

**Door County Resource Planning Committee
General Resource/Reference Materials
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May 3, 2018**

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Selected Planning and Zoning Terms

Land use plan

A municipal plan that inventories current land uses and other data related to land use in the community, makes projections about those uses and data, and defines goals and objectives related to future management of those land use issues. Most plans include an implementation section that describes ordinances, policies, and programs that will be implemented to allow the municipality to meet its goals and objectives.

Comprehensive plan

A municipal plan that looks at, inventories, and makes projections about all issues that might affect the municipality and defines goals and objectives related to future management of those issues. A comprehensive plan was defined for the first time in the Wisconsin Statutes with 1999 Wisconsin Act 9 and amendments.

Smart Growth

“Smart Growth” is a general planning term that originally related to anti-“sprawl” land use management concepts. A comprehensive plan that complies with Wisconsin’s so-called “Smart Growth” legislation (1999 Wisconsin Act 9 and amendments) must outline data and projections, objectives, policies, goals, maps, and programs to address a minimum of nine elements: issues and opportunities; housing; economic development; land use; transportation; agricultural, natural, and cultural resources; utilities and community facilities; intergovernmental cooperation; and implementation. Those local comprehensive plan elements will also be evaluated against fourteen local planning goals outlined in the legislation when the municipality is applying for planning grants or when a state agency administers a law that requires the local government to have a comprehensive plan in place. As of January 1, 2010, municipalities that have zoning or subdivision ordinances or an official mapping program must have a Smart Growth plan in place upon which decisions related to those ordinances/programs are based. The plan must be developed in accordance with written public participation strategies, and adopted by resolution by the plan commission and as an ordinance by the municipal board.

Implementation tools

Implementation tools are all the different ordinances, policies, maps, and programs a municipality adopts to implement the goals and objectives in a land use or comprehensive plan.

Zoning ordinance

Zoning ordinances are comprised of written regulations and corresponding map(s). The county shoreland zoning ordinance is mandated by state statute. Door County’s shoreland ordinance contains only the statutory regulations counties are mandated to enforce/administer. A comprehensive zoning ordinance is an implementation tool that regulates the use and development of land. Districts are created (residential, commercial, agricultural, etc.), and the uses, lot sizes, setbacks, etc. for districts are outlined. Adoption of a zoning ordinance or an amendment requires a public hearing. For a town located in a county with a county zoning ordinance, the county board must approve the town’s zoning ordinance (and any future amendments) before it can go into effect.

Interim zoning ordinance

Interim zoning is also called “stopgap” zoning in the Wisconsin Statutes. Both are more commonly referred to as a “moratorium.” A moratorium does not necessarily prohibit all development; rather, it spells out what will be allowed and how while the municipality prepares its plan. An interim zoning ordinance must state for how long it will be in effect (no more than two years is allowed), why it is being implemented, and to what it applies. Adoption requires a public hearing.

Subdivision ordinance

A subdivision ordinance, also called a land division ordinance, is an implementation tool that regulates the process by which land can be divided in a municipality. There are certain state

statutory regulations that apply to divisions of land creating 5 or more lots of 1.5 acres or less in size. The municipality may choose to regulate other types or sizes of land divisions as well. Door County has a county Land Division Ordinance in effect in all towns in the county. A town may choose to adopt a town land division ordinance that would be in effect for local land divisions as well.

Regular zoning permit

A regular zoning permit allows a property owner to establish a use or structure on the property that is allowed "by right" in that zoning district, provided that ordinance standards such as setbacks, building height and size, etc. are met. No public hearing is required.

Conditional use permit

A conditional use permit application is a request to establish or expand a use that is allowed in that zoning district by conditional use. Such permits shall be issued if the plan commission determines after a public hearing that substantial evidence has been provided showing that the applicant will meet all ordinance standards and any reasonable conditions the county may impose on the use.

Variance

A petition for variance is a request to relax one or more of the dimensional requirements or restrictions of a zoning ordinance (road, water, or property line setbacks; building size or height; etc.). Most zoning ordinances will not allow the granting of variances that let a property owner establish a use on the property not allowed otherwise in that zoning district. In theory, the decision of the board of appeals as to whether or not to grant a variance should be based on Wisconsin's well-established state Supreme Court ruling on variances, which stated that a variance should not be granted unless application of the zoning ordinance as written "would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome."

Zoning amendment

A petition requesting a zoning amendment can be to amend either the text or the map of the zoning ordinance. Amendments require a public hearing before the plan commission. The town or county board makes the final decision as to the matter. (In the case of a town with its own zoning ordinance that is located in a county with a county zoning ordinance, the matter needs to go from the plan commission to the town board to the county board for final approval.)

Plan commission

The municipal body established to oversee administration of the plan and implementation tools. The plan commission typically holds public hearings regarding zoning text and map amendment petitions in order to make a recommendation to the town board, which makes the final decision on the matter, and may also be the body granting or denying conditional use permits. This body is called the Resource Planning Committee at the county level in Door County.

Zoning administrator

The zoning administrator is the person charged with day-to-day administration of the plan and implementation tools, including tasks such as issuance of permits, compliance inspections, setting up public hearings, and staffing plan commission and board of appeals meetings.

Board of appeals

The board of appeals is the municipal body established to make decisions on petitions for variance and appeals of zoning decisions (either of the zoning administrator or plan commission). Both types of decisions require public hearings. If the plan commission does not deal with conditional use permits, the board of appeals would also hold public hearings on those matters. Appeals of this board's decisions are resolved in court. This body is called the Board of Adjustment at the county level in Door County.

Potential Comprehensive Plan Implementation Tools

Implementation tools are the ordinances, policies, maps, and programs a municipality adopts in order to achieve the goals and objectives in its land use or comprehensive plan. A municipality may choose to use one or many tools. Those tools may be: 1) regulatory in nature, such as design review, moratoria, and zoning, subdivision, or historic preservation ordinances; 2) fiscal in nature, such as impact fees or capital improvement programs; 3) acquisition-related, such as land purchases, eminent domain, conservation easements, or purchase of development rights programs; 4) educational programs, such as town-sponsored meetings or newsletters; or even 5) privately-initiated, such as work done by land trusts.

There are innumerable implementation tools to achieve the goals and objectives outlined in a land use or comprehensive plan. Following are brief explanations of a few of those tools.

