

# Rules and Procedures of the Dane County Zoning and Land Regulation Committee of the Dane County Board.

*These Rules and Procedures were adopted STAFF TO INSERT DATE OF APPROVAL ~~January 10, 2017~~ and shall replace any rules previously adopted and shall be the rules of the committee.*

## I. General

- a. The Zoning and Land Regulation Committee of the Dane County Board (hereinafter referred to as Committee) shall have a Chairperson, Vice Chairperson, and Secretary. These positions shall be selected by the members of the committee. The Chairperson shall run the meeting of the committee in adherence to items on the agenda with action on items and procedural matters generally managed as prescribed by Robert's Rules of Order except where these rules indicate otherwise. The Chair may deviate from Robert's Rules at any time with the concurrence of the committee.
- b. In the absence of the Chair or if the Chair chooses to relinquish, the Vice Chair shall take on the responsibilities of the Chair, likewise the Secretary may take over for the Chair or Vice Chair.
- c. The committee shall set aside these Rules and Procedures as they determine appropriate by 2/3 majority vote of those present for specific purposes.
- d. Staff from the Department of Planning and Development (hereinafter referred to as the Department and as staff) shall take minutes, prepare agendas and otherwise staff the operation of the Committee. If staff for any reason is not available at any meeting the Secretary or a designee of the Chair shall take minutes of the meeting.
- e. Meetings shall be scheduled by the Committee for a time and place as deemed appropriate and special meetings may be called by the Chair. The Committee may schedule remote call-in or video conference meetings in accordance with the procedures outlined in section VII, below.- The Committee may schedule a meeting for the purpose of conducting a site visit as deemed appropriate. The purpose of these site visits is exclusively to view the site. The Committee will not accept testimony at a site inspection, and the Committee will not take any action at a site inspection.
- f. Agendas shall be prepared by staff of the Department with the following general order and guidelines.

1. Call the meeting to order.

~~1.~~

2. Approval of minutes.

~~2.~~

3. Public comment on any item not listed elsewhere on the agenda.

4. Petitions scheduled for Public Hearing.

5. Petitions which have been postponed from previous meetings and have recently had additional action or new information submitted by applicants, Towns, or staff.

6. Land Division issues needing action by the committee as determined by staff.

7. Resolutions referred to the committee.

8. Ordinance Amendments referred to the committee.

9. Any other items shall be listed next or listed under other business.

g. The chair may establish a consent agenda to expedite meetings. Items on a consent agenda may be acted on with a single motion, which shall be inclusive of any town and/or staff recommended conditions. Conditional Use Permit applications are not eligible for a consent agenda. For an item to be eligible for inclusion on a consent agenda, there must be:

1. no unresolved issues by staff;

2. no opposition received by staff or committee members;

3. town action has been timely received and no substantive concerns noted by the town in their approval;

4. applicant agreement with any recommended conditions; and,

5. no requests to not place the item on a consent agenda.

g.h. The chair may add or delete any items to the agenda by advising staff in time to provide a legal notice. -The Chair may also canvas the meeting room to inquire as to how many people are present for particular items and move those items up or down the agenda with the concurrence of the committee.

h.i. The committee may designate certain meetings where certain of the above stated items do not appear.

h.j. General Meeting schedule:

The committee shall normally meet on the 2nd and 4th Tuesdays of each month. The meeting on the 4th Tuesday shall be reserved for public hearings; other items shall not be added to the agenda unless required by legal deadlines or at the discretion of the chair. Public Hearings shall be scheduled for 6:30pm, the meeting on the 2nd Tuesday shall be scheduled at 6:30pm. The chair will cancel and schedule special meetings as necessary.

j.k. Zoning and Conditional Use Permit applicants shall be required to provide one copy of each document submitted for review by the committee members and staff. Documents may be provided in a digital format deemed acceptable by the Zoning Administrator. The documents shall be submitted to the Zoning Administrator for distribution.

## II. Application Procedures

### a. Rezone ~~& Conditional Use Permit~~ Applications

Applicants for zoning map amendments shall provide, at a minimum, the submittal requirements specified in section 10.101(8)(b) of the zoning ordinance. The following materials and information shall be provided to staff at the time of application. The Zoning Administrator may require additional information be submitted as needed. Incomplete applications will not be accepted.

