



Catching Up With the Approval Process in Towns

Excerpted from: *Citizen's Guide to Land Use in Wisconsin* ~ by 1,000 Friends of Wisconsin. Download for free or order paper copies by visiting www.1kfriends.org.

Your Links to County & Town Government

The County Board: This is the elected governing body for Wisconsin counties. County board members, called "supervisors," are your representatives and have a great deal of decision making authority on land use issues. County board elections are non-partisan and they occur every other year in April.

The County Planning or Zoning Administrator: This is the county government official whose job it is to administer the county zoning ordinance. This person, who is a civil servant, is a source of information with regard to land use procedures.

The Board of Adjustment (or Appeals): This decision making body has a great deal of authority on issues of interpretation. This board is involved in certain situations where there may be some flexibility in the specific application of a land use regulation or plan.

The Town Board: Made up of three or five members, this elected body has similar characteristics to the county board. Elections are non-partisan and held in April.

The Town Planning Commission: Not all towns have an established planning commission, but those that do will have a commission made up of citizens and sometimes town board members. The commission's job is to advise the town board on decisions related to its land use plan.

A Typical Approval Process in Towns

A very common land use situation in towns is the conversion of farmed land into housing. Such a development will typically require a zoning change from agricultural to residential, and subdivision review for the creation of new lots. Here is an example of how the process would work in a town without an established planning agency of its own, but within a county that has an established planning department. This is a generalization. You will need to find out about the exact process in your community.

Step 1 An owner of farmland wants to sell some of his land for a housing development. He visits the county zoning administrator who informs him that residential development is not allowed on his land, which is zoned for agriculture. The landowner will need to have his land rezoned to allow residential development.

- Step 2** The zoning change is referred to the town planning commission, which holds a public hearing.
- Step 3** Usually at a separate meeting after the public hearing, the plan commission votes to recommend that the zoning change be accepted or rejected by the town board.
- Step 4** The town board holds a public hearing on the zoning change.
- Step 5** The town board votes to approve or deny the zoning change.
- Step 6** The matter is referred to the county board which in turn refers it to a committee, often called the "Zoning Committee".
- Step 7** Comments may be prepared by a regional planning commission or the county planning and zoning office where one is present.
- Step 8** The Zoning Committee holds a public hearing.
- Step 9** Usually at a separate meeting, the Zoning Committee votes to recommend that the zoning change be approved or denied by the whole county board.
- Step 10** The county board votes on the zoning change.
- Step 11** If the zoning change is approved, depending on the number and size of lots being created, the county determines what level of subdivision review is required (Note: In some communities, it is common practice for zoning and subdivision approvals to be considered together.)
- Step 12** Preliminary subdivision plans are forwarded by the county planning staff to reviewing bodies, which may include the town board, the county board, other county departments, state agencies, and neighboring municipalities with extraterritorial jurisdiction.
- Step 13** Revisions to the plan may be recommended. After revisions are made, a final subdivision plan is submitted. The subdivision is approved if all issues are resolved, and no reviewing authorities object

Some towns are not under county zoning. They may either have their own zoning or no zoning at all.

The process to develop farms in these towns will be different in each case. Your best bet is to call both your town and county offices to find out exactly how decisions will be made to approve or deny a development in these situations. Most of the time, subdivision review will still be required, and that decision will be made at the county level after the town has made a recommendation. When controversial developments are proposed in towns without zoning, these become excellent times to encourage your community

leaders to start the process to create a comprehensive plan. Why? Because the next time a controversial development is proposed your local leaders won't be on the hot seat – as much – to approve or deny it; rather, they can base their decision squarely on the comprehensive plan that has been created by entire community.