Agricultural preservation programs

Under WI's Farmland Preservation Program, a county or town may create an Exclusive Agricultural zoning district as part of its zoning ordinance. The district created must be approved by the state; requirements include allowing for only agricultural or agriculturally-related uses. A farmer whose property is located in the district is typically automatically eligible for state income tax credits. Groups of farmers may also apply to the state to be designated as an Agricultural Enterprise Area, allowing farmers within that area to enter into contracts with the state allowing them to receive the state income tax credits.

In addition to or instead of using zoning to preserve farmland, a county or town could educate its residents about conservation easements, encouraging willing landowners to consider entering into such agreements with local land trusts. Or, the county or town could undertake either a purchase of development rights program or a transfer of development rights program. (Conservation easements, purchase of development rights, and transfer of development rights are defined below.)

Building code

Building codes are regulations that set standards for the construction of buildings or additions in a community. Building codes are intended to ensure that new and altered buildings will be safe. These codes must conform to the state building, plumbing, and electrical codes. Building codes sometimes contain other types of regulations, such as minimum lot size requirements and setback requirements for structures, or housing codes that define standards as to how a dwelling unit is to be used and maintained after it is built. The latter are concerned with keeping housing in the community from falling into disrepair and thus keeping neighborhoods from falling into blight.

Business improvement districts

A business improvement district (BID) can be created at the request of business owners in an area. Business owners are assessed a fee by the municipality. The money garnered from the assessment is then used by the municipality to fund pre-determined business-related activities and improvements. The idea is that the business and the municipality share the responsibility and the benefits of improving the business district – since the improvements are aimed at attracting more customers, the businesses gain higher profits, and the municipality eventually gains more tax revenue from higher real estate assessments.

Capital improvements programs

Capital improvements are projects which require the expenditure of public funds for the acquisition, construction, or replacement of various public buildings or facilities such as police and fire halls, schools, town halls, roads and highways, water and sewer facilities, and parks and open space. A capital improvements program is a mechanism of implementing town goals related to needed capital facilities, as specified in the plan. The program lists the proposed public projects according to a schedule of priorities over the next few years, allowing local communities to plan for capital expenditures and minimize unplanned expenses. Sources of funding for capital improvements can include impact fees, subdivision requirements, special assessments, and revenue or general obligation bonding. Such programs should be reviewed and updated annually as the municipality is reviewing and updating its budget.

Conservation easements

Conservation easements are voluntary, legally binding agreements entered into between a property owner and either a private land trust or government agency. With the establishment of a conservation easement, the property owner sells or donates the development rights for the property to the land trust or government agency but retains ownership of the land. The owner is not prohibited from selling the property, but future owners must also abide by the terms of the conservation agreement; the easement is recorded with the deed to the property. Easements can be tailored to the unique characteristics of each particular property and the interests of the landowner. The designated land trust or government agency is responsible for monitoring and enforcing the easement agreement for the property. Conservation easements do not require public access to property. A municipality could encourage its residents to voluntarily place conservation easements on their property in order to help protect natural resources, open space, or agricultural activities in the community.

Design review

Design review is an aesthetic control over new development. Design review involves the review and regulation of the design of buildings and their building sites. It is often included as part of zoning and subdivision ordinances, but could be a separate code. Design review seeks to protect communities from development which would detract from the appearance of the community and reduce property values. Such an ordinance is often used in communities with buildings of historical or architectural importance or where tourism is a major economic activity.

Educational programs

Town-sponsored educational programs can educate citizens about the plan and planning processes themselves as well as the components of the municipal plan. Educational programs should be an integral component of plan development as well as plan implementation. Educational programs intended to implement plan components could include activities that provide residents with information regarding the town's varied natural resources or historical sites and how to protect them; private, voluntary water quality protection measures; private, voluntary methods of open space or agricultural land preservation; local government activities; local ordinances; etc. Local students could be involved in developing educational programs.

Eminent domain

Public acquisition of private property may be required to implement some plan objectives, such as construction of highways, obtaining utility easements, or obtaining access to waterways. If the land cannot be acquired voluntarily (through "regular" outright purchase), government bodies sometimes have the authority to condemn the private property, provided that the owners are compensated fairly for their loss. The process of eminent domain is subject to judicial review.

Historic preservation

Historic preservation ordinances are a form of aesthetic control over development. A municipality can adopt an historic preservation ordinance to preserve or enhance historic features within the community. A municipality may also choose to encourage historic preservation through educational programs regarding the community's historical resources.

Housing programs

There are many types of municipal programs that can be established to ensure the provision of affordable housing in the community. ("Affordable" housing generally refers to that which can be rented or purchased by persons of median income – using roughly 30% of their income – in the community.) Zoning ordinances can be created so as to require new commercial enterprises to provide employee housing, encourage the establishment of "granny flats" or accessory residences, encourage smaller lots in certain areas, or allow smaller residences grouped closely together in certain areas. Many areas of the country have established Housing Authorities or Trusts which, in addition to reviewing and revising land use ordinances to encourage or require the provision of affordable housing, use various funding

mechanisms to create or purchase housing in the community which is then available to persons with qualifying income levels.

Impact fees

Impact fees are financial contributions imposed on developers by a local government as a condition of development approval. Impact fees help shift a portion of the capital cost burden of new development from the town to the developer, in an effort to make new development responsible for serving itself rather than raising taxes on existing development. Impact fees can be used to finance highways and other transportation facilities, sewage treatment facilities, storm and surface water handling facilities, water facilities, parks and other recreational facilities, solid waste and recycling facilities, fire and police facilities, emergency medical facilities, and libraries. Impact fees cannot be used to fund school facilities.

Intergovernmental agreements

A town may contract with any other municipality (defined in this case as the state, counties, cities, villages, towns, school districts, sanitary districts, public library systems, regional planning commissions, or other governmental and quasi-governmental entities) to receive or furnish services or jointly exercise power or duties required or authorized by law. Such arrangements can be useful in facilitating efficient provision of public facilities and services.

Interim Zoning Ordinances

Better known as a moratorium, an “interim” zoning ordinance gives a community time to develop a land use or comprehensive plan and implementation ordinances without having undesirable or incompatible development occur while the plan is being developed. A moratorium ordinance should be in place for no more than two years, and guide or prohibit specific types of development.