#### 1. Application form. Zoning petitions must be submitted in a form approved by the zoning administrator, and must include, at a minimum, the following:

- a. The name, address and other contact information for the owner(s) of all properties affected by the rezone;
- b. The name, address and other contact information for anyone acting as the owner's agent on the application;
- c. A written legal description accurately describing the area(s) to be rezoned. Separate descriptions shall be provided for each lot proposed. Unless waived by the Zoning Administrator, the legal description(s) shall be prepared by a registered land surveyor and include the size of the area in square feet and acres;
- d. A scaled drawing of the proposed rezone area. The scale of the drawing should be 1" = 400 feet. The scale drawing should also include the following:
  - The size of the area to be rezoned in acres or square feet;
  - Existing and proposed Zoning Districts for the proposed rezone area;
  - Existing Zoning Districts of all neighboring properties and brief description of surrounding land uses;
  - Soil Capability Unit classifications as shown in the Soil Survey of Dane County, Wisconsin.
- e. The town(s) in which the proposed rezone is located;
- f. Parcel ID numbers affected by the proposed rezone;
- g. A detailed written description of the proposed use(s) of the property to be rezoned.
- h. Property owner consent. If the applicant is not the property owner, the applicant must provide a signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the conditional use permit application.

2. Site plan. For rezones to the HAM-R, HAM-M, LC, GC, HC, RI or MI zoning districts, the applicant must provide site plans as listed below and described in s. 10.101(6) of the zoning ordinance;
  3. Draft land division materials. If a land division or subdivision is proposed as part of the rezoning, the applicant must provide a draft certified survey map or preliminary;
  4. Fees. The applicant must provide payment of all applicable fees as described in Chapter 12, Dane County Code.
  5. Other information. Any other information the zoning administrator, or designee, determines necessary to evaluate the nature, location or intensity of the proposed use or consistency with the Dane County Comprehensive Plan or the Dane County Farmland Preservation Plan.
- ~~1. Legal description of lands to be included in the zoning map amendment or conditional use permit request. Separate descriptions shall be required for each lot proposed. Each description shall include the size of the described area in square feet and acres. Legal descriptions shall be prepared by a Registered Land Surveyor, except in the case of existing platted lands, and shall be submitted to the department in an electronic format (e.g., .doc, .pdf). The requirement that a surveyor prepare the legal description may be waived if the Zoning Administrator determines that an aliquot parts description based on the public land survey system is sufficient.~~
  - ~~2. Scaled drawing of the proposed rezone area, showing point of beginning, dimensions, etc., as in the legal description. The scale of the drawing should be 1" = 400 feet. The scale drawing should also include the following:
    - ~~a. The size of the area to be rezoned in acres or square feet.~~
    - ~~b. Existing and proposed Zoning Districts for the proposed rezone area.~~
    - ~~c. Existing Zoning Districts of all neighboring properties.~~
    - ~~d. Soil Capability Unit classifications as shown in the Soil Survey of Dane County, Wisconsin.~~~~
  - ~~3. Detailed written description of the proposed use(s) of the property to be rezoned, or the conditional use requested.~~
  - ~~4. Brief description of surrounding land uses.~~

b. Conditional Use Permit Applications

Applicants for Conditional Use Permits (CUP) shall provide, at a minimum, the submittal requirements specified in section 10.101(7)(b) of the zoning ordinance. The following materials and information shall be provided to staff at the time of application. The Zoning Administrator may require additional information be submitted as needed. Incomplete applications will not be accepted.

1. Application form and written statement addressing all applicable standards for approval of the CUP.
2. Written legal description.
3. Site plan meeting including, at a minimum, the requirements specified in section 10.101(6) of the county zoning code.
4. Operational plan including, at a minimum, the requirements specified in section 10.101(7)(b)4 of the county zoning code, as follows:
  - Hours of operation.
  - Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
  - Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
  - Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.
  - Compliance with county stormwater and erosion control standards under Chapter 11 or Chapter 14, Dane County Code.
  - Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison & Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.
  - Facilities for managing and removal of trash, solid waste and recyclable materials.
  - Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
  - A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.
  - Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.
  - Signage, consistent with s. 10.800 of the county zoning ordinance.
  - Any other information as may be deemed necessary by the Zoning Administrator to evaluate operation of the proposed conditional use.
5. Property owner consent. If the applicant is not the property owner, the applicant must provide a signature(s) of the property owner(s) on the application form or a written statement from the property owner(s)

granting authorization to proceed with the conditional use permit application.

c. Site Plan Requirements.

