



16 North Carroll Street Suite 810 Madison, WI phone:608.259.1000
fax:608.259.1621
email:friends@lkfriends.org www.lkfriends.org www.PictureSmartGrowth.org

Assembly Bill 675
Assembly Committee on Property Rights and Land Management

Written Testimony of 1000 Friends of Wisconsin
Lisa MacKinnon, Policy Director
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Thank you, Chairperson Albers and committee members, for the opportunity to submit testimony on AB 675.

1000 Friends of Wisconsin is opposed to AB 675.

This bill will make it extremely difficult for local governments to function and perform their state-authorized duties with respect to land use. The bill has a lot of similarities to provisions in Measure 37, which was passed recently in the State of Oregon. In the first six months since Measure 37 was enacted, more than 1,000 claims have been filed against Oregon's state and local governments, with claimants demanding to build thousands of houses and millions of square feet of commercial development based on the provisions of that new law. We think these types of decisions should be addressed and made, instead, through a solid planning and decision-making process that includes these landowners on the front end.

Laws like this may be intended as a way to ensure fairness from the government. However, what they really do is pit neighbor against neighbor and grind the necessary ability of a government to do land use regulation to a halt. Those who are able to take advantage of the waiver provisions of such a law win a lottery at the expense of their neighbors.

Assume that a landowner obtains such a waiver in lieu of compensation from his or her local government, per § 895.45(4) of this bill, and is then able to disregard the current land use regulations and build something that is not allowed to his or her neighbors. Then the neighbors object because of a negative effect that action has on *their* property. Who do *these* landowners sue? Aren't they aggrieved now by an action of the same government that was trying to compensate or be fair to the other landowner? Do they get to sue the same government for compensation or a waiver? This bill promises to create a vicious cycle that will sink local governments into a mire of regulation and litigation. And, it most likely will cause local governments to hesitate to adopt any new land use regulations, even if the community strongly supports and needs them, for fear of having to pay numerous property owners to abide by the rules.

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Many local governments could very well end up spending the majority of their time, not to mention their financial resources, evaluating and processing these claims rather than doing the work of protecting the health, safety and welfare of citizens in the community.

In an era when the state is considering TABOR and other caps on local government spending, where is the compensation outlined in § 895.45 (2) and (5) of this bill (including potential attorney fees, expenses, costs and disbursements related to circuit court action) going to come from? And what other government services will need to be unfairly cut in order to cover the costs of this type of law?

While we have commented on and made recommendations on many different bills that have come before this committee, there are some bills that--no matter how much amending you do to them--will not fit our concept of good public policy and this is one of them.

For these reasons we urge you to oppose AB 675.

Thank you for considering our comments. Please do not hesitate to contact me if you have any questions.

1000 Friends of Wisconsin is a statewide nonprofit organization that educates citizens and policy makers about the benefits of responsible land use. Those benefits include solid public participation processes that allow and encourage landowners to help shape the policies and regulations that will affect them. We advocate for healthy rural and urban communities and the protection of our economic, cultural and natural resources statewide.