

## APPENDIX II

### PLANNING AND ZONING COMMITTEE – Rules and Procedure

#### ARTICLE I. GENERAL PROVISIONS

##### SECTION 1. AUTHORITY

This committee has been established pursuant to Section 59.97 of the Wisconsin Statutes, the County Zoning Ordinance and these rules of procedure. Whenever any conflict exists between these rules and the laws of the State or County, State laws and local ordinances shall prevail in that order.

##### SECTION 2. MEMBERSHIP

This committee shall consist of five (5) members as provided for within the zoning ordinance.

##### SECTION 3. CONFLICT OF INTEREST

Any member of the Committee, who has any direct or indirect interest, personal or financial, in a matter before the Committee shall not vote thereon or participate in the deliberation of such matter at any meeting or hearing at which said matter is under consideration. A disqualifying conflict of interest shall be deemed to exist when:

- (a) The Committee member is the applicant or spouse of the applicant, or is related to the applicant within the third degree of consanguinity, or is the husband or wife of someone so related.
- (b) The corporation in which the member is a major shareholder or has a major financial interest.
- (c) The member owns property within 300 feet of the property which is the subject of the application.

##### SECTION 4. COMMITTEE'S OFFICE

The office of the Committee shall be located at the Oconto County Courthouse within the office of the Zoning Administrator. All records of the Committee shall be available for public inspection between the hours of 8 AM and 4 PM, Monday through Friday, except for legal holidays.

#### ARTICLE II. OFFICERS AND DUTIES

##### SECTION 1. OFFICERS

The Committee shall elect a Chairperson, Vice-Chairperson and Secretary from among its members at the annual organization meeting in April. These officers shall hold office for two years, or until their successors are elected. Replacement for an officer or member who dies or for whatever reason is unable to perform the duties of the office, shall be by appointment of the County Board Chairman as confirmed by the County Board of Supervisors.

##### SECTION 2. DUTIES OF OFFICERS

The Chairperson, if present, otherwise the Vice-Chairperson, shall preside over and direct the conduct of all meetings and hearings of the Committee and may administer oaths. In the absence of both the Chairperson and Vice-Chairperson, the members shall appoint a chair. The Chairperson shall report on all official transactions that have not otherwise come to the attention of the committee. The Chairperson shall, subject to these rules and further instructions from the Committee, direct the official business of the Committee, supervise the work of the Committee and request necessary help when required. The Chairperson or the presiding officer, subject to these rules, shall decide all points of procedure or order,

unless otherwise directed by a majority of the members in attendance on motion duly made and approved.

The Secretary shall record and maintain permanent minutes of the Committee's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its official actions; shall summarize accurately the testimony of those appearing before the Committee and keep a verbatim recording of all hearings; shall record the names and addresses of all persons appearing before the Committee in person or by attorney; and shall, subject to the committee and Chairperson, conduct the correspondence of the committee and have published in a local newspaper, public notices of meetings or hearings as required by law and these rules of procedure; shall file said minutes and records in the office of the Committee, which minutes shall be a public record; and shall be the custodian of the files of the Committee and keep all records. The Zoning Administrator and Staff shall assist the Secretary of the Committee in performing these duties.

The County Corporation Counsel, or designated representative, shall be the legal counsel for the committee. Advice of counsel shall be received and entered in the minutes before disposition of any question of law or matter requiring legal interpretation or advice.

### ARTICLE III. MEETINGS

#### SECTION 1. TIME: HOW CALLED

Meetings and hearings of the Committee shall be held, or may be cancelled at the call of the Chair and at such other times as the Committee may determine, provided that all Committee members are notified by the Secretary at least 48 hours prior to such meeting. All meetings shall be open to the public and in accordance with the Open Meeting Law. Hearings shall be advertised as required by law and these rules.

#### SECTION 2. QUORUM

A quorum shall consist of a majority of all members of the Committee (3 members) and no action may be taken except by a majority vote of such quorum except a lesser number may meet and adjourn any meeting duly called and noticed to a time certain.