Applicants applying for a multiple-family, commercial, or manufacturing rezone or conditional use permit shall include complete site and operational plans in accordance with s. ~~10.255(2)(e)~~10.101(6) of the code of ordinances. The site plan shall be drawn to an easily legible scale, shall be clearly labeled, and shall include the following, as applicable:

Site plan requirements

1. Location of subject property, tax parcel number(s), and any relevant certified survey (CSM) or plat information related to the identification of the property.
2. Scale and north arrow;
3. Date the site plan was created and/or last revised;
4. Existing subject property lot lines and dimensions;
5. Existing and proposed wastewater treatment systems and wells;
6. All buildings and all outdoor use and/or storage areas, existing and proposed, including provisions for water and sewer. Existing and proposed uses must be clearly labeled.
7. All dimensions and required setbacks, side yards and rear yards.
8. Location and width of all existing and proposed driveway entrances onto public and private roadways, and of all interior roads or driveways. Traffic flow patterns must be indicated.
9. Location and dimensions of any existing utilities, easements or rights-of-way.
10. Parking lot layout in compliance with s. 10.102(8).
11. Proposed loading/unloading areas.
12. Zoning district boundaries in the immediate area. All districts on the property and on all neighboring properties must be clearly labeled.
13. All relevant natural features, including but not limited to:
  - a. Navigable waters, including ordinary highwater marks and shoreland setbacks required under Chapter 11, Dane County Code, for all lakes, ponds, rivers, streams (including intermittent streams) and springs within 300 feet of the property;
  - b. Non-navigable water features, including drainage ditches, culverts and stormwater conveyances;
  - c. Floodplain boundaries and field-verified elevations, including floodfringe, floodway, flood storage and general floodplain districts as described in Chapter 17, Dane County Code;
  - d. Delineated wetland areas, including wetland setbacks required under Chapter 11, Dane County Code;

- e. Natural drainage patterns;
  - f. Archaeological features; and,
  - g. Slopes over 12% grade.
14. If required by s. 10.102(12), location and type of proposed screening, landscaping, berms or buffer areas.
15. The Zoning Administrator may require, at his or her discretion, site plans to show additional detail in order to reasonably determine the location, nature and condition of any actual or proposed feature of the site, including, but not limited to contours, drainage, screening, fences, landscaping, lighting, signs, refuse dumpsters, and possible future expansion areas. The committee shall have the option of reviewing lengthy documents/reports however documents of this nature shall be summarized by Department staff.
- ~~1. Scale and north arrow;~~
  - ~~2. Location of subject property, parcel number(s), and any relevant certified survey map (CSM) or plat information related to the identification of the property;~~
  - ~~3. Subject property lines and lot dimensions;~~
  - ~~4. All building, outdoor use areas, right of ways and easements, both existing and proposed, including provisions for utilities, water, storm water and sewer, either public or private. Existing and proposed uses should be labeled and clearly distinguishable. All dimensions and setbacks should be shown, including building heights;~~
  - ~~5. Location and width of all interior roads or driveways and existing and proposed driveway entrances and exits onto public and private roadways, traffic pattern flows shall be clearly indicated;~~
  - ~~6. Parking lot layout in compliance with all provisions of the Dane County Code of Ordinances;~~
  - ~~7. Zoning district boundaries of the subject property and adjacent properties;~~
  - ~~8. Location and distance from subject property and residences on adjacent properties;~~



~~9. Natural features such as cropped areas, woodlands, lakes, ponds, streams (including intermittent streams), significant drainage courses, contour lines, flood zones and wetlands;~~

~~10. Any other information which the Zoning Administrator deems necessary to reasonably determine the location, nature and condition of any actual or proposed feature of the site. The committee shall have the option of reviewing lengthy documents/reports however documents of this nature shall be summarized by Department staff.~~

## ed. Certified Survey Map and Subdivision Plat Applications

### 1. Certified Survey Maps:

- a. Applicants for Certified Survey Map approval shall direct a Registered Land Surveyor to prepare the map in accordance with all applicable requirements of Chapter 236 Wis. Stats, A-E7 of the Wis. Administrative Code, and Chapter 75 of the Dane County Code of Ordinances.
- b. Staff shall advise applicants of the information and materials required for a Certified Survey Map application.
- c. Per section 75.17(b) of the county land division / subdivision ordinance, the committee has delegated authority to approve Certified Survey Maps to the Department of Planning and Development Land Division Review Officer / Assistant Zoning Administrator, as of 04-12-2011. The Zoning Committee reserves for itself authority over the following situations:
  - i. Variance / waiver requests.

