

## INTRODUCTION

The Planning and Zoning Department (P&Z) provides a number of distinct services for Portage County:

- Planning
- Zoning
- On-Site Waste
- Land and Water Conservation
- Water Resources
- Geographic Information System (GIS)
- Economic Development

The current configuration of P&Z is the result of a reorganization of County Departments that occurred back in 1989, when our current Department was created by combining several formerly independent functions/Departments (Planning, Zoning, Land Conservation, and groundwater/on-site waste functions formerly within the County Health and Human Services Department). Our multi-section Department has operated efficiently and effectively, with its success owed in great part to the collaboration and cooperation made possible by being located together.

Historically, the Department had 19 to 20 employees, but by not refilling several open positions (a second On-Site Waste specialist, ½ time Typist I, and the loss of a zoning position when Director Stephen Brazzale retired, all in 2009), and the elimination of the remaining On-Site Waste Specialist position at the end of 2015, the number of employees has been reduced to 16.

The authority for undertaking “planning and zoning” related activities is granted to Wisconsin counties through Wisconsin State Statutes (see below). This report is intended to provide insight into day-to-day responsibilities and functions within our Department. These responsibilities and functions are either based directly on Wisconsin Statutory requirements, or are Portage County Board directives. The P&Z Department work program is implemented through the combined tasks as designated in our official employee Position Descriptions. The following are references are from *2017-18 Wisconsin Statutes updated through 2019 Wis. Act 8 and through all Supreme Court and Controlled Substances Board Orders filed before and in effect on July 25, 2019. Published and certified under s. 35.18. Changes effective after July 25, 2019, are designated by NOTES. (Published 7-25-19):*

### **Wisconsin Statutes Chapter 59 Counties – 59.69 Planning and Zoning Authority for Counties**

- **59.69(1) Purpose.** It is the purpose of this section to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds. To accomplish this purpose the board may plan for the physical development and zoning of territory within the county as set forth in this section and shall incorporate therein the master plan adopted under s. 62.23 (2) or (3) and the official map of any city or village in the county adopted under s. 62.23 (6).

- **59.69(2)(a)1 Planning and Zoning Agency or Commission:** Except as provided under subd. 2., the board may create a planning and zoning committee as a county board agency or may create a planning and zoning commission consisting wholly or partially of persons who are not members of the board, designated the county zoning agency. In lieu of creating a committee or commission for this purpose, the board may designate a previously established committee or commission as the county zoning agency, authorized to act in all matters pertaining to county planning and zoning.

*Portage County has operated under a “Planning and Zoning Committee” format since the Committee was created by the Portage County Board on October 20, 1964, through adoption of Resolution 46. This Committee was created by the County Board as its agency in all matters pertaining to County zoning.*

*Portage County Board of Supervisors adopted Resolution 4 at their April 1966 Organizational Meeting, which established the structure, and general powers and duties of the Planning and Zoning Committee as a standing Statutory Committee of the County Board. According to Resolution 4, the Committee would be:*

- a. Five members.*
- b. Selected by the Committee on Committees for appointment by the Chairman of the County Board.*
- c. Term of two years.*
- d. Members to be County Board Supervisors.*
- e. To concern itself with short-range and long-range county planning. To prepare a comprehensive zoning ordinance for the County and to handle its application and implementation in the County as provided for by Wisconsin Statutes.*

*County Board Resolution 123, adopted April 15, 1976, subsequently revised 1966 Resolution 4 by adding:  
“f. Supervise activities of Areawide Planning Department.”*

*As of August 1, 2019, sections a - d of the original Powers and Duties remain the same (Committee on Committees has subsequently been renamed Executive/Operations Committee); e and f have been replaced, with several sections added. Per Section 3.1.21 of the Portage County Code of Ordinances:*