Purchase of development rights programs

The purchase of development rights (PDR) is a land conservation tool a town can use to protect important natural resources, including farmland. In a PDR program, the town buys the development rights to land from willing landowners and places conservation easements on those lands, restricting their future development. PDR programs are entirely voluntary and the sellers of the development rights retain ownership and control of their land. Property can be transferred in ownership at any time, but the land is permanently protected from certain types of development because of the easement in place. The value of development rights to agricultural lands, for example, is based on the difference between what a property would be worth for non-farm development purposes and its value to a farmer for agricultural purposes. The landowner is compensated by the town (or receives a tax deduction) in the amount of that difference when selling the development rights.

Road/driveway ordinance

A town may establish an ordinance detailing requirements for the construction of new roads and driveways, including required paving width, shoulder width, setbacks, etc. In addition, the ordinance could outline when and why the town will take on responsibility for new roads in the community.

Sanitary code/sanitary districts

A town may enact a sanitary code provided that the requirements in the code comply with the minimum requirements of the state plumbing code. (In Wisconsin, counties are required to enact such codes.) The town’s sanitary code may include regulations in addition to the state and county codes, such as restrictions on the use of holding tanks.

Towns may also create town sanitary districts for the purposes of constructing and operating a public water supply, sewage treatment, storm sewers, drainage improvements, or solid waste disposal facilities. Such districts have the power to acquire property, levy special assessments, and collect charges for services.

Sign ordinance

A sign ordinance regulates the type, size, and location of signs allowed within a community. It may also restrict the types of materials that may be used to construct signs.

Subdivision ordinance

A subdivision ordinance, also called a land division ordinance, is an implementation tool that regulates the process by which land can be divided in a municipality. Subdivision ordinances can also regulate road development and utility provision. There are certain state statutory regulations that apply to divisions of land creating 5 or more lots of 1.5 acres or less in size. A municipality may choose to regulate other types or sizes of land divisions as well. Door County has a county Land Division Ordinance in effect in all towns in the county. A town may choose to adopt a town land division ordinance that would be in effect for local land divisions as well.

Many subdivision ordinances allow or require “cluster development.” With cluster development, the landowner/developer receives a density bonus in return for clustering the proposed homes/development on a small portion of the lot and permanently protecting the remaining open space. For example, if a 40-acre parcel located in a five-acre zoning district was to be subdivided in the conventional manner, the owner could create eight lots. A cluster development option might allow the owner to instead create twelve lots, provided that a designated percentage of the 40 acres was permanently protected through the use of a conservation easement or similar land conservation mechanism.

Tax Incremental Finance Districts

Towns in Wisconsin may establish limited Tax Incremental Finance (TIF) Districts for economic development related to the industries of tourism, agriculture, manufacturing, and forestry; residential development with a “necessary and incidental” relationship to one of the above economic development projects; or retail development for sales related to an agricultural, forestry, or manufacturing economic development project. Tax increment financing is an economic development tool used to expand the tax base by providing public improvements necessary to promote development. The municipality designates a physical boundary for a certain, desired type of development, undertakes the required public development of the site (roads, utilities, etc.), and then allows development of the site. The municipality keeps the tax money collected from businesses moving into the TIF district that is over and above the base value before the TIF district was created in order to pay off its debt for the initial site development.

Transfer of development rights programs

Transfer of development rights (TDR) programs are used to compensate landowners for the economic impact certain land use restrictions can have on the value of their property. For example, agricultural lands in a town may be zoned such that the intensity of development allowed on those lands is much less than that allowed on other properties in other areas of the town, thereby creating an imbalance between agricultural landowners and others. The TDR program permits the transfer of development rights from the restricted, agricultural property (the “sending parcel”) to another, non-agricultural property (the “receiving parcel”). Owners of receiving parcels purchasing development rights are then permitted to develop their property at greater intensity. In this way, farmers or open space landowners are compensated for the loss of revenue they might have gained had they been permitted to develop their property at higher intensities.

Zoning ordinance

A zoning ordinance is a plan implementation tool that regulates the use and development of land. Zoning ordinances are comprised of written regulations and corresponding map(s). Zoning districts are created (such as residential, commercial, agricultural, etc.), and the uses, lot sizes, building setbacks, etc. for those districts are then outlined. Adoption of a zoning ordinance requires a public hearing. For a town located in a county with a county zoning ordinance in place (such as Door County), the county board must approve the town’s zoning ordinance (and any future amendments) before it can go into effect. By state law, counties administer shoreland and floodplain zoning in all towns, regardless of whether or not the rest of the town is under county or town (or no) zoning.

Municipality	Comprehensive Plan	Zoning	Land Division	Floodplain	Telecom-munications	Wind Energy	Airport Height	Other Plans & Ordinances
Door County	Yes	Yes - 9 towns under county comprehensive zoning, 5 with county shoreland zoning only.*	Yes**	Yes**	Yes	Yes**	Yes	Uniform Addressing Ord.; Solid Waste Management Ord.; Recycling Ord.; Outdoor Refuse Burning and Fireworks Ord.; Farmland Preservation Plan; Parks & Open Space Plan; Land & Water Resource Management Plan; Bicycle, Pedestrian, and Recreational Facilities Plan; County Highway Plan
T. Baileys Harbor	Yes	County	County	County	Town	County	No	Bicycle plan
T. Brussels	Yes	County Shoreland & Town	County	County	County	County	No	--
T. Clay Banks	Yes	County	County	County	County	County & Town	No	Holding tank - sludge spreading code
T. Egg Harbor	Yes	County Shoreland Only	County & Town	County	County	County	No	--
T. Forestville	No	County	County	County	County	County	No	--
T. Gardner	Yes	County Shoreland Only	County	County	County	County	No	Concentrated Animal Feeding Operation Ordinance
T. Gibraltar	Yes	County	County	County	County	County	Ephraim-Gibraltar	Bicycle plan
T. Jacksonport	No	County	County	County	County	County	No	--
T. Liberty Grove	Yes	County	County	County	County	County	No	Park & recreation plan, Bicycle Plan
T. Nasewaupee	Yes	County Shoreland Only	County & Town	County	Town	County	County	--
T. Sevastopol	Yes	County	County	County	County	County	County	--
T. Sturgeon Bay	Yes	County	County	County	County	County	County	Park & recreation plan
T. Union	Yes	County Shoreland & Town	County	County	County	County	No	--
T. Washington	No	County	County	County	County	County	Washington	--
V. Egg Harbor	Yes	Yes	Yes	No	No	No	No	Building regulations and construction, mobile homes and mobile home parks, sign code, lighting ord., bicycle plan
V. Ephraim	Yes	Yes	Yes	Yes	No	No	Ephraim-Gibraltar	Architectural design ord., historic preservation ord., stormwater/construction site erosion control ord.
V. Forestville	Yes	Yes	No	Yes	No	No	No	--
V. Sister Bay	Yes	Yes	Yes	No	Yes	No	No	Park & recreation plan, wellhead protection plan, comprehensive utilities plan
C. Sturgeon Bay	Yes	Yes	Yes	Yes	Yes	No	Yes	Historic preservation ord., waterfront design ord., park & recreation plan, bicycle plan, wellhead protection plan

