



## Dane County Planning and Development Department

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### Planning

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### Zoning

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### MEMORANDUM

**TO:** Towns Withdrawing from Dane County Zoning: Berry; Blue Mounds; Bristol; Springfield; Sun Prairie; and Westport

**FROM:** Todd A. Violante, AICP, Director

**DATE:** Thursday, August 10, 2017

**RE:** 2017 Dane County Zoning Application Deadline of October 1, 2017

**CC:** Dane County Towns Association (DCTA)  
All Interested Parties

Following the 2015 adoption of Wisconsin Act 178, the state granted Dane County towns the opportunity to withdraw from county zoning according to a statutorily prescribed process. Towns wanting to withdraw from county zoning effective January 1, 2018 were required to hold a vote at their annual town meeting in spring 2017. The following six towns held such a vote and approved withdrawal from county zoning: Berry; Blue Mounds; Bristol; Springfield; Sun Prairie; and Westport.

In preparation for this change, the Planning and Development Department will be implementing an application deadline date of October 1, 2017, after which applications will no longer be accepted by the county in the six opt-out towns. Such a date will promote a smoother jurisdictional transfer of zoning and land division authority by minimizing the number of incomplete zoning and other regulatory actions lingering at the time of transfer. It works to the benefit of all stakeholders involved, including applicants, agents, towns, and Dane County, by not initiating approval processes that would begin under one authority, ordinance, and administrative structure and possibly conclude under another. This date was established in consultation with the Dane County Towns Association.

There are a number of reasons why October 1, 2017 makes for a reasonable date. For example, zoning permits issued toward the latter months of the year often carry over into the next year due to such things as weather constraints, construction schedules, financing, etc. Rezone and conditional use permit (CUP) applications submitted for the existing September 21, 2017 application deadline are scheduled for the November 28, 2017 ZLR public hearing. Zoning applications submitted after September 21 would not be able to complete the standard town-county decision making process before the end of the year. The standard application process for land divisions/certified survey

maps (CSMs) is typically between 30 and 90 days, depending on a number of variables. There is a strong possibility that CSM applications made after this date will not be completed by the end of the year, especially if submitted in conjunction with a rezone petition. Similarly, subdivision plats typically need even more time to process, conceivably taking upwards of 3 to 5 months to process, depending again on a number of factors. The department will still continue to take questions on property up until the end of the year from individuals in the six towns; such inquiries are a good educational opportunity to inform property owners of this upcoming jurisdictional transfer.

#### UNCOMPLETED ACTIONS

Even with an October 1, 2017 application deadline, there will undoubtedly still be actions that are initiated under Dane County zoning in 2017 that will not reach fruition before the six towns assume jurisdiction in January 2018. Property owners and agents submitting applications before October 1 from the six towns will need to be cautioned that their submittals may not be completed before the end of the year, and fees paid for such applications cannot be refunded. These applications would be rendered null and void from Dane County's perspective, and would likely need to be reinitiated under the new town zoning structure in 2018. All applicants and agents submitting applications in the six towns will be notified by the Planning and Development Department of this prospect. While department staff will do its best to complete reviews and processes associated with submittals made prior to October 1, staff is working with Corporation Counsel on a Dane County disclaimer to accompany all applications from the six towns calling out this possibility and exempting Dane County from potential claims. Department staff will work cooperatively with the six towns and their consultant(s) to identify any outstanding issues for possible town follow-up at the time jurisdiction is transferred.

#### OTHER OUTSTANDING ITEMS

The department and the six towns will need to establish a common understanding as to how we will communicate this transfer of authority to the public, including Dane County's continuing administration of shoreland, floodplain, and wetland regulations, and its ongoing responsibility for issuing rural addresses and new road names. Town officials, town consultants, and Dane County staff will need to cooperate in communicating this information to property owners and agents. We will also need to talk about how historical zoning, land division, and other related records will be copied and conveyed to the opt-out towns and their consultant(s). Lastly, the Planning and Development Department will prepare zoning and parcel maps for the six towns current as of December 31, 2017 in three different formats: 1) ESRI ArcGIS shapefiles; 2) section-by-section PDFs; and 3) section-by-section, large-format hardcopies. There will not likely be any sort of charge for the electronic data, but the department would need to charge a fee for hardcopy information simply to recover the cost of time and materials, e.g. paper, plotter ink, etc.

We look forward to working further with the six towns and DCTA on these and any other outstanding items to ensure a smooth transition for the citizens we all serve. If you have any questions or concerns about the deadline date or other related items, please let me know: I can be reached by email at [violante@countyofdane.com](mailto:violante@countyofdane.com) and by phone at 266-4021.