#### SECTION 3. ORDER OF BUSINESS

The Secretary shall prepare an agenda for each Committee meeting, listing the matters of business at all meetings that do not have public hearings in the following order:

- (a) Call to order
- (b) Roll Call
- (c) Minutes of Meeting, Date,
- (d) Communications/Correspondence
- (e) Statement in regard to compliance with the Open Meeting Law
- (f) Old Business
  - (1)
  - (2)

- (g) New Business
  - (1)
  - (2)
- (h) Report of the Zoning Administrator
- (i) Vouchers/Bills
- (j) Next Meeting Date/Adjournment

(Signature) Secretary

The Secretary shall prepare an agenda for each Committee meeting that has public hearings, listing the matters of business in the following order:

- (a) Call to Order
- (b) Roll Call
- (c) Public Hearings
  - (1) Names, place, Per Notice of Public Hearing & Time
  - (2) Second Hearing
  - (3) Third Hearing, etc.
- (d) Minutes of Hearings/Meeting, Date, \_\_\_\_
- (e) Communications/Correspondence
- (f) Statement in regard to compliance with the Open Meeting Law
- (g) Old Business
  - (1)
  - (2)
- (h) New Business
  - (1)
  - (2)
- (i) Report of the Zoning Administrator
- (j) Vouchers/Bills
- (k) Next Meeting Date/Adjournment

(Signature) Secretary

The order of business at any meeting or hearing may be varied from the preceding by consent of the members present, consistent only as pertains to the agenda applying to a single location.

## **SECTION R. ROBERT'S RULES OF ORDER**

Robert's Rules of Order shall govern action of the Committee and conduct of its meetings where not specifically covered by these rules and the zoning ordinances.

## **ARTICLE IV. POWERS AND DUTIES OF THE COMMITTEE**

### **SECTION 1. GENERAL POWERS**

The Committee shall have the following powers:

- (a) To hear and to recommend action on zoning ordinance adoptions and amendments.
- (b) To handle all planning and zoning matters specified by Wisconsin Statutes, County Ordinances or by Resolution of the County Board of Supervisors.

## **ARTICLE V. PETITION FOR ZONING AMENDMENTS**

### **SECTION 1. WHO MAY FILE**

Petitions for Zoning Amendments shall be filed with the Zoning Administrator, by an applicant, his or her agent or attorney. An applicant is defined as a property owner, Town Board of Supervisors, any member of the County Board of Supervisors or the Planning and Zoning Committee.

### **SECTION 2. COPIES TO BE SENT**

The Zoning Administrator shall promptly transmit copies of the Petition as required by the Zoning Ordinance.

### **SECTION 3. FEES**

All petitions filed with the Zoning Administrator shall be accompanied by a receipt showing payment of the required fees.

### **SECTION 4. TIME FOR HEARING**

Each Petition shall be considered by the Committee at its next meeting, provided there is sufficient time between the date of the petition and the date of the meeting for the required notices to be published.

### **SECTION 5. NOTICE OF HEARING**

The secretary of the Committee shall cause to be given, notice of each hearing as required by the Zoning ordinance.

### **SECTION 6. REPRESENTATIVE FILING**

An applicant may file the petition personally or by an agent or attorney.

## ARTICLE VI. PROCEEDING ON HEARING

### SECTION 1. APPEARANCES, ADJOURNMENTS

At the time of the hearing, the petitioner may appear in his/her own behalf or be represented by counsel or agent. A recess or adjournment of a hearing, made at a noticed hearing date, to a time and place certain is adequate notice to the members and public of a new hearing date.

### SECTION 2. WITNESSES

The Chairperson, or Acting Chairperson, may require those wishing to testify to state their names and their interests in the matter before the Committee. Testimony shall be taken under oath.

### SECTION 3. ORDER OF HEARINGS

Hearing on cases shall normally follow this order:

- (a) Hearing call to order
- (b) Roll Call
- (c) Notice of Public Hearing (Read by Secretary or Zoning Administrator)
- (d) Publication (Statement of publication of notice and distribution)
- (e) Filing (Filing of Petition, date and information)
- (f) Staff Report
- (g) Appearances:
  - (1) Petitioner present evidence
  - (2) Others in support of petitioner presents evidence
  - (3) Objectors present evidence
  - (4) Letters in support or opposition
  - (5) Rebuttals as permitted by the Committee
  - (6) Resolutions by Town Officials
- (h) Closing of testimony (statement and time)
- (i) Deliberation: Restricted to the Committee. No public or staff participation. Committee shall find the appropriate facts and conclusions of the law upon which a decision can be made and the appropriate recommendations to the County Board of Supervisors.
- (j) Decision: Committee to make appropriate motion, including findings of fact, conclusion of the law and the appropriate recommendation to the County Board of Supervisors.