- a. Five members.*
- b. Selected by the Executive/Operations Committee for appointment by the County Board.*
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.*
- d. Members to be County Supervisors.*
- e. To set policy and provide policy guidance and legislative oversight for the activities of the Planning and Zoning Department and the County Surveyor’s Office.*
- f. To set policy and provide policy guidance and legislative oversight for short and long range county planning. To maintain an up-to-date comprehensive zoning ordinance for the County and to handle its application and implementation in the County as provided by Wisconsin State Statutes 59.69.*
- g. To review all groundwater matters.*
- h. To review and supervise street name and building numbering program.*
- i. Per Diem: County Supervisors shall be entitled to per diems and mileage.*

- **59.69(4) Extent of Power:** For the purpose of promoting the public health, safety and general welfare the board may by ordinance effective within the areas within such county outside the limits of incorporated villages and cities establish districts of such number, shape and area, and adopt such regulations for each such district as the board considers best suited to carry out the purposes of this section. The board may establish mixed-use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form. The board may not enact a development moratorium, as defined in s. 66.1002 (1) (b), under this section or s. 59.03, by acting under ch. 236, or by acting under any other law, except that this prohibition does not limit any authority of the board to impose a moratorium that is not a development moratorium. The powers granted by this section shall be exercised through an ordinance which may, subject to sub. (4e), determine, establish, regulate and restrict:
  - (a) The areas within which agriculture, forestry, industry, mining, trades, business and recreation may be conducted, except that no ordinance enacted under this subsection may prohibit forestry operations that are in accordance with generally accepted forestry management practices, as defined under s. 823.075 (1) (d).
  - (b) The areas in which residential uses may be regulated or prohibited.
  - (c) The areas in and along, or in or along, natural watercourses, channels, streams and creeks in which trades or industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted.
  - (d) Trailer or tourist camps, motels, and manufactured and mobile home communities.
  - (e) Designate certain areas, uses or purposes which may be subjected to special regulation.
  - (f) The location of buildings and structures that are designed for specific uses and designation of uses for which buildings and structures may not be used or altered.
  - (g) The location, height, bulk, number of stories and size of buildings and other structures.
  - (h) The location of roads and schools.
  - (i) Building setback lines.
  - (j) Subject to s. 66.10015 (3), the density and distribution of population.
  - (k) The percentage of a lot which may be occupied, size of yards, courts and other open spaces.
  - (L) Places, structures or objects with a special character, historic interest, aesthetic interest or other significant value, historic landmarks and historic districts.
  - (m) Burial sites, as defined in s. 157.70 (1) (b).

***Portage County first adopted a Zoning Ordinance on November 15, 1966 (Portage County Board Resolution 58). This document has been periodically updated to provide the breadth and depth of regulation for development and use of property that is considered appropriate by the County Board of Supervisors, as based on requirements and authority designated by the State of Wisconsin. Counties in Wisconsin function as an arm of State, with regulations made at the State level, in many cases, intended to be carried out through County government.***

- **59.69(3) The County Development Plan.**

- (a) The county zoning agency may direct the preparation of a county development plan or parts of the plan for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan. To the extent that the development plan applies to unincorporated areas of a county with the population described in s. 60.23 (34), it applies only to those unincorporated areas that are subject to county zoning. Beginning on January 1, 2010, or, if the county is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the county engages in any program or action described in s. 66.1001 (3), the development plan shall contain at least all of the elements specified in s. 66.1001 (2).
- (b) The development plan shall include the master plan, if any, of any city or village, that was adopted under s. 62.23 (2) or (3) and the official map, if any, of such city or village, that was adopted under s. 62.23 (6) in the county, without change.
- (c) The development plan may be in the form of descriptive material, reports, charts, diagrams or maps. Each element of the development plan shall describe its relationship to other elements of the plan and to statements of goals, objectives, principles, policies or standards.
- (d) The county zoning agency shall hold a public hearing on the development plan before approving it. After approval of the plan the county zoning agency shall submit the plan to the board for its approval and adoption. The plan shall be adopted by resolution and when adopted it shall be certified as provided in sub. (2) (f). The development plan shall serve as a guide for public and private actions and decisions to assure the development of public and private property in appropriate relationships.
- (e) Except for a town that has adopted a master plan and official map as described in par. (b), a master plan adopted under s. 62.23 (2) and (3) and an official map that is established under s. 62.23 (6) shall control in unincorporated territory in a county affected thereby, whether or not such action occurs before the adoption of a development plan.

