



Joe Parisi
County Executive

DANE COUNTY

Satya Rhodes-Conway
Mayor of Madison



July 1, 2019

Governor Tony Evers
Room 115 East
State Capitol
Madison, WI 53702

Dear Governor Evers,

We write to you today to respectfully request that you veto all of the language added to the state budget limiting local control of quarries. These provisions are the latest proposal in a long line of changes to state law designed to limit local control by tying the hands of local governments and sidelining local residents and businesses who want to have the ability to shape their community. Prohibiting local regulations on water quality, blasting, and air quality will have long-term impacts felt in communities all over Wisconsin.

We have seen water quality issues pop up in both rural and urban areas of our state; a fact you rightly highlighted in your State of the State speech earlier this year. Communities must have the tools they need to monitor water quality to prevent problems on the front end so taxpayers aren't forced to pay clean-up costs when things go wrong. The same is true for air quality and the safety concerns that can come with blasting near homes and businesses.

Non-metallic minerals are an important and necessary resource for our state. Mining is a highly intensive use of the land that should be managed at the local level with the input of the residents and businesses who live in the area through a conditional use permit process. Indeed, quarry operators have successfully worked with local communities and governments for decades to obtain such permits.

Requiring a conditional use permit ensures there is an open, public, and predictable process for quarry operators and neighbors. Most requests are approved with this process and in the end the quarry operator can get what they need while local residents and businesses can have any concerns addressed ahead of time. The budget provisions would allow so called "nonconforming" quarry sites to expand onto lands where operations had not previously existed. There is no public process without conditional use permits, which can result in land-use conflicts that could have been easily avoided on the front end. Rapidly expanding urban areas and rural areas looking to grow need the conditional use permit process to make sure development happens in a way that works for everyone.

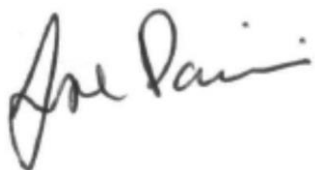
All of these provisions should be removed from the budget, but we'd like to highlight a few of the more egregious ones that would make it difficult for local governments to support the citizens they represent.

- On page 366, Line 11 the legislation uses a reference to January 1, 2001 which would mean a nonconforming quarry owner could be credited nonconforming status on lands acquired decades after the quarry became a nonconforming use depending on when a municipality began regulating mineral extraction. This would force homeowners and businesses in the area to live with a decision made decades ago with no chance for input. Local zoning and conditional use permit processes offer an opportunity to craft compromises to the benefit of all parties involved, including the quarry operators.
- Page 366, Lines 16 – 20 of AB 56 creates a presumption of intent to mine that has no rational basis and could mean homeowners who purchased a home miles away from a mine could end up with the mine and an 80 foot drop right behind their backyard simply because a mine operator purchased additional properties adjacent to the original non-conforming site decades ago. Expanding the reach of non-conforming sites is nothing more than an attempt to avoid informing local residents what will be happening in the area. The issue of intent should be determined by facts on a case by case basis rather than putting a blanket presumption in state law.
- The language on page 366 Line 24 to page 367 Line 6 is vague, ambiguous, and unenforceable.

The continued consolidation of power into state agencies by tying the hands of local governments severely restricts the voice of local residents. Land use decisions have been made at local level for decades because local officials know the needs of their area far better than any state agency ever could. Most state agencies do not have the in-depth knowledge and history of the area needed for these decisions nor the time and resources necessary to build that knowledge.

Please veto all of the provisions restricting local control of quarries and continue the current successful, local-based decision process used now so communities can continue to have a voice in how they grow. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Parisi". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dane County Executive Joe Parisi

Madison Mayor Satya Rhodes-Conway