Any CSM application where a request is made for a waiver from any applicable provision of the county land division / subdivision ordinance shall be reviewed and acted on by the Committee. Staff will provide a brief written review of any proposed waiver. If a proposed CSM is associated with a rezoning or conditional use permit petition, action on the waiver will be considered and acted on by the committee *prior* to action on the associated petition.
  - ii. Re-division of existing lots.

Any CSM application *not associated* with a rezoning or conditional use permit petition that proposes to divide an existing parcel to create a new parcel, shall be reviewed and acted upon by the Zoning Committee. The purpose of this provision is to ensure compliance with town / county density standards.
  - iii. Action during staff absence

In the event that staff is on vacation or otherwise unavailable to review and act on a final CSM for an extended period of time, applicants shall have the option of requesting that the Committee take action on the final CSM. Such request shall be made in writing to the Chairperson of the Committee.

- iv. Requests by staff  
Staff may request that the committee take action on any CSM application.
- d. At the discretion of the Land Division Review Officer and County Surveyor, certain plat and data submission requirements or the preliminary CSM requirement in s. 75.17(2) may be waived.

## 2. Subdivision Plats

- a. *Pre-application consultation:* As required under s. 75.15(1), Dane County Code of Ordinances, prior to submitting an application for a subdivision plat, applicants shall first consult with staff for advice and assistance on the subdivision process. During the pre-application consultation, staff shall advise applicants of the information and materials required for a Subdivision Plat application.
- b. Applicants for Subdivision Plat approval shall direct a Registered Land Surveyor to prepare the plat in accordance with all applicable requirements of Chapter 236 Wis. Stats, A-E7 of the Wis. Administrative Code, and Chapter 75 of the Dane County Code of Ordinances.
- c. Where sensitive environmental features are observed within the area proposed to be covered by a subdivision plat, staff shall require – prior to committee consideration of a preliminary plat – the submittal of appropriate documentation to establish the actual boundaries / extent of such features. This may include, but not be limited to, formal wetland delineations, prepared in accordance with all applicable state / federal guidelines, establishment of flood elevations for areas within a 100 year floodplain as depicted on adopted FEMA FIRM maps, delineation of Ordinary High Water Mark, navigable streams, etc. Applicants may request a site visit by the zoning administrator to determine presence of wetlands / stream navigability, etc.
- d. The Committee shall accept preliminary plat applications that satisfy the submission requirements in s. 75.15(3), and schedule such applications for consideration at a future meeting. Preliminary plats in unincorporated areas shall be presented to the committee along with draft staff recommendations with at least 2 meetings before the final deadline. The staff will provide comments and final recommendations at the meeting before the final deadline.

- e. Failure of an applicant to provide documentation or data as required by ordinance shall constitute grounds for denial of a preliminary plat.
- f. Final plats in unincorporated areas shall be reported to the committee before the committee Chair signs the plat once all conditions have been met to the satisfaction of the County Plat Review Officer. Where staff finds ambiguity regarding conformance with any conditions of approval, the Committee shall make the final determination as to whether the conditions of approval have been met. The Chair shall sign the plat at an open meeting of the Committee if all conditions have been met.

