



DANE COUNTY PLANNING & DEVELOPMENT

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TO: Zoning and Land Regulation Committee members
FROM: Roger Lane, Dane County Zoning Administrator
SUBJECT: Information contained in the official record as part of a zoning petition or conditional use permit
DATE: September 20, 2016

When a controversial zoning change or conditional use permit is under review by the Zoning and Land Regulation Committee, many members of the public express their concerns in many ways. Zoning Staff has experienced information being delivered at the zoning office, via mail, email, and at various committee and County Board meetings.

One such circumstance was the conditional use process for the proposed mineral extraction site in the Town of Albion (Crazy Acres). County Staff was inundated by an enormous amount of information regarding the proposal. There were approximately 50 emails that contained various attachments, one of which was the entire Dane County Zoning Code. Some emails were just sent to committee members and not to staff, so the emails were not documented. There were posters, pictures, and pages of information that were delivered at meetings, some of which were unable to be reproduced due to the size. Opponents of the proposal had also argued that pieces of information were delivered to the zoning office counter, but were never shown to the committee.

During the appeal process of the site's CUP approval, the opponents argued that the committee made an arbitrary and capricious decision due to the fact that all of the information that was presented was not part of the official record. The judge overseeing the appeal noted that the opponent had a valid point concerning the retention of all documentation submitted.

In an effort to improve from this experience, Corporation Counsel and Zoning Staff is suggesting that the Zoning and Land Regulation Committee develop a policy regarding information that will be retained as part of the Petition's record in a consistent and manageable format.

In order to do so, County Staff would like the Committee to discuss the following topics prior to preparing a draft policy:

- Should documents delivered in person at the public hearing be the only information as part of the petition's record?
- Should any emails be allowed to be part of the petition record or should the committee decide or recognize emails as part of the public hearing process?
- Should additional information be included in the petition record after the public hearing? Should the policy include information received after the public hearing?
- What format should information be in to be introduced into the petition's record?