

The Processes for Rezoning and Comprehensive Plan Revision

The process for adopting an amendment to the Town's Comprehensive Plan and changing a zoning designation differ. Please refer to the attached flow chart to help with understanding the procedures to follow when a request is received by the Town. A petitioner may request both a land use amendment and a rezoning for the same property. In that case, a Town may bundle projects together. Notification requirements for each of the requests must still be met. Procedurally, a Comprehensive Plan land use amendment must be adopted prior to the rezoning request. They can, however, be on the same Plan Commission and Town Board agendas.

A. Comprehensive Plan Amendments

The process for adopting or amending the Town Comprehensive Plan, including unique notification requirements, follows. A petitioner for an amendment will typically either come in to the Portage County Planning and Zoning Department or contact Town officials to inquire about having part or all of their property changed to a different land use designation. To officially start the process, the petitioner will meet with Planning and Zoning Department staff for an initial consultation on their project. Planning and Zoning Department staff will do a preliminary analysis of issues surrounding the request, which is recorded on a checklist. This checklist is initialed by the petitioner and Planning and Zoning staff, and forwarded to the Town for reference as they review the request.

If the petitioner decides to continue with their project after the initial consultation, they will file an application form and pay a fee for project review at the Planning and Zoning Department, and notify the Town of their request.

1. Town Action

As with the original adoption of the Comprehensive Plan, the Town Plan Commission is the first body to review and act on the amendment request; they will hold a meeting to review the request and make a recommendation to the Town Board for approval or denial. Approval is forwarded in the form of a resolution from the Plan Commission.

Upon receiving the recommendation from the Plan Commission, the Town Board will schedule a public hearing to take testimony from residents and affected citizens regarding the proposed changes. This public hearing requires a Class 1 Notification, with a minimum of 30 days notice before the hearing. This 30-day notice is longer than the time limit normally used for public hearings, so special attention must be made to get this right. It is recommended that the Town have some sort of notification procedures that includes sending adjacent property owners within 300 feet of an amendment request individual notice that a public hearing will take place that could affect land use near their property.

Once the public hearing is completed, the Town Board will meet to review the request and either approve, deny, or refer it back to the Plan Commission for further discussion. This Town Board discussion and action can take place either on the same date as the public hearing, or on a date soon after. The Board's decision is to be based on consistency with the Town Comprehensive Plan. If the request is approved, the Town Board will do so by adopting an ordinance and forwarding the ordinance to the Portage County Planning and Zoning Department. If the Town Board denies the request, it ends there, with no further action needed by Portage County.

2. Portage County Planning & Zoning Committee and County Board Action

Upon receipt of the adoption ordinance from the Town Board, a public hearing is scheduled for the Portage County Planning and Zoning Committee. After the public hearing, generally on the same date as the public hearing, the Planning and Zoning Committee will discuss and vote on the

request, forwarding an ordinance recommending approval, or submitting a report recommending denial of the request, to the County Board.

The County Board does not have a notification requirement prior to taking action at their next meeting. If the County Board approves the ordinance, the requested amendment is incorporated into the County Comprehensive Plan. If denied, the amendment of the Town Comprehensive Plan is not included in the County Plan. To date, there has not been any instance where the County has not ratified the Town Comprehensive Plan change.

B. Rezoning

Initial contact typically occurs when a landowner either comes to the Portage County Planning and Zoning Department or contacts a Town official to inquire about having part or all of their property rezoned to a different zoning designation. The landowner should, however, contact the Planning and Zoning Department for the initial consultation on their project, during which Planning and Zoning Department staff will work with the petitioner to provide a preliminary identification of issues surrounding the request and direct them to contact the Town for their consideration of the request.

If the person decides to formally proceed with their project after the initial consultation, they would need to file an application form and pay a fee for project review at the Planning and Zoning Department and then notify the Town of their request. Portage County will not take action on a rezoning request without first being notified of the official Town action on the request.