### **Wisconsin Statutes Chapter 66 Municipal Law**

- **66.1001 Comprehensive Planning; (3) Ordinances that must be consistent with comprehensive plans.**

Except as provided in sub. (3m), beginning on January 1, 2010, if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit's comprehensive plan:

- (g) Official mapping ordinances enacted or amended under s. 62.23 (6).
- (h) Local subdivision ordinances enacted or amended under s. 236.45 or 236.46.
- (j) County zoning ordinances enacted or amended under s. 59.69.
- (k) City or village zoning ordinances enacted or amended under s. 62.23 (7).
- (L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- (q) Shorelands or wetlands in shorelands zoning ordinances enacted or amended under s. 59.692, 61.351, 61.353, 62.231, or 62.233.

*In response to requirements of Ch 66.1001 Wisconsin Statutes, Portage County initiated a County Development Plan/Comprehensive Plan process beginning in the year 2000. This process not only led to adoption of the Portage County Comprehensive Plan (which functions as the statutorily described “development plan”), but also ultimately involved assistance and coordination for the completion of State-approved Comprehensive Plans for all 27 municipal jurisdictions in the County. 66.1001(3) ties County Zoning, Subdivision, and Shoreland Zoning Ordinances to adoption of a Comprehensive Plan/Development Plan; these Ordinances are required to be consistent with an adopted Plan.*

- **59.69(2)(bm):** The head of the county zoning agency appointed under sub. (10) (b) 2. shall have the administrative powers and duties specified for the county zoning agency under this section, and the county zoning agency shall be only a policy-making body determining the broad outlines and principles governing such administrative powers and duties and shall be a quasi-judicial body with decision-making power that includes but is not limited to conditional use, planned unit development and rezoning. The building inspector shall enforce all laws, ordinances, rules and regulations under this section.
  
- **59.69(10)(b)**
  1. Except as provided under subd. 2., the board shall designate an officer to administer the zoning ordinance, who may be the secretary of the zoning agency, a building inspector appointed under s. 59.698 or other appropriate person.
  2. Notwithstanding subd. 1. and s. 59.698, in a county with a county zoning agency and a county executive or county administrator, the county executive or county administrator shall appoint and supervise the head of the county zoning agency and the county building inspector, in separate or combined positions. The appointment is subject to confirmation by the board unless the board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63. The board, by resolution or ordinance, may provide that, notwithstanding s. 17.10 (6), the head of the county zoning agency and the county building inspector, whether serving in a separate or combined position, if appointed under this subdivision, may not be removed from his or her position except for cause.

*The Director of the Planning and Zoning Department also serves as the Zoning Administrator for Portage County, and is head of the County Zoning Agency. Portage County does not have a ‘building inspector’ position.*

- **59.69(2)(d):** The county may accept, review and expend funds, grants and services and may contract with respect thereto and may provide such information and reports as may be necessary to secure such financial aid and services, and within such funds as may be made available, the county zoning agency may employ, or contract for the services of, such professional planning technicians and staff as are considered necessary for the discharge of the duties and responsibilities of the county zoning agency.

*This provides the basis for retaining professional staff to conduct Department functions, both on the tax levy and from additional funding sources. Portage County has a long history of securing grant funding to replace tax levy funding of various projects and activities. Multiple sections within the P&Z Department have and do utilize grant funding.*

The Portage County Board has created the following employee positions to perform the work related to the responsibilities identified above.