* State law requires county shoreland zoning to be effective in the shoreland areas of all unincorporated areas, regardless of whether or not the town has adopted county comprehensive zoning. Shoreland areas are defined as lands within 1000' of the ordinary high water mark of navigable lakes, ponds, or flowages; and/or within 300' of the ordinary high water mark of navigable creeks, streams, or rivers, or to the landward side of a floodplain of the navigable reaches of rivers or streams, whichever distance is greater.

** In effect in all 14 towns.

Plan Commissions: formation, role, responsibilities

*Adapted by Mariah Goode, Door County Planning,
from a presentation created by Michael Koles,
Waupaca County Community Development Educator,
and Michael Dresen, Director of the Center for
Land Use Education at UW-Stevens Point*

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Establishing the commission

	Town	City/Village	County committee	County commission
Authority	60.22(3)	61.35 62.23(1)	59.69	
Creation	Village powers By ordinance	City council Village board	County board	
Membership	7 if >2,500 5 or 7 if <2,500	7	Not specified	
Appointment	Board chair	Mayor Village president	Board chair or county exec.	
Terms	3 yrs.	3 yrs.	2 yrs.	3 yrs. Staggered
Chair appointment	Board chair	Mayor Village president	Elected by members for 2-yr. term	

Ordinance establishing:

- 1) General authority
- 2) Appointment & membership criteria
- 3) Terms of office, alternates & vacancies
- 4) Removal for cause
 - unethical behavior
 - failure to perform duties
- 5) Compensation & expenses
- 6) Staff & experts
- 7) Conduct of meetings & records
- 8) Officers & conduct of commissioners

Ordinance specifies role/duties

Planning

- 1) Comprehensive community planning (prepare plan & amendments)
- 2) Issue-based planning (ordinances & programs to implement plan)
- 3) Site planning (review specific projects or promote new projects)

Plan implementation

Discretionary assignment by governing body

- 1) Specified zoning decisions
- 2) Plat approval
- 3) Develop & convey town position on county zoning decisions

Referral for advisory report

- 1) Mandatory referrals to commission under 62.23(5), Wis. Stats.
- 2) Mandatory referrals under other statutes
- 3) Referrals under local ordinance
- 4) Referrals on a case-by-case basis

Selection of commissioners

- 1) Develop and circulate a description of responsibilities
- 2) Require a letter of interest/application
 - a) publish in newspaper/press release
 - b) announce at board meeting
 - c) actively search out candidates
 - d) announce on radio

Qualifications for commissioners

- 1) Ability to make fair, balanced, sound decisions
- 2) Open minded
- 3) Patience
- 4) Team player
- 5) Diversity
 - a) Geographic
 - b) Economic
 - c) Gender
 - d) Age
 - e) Professional background/affiliation

Qualifications, continued...

- 6) Commitment to community
- 7) Commitment to continuing education
- 8) Understanding of planning process, land use issues, etc.
- 9) Team player
- 10) Ability to read plans, maps, reports
- 11) Detail oriented but with ability to see larger picture

Legal Requirements

Plan commissions must abide by:

- 1) Open meetings law
- 2) Open records law
- 3) Voting requirements
- 4) Conflict of interest laws
- 5) Public notification requirements for meetings & hearings

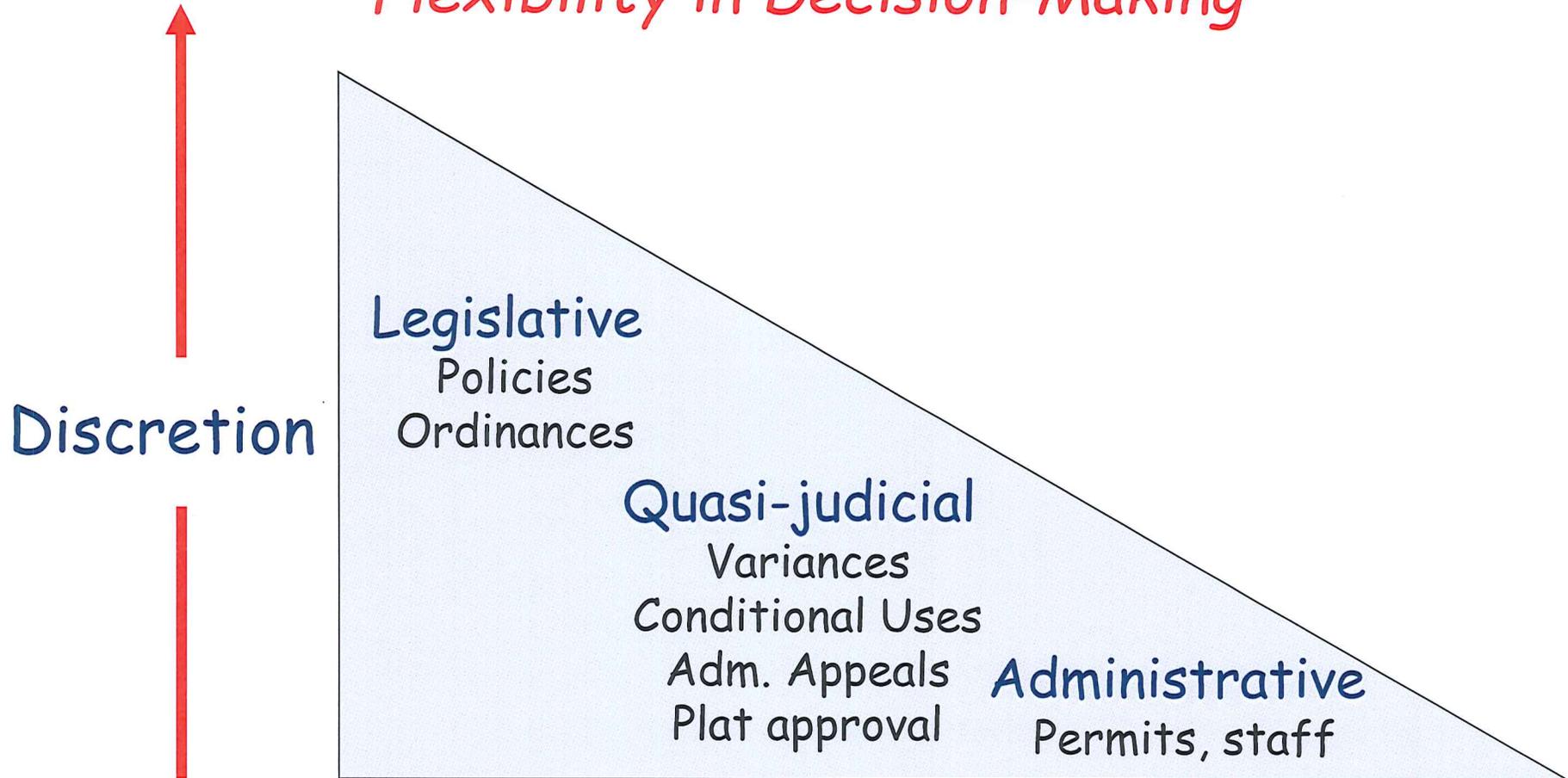
3 roles...

