

### Fiscal Estimate - 2017 Session

Original       Updated       Corrected       Supplemental

LRB Number **17-3663/3**      Introduction Number **AB-0770**

**Description**  
 workforce housing development tax incremental districts; local fees and charges; local levy limits; subdivision approval conditions; plat approval conditions; expiration of certain project approvals; division of land by certified survey map; erosion control and storm water management; limiting certain local regulatory authority; relocation benefits in condemnation proceedings; and zoning ordinance amendments

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
  - Yes
  - No
- Decrease Costs

**Local:**

- No Local Government Costs
  - Indeterminate
    - 1.  Increase Costs
    - 2.  Decrease Costs
    - Permissive  Mandatory
    - Permissive  Mandatory
  - 3.  Increase Revenue
  - 4.  Decrease Revenue
  - Permissive  Mandatory
  - Permissive  Mandatory
5. Types of Local Government Units Affected
- Towns
  - Counties
  - School Districts
  - Village
  - Others
  - WTCS Districts
  - Cities

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**

GPR    FED    PRO    PRS    SEG    SEGS s. 20.370(9)(bj) and (ma)

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
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## Fiscal Estimate Narratives

DNR 1/8/2018

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### Assumptions Used in Arriving at Fiscal Estimate

There are two sections of the proposed bill related to storm water management to which the Department is providing a fiscal estimate.

1. The bill proposes that for a local storm water utility, no new and additional charge for services rendered by a storm and surface water system may be made for a property that retains at least 90 percent of storm water falling on the subject property.

#### A. Assumptions

The proposed bill does not provide a definition of "retains". However, for the purposes of this analysis, the Department assumes that this amendment would benefit a property whereby at least 90 percent of the volume from the average annual rainfall does not enter the municipality's storm sewer system due to infiltration or other on-site volume controls.

#### B. State Fiscal Effect

The Department does not regulate or oversee the development or implementation of local storm water utilities. Therefore, the amendment in the proposed bill will have no fiscal impact on the Department.

#### C. Local Fiscal Effect

It is possible that municipalities and affected stakeholders may have differing interpretations of the circumstances where the limitations on charges for services in the amendment apply. However, using the assumption above, the amendment will have little to no impact on municipalities operating storm water utilities that already provide storm water utility fee credits for eliminating or reducing storm water runoff to the municipal storm sewer system. Municipalities operating storm water utilities that do not currently provide a fee credit may experience increased administrative costs for credit accounting not already provided, as well as possible decreases in revenue from utility fees. These potential costs/revenue effects are indeterminate.

2. The bill repeals the ability of municipalities to enact ordinances stricter than the uniform statewide standards if necessary to control storm water quantity or flooding, or to comply with a federally approved TMDL.

Under current state law, municipal ordinances may be stricter than the uniform statewide standards for storm water management established by the Department if necessary to control storm water quantity or flooding, or to comply with a federally approved total maximum daily load (TMDL). As provided under s. 281.33(3)(d), stats., the Department has established the uniform statewide standards under s. 281.16(2), stats., in the form of an administrative code, i.e., ch. NR 151. However, the uniform statewide standards only address requirements to meet statewide water quality goals.

Local governments typically enact ordinance requirements for storm water volume and runoff rate control that are stricter than the uniform statewide standards for water quality because of local conditions. For example, annual rainfall varies across the state, as well as other factors that influence runoff volume and rates such as soil type, topography, and land use. Furthermore, TMDL requirements for municipalities differ depending upon unique factors such as location, water quality of the receiving water, existing storm water treatment, pollutants of concern, and land uses within the watershed. Storm water volume and rate

control requirements to address localized quantity and flooding issues are beyond the scope of the Department's authority to establish uniform statewide standards. Additionally, the variability of activities needed for TMDL compliance based on local conditions cannot be addressed uniformly. Consequently, under the current state law, many local governments require additional design considerations for storm water management practices to account for increased runoff volume and rates, and/or to comply with a federally approved TMDL. These additional requirements often include storm water management practices with greater capacity or additional pollutant treatment capability.

#### A. Assumptions

To meet local concerns, private development or redevelopment projects offer municipalities an opportunity to require runoff volume and rate control, and/or pollutant reductions toward meeting a TMDL. Overall, for these purposes it is more cost effective for the municipality to require installation of storm water treatment practices as these development and redevelopment projects occur. Prohibiting requirements on private development or redevelopment as an option for local units of government may increase costs as they seek areas for regional storm water treatment that may not be entirely suitable or as effective as on-site treatment.

#### B. State/Local Fiscal Effect

The potential cost impacts of the repeal are indeterminate and not possible for the Department to estimate. However, if the loss of local options leads to undersized storm water management infrastructure it may result in increased repair costs from storm damage, which in turn may increase costs in the long-term due to the need of both state and local fiscal resources to respond.

### **Long-Range Fiscal Implications**