



DANE COUNTY PLANNING & DEVELOPMENT

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TO: Dane County Board of Supervisors & Executive Agard
Town Clerks, Supervisors & Planning Commissioners

FROM: Majid Allan, Senior Planner

DATE: December 5, 2024

RE: Ordinance Amendment 2024 OA-23, regarding the review process for conditional use permits

CC: Renee Lauber, Executive Director, Dane County Towns Association
Todd Violante, Planning & Development Director
Roger Lane, Zoning Administrator
Rachel Holloway, Assistant Zoning Administrator
Daniel Everson, Assistant Zoning Administrator

Ordinance Amendment 2024 OA-23, regarding the review process for conditional use permits has been introduced by the County Board. To assist town and county officials in decision making, Planning and Development staff prepare summary descriptions of each proposed amendment to land use and development related ordinances. Please direct any questions to me at 608-267-2536, or allan.majid@danecounty.gov.

I. Summary

OA-23 was sponsored by Supervisors Doolan and Kroning and introduced at the November 7, 2024 County Board meeting. The proposed ordinance amendment revises the review process for conditional use permit (CUP) applications to conform with statutory requirements.

The amendment was developed at the recommendation of, and in consultation with, Corporation Counsel and representatives of the Dane County Towns Association. The Executive Board of the Dane County Towns Association voted unanimously to support the proposed changes at their meeting on October 15, 2024.

II. Background

A. Ordinance Amended: If adopted, OA-23 would amend section 10.101(7)(c) and related subsections of the county zoning code regarding review procedures for conditional use permit applications. The complete text of the amendment can be found on the county's legistar website, [here](#).

B. Action Required: The County Board and County Executive must approve OA-23 for it to become effective. Prior to action by the County Board and Executive, the 26 Towns under county zoning have 30 days from the date of the County Zoning and Land Regulation Committee (ZLR) public hearing to review and take action on the amendment. If a majority of towns deny the amendment, the county cannot approve it.

C. ZLR Public Hearing: The Zoning and Land Regulation Committee advises the County Board on amendments to the zoning code. The Committee will hold a public hearing on OA-23 on January 28, 2025.

D. Timeline for Town Action: Town action on OA-23 is due by Thursday February 27, 2025. Towns may utilize the online reporting tool available on the Dane County Planning & Development website at

<https://danecountyplanning.com/Town-Information-Page>, or the hardcopy form included with the mailing to Town Clerks. Completed hardcopy forms should be returned to Dane County Planning & Development by US Mail or fax.

III. Description

OA-23 modifies a number of provisions regarding the procedure for review and action on conditional use permit applications, with the majority of changes affecting Towns’ review and action. Below is a summary table depicting the changes to town review proposed under OA-23.

Town Review Procedure	Current	OA-23 Proposed
Timeframe for review/action	60 days from date of ZLR public hearing. Additional 40 day extension available upon request.	No change to timeframe. Additional time may be granted <i>“if reasonably necessary to adjudicate the application”</i> .
Basis for decision	Must be supported by written findings of fact and based on substantial evidence determining whether or not proposal meets all applicable standards.	Any Town action shall include, <i>“...a factual basis for the recommendation.”</i>
Relationship to timeframe for ZLR action	ZLR will not act until it receives town action or expiration of the time to make a recommendation	No change.

OA-23 will ensure the county zoning code strictly conforms to [section 59.69\(5e\) of state statutes](#), which specifies the procedures that counties must follow for conditional use permits. The amendment resolves uncertainty over administration of the current ordinance in light of the county’s statutory obligations. Towns would now have the ability to make formal recommendations on conditional use proposals that the ZLR must consider when determining whether to approve or deny applications.

IV. Analysis

The changes proposed under OA-23 will require the ZLR to act on every CUP application, taking into consideration the town’s recommendation. Towns will still be provided full copies of application materials and the same timeframe will apply to their review and action. The changes will remove a number of the current code provisions that essentially duplicate the statutory requirements that apply to the county.

If approved, OA-23 will enable towns to have additional flexibility in how they choose to process CUPs. For example, some towns may choose to hold a formal public hearing, preceded by a class 2 notice, while others may prefer to consider CUPs at regularly scheduled public meetings of their plan commissions and boards. Towns may continue making formal findings of fact in support of their recommendations, such as a list or outline of the facts that would support approval or denial of a proposed conditional use. Such written findings would be received by the ZLR committee and made part of the official record for a CUP petition.

Staff will be developing and distributing written guidance to towns on CUP decision making “best practices”, including options to adopt specific procedures for the conduct of meetings at which a CUP is on the agenda, and reporting actions to the ZLR Committee. Staff will also be reaching out to Towns directly and available to answer questions and attend meetings upon request.