



ADAM JARCHOW

STATE REPRESENTATIVE • 28TH ASSEMBLY DISTRICT

July 12, 2018

John P. Macy
Municipal Law & Litigation Group, S.C.
730 N. Grand Avenue
Waukesha, WI 53186

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MUNICIPAL LAW &
LITIGATION GROUP, S.C.

Dear Mr. Macy,

I would like to take the opportunity to reach out and clarify a few points made in your memo "Re: Conditional Use Authority; New Preemptions; 2017 Wisconsin Act 67". Act 67 was passed with the intention of protecting property rights and specifically address the lack of statutory language related to Conditional Use Permits (CUP).

I am concerned with the suggestion that municipalities should begin to circumvent utilizing CUPs all together in favor of a newly created classification. The intent of Act 67 was not to have governmental units create any number of use classifications to meet a multitude of possibilities within zoning, rather it was intended to create due process for those whose uses fell outside the codified permitted uses. Act 67 aimed to create certainty for property owners, not create a myriad of possibilities through which they must sift in order to learn what sort of rules their use falls under.

Act 67 was intended to, and subsequently has removed much of the uncertainty to the property owner during the CUP process. This law was crafted to ensure that property owners do not have to worry about the rules changing in the middle of the game. If a CUP is granted and the stipulations are met, the CUP should not be threatened.

Further, the public hearing process created in Act 67 is an important aspect of due process for the property owner. A property owner should have the ability to inform the public in a public hearing setting prior to the decision to grant or deny their CUP. These CUP proceedings implement due process by applying standards equally and fairly to all similarly situated people. Also, the ability for the property owner to appeal the decision should not be discounted. This was placed in Act 67 to give the property owner yet another chance at a positive outcome for all sides.

I feel that Act 67 is a step in the right direction and should be applied as it was intended. Please feel free to reach out to me or my office for further clarification. Thank you for your time.

Respectfully,

A handwritten signature in black ink, appearing to be 'Adam Jarchow', written over a horizontal line.

Rep. Adam Jarchow

CC: Senator Tom Tiffany, 12th Senate District
Curt Witynski, League of Wisconsin Municipalities
Mike Koles, Wisconsin Towns Association