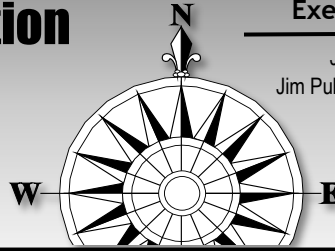


Dane County Towns Association

Advocate for Town Government

Established 1972

danecotowns.net



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To: Mary Kolar, Chair Dane County Zoning and Land Regulation (ZLR) Committee
From: Dane County Towns Association (DCTA) Executive Board
Date: June 7, 2018
Re: Review use of Conditional Use Permits

Thank you for attending the May 2018 DCTA Membership Meeting. At the meeting DCTA Attorney Eric Larson discussed changes in state law regarding Conditional Use Permits (CUPs). He noted that new standards require CUP decisions to be made based upon substantial evidence and require the issuance of the CUP if the conditions are met.

These new standards change the nature of town review of land use decisions as they require towns to follow a quasi-judicial procedure at CUP hearings. Town Boards are no longer allowed to act as legislators and make decisions based on what they feel is best for their town and residents. They are now required to hear evidence and make decisions based only on specific facts.

Attorney Larson suggested that towns go through their zoning code and review conditional uses and consider reclassifying some uses. If the decision on a use is changed from a CUP request to a rezone request, towns retain the latitude they are used to in their decision making process.

We ask that, as part of the current Comprehensive Rewrite of the Dane County Zoning Code, the ZLR review the proposed new code and consider reclassifying uses.