

MEMO

To: Ms. Michele St. Claire, Dane Co. Dept. of Planning and Development
From: Phil Salkin, Government Affairs Director
REALTORS Association of South Central Wisconsin
RE: Comprehensive Planning – Housing and Economic Development Component
Date: 8/16/04

Dear Ms. St. Clair:

The following is a summation of some of the issues I have discussed in recent meetings of the Housing and Economic Development Workgroup.

Authority of the County Plan:

A critical aspect of the goals and objectives portion of the Housing and Economic Development portion of the Comprehensive Plan is the scope of authority to implement them. Clearly, it is important whether the goals are meant as “sage advice” to the 83% of the residents living the villages and cities or as implemental goals in the townships, where the County shares zoning and other land use authority. Some members of the workgroup have opined that the County plan will have authority in the incorporated areas. I have reviewed this issue with others and offer the following references to state statute. As you know, the term “development plan” relates to a county plan and a “master plan” relates to cities and villages.

59.69(3)(a) “The county zoning agency may direct the preparation of county development plans or parts thereof for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county’s development plan.

This clear specifies that the County Comp. Plan will relate only to unincorporated areas, unless a city or village, by resolution, agrees to adopt the County plan as its own. I think it fair to say that none of the larger communities in Dane County have made this step. Indeed, some have already completed and adopted their plan, absent a County plan. Others, such as Madison, are well advanced in their process.

59.69(3)(b) “The development plan shall include the master plan, if any, of a city or village, which was adopted under s. 62.23(2) or (3) and the official map, if any, of such city or village, which was adopted under s. 62.23(6) in the county without change.

This reference goes even further to state that the County shall include any master plan in its development plan, without change. However, it clearly does not make this reciprocal, a city or village does not have to incorporate the county plan.

59.69(3)(f) “A master plan adopted under s. 62.23(2) and (3) and an official map that is established under s. 62.23(6) shall control in unincorporated territory in a county affected thereby, whether or not such actions occurs before the adoption of a development plan.

Even further, this reference gives villages and cities authority for planning in extra-territorial jurisdictions, even when the county plan predates the local plan.

In summation, it is clear that the County plans will not have authority in the cities and villages. Certainly, the County could encourage certain behaviors through the use of grants, but these are of limited scope and duration. Would a city forgo a major development such as EPIC, for example, if the County attempted to persuade it with a small grant?

Goals and Objectives:

Does the lack of authority of the County plan mean that the goals and objectives developed by the Housing and Economic Development Workgroup should be scrapped? Not at all, but the approach to the goals and the objectives might be considered in another light. The workgroup might examine them in terms of the potential implementation. If a goal/objective cannot be implemented by the County, without communities ceding their “home rule” rights should the work group remove the goal/objective or create another context in which to consider it? The workgroup might;

- 1) Consider the Goals and Objectives in a dual manner.
 - a) Consider goals for the townships which might be implemented
 - b) Consider goals for the villages and cities which would be advisory
 - c) Consider goals which impact the County in general, but require separate implementation strategies.
- 2) Stress Goals and Objectives which center on housing and economic development in the towns. Complete those first and then spend remaining time and effort on goals which will be advisory in nature.

Examples of Housing Issues in Unincorporated Areas:

- 1) Should the County encourage clustered development in the Towns? In which Towns is this acceptable? Are there general parameters for size and layout?
- 2) What tools should the County provide to the Towns to encourage clustered growth? Conservation Subdivisions? Transfer of Development Rights? Bonus “splits” for smaller lot, higher density development? Etc.
- 3) If public health/environmental parameters permit, should the County encourage multi-family housing? Duplexes? Small Unit Apartment Buildings? Etc.

4) What tools can be the County use to encourage “affordable” housing in the Townships? What would be the target audience?

Contexts for Goals and Objectives:

When dealing with the Towns, housing and economic development might be considered in three context:

Urbanizing Townships – examples – Town of Middleton, Town of Burke

Mixed Development Townships – examples – Town of Cottage Grove, Town of Verona

Rural Townships – examples – Perry, Albion, York, Medina.

Fortunately, most of these can also be lumped geographically in concentric rings from the urban core of the County.

Please distribute this email to the other members of committee. I look forward to Discussing these issues at their convenience. Thank you.

Sincerely,

Phil Salkin
Government Affairs Director
REALTORS Association of South-Central Wisconsin