3 standards of conduct

- 1) Legislative - policy-making*
- 2) Quasi-judicial - application of laws*
- 3) Administrative - ministerial duties*

Discretion

Flexibility in Decision-Making



Quasi-judicial decisions

Due process rules of fair play apply:

- 1) Notice of pending decision to affected parties
- 2) Opportunity for hearing
- 3) Opportunity to present evidence & examine witnesses
- 4) Decisions based on established standards
- 5) Written decisions based on facts in a reviewable record
- 6) Unbiased decision-makers
- 7) Opportunity for appeal

Quasi-judicial decisions

Ex parte communication = communication regarding a pending decision not included in the record on the matter

1. Not to be considered in decision-making
2. Discourage it
3. Disclose it
4. Encourage interested parties to attend hearings (necessary for witness examination)

Ethics for local public officials

By statute no local public official may:

- Take official action on a matter in which the official, an immediate family member or an associated organization has a substantial financial interest.
- Use an official position to produce a substantial benefit, for the official, immediate family members or an associated organization.

Avoid the appearance of impropriety as well.

Recuse yourself from decisions that present a conflict of interest.

Conduct of meetings & hearings

- Efficient & effective meetings require significant preparation.
- Review the public hearing checklist.
- Practice good meeting management:
 - Begin & end on time.
 - Manage public participation
 - Choose an appropriate participation technique.
 - Provide a clear description of the issue or proposal.
 - "Register" & qualify those offering testimony.
 - Respond to citizen concerns.

Commission decisions

- A majority of a quorum is usually sufficient to adopt a measure. Consensus or supermajority approaches may be advisable in some cases.
- Adopt & publicize general criteria for good decisions:
 - 1) Consistent with adopted objectives
 - 2) Based on facts & science
 - 3) Consistent with related policy/decisions
 - 4) Technically & administratively feasible
 - 5) Politically acceptable
 - 6) Simple & understandable

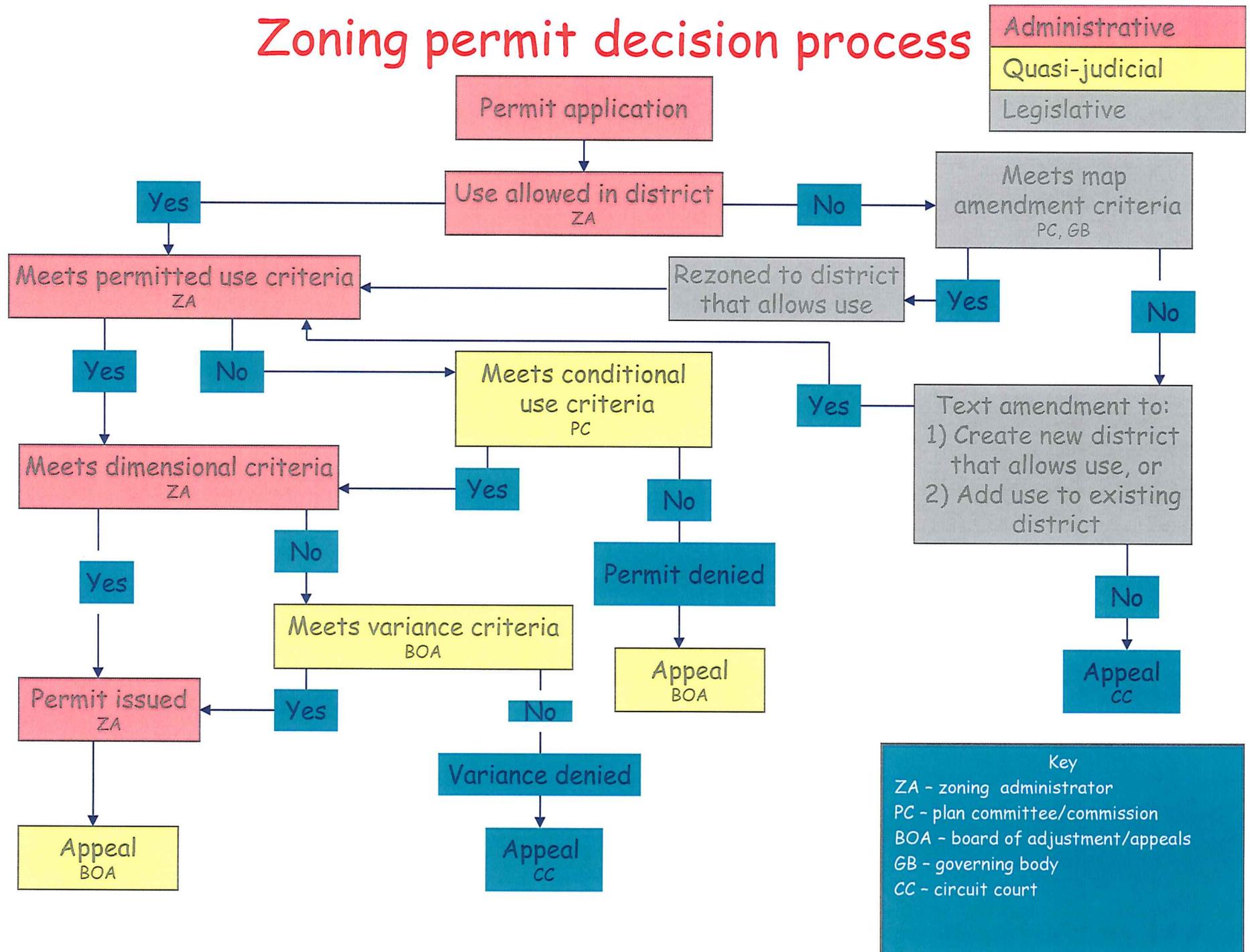
Door County's zoning administration relationships

