 02/06/2008		
/2	rkite 02/08/2008	kfollett 02/08/2008	pgreensl 02/08/2008	_____	sbasford 02/08/2008	cduerst 02/08/2008	

FE Sent For:

None

<END>

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/1	rkite 02/05/2008	kfollett 02/05/2008	nnatzke 02/06/2008	<i>J/g</i>	sbasford 02/06/2008		

FE Sent For:

12 k/f
2/8

J/g
PS

PS
<END>

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/?	rkite	1/5 f 2/5	nwn 2/5	nwn/rs 2/5			

FE Sent For:

<END>

Kite, Robin

From: Halverson, Vicky
Sent: Friday, February 01, 2008 12:10 PM
To: Kite, Robin
Subject: FW: WLC: 0182/1

Attachments: 0182/1

From: Kerkman, Samantha
Sent: Friday, February 01, 2008 11:32 AM
To: Halverson, Vicky
Subject: FW: WLC: 0182/1

Please send to be jacketed

From: Patronsky, Mark
Sent: Thursday, January 24, 2008 11:02 AM
To: Kerkman, Samantha
Subject: FW: WLC: 0182/1

Rep. Kerkman---

Sorry for the delay--I've been tied up with the Assembly Ag Committee.

I am sending a copy of the floodplain zoning proposal that you have requested. This is a rough draft, and I assume it will need much further editing before it is ready to be introduced. I have used all of the information that I have in order to prepare this draft. Please ask those who receive a copy of the draft to send back any comments that will help to improve the draft.

I hope that your local officials will also consider the potential consequences with FEMA if this bill is adopted by the legislature.

Mark

From: Young, Tracey
Sent: Thursday, January 24, 2008 10:55 AM
To: Patronsky, Mark
Subject: WLC: 0182/1



01821.pdf (11 KB)

Tracey Young
Legislative Council Staff
608-266-7676
tracey.young@legis.wisconsin.gov

*OK to talk to Mark P. -
no permission to talk
to DNR*

1 **AN ACT** *to create* 87.306 of the statutes; **relating to:** creating an exemption from
2 floodplain zoning regulations for a building in the city of Burlington, Racine County.

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

3 **SECTION 1.** 87.306 of the statutes is created to read:

4 **87.306 Expansion of a building in the city of Burlington. (1)** The city of Burlington
5 in Racine County may expand, repair, reconstruct, and improve the veterans memorial
6 building that is located in Echo Park, and may construct an additional building or buildings
7 in Echo Park to add to the functions of the veterans memorial building. The city of Burlington
8 is not required to comply with s. 87.30 or any rule promulgated, order issued, or ordinance
9 adopted under that section with any respect to any of the following:

10 (a) The veterans memorial building and any other buildings in Echo Park as those
11 buildings exist on the effective date of this section ... [revisor inserts date].

12 (b) The expanded, repaired, reconstructed, or improved portion of the veterans
13 memorial building, or the new building that is constructed in Echo Park after the effective date
14 of this section ... [revisor inserts date].

15 **(2)** The exemption in this section applies notwithstanding any change in the following:

16 (a) Section 87.30 or any rule promulgated, order issued, or ordinance adopted under that
17 section.

18 (b) Ownership of Echo Park, the veterans memorial building, or any other buildings that
19 are part of the veterans buildings in Echo Park.

subsidized flood insurance



Wanted Wed. 2/6

State of Wisconsin
2007 - 2008 LEGISLATURE

RM run

LRB-4000

RNK:...

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

1 AN ACT ...; relating to: a floodplain zoning ordinance exemption for construction
2 activities related to the veterans memorial building in the city of Burlington in
3 Racine county.

(DNR) data
Analysis by the Legislative Reference Bureau

Current law provides that if any county, city, or village does not adopt a reasonable and effective floodplain zoning ordinance within one year after certain hydraulic and engineering data becomes available, the department of natural resources must, upon the petition of an interested state agency or a municipality or upon its own motion determine and fix by order the limits of the floodplains within the county, city, or village within which serious damage may occur. Current law also prohibits any person from placing or maintaining any building within any floodplain in violation of a floodplain zoning ordinance.

This bill provides that no floodplain zoning ordinance enacted, or required to be enacted, by Racine County or by the city of Burlington and no floodplain zoning order or determination by DNR may prohibit the repair, reconstruction, or improvement of the veterans memorial building that is located in Echo Park in the city of Burlington or the construction of any additional building in Echo Park in the city of Burlington if the construction is for the purpose of adding to the functions of the veterans memorial building.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4000/2dn

RNK:...