### III. Conduct of Public Hearing

- a. Testimony at the Public Hearing will be recorded ~~on tape~~ and shall be available to the public in the Department. Recordings shall be held for 2 years.
- b. Minutes of the Public Hearing shall only show the names of those appearing and the position they have taken on the proposal.
- c. Attendance of petitioners or their agent at the public hearing is recommended. It is not necessary for anyone to speak regarding the item at the Public Hearing in order for the committee to complete action.
- d. All members of the public who are present at the public hearing on a conditional use permit application or zoning petition may testify at the public hearing on the proposal.
- e. Registered Town official~~s~~ wishing to speak at a meeting will be recognized at the meeting by the Committee Chair to address the Committee regarding the pertinent item.
- f. When individuals wish to speak, all persons wishing to speak in favor of the petition shall be heard first. All persons wishing to speak against the petition or ask questions shall be heard second. Review of Town action, staff comments and any other communication concerning the matter will be heard next. Where any comments concerning the matter have been made objecting to the petition or questions have been asked, one representative of the applicant may speak in rebuttal.
- g. All comments during the public hearing shall be directed to the Committee. No exchange between attendees is permitted. Committee members may ask questions of individuals participating in the public hearing as they speak.
- h. In accordance with Dane County Ordinance all speakers are required to fill out a Registration sheet indicating the items they are interested in, their name, their affiliation, or representations. In the case of remote meetings, staff shall maintain a list of speakers, their affiliation, representations, and their position on the applicable item(s).
- i. Individual speakers are limited to no more than five minutes speaking time.

- j. All Public Hearings are considered closed upon completion of the meeting at which the hearing has been scheduled unless otherwise indicated by the Chair.
- k. Once the Public Hearing is concluded no additional oral comments to the committee will be permitted except at future meetings where the item is listed and for the following reasons:
  - 1. Members of the Committee request individuals involved in the item to respond to questions or concerns.
  - 2. The Chair determines that enough new information has been added to the discussion since the public hearing that additional time is needed. The Chair shall determine an amount of time for comments from the public with an equal amount of time being allotted to people speaking in favor and in opposition to the petition.
- l. An opponent to the conditional use permit application or zoning change petition may register as such with the Committee at the public hearing.
  - 1. Where an organization is the lead opponent of an action, that organization may designate one or more points of contact for further actions on the application or petition.
  - 2. Where multiple individuals speaking in opposition to the approval of the permit or petition, committee staff shall attempt to consolidate those individuals so that the committee has one or two primary points of contact ~~as proceedings on the permit~~ going forward.
- m. ~~At subsequent work meetings where~~ if there are unresolved issues or questions requiring further Committee discussion or investigation of a conditional use permit application or rezoning petition ~~is discussed further at a subsequent work meeting, the applicant, the applicant's agent, or a~~ registered opponent(s) of the proposal may supplement the record.
  - 1. The Committee may allow limited oral testimony from ~~the register opponent(s)~~ any registrant at the work meeting where the proposal is discussed.
  - 2. ~~The register opponent(s)~~ Registrants may supplement the record by submitting written testimony prior to or at the work meeting where the proposal is discussed at the committee's discretion. If a member of the committee chooses to do so, he or she shall make a motion to enter one or more documents received into the official record.



## IV. Official Record

- a. The Committee acts in a quasi-judicial capacity on applications for conditional use permits ~~or zoning change petitions~~ and shall make its decision based solely on the record.
- b. The "record" is composed of the following sources of information:
  1. All written or documentary evidence submitted to the Committee ~~at~~ prior to or at the public hearing and received by the Chair. This includes all materials, plans, and exhibits submitted as part of an application.
  2. Reports, maps, exhibits, or other materials submitted by staff, other county, state, or federal agencies, or designated third party consultants as part of their analysis of an application.
  - 2.3. Testimony heard by the Committee during the public hearing.
  4. The Chair shall have the discretion to exclude evidence that is redundant, immaterial or irrelevant to the application.
  - 3.5. The Committee may take official notice of the Dane County Code of Ordinances and Comprehensive Plan, town ordinances and plans, the zoning and location of the subject property and geological features or other facts that are common knowledge in the county or can be verified by reference to the public record.
  - 4.6. Materials submitted for inclusion in the record shall be no larger than 11 inches x 17 inches.
  - 5.7. Except as authorized, information in any form which is presented outside the public hearing is not part of the record. Materials may not be submitted by e-mail for inclusion in the record, except as detailed in #9, below.
  - 6.8. Once the public hearing is concluded no additional evidence or testimony will be received into the record, except as authorized by the Chair at a future meeting where the item is listed as an item of business and there is new information or good cause for the information not to be presented at the public hearing.



~~7.9.~~ Materials received via e-mail prior to or between meetings are not automatically entered into the record. If a member of the Committee choses to do so, he or she ~~shall~~ may make a motion to enter one or more of the documents received into the official record. Such materials shall be included upon majority vote of committee.