- **Towns**
 - 28-day review procedure offered by county.
 - Plan commission makes recommendation to town board, which makes final recommendation to county.
- **County**
 - 8 towns and shoreland areas of all 14 under zoning
 - Variances and appeals: Board of Adjustment
 - Conditional uses and zoning amendments: RPC
- **Two towns administer their own zoning**
 - Ordinance & amendments require county approval.
 - County still has jurisdiction in shoreland areas.

A balance of power between county & towns

- Towns have an effective veto over most zoning map & text amendments.
- Towns have no authority to approve/disapprove county shoreland & floodplain provisions.
- Towns may adopt shoreland provisions that are at least as restrictive as their county standards (with village powers & county approval).

Zoning permit decision process



DOOR COUNTY RESOURCE PLANNING COMMITTEE RULES OF PROCEDURE

Regarding:

**Scheduling of Public Hearings
Public Hearing Conduct and Testimony
Zoning Decisions
Ex Parte Communications**

As authorized by s. 11.09(2), Door County Zoning Ordinance, these procedures are hereby adopted:

I – Scheduling of Public Hearings

Each application for a conditional use permit and petition for zoning amendment shall be scheduled for hearing as soon as allowed by the regular hearing calendar, legal notice requirements, and town review procedures. No more than four hearings shall be scheduled for any single hearing date.

II – Public Hearing Conduct

The Committee Chair shall open the hearing and explain the hearing procedure, which shall be as follows:

1. The Chair shall read the notice of the case.
2. Staff of the Door County Planning Department shall explain the case.
3. Resource Planning Committee members shall present any special personal knowledge of the case.
4. The principal applicant or agent shall be asked to present testimony.
5. Testimony from others in support of the application shall be presented.
6. Letters in support of the application shall be entered into the record. A summary of all letters shall be presented by the staff, but individual letters shall not be read.
7. Testimony in opposition of the application shall be presented.
8. Letters in opposition to the application shall be entered into the record. A summary of all letters shall be presented by the staff, but individual letters shall not be read.
9. Those who previously testified in support shall have an opportunity for rebuttal.
10. Those who previously testified in opposition shall have an opportunity for rebuttal.
11. At the conclusion of the hearing, the Chair shall immediately close the hearing record or shall establish a later closing date for each hearing record. No testimony, verbal or written, shall be received nor entered into the record after the closing of the record, unless a new public hearing for the same case should subsequently be opened. Written testimony arriving after

the record is closed shall be returned to the writer accompanied by an explanation of this procedure.

If the applicant/petitioner fails to appear at the hearing (in person, or by agent or counsel), s/he will be deemed to be in default and the conditional use permit or petition for zoning amendment may, in the Resource Planning Committee's sole discretion, be denied.

The applicant/petitioner may, if s/he failed to appear (in person, or by agent or counsel) for good reason, request in writing that the Resource Planning Committee reopen the default denial. Any request to reopen must be made (i.e., written request received by the Planning Department) within thirty (30) days of the default denial. The Resource Planning Committee may, in its sole discretion, reopen a default denial if good cause is shown, such as mistake, inadvertence, or excusable neglect. If a default denial is reopened, the applicant/petitioner must submit a new fee, unless the Resource Planning Committee determines otherwise.

III – Public Hearing Testimony

1. Eligibility: Any person may testify in any case in person, in writing, or by agent or attorney.
2. Identification: Anyone testifying shall give his/her name and mailing address and the name and address of anyone whom they represent.
3. Presentation: All testimony shall be directed to the Resource Planning Committee. Cross-examination of witnesses and exchanges between members of the audience shall not be allowed. The Resource Planning Committee may ask questions of any witness.
4. Alternate Procedures: When a particular circumstance so dictates, the Chair may limit the length of testimony, the number of appearances per person, the number of appearances per side, or make other similar rulings for the purpose of maintaining order and giving all sides an opportunity to be heard.

IV – Zoning Decisions

Decisions on zoning amendment petitions and conditional use permit applications shall be by majority vote of a quorum. A motion that results in a tie vote is lost. In the event of a tie vote where the motion was to approve, those voting "nay" shall have the responsibility of citing reasons. In the event of a tie vote where the motion was to deny, those voting "aye" shall have the responsibility of citing reasons.

Decisions of the Resource Planning Committee regarding conditional use permit applications may be appealed to the Door County Board of Adjustment as provided by the Door County Zoning Ordinance and Wisconsin State Statutes. Persons seeking to change or amend conditions attached to their conditional use permit shall apply for a new conditional use permit.

V – Ex Parte Communications

The Resource Planning Committee conducts zoning public hearings and decides upon zoning amendment and conditional use permit applications. In doing so, the committee's decisions determine the rights, privileges, and benefits afforded property owners in the use of the owner's property, as well as determine impacts that surrounding property owners may experience. To maintain public confidence in the fairness of the committee's decision-making process, it is imperative that the

Resource Planning Committee exercise legal due process in carrying out its decision making responsibilities. Legal due process involves: (1) providing all parties an opportunity for a fair hearing, (2) full disclosure of the information that a reviewing agency is considering, and (3) providing an opportunity for all appropriate parties to be heard.

