

Rantoul Zoning Focus

Town, County or No Zoning? Issues for Residents to Consider

Zoning Overview

Zoning is a practice that regulates the allowable uses of land, lot size and the location, height and bulk of structures within specified zones or districts in a governmental jurisdiction. In addition to specifying and designating appropriate land uses within different zoning districts (e.g. commercial, agriculture, residential, industrial), a zoning ordinance also specifies “*conditional*” uses that can be allowed with restrictions or special conditions after a public hearing process.

The Town of Rantoul worked with Calumet County to develop the Town and County Comprehensive Plans, including the town’s land use map, showing what land uses are planned for the Town of Rantoul. Town officials also cooperated with Calumet County to develop the Farmland Preservation Plan and map (required by state law) that shows the farmlands to be preserved. These plans and maps, as adopted in 2007 and 2009, identify the town’s vision for effectively managing the rate of nonagricultural growth in the town to preserve land for agriculture.

On November 2, 2009, the Calumet County Board adopted a comprehensive revision to its zoning code. According to state law (s.59.69(5)(d) Wis.Stats), a town currently under county zoning, such as Rantoul, has three choices when the county adopts a comprehensive revision: (1) within one year, approve the county revision and stay under county zoning; (2) within one year, adopt a town zoning ordinance and opt out of county zoning; or (3) do neither and have no zoning.

The County’s zoning code revisions have brought about discussion in Rantoul, as has another issue impacting the Town — the Wisconsin Working Lands Initiative (WLI). WLI was passed as a part of the state’s 2009—2011 biennial budget process (Ch 91 Wis.Stats). The goal of the Working Lands Initiative is to achieve preservation of areas significant for current and future agricultural uses. WLI expands and modernizes the state’s existing farmland preservation program by, among other things, increasing income tax credits for farmers who meet program criteria for income and compliance with state soil and water conservation standards. In order to qualify for the new tax credit program, state law requires farmers to be located in exclusive agriculture zoning or to work in partnership with other landowners to establish Agricultural Enterprise Areas. The law also requires a flat per acre conversion fee when land under farmland preservation zoning is rezoned for other uses.

County Involvement in the Town

No matter what type of zoning is enacted in Rantoul, Calumet County will be involved with other ordinances regulating land use in the town.

Wisconsin law requires the County to adopt and enforce shoreland zoning regulations, which it does through its zoning ordinance (Ch. 82 Calumet County Code of Ordinances). In addition, the County also administers and enforces a land division ordinance (Ch 62), a floodplain zoning ordinance (Ch 51), and stormwater and erosion control ordinances (Ch 10), along with a few additional ordinances.

If Rantoul adopts its own zoning ordinance, any amendments to the text or maps of the town’s zoning ordinance need County approval.

Issues for Rantoul Residents to Consider

The decision to stay with county zoning, develop a town zoning program, or discontinue zoning is something that each community must make for itself based on local priorities. To help evaluate pros and cons of the options, several questions can be considered:

- Can the town's future vision of preserving agriculture, as specified in the town's land use plan, be achieved with no zoning or town zoning better than through county zoning?
- What are the potential risks of dropping zoning? Of staying with county zoning? Of adopting town zoning?
- What is the town's ability to afford and administer a local zoning code? Consider costs to prepare, administer, and enforce the code (e.g. staff and Commission time, volunteers and training, and computer applications).
- What is the town's willingness to accept the responsibility of a local zoning code? If an aggrieved party contests an action, the town will be responsible for legal fees and judgments.

Advantages of No Zoning

- Elimination of regulations that may have previously prevented certain types of developments or structures.
- Property owners can do what they want on their own property except where impacted by the county ordinances discussed on page 1, which includes avoiding the conversion fee for land taken out of farmland preservation zoning.
- Reduced need to interact with county staff that implement zoning regulations.

Advantages of Zoning

- Offer standard, commonly accepted regulations for implementing the town's future vision in an organized manner.
- Offers farmers eligibility to claim tax credits if farmland preservation zoning is adopted.
- Protects individual and community property values by limiting uses, activities, and physical outcomes that might undermine a particular zone's uses.

Some Advantages of Town Zoning

Flexibility and direct local control: the town has authority to create, adopt, and amend its own regulations in keeping with local priorities and preferences. With county zoning, the town is legally bound by the county's ordinance for 15 years.

Local knowledge: town officials and staff have more locally specific knowledge of land uses, situations, resources, conditions, etc. Objective 'findings of fact' may be accomplished more quickly.

Independence: the town remains independent from county zoning regulations except for the special ordinances discussed on page 1. It hires and supervises its own zoning administrator and legal staff; it retains fees generated locally; and it updates and enforces its own ordinance pending approval by the county board.

Some Advantages of County Zoning

Objective decisions: because county committees are made up of people from throughout the county, decisions on zoning requests and violation enforcement are made by people who likely will not be personally familiar with the applicant, which can facilitate impartial decision-making.

Expenses: town taxes already pay for county staff and appointed county bodies such as the Planning & Zoning Committee and Zoning Board of Adjustment so there are no additional costs to implement a zoning program.

Time: tasks related to updating, adopting, amending, and enforcing the zoning ordinance are time consuming, especially with new or controversial land uses, so the town avoids this extra time commitment.

Expertise: County staff are trained professionals .

Sources: (1) American Planning Association Press, *Small Town Planning Handbook* (2) Calumet County Planning Department, "Pros and Cons of Town and County Zoning" (3) Local Government Center, UW Extension, Considerations for Adopting and Implementing Town Zoning, March 2010 presentation at Calumet County workshop (4) Winnebago County UW Extension, *Zoning Rewrite Update, October 2009*

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