## V. Action Items

a. Rezone Petitions. The Committee shall not take action on rezonings until the applicable Town has completed action on the item, except as authorized under section VII, below. This shall be the Committee policy even though the Town has exceeded its legal action period for rezonings. The Committee may consider action on such items without the Town action 60 days after the date of public hearing on an item, and after contacting the Town and advising the Town of its interest in completing action on the matter.

b. Conditional Use Permits. The Committee shall not take action on Conditional Use Permit applications until the applicable Town has completed action on the item, except as authorized under sub. 1 and section VII, below. This shall be the Committee policy even though the Town has exceeded its legal action period for Conditional Use Permits. Unless the Town has requested a 40-day extension, the Committee may consider action on such items without the Town action 60 days after the date of public hearing on an item, and after contacting the Town and advising the Town of its interest in completing action on the matter.

1. Conditional Use Permits for Mobile Service Support Structures (Communication Towers) must be acted on within 90 days from the date of application. The Committee may take action on such an application if the town has not taken action in such a manner that would enable compliance with the 90 day timeframe and if the applicant has not agreed to extend the timeframe for action.

~~a.~~

~~b.c.~~ In general all information which is relevant to any given item must be submitted to the staff of the Department by the Thursday prior to the committee meeting at -12:00 noon in order for that information to be considered. The Department will make packets available to the committee the Friday prior to the Tuesday meetings. Information submitted after -12:00 noon the prior Thursday -may not be considered or may cause the item to be

deferred to a later meeting. Publicly Noticed Public Hearings will be heard regardless of other information connected to the petition.

e.d. Committee agendas shall be prepared by the Department and submitted to the County Clerk's Office on the Friday prior to the Committee meeting.

e.e. Items IV and V of the work session agenda shall be reserved solely for petitions with completed town action reports. Town action reports must be received by the department -by 12:00 noon the prior Thursday of the scheduled work session. Items without town action and at least 60 days past the public hearing at which the item(s) were first heard, may be placed on the work session agenda at the discretion of the Committee Chair. *(Added 7-8-2008)*

e.f. In order to shorten discussion, the following general rules of motion making shall apply.

1. Unless otherwise indicated a simple **motion to postpone** shall mean that the item shall be deferred until additional information or action by another agency is received at which time it shall routinely be placed back on the agenda as determined by staff or the Chair.
2. Conditional Rezoning - Unless otherwise indicated a **motion to approve subject to Town Conditions** shall mean the rezoning or CUP is approved or recommended subject to the intent of the Town's conditions as stated in the minutes drafted by staff and approved by the committee. Wherever practical Restrictive Covenants shall be imposed in a positive manner indicating such things as usage which are permitted.
3. Conditional Use Permits – Unless otherwise indicated, a **motion to approve a Conditional Use Permit**, shall mean that the Committee has made affirmative findings of fact for the standards enumerated in §10.255101(27)(~~hd~~), and, if applicable, the relevant standards for particular uses in §10.103, and/or the factors-standards applicable to conditional uses in a farmland preservation zoning district in §10.123220(31)(a), Dane County Code of Ordinances.
4. Whenever a motion is made to approve a re-zoning or CUP with a condition of a community wastewater system, the condition means that the system shall comply with the nitrate-nitrogen standard established by the federal Maximum Contaminant Level (MCL) and the Wisconsin Groundwater Enforcement Standard (ES). The federal MCL is found in §40 CFR 141.62. The Wisconsin Groundwater

Enforcement Standard is found in Wisconsin Administrative Code NR 140.10.

f.g. Action on Rezoning Petitions and CUPs.

1. Zoning Petitions or Conditional Use Permits (CUP) shall be judged "non-controversial", and eligible for possible Committee action at the public hearing, if they meet the following guidelines:

- i. No opposition from anyone at public hearing.
- ii. No unresolved issues by staff.
- iii. Town board action has been received and there No-no substantive concerns noted by the Town in their approval.
- iv. No committee members in opposition to the petition- (must pass the committee by unanimous vote of all members in attendance and have the agreement of all committee members that it is non-controversial).