Legal due process requires, then, that a reviewing agency cannot engage in one-sided, or *ex parte*, communication with one of the interested parties in a case. To do so would violate the basic tenets of due process and destroy public confidence in the decision-making duties of the agency involved.

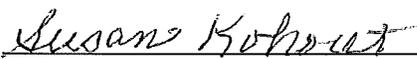
As a practical matter, avoiding all *ex parte* contacts is very difficult. In recognition of this practical problem, the Resource Planning Committee hereby adopts the following policies:

1. Each Resource Planning Committee member will exercise independent discipline to avoid *ex parte* contacts to the utmost extent.
2. When *ex parte* contact does occur and information about a zoning case is thereby received, the following actions shall be taken:
 - a. When such contact occurs prior to the public hearing about a zoning case, the appropriate member(s) shall announce at the public hearing: (1) that information was received outside of the public hearing, (2) who provided the information, and (3) what information was imparted.
 - b. When such contact occurs after the public hearing about a zoning case, but prior to the Resource Planning Committee arriving at a decision on the case, the appropriate member(s) shall inform the Resource Planning Committee Chair, who may, in the exercise of her/his discretion, arrange for another public hearing to be held for the purposes of (1) placing the information on the record and (2) giving all parties an opportunity to respond to the information.

RESOURCE PLANNING COMMITTEE


Kenneth Fisher, Chair


David Enigl, Vice-Chair


Susan Kohout


David Lienau


Donald Sitte

Dated: July 17, 2014

MKG/lr
07/17/2014

Door County Land Use Services Department 2017 Annual Report

A. Mission Statement

The Door County Land Use Services Department does not have a formal mission statement. We do, however, have various policies and procedures in place as well as an overall departmental work ethic which guides our activities: We strive to effectively and efficiently administer the programs under our jurisdiction; to be efficient, accurate, courteous, helpful, knowledgeable, and timely in our work with our clients; and to ensure our activities are coordinated with the work of the many other local and state agencies and organizations with which we interact.

B. Overview of Responsibilities

The Land Use Services Department program areas are:

- Planning
- Zoning and other land development ordinance administration
- Private On-site Wastewater Treatment Systems (POWTS) code administration
- Real Property Listing
- Geographic Information Systems (GIS) mapping and addressing

Department staff members during 2017 were:

Mariah K. Goode	Department Director
John Teichtler	Sanitarian
Chris Olson	Assistant Sanitarian
Greg Thiede	Assistant Sanitarian (retired March 2017)
Richard D. Brauer	Zoning Administrator
Jeffrey Kussow	Zoning Administrator
Susan Vanden Langenberg	Zoning Administrator
Rebecca Kerwin	Planner
Tom Haight	GIS/Land Information Office (LIO) Coordinator
Holly Hansen	Real Property Lister
Chris Moe	Real Property Listing Assistant
Audrey A. Forslund	GIS Mapping Specialist
Linda Riemer	Administrative Assistant III
Lois Goetz	Administrative Assistant II

The department's oversight committee is the Resource Planning Committee, comprised of five county board members. Per state statute, the county board-appointed Board of Adjustment, comprised of all laypersons, also participates in administration of the zoning ordinances. Both bodies typically hold public hearings and regular business meetings once or twice monthly. Also per state statute, a Land Information Council has been established to advise the Resource Planning Committee on GIS/LIO programs.

C. Program Summary

All program administration and enforcement is carried out by staff, with oversight from the Resource Planning Committee. Note that a significant amount of the activity related to the department's programs includes informal and formal exchanges of information with clients, municipal officials, and other internal and external entities involved or interested in the program area in question; site visits; preparation of materials for the Resource Planning Committee, Board of Adjustment, and county board meetings; pursuit of violations; etc.

Planning

Planning program staff members are responsible for developing and implementing comprehensive, farmland preservation, and other land use-related plans, as well as developing and updating the department's ordinances. Planning staff also organize and participate in a variety of educational and information-sharing programs with local municipalities, government agencies, and non-profits.

Zoning and Other Land Development Ordinance Administration

Staff members process all regular zoning permit applications, as well as conditional use permit applications, which eventually go to the Resource Planning Committee for public hearing and approval or denial. Staff also process the paperwork for petitions for variance from county zoning ordinances, appeals of either Resource Planning Committee or zoning administrator decisions, and petitions for zoning ordinance text or map amendments. The public hearings at which decisions are made regarding variances and appeals are held by the Board of Adjustment. Public hearings regarding text or map amendments are conducted by the Resource Planning Committee, with the County Board making the final determinations regarding such petitions.

The Door County Comprehensive Zoning Ordinance is in effect in all areas of nine towns per their voluntary enrollment in comprehensive county zoning. Per state statute, the Door County Shoreland Zoning Ordinance and the Door County Floodplain Zoning Ordinance are in effect in the shoreland areas of all 14 towns. The Door County Land Division, Wind Energy Facility, and Communication Tower Ordinances are also in effect in all 14 towns. The Door County Height Limitation Zoning Ordinance is in effect in areas surrounding the Cherryland Airport.

Private On-site Wastewater Treatment Systems (POWTS) Code Administration

The POWTS program strives to protect ground and surface waters via the Sanitarians' regulation, inspection, monitoring, and education regarding existing and proposed private on-site wastewater treatment systems in unsewered areas of the county. The program involves significant coordination with soil testers, septic system installers, plumbers, property owners, and state-level agencies. Door County's POWTS regulations – derived from state administrative code – are contained in Chapter 21 of the county code, which governs all POWTS in the county, regardless of location.

Sanitarian staff also have historically, and continued in 2017, to administer in conjunction with the Public Health Department various public health-related programs, such as investigation of animal bites, remediation of situations hazardous to human health, and enforcement of the county's general nuisance ordinance.

Real Property Listing

The Real Property Listing program is tasked with providing accurate tax parcel information for all 41,100+ parcels of real estate in Door County. The information processed and verified deals with all documents of transfer recorded at the Register of Deeds, all plat of surveys, and all assessments and real estate and personal property tax-related matters. Information maintained includes computer databases and related GIS layers, websites, and physical maps regarding all aspects of properties and their ownership, past and present.

Real Property Listing staff also generate, coordinate, and distribute for all 19 municipalities the assessment rolls, tax rolls, assessment notices, property tax bills, and related documents to and with County departments, assessors, town officials, taxation districts, Department of Revenue, Department of Natural Resources, and other related agencies.