1. Town Action

The Town Plan Commission will hold a meeting to review the request and make a recommendation to the Town Board for approval or denial. There is no requirement in Wisconsin State Statutes for the Town to hold a public hearing on a rezoning request. However, it is advisable that the Town have a notification policy to notify adjacent property owners of the nature of the request, along with the time and place of the Plan Commission discussion. Public input is important for all Town actions, particularly those relating to rezoning property.

After receiving the Plan Commission action, the Town Board reviews the request and makes a recommendation for approval or denial, based upon consistency with the Town Comprehensive Plan, to the Portage County Planning and Zoning Committee.

2. Portage County Planning & Zoning Committee and County Board Action

The Planning and Zoning Committee will hold a public hearing to receive input on the request. The Committee will not hold the public hearing without first receiving the Town's recommendation. The more controversial a decision, the more input the Planning and Zoning Committee would like from the Town. The Planning and Zoning Committee will then either forward resolution recommending approval, or submit a report recommending denial of the rezoning, to the Portage County Board.

If the request receives approval by the County Board, they will approve an ordinance, and the rezoning will become effective immediately. If denied, the rezoning has been prevented from occurring. In the event that a rezoning ordinance is passed by the County Board that the affected Town does not agree with, the Town Board may file a certified copy of a resolution [SS 59.69 (5) (e) (3)] from the Town Board opposing the action. State Statutes then require the County Board may only approve the ordinance with changes or recommend disapproval.

C. A Summary for Comprehensive Plan Amendments:

1. *Request to Town Plan Commission for review/action*
 - If recommending approval, pass resolution, which is forwarded to Town Board
 - If recommending denial, action in minutes is recommendation to Town Board
2. *Town Board review/action*
 - Town Board holds a public hearing, with minimum 30-day notice
 - If approved, adoption is required by Town ordinance, which is forwarded to the County
 - If denied, end of request
3. *Portage County review/action*
 - Planning and Zoning Committee holds public hearing
 - Official action forwarded to County Board
 - County Board action / ordinance

D. A Summary for Rezoning Requests:

1. *Request to Town Plan Commission for review/action*
 - Recommendation of approval or denial forwarded to Town Board
 - No public hearing required, but notice of neighboring property owners highly recommended.
 - Town Board review/action
 - Recommendation of approval or denial forwarded to Portage County
2. *Portage County review/action*
 - Planning and Zoning Committee holds public hearing
 - Official action forwarded to County Board
 - County Board action; ordinance to approve
 - If Town disagrees with County Board rezoning approval, they can file an objection to block it.

E. Communications from the Town Clerk

After Town Board action has been taken on a request for zoning change or an amendment to a comprehensive plan, a letter from the Town Clerk detailing the action taken must be mailed or faxed to the Planning and Zoning Department as soon after action as possible. The following information needs to be included in the letter:

1. *Comprehensive Plan Amendment*
 - The date of the public hearing and date that the Class 1 Notice was published for the amendment to the Comprehensive Plan (30-day minimum notice).
 - A summary of the action that was taken including result of the vote (i.e. The Town Board recommended # to # to adopt the request).
 - Any other additional information for County Staff and Planning and Zoning Committee to use to make an informed decision.
 - Town Board ordinance adopting the amendment should be attached.
2. *Rezoning Request*
 - Town Plan Commission recommendation of approval or denial and a summary of the action that was taken including result of the vote (i.e. The Plan Commission recommended # to # to recommend adoption of the request).
 - Town Board recommendation of approval or denial and a summary of the action that was taken including result of the vote (i.e. The Town Board recommended # to # to adopt the request).
 - Any other additional information for County Staff and Planning and Zoning Committee to use to make an informed decision

**PORTAGE COUNTY
LAND USE CHANGE AMENDMENT AND REQUEST FOR REZONING
PROCEDURE FLOW CHART**