~~2. Rezoning petitions which are non-controversial may be acted upon at the same committee meeting as the public hearing where they are heard and will be referred to the next County Board meeting. The chair shall note as each item is approved if it is a non-controversial item.~~

- ~~3. The Committee shall have the option of taking action on combined rezone / CUP applications. If the rezoning is denied or becomes null and void, the CUP shall be disapproved at the same meeting. The committee shall utilize the following procedures for approving combined rezone / CUP applications at the same meeting:~~

- ~~i. Two (2) motions will be required—the first motion will be to recommend approval of the zoning change, and the second motion will be to approve the CUP application.~~

- ~~ii.2. Combined rezone / CUP applications shall be listed as separate agenda items and considered independently of one another. If the Committee votes to approve a CUP as part of such a combined application, the CUP approval shall be contingent upon effectuation of the zoning change and, if applicable, compliance with any and all conditions of approval. If the rezoning is denied or becomes null and void, the CUP shall be disapproved. The second~~

~~motion approving the CUP shall include a statement that committee approval of the CUP is contingent upon the rezoning receiving all necessary town / county approvals and being deemed effective by the zoning administrator. The CUP shall only take effect upon effectuation of the zoning change and, if applicable, compliance with any and all conditions of approval. If the rezoning is denied or becomes null and void, the CUP shall be disapproved.~~

g.h. In all cases where a petition ~~for to~~ rezone ing areas land zoned out of a state certified farmland preservation zoning district for exclusive agricultural use are is considered recommended for approval, the ~~rezoning zoning map~~ amendment shall include findings of the County Board that the following conditions exist as required by Wis. Stats. 91.48 (1)(a):

1. The land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezoning is consistent with any applicable comprehensive plan.
3. The rezoning is substantially consistent with the county certified farmland preservation plan.
4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

h.i. In all cases where a rezoning petition includes a Delayed Effective Date for recording of a plat, the committee recommendation shall include a condition requiring that a subdivision plat conforming to all applicable provisions of Chapter 236 of Wisconsin Statutes and Chapter 75, Dane County Code of Ordinances, be approved by the committee and recorded with the Dane County Register of Deeds within two (2) years of the date of rezone approval by Dane County.

h.j. If no action has been taken on a petition or application within one (1) year of the public hearing at which the item is heard, the application shall be expired and considered withdrawn. However, that period of time is tolled while the petition is in litigation. The applicant shall be notified the application is withdrawn, and the Committee will not take further action on the request. If the applicant wishes to pursue the conditional use permit and/or rezoning, the applicant must complete a new application and public hearing in its entirety. (Added 7-8-2008)

j.k. If the Committee determines that a new public hearing is required for an active petition, a fee may be assessed to cover the cost of noticing the new public hearing. Any such fee shall be assessed in accordance with the applicable provisions of Chapter 12, Dane County Code of Ordinances. (Added 7-8-2008)

## VI. Procedural Items outside of committee meetings.

- a. The Department shall prepare a Class II notice of Public Hearing as ~~indicated~~ required by Wis. Stats.
- b. Except as exempted in Section VII, below, The the Department shall send a courtesy copy of a Notice of Public Hearing to all surrounding property owners within 300 feet of the affected property at least one week prior to the date of the Public Hearing.
- c. The Department shall also send the petitions to all parties of interest, (for example, Dane County Environmental Health, Dane County Highway, etc) for their review and comment. All such comments shall be forwarded to the Committee for consideration.
- d. As requested by the Committee the Department shall comment on any item appearing on the agenda or seek comments from other county departments as appropriate.
- e. ~~Land Use Comprehensive~~ Plan Review and Approval Process:

Process for review and approval of ~~the local Land Use town~~ comprehensive plans, and their including their periodic amendments or updates, by the County should generally follow these steps:

1. The local Unit of Government ~~will~~ should submit a preliminary version of the Plan to the Planning and Development Department for staff review.
2. The plan is reviewed by the staffs of the County Planning and Development Department and other local units of government where appropriate. The local unit makes appropriate adjustments, takes local approval action and submits copies of the plan digitally or by US mail letter to the County Clerk ~~along with 90 copies (of which up to 70 copies may be electronic)~~ of the plan amendment.

3. The Plan is then referred to the Committee who will set a Public Hearing Date allowing for at least a 30 day review period as required by state law.
4. The Department of Planning and Development will then coordinate with the County Clerk and ~~mail the proposed plans~~ send required notice to all required jurisdictions for review prior to the hearing.
5. Upon completion of the Public Hearing, the Committee shall consider the matter and make a recommendation to the County Board.
6. County Board shall consider the matter and recommendations of the Committee, and other commenting agencies and take action as appropriate.