Date

(DNR)

X This draft is based upon a draft you provided to me from Mark Patronsky. After some discussions with Mark, I have made some changes to the draft. Please note that the draft creates an exemption to floodplain zoning ordinances and to floodplain zoning orders and determinations of the Department of Natural Resources, for construction related to the veterans memorial building in Echo Park. I did not include the language in Mark's version of the draft relating to rules, ordinances, or orders that may subsequently be promulgated, adopted, or issued because by creating the exemption under s. 87.30 (1), the exemption would apply to all subsequent rules, ordinances, and orders under s. 87.30 (1). Also, because it is not entirely clear to me who owns the property on which the veterans memorial building is located or any of the related property, I have drafted this proposal so that the exemption applies regardless of ownership of the property.

X Please note that if this proposal becomes law, it may adversely affect the city of Burlington's ability to obtain flood insurance under the national flood insurance program. Without discussing this issue with DNR, I am unable to determine that risk.

Finally, as you know, this is a very complicated area of the law, and without discussing this draft with DNR, I cannot know whether the draft fully accomplishes the underlying intent. For example, there may be other building permit requirements or ordinance requirements of which I am unaware that need to be exempted in order for the proposed construction to take place. Consequently, I recommend that you share this draft with appropriate county and city officials and with DNR for their review.

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4000/1dn
RNK:kjf:nwn

February 5, 2008

This draft is based upon a draft you provided to me from Mark Patronskey. After some discussions with Mark, I have made some changes to the draft. Please note that the draft creates an exemption to floodplain zoning ordinances and to floodplain zoning orders and determinations of the Department of Natural Resources (DNR) for construction related to the veterans memorial building in Echo Park. I did not include the language in Mark's version of the draft relating to rules, ordinances, or orders that may subsequently be promulgated, adopted, or issued because by creating the exemption under s. 87.30 (1), the exemption would apply to all subsequent rules, ordinances, and orders under s. 87.30 (1). Also, because it is not entirely clear to me who owns the property on which the veterans memorial building is located or any of the related property, I have drafted this proposal so that the exemption applies regardless of ownership of the property.

Please note that if this proposal becomes law, it may adversely affect the city of Burlington's ability to obtain flood insurance under the National Flood Insurance Program. Without discussing this issue with DNR, I am unable to determine that risk.

Finally, as you know, this is a very complicated area of the law, and without discussing this draft with DNR, I cannot know whether the draft fully accomplishes the underlying intent. For example, there may be other building permit requirements or ordinance requirements of which I am unaware that need to be exempted in order for the proposed construction to take place. Consequently, I recommend that you share this draft with appropriate county and city officials and with DNR for their review.

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

2/8
Per Vickie in ^{Rep} Kerkow's office
Kevin? w/ city of Burlington

pg. 2 line 11 - add reference to the
functions of Echo Park



2007 BILL

Regen

1 AN ACT *to create* 87.30 (1r) of the statutes; **relating to:** a floodplain zoning
2 ordinance exemption for construction activities related to the veterans
3 memorial building in the city of Burlington in Racine County.

Analysis by the Legislative Reference Bureau

Current law provides that if any county, city, or village does not adopt a reasonable and effective floodplain zoning ordinance within one year after certain hydraulic and engineering data becomes available, the Department of Natural Resources (DNR) must, upon the petition of an interested state agency or a municipality or upon its own motion determine and fix by order the limits of the floodplains within the county, city, or village within which serious damage may occur. Current law also prohibits any person from placing or maintaining any building within any floodplain in violation of a floodplain zoning ordinance.

This bill provides that no floodplain zoning ordinance enacted, or required to be enacted, by Racine County or by the city of Burlington and no floodplain zoning order or determination by DNR may prohibit the repair, reconstruction, or improvement of the veterans memorial building that is located in Echo Park in the city of Burlington or the construction of any additional building in Echo Park in the city of Burlington if the construction is for the purpose of adding to the functions of the veterans memorial building.

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

Echo Park or

Duerst, Christina

From: Halverson, Vicky

Sent: Friday, February 08, 2008 9:35 AM

To: LRB.Legal

Subject: Draft Review: LRB 07-4000/2 Topic: Floodplain zoning exemption for a building in the city of Burlington

Please Jacket LRB 07-4000/2 for the ASSEMBLY.

2/8/2008