### SECTION 4. PARTIES NOT TO INTERRUPT

Orderly procedure requires that each side shall proceed without interruption by the other; that all testimony shall be addressed to the Committee and that there be no questioning or arguments between individuals.

## **SECTION 5. QUESTIONS AND DEBATE**

During the hearing, the Chairperson, Committee members and members of the staff may ask questions and make appropriate comments pertinent to the case, however, no member should debate or argue an issue with the petitioner. The Chairperson and Committee members may direct any question to the petitioner or to any person speaking in order to bring out all relevant facts, circumstances and conditions affecting the petition and may call for questions from members of the zoning staff.

## **SECTION 6. PRESENTATION OF EVIDENCE**

All supporting evidence for or against each petition shall be presented to the assembled Committee. The petitioner shall be responsible for the presentation of all information supporting the petition. The Committee may take administrative notice of the ordinance of the county and laws of the State of Wisconsin and of other relevant facts not reasonably subject to dispute on its own motion or motion of a party of interest.

## **SECTION 7. ADDITIONAL EVIDENCE**

The Committee may take a petition under advisement for later consideration and determination, or may defer action whenever it concludes that additional evidence is needed or further study is required.

## **SECTION 8. POSTPONEMENT OF HEARING**

Cases may be postponed only by prior arrangement with the Secretary.

## **SECTION 9. RULES OF EVIDENCE**

The Committee shall not be bound by court rules of evidence, but it may exclude irrelevant, immaterial, incompetent, unduly argumentative or repetitious testimony or evidence not supporting the petition.

## **SECTION 10. CHAIRPERSON TO RULE ON ADMISSIBILITY**

The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Committee present.

## **SECTION 11. INTERESTED PARTIES MAY TESTIFY**

Persons having an interest in the petition may attend the hearing and may request an opportunity to testify provided they identify themselves and sign an appearance card of person attending the hearing. All testimony shall be under oath.

## **SECTION 12. RECORD OF HEARING**

All proceedings at a hearing shall be tape recorded. The Secretary shall prepare a summary of motions, witnesses, appearances, roll calls, votes and all other matters constituting the substance of the proceedings which shall be submitted to the Committee for review and approval and shall become part of the written record filed in the office of the Committee and open to the public. Transcripts of recorded proceedings shall not be prepared unless a fee is paid as required by the Open Records Law. Any party or member of the public may make a record of the proceeding by any means which does not disturb the hearing or others present.

## **SECTION 13. ADJOURNMENTS**

When all petitions cannot be disposed of on a day set, the Committee may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Committee.

## **SECTION 14. WITHDRAWAL OF PETITION**

A petitioner may withdraw a petition at any time prior to the decision. Withdrawal of the petition shall not entitle the petitioner to remission of the filing fee

## **ARTICLE V. DECISION OF THE COMMITTEE**

### **SECTION 1. MAJORITY VOTE REQUIRED**

The concurring vote of a majority of all members of the Committee shall be necessary to decide any petition upon which it is required to pass under the zoning ordinance.

### **SECTION 2. DECISION TO BE WRITTEN**

All decisions shall be in writing and contain the findings of fact and conclusions of the law upon which the decision is based. Decision shall make specific recommendations to the County Board of Supervisors.

### **SECTION 3. DECISION TO BE TRANSMITTED TO COUNTY CLERK**

A decision, when completed, shall be transmitted to the County Clerk for processing in accordance with the Zoning Ordinance.

## **ARTICLE VI. AMENDMENT OF RULES**

These rules may be changed or amended from time to time in the same manner and as amendments to the Zoning Ordinance.

## **ARTICLE VII. ANNUAL REPORT**

Annually, at the February County Board Meeting, the Committee shall submit a report of its activities for the preceding year.

## **ARTICLE VIII. STAFF**

The Planning and Zoning Committee may utilize the advice and assistance of the County Zoning Staff and may delegate administrative tasks to such staff or to other county employees as authorized by the County Board of Supervisors.

## **ARTICLE IX. ADOPTION**

The foregoing rules and regulations are hereby adopted by the County Board of Supervisors as part herein of the Oconto County Zoning Ordinance.