## VII. Continuity of Operations and Alternative Procedures

The Committee has established the following procedures to ensure continuity of operations in the event any natural or man-made disaster, public health crisis, or other unforeseen circumstance prevents the normal conduct of committee business. The Committee shall have the option of utilizing the processes outlined below at its discretion and in accordance with open meetings law.

### a. Remote Public Hearing/Meeting Process

The Committee shall follow the following process for conducting public hearings/meetings remotely via video and/or phone conference as may be necessary to continue conducting business during public emergencies, or as may be deemed appropriate by the chair.

1. Remote meeting platform. The Committee shall utilize a remote meeting platform, such as GoTo Meeting, Zoom, Webex, or similar service that provides video conferencing and call-in phone access free of charge to committee members, staff, and the public. Any such platform shall allow for screen sharing to all participants so as to enable viewing of reports, maps, charts, graphs, or other exhibits that may be pertinent to consideration of any agenda item.
2. Remote public hearing / work meeting notification. Any remote public hearing of the Committee shall be preceded by the required class 2 notice, which shall provide detailed instructions on how to

access and participate in the hearing via video conference and/or phone call. Any remote work meeting of the Committee shall be preceded by posting of the meeting agenda in accordance with applicable open meetings law.

3. Agenda. The Committee Chair shall coordinate with staff to compile a consent agenda to facilitate action on items meeting the criteria listed under Section I(g) of the Committee rules. Conditional Use Permits are not eligible for inclusion on the consent agenda.

In the case of either a remote public hearing or work meeting, the agenda shall include detailed instructions on how to access and participate in the remote hearing/meeting. Courtesy mailings of public hearing notices to neighboring property owners shall not be required when a remote hearing is scheduled.

The Committee Chair shall also have the option of organizing agendas for remote meetings in a manner that facilitates public access and avoids excessive delays for applicants and members of the public interested in individual items.

4. Conduct of remote public hearings.

- a. To the extent possible, the Committee shall follow the same procedures for conduct of a normal public hearing, outlined in Section III, above.
- b. Individuals wishing to speak in favor or opposition to any agenda item, or wishing to register in favor, opposition, or as being available for information only, shall be required to register a minimum of 30 minutes before the remote public hearing by following the guidelines listed on the agenda. Staff shall record the list of registrations in the meeting minutes.
- c. Staff shall organize registrants by agenda item(s) and assist the Chair to ensure that each registrant is able to participate on said item(s).
- d. Committee members and staff shall participate via video conference, unless such participation is not possible due to technical impediments, in which case participation shall be via phone call.
- e. Anyone wishing to offer testimony on a Conditional Use Permit, including applicants and their agent(s) or supporters,

opponents, or individuals available for information, shall participate via video conference, unless such participation is not possible due to technical impediments or lack of access to necessary technology or internet service.

5. Conduct of other remote meetings ("work meetings"). The Committee shall conduct remote work meetings in the same manner as normal work meetings and following the applicable rules outlined in #4 of this section. As per section III (k) of these rules, testimony or comment by applicants or members of the public is limited to situations in which committee members have questions of registrants, or where the committee chair determines that enough new information has been added to the discussion so as to warrant additional time for testimony.

b. Action Items.

1. Except as outlined below, the Committee shall apply the same rules and procedures for taking action on rezoning petitions and Conditional Use Permit applications as established in section V, above.
2. Rezone petitions. The Committee may take action on a rezoning petition if the town does not act within 30 days of the public hearing for the petition, or if the town provides written notice that it does not intend to take action on the petition for some reason. If town action has not been received within 30 days of the public hearing, and no written notice has been provided, staff shall contact the town to determine whether the town will or will not be taking action on the applicable item(s) and report the findings to the committee at the next scheduled remote meeting.
3. Conditional Use Permits. The Committee may take action on a Conditional Use Permit application if the town does not act within 60 days of the county public hearing and has not requested a 40 day extension, or if the town notifies the committee in writing that it will not be taking action. If town action has not been received within 60 days of the county public hearing, or 100 days in the case of an extension, staff shall contact the town to determine whether the town will or will not be taking action on the applicable item(s) and report the findings to the committee at the next scheduled remote meeting.