



JOAN BALLWEG

STATE SENATOR · 14TH SENATE DISTRICT

**Senate Bill 826: Town Withdrawal from County Zoning
Senate Committee on Transportation and Local Government
Testimony of Senator Joan Ballweg
January 10, 2024**

Thank you, Chair Tomczyk and members of the committee, for hearing this legislation regarding county and town zoning.

Currently, counties and towns share general zoning authority in unincorporated areas. Some of these unincorporated areas are under county zoning, others have town-specific zoning and others are unzoned. However, local communities should be able to determine which type of zoning works best for them.

Under current law, a town must opt-in to a county general zoning ordinance for it to apply for a town. Current law allows a town to opt-out of a county zoning ordinance after the county adopts a comprehensive rezoning ordinance. While this process is well-intentioned to provide an option for the town to opt-out and to ensure consistency so towns do not opt-in and out on a whim, it does not work well practically. Counties rarely undertake comprehensive rezoning because it is a large, time-consuming project, therefore the town effectively does not have an option to opt-out.

The goal of Senate Bill 826 is to foster communication and collaboration between counties and towns and create the opportunity for appropriate zoning ordinances that are a good fit for property owners and residents of a particular community. Under the bill, beginning five years after enactment of this legislation, a town that opted to be subject to a county zoning ordinance may withdraw from coverage under that ordinance and from coverage under a county land division ordinance after providing a two-year notice to the county. If a town exercises this option, they must also adopt their own zoning ordinance. This process ensures that towns have a viable option if they believe they are better situated to manage their own zoning authority as well as balances the need to provide advanced notice for a thoughtful transition. Lastly, the bill specifies that any preexisting zoning approvals and nonconforming uses are preserved when there is a transfer of zoning authority between a county and a town.

The Wisconsin Towns Association and the Wisconsin Counties Association have worked together on this bill because it will promote counties and towns working closer together to manage this regulatory authority.

Thank you for your consideration of Senate Bill 826, and I am happy to answer any questions.



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MEMO TO: Senate Committee on Transportation and Local Government
FROM: Wisconsin Towns Association
RE: Senate Bill 826
DATE: 1/10/2024

Chair Tomczyk, members of the Committee, thank you for the opportunity to provide testimony in support of Senate Bill 826 on behalf of the Wisconsin Towns Association.

Counties and towns in Wisconsin share general zoning authority in unincorporated areas. Some towns are subject to county zoning regulation, others are subject to a town-specific zoning ordinance, and others have no zoning. The best approach to zoning regulation differs from place to place.

Under current law, towns must “opt in” to a county general zoning ordinance for that ordinance to apply in the town. Once in, a town can generally only opt out of a county zoning ordinance if the county agrees or after the applicable county adopts a comprehensive rezoning ordinance. Counties rarely undertake comprehensive rezoning efforts because these are large and time-consuming projects for counties to undertake. It is also difficult to determine what level of modification constitutes a “comprehensive” rezone. Additionally, if towns elect to opt out after a county comprehensive rezone, they may be left with no zoning ordinance in place.

Under this bill, beginning five years after enactment of this legislation, a town that opted to be subject to a county zoning ordinance may withdraw from coverage under that ordinance and from coverage under a county land division ordinance after providing a two-year notice to the county. Towns that exercise this option must adopt their own zoning ordinance and related regulations and plans. With these changes, towns will not only have the option to opt out of county zoning more effectively, they will also have more incentive to *opt in* under county zoning knowing that they will have a more meaningful option to exit if there comes a time when they believe they are better situated to manage their own zoning authority.

This legislation will promote counties and towns working more closely with each other to manage this regulatory authority and will allow larger towns to shift to their own

regulatory structure at a point in time when such a move is appropriate for their constituents.

The bill also clarifies an important aspect of current law by specifying that preexisting zoning approvals and nonconforming uses are preserved when there is a transfer of zoning authority between local governments and makes other changes to related statutes for consistency.

SB 826 continues the trend in recent years of legislative changes that update the way that zoning authority is managed across the state. Most recently, counties and towns worked together to change the law to allow a town to opt in under county zoning for only a portion of the town, in response to requests from town citizens and county administrators. This bill is the logical next step to continue to strengthen the relationship between towns and counties and to provide the regulatory structure best suited to the needs of a particular area.

The Wisconsin Towns Association and the Wisconsin Counties Association have worked together on this bill. The goal is to foster communication and collaboration between counties and towns and create opportunities for appropriate zoning ordinances that are a good fit for property owners and residents of towns.

Thank you again for your consideration of this bill and the opportunity to testify before you today.