Geographic Information System (GIS) Mapping and Addressing

The GIS mapping functions of the department include functioning as the county's state-mandated Land Information Office, maintenance and upgrades to the county-wide "web map," and maintenance of land information data to create a wide variety of land information-related maps for county staff, local municipalities and agencies, residents, and property owners. The addressing

program, in effect in the unincorporated areas (towns) and three of the four villages, ensures consistent address number assignment, avoidance of duplicative road names, and transfer of information to E-911 dispatch entities. Program responsibilities include all aspects of assignment of addresses, ordering and placement of signs, creation of all maps related to addresses, tracking of all expenses, and communication of address information to Intrado, the county's E-911 system manager.

D. Goals / Objectives Achieved in 2017

In 2016, when department goals/objectives were established for 2017, the Land Use Services Department program areas were housed in four separate county departments. The goals/objectives for 2017, as stated in three departmental 2016 Annual Reports, are listed below. (The Information Systems Department, which housed the GIS/LIO Coordinator position, did not have any 2017 goals/objectives for that program.) Comments regarding each goal/objective are in italics.

Planning

1. Work to ensure the departments and personnel made part of the Planning Department in 2017 are integrated with Planning's existing programs and personnel. *Significant progress was made in 2017, but truly merging programs and personnel will be a multi-year process.*
2. Finish and see through to adoption the county-wide flood evacuation plan. *Currently working on final steps for state-level certification.*
3. Finish the first draft of phase one of the John Miles County Park Master Plan. *Completed and adopted by county board.*
4. Finalize and work toward adoption of new wind energy and airport height ordinances and a new comprehensive zoning ordinance sign chapter to comply with state and federal requirements. *In progress; state-mandated ordinance changes took precedence over these projects.*
5. See through to completion the FEMA/DNR audit of the county's floodplain program. *In progress; the DNR took many months to respond to the materials the county submitted regarding the first audit request.*
6. Update the floodplain and land division ordinances so as to comply with recent state-level program changes. *Both have been completed and adopted by county board.*

Real Property Listing

7. Work with Information Systems to create database to search images of plat of surveys by section-town-range or subdivision on County Land Records Website. *Not undertaken due to forthcoming new system.*
8. Continue imaging old parcel history work rolls and entering data contained in old work rolls into AS/400. *In progress, as time permits.*
9. Continue creating section folder indexes for all plat of surveys from data entered from plat of survey images. *In progress, as time permits; only incorporated areas left.*
10. Research possible replacement of AS/400. *In progress with other departments and affected program areas.*
11. Continue clean-up of parcel maps from conversion – map in problem areas that have been set aside for past two years due to conversion process. *Completed clean-up; in progress addressing remaining problem areas and adjusting to new control for City north.*

Sanitarian

12. Accomplish relocation of office while providing service to public and stakeholders of on-site wastewater treatment systems. *Relocation completed with no interruption in service provision.*
13. Begin process of electronic access to plans for stakeholders of on-site industry. *In progress.*

Note: The Sanitarian Department 2016 annual report also noted two ongoing goals/projects, to be continued in 2017 (and beyond): a) "monitor and replace steel treatment tanks" and b) "monitor concrete treatment tank deterioration."

E. Knowledge Sharing

All members of the department are constantly sharing knowledge, providing an array of informational and educational services, namely with:

- Each other
- Other county departments
- Local public and private agencies and organizations
- Regional, state, and federal public and private agencies and organizations
- Residents and property owners
- Elected and appointed officials
- Real estate agents, title companies, developers, surveyors, architects, attorneys, builders, appraisers, municipal assessors, soil testers, septic system installers, plumbers, and their associations

In addition, the department's website provides all ordinances, application forms, and significant amounts of resource information. The county "web map," containing a multitude of GIS layers and information related to land ownership and characteristics, is also maintained by the department. Both the department website and the web map are frequently updated.

Staff attend various environmental and political agencies' meetings as requested for presentations and discussions, and meet frequently with staff members of other county departments in order to ensure coordination of program administration and for educational purposes. They also meet or talk frequently – for the same reasons – with staff of other governmental agencies, local and state, and elected and appointed officials.

F. Department Budget

In 2017, the department was still operating under four separate budgets. Figures below represent approximate combined information.

	Expenditures	Revenues	Levy appropriation
2017 Adopted	\$1,538,982	\$ 481,585	\$830,147
2017 Amended	\$1,543,003		
2017 Actual	\$1,413,096	\$ 455,957	

In 2017, \$48,610 was received from the state's "Wisconsin Fund" to help offset costs of mandated private on-site wastewater treatment system replacements for qualifying property owners. \$139,301 was received (and earned as interest) in support of LIO programs. The LIO funds are a combination of state grant dollars and returns to the county by the state from county real estate transfer tax collections.

G. Other Accomplishments

Staff members are continuously seeking ways or undertaking projects to improve individual and departmental performance and improve services, ordinances, programs, and related matters. Staff members also work in an on-going basis to address issues arising due to external forces.

Significant time was spent in 2017 physically merging the departments as well as analyzing and beginning to merge departmental programs. All staff members participated in these activities.

Numerous department staff members began the process of exploring software to ultimately replace the county's AS400 system.

Sanitarian staff began working closely with Public Health staff members on ultimately shifting environmental health hazard, animal bite, and nuisance investigations/abatement program administration to the Public Health Department.

H. Issues, Concerns, and Restraints

Physically merging the departments took much more time than anticipated. Similarly, merging program and personnel responsibilities has been determined to be a multi-year process.

State-level legislative changes to zoning laws continue to leave staff scrambling to keep up with understanding and administering changing requirements and making appropriate ordinance changes to reflect those new mandates.

Decreasing state funding for the Wisconsin Fund Program for replacement of private on-site waste treatment systems for qualifying property owners continues to be a concern.

State levy limit impositions are a long-range concern in terms of how the county's (and therefore the department's) budget overall will be affected.

I. Goals and Objectives for 2018

The main overall goal for the department for 2018 is to continue working to implement the department merger. In that regard, 2018 will include likely further physical relocation of the department (bringing all staff into the same office space), continued cross-training of staff, and overhaul of the still-separate department websites.

Applicant: _____

PIN: _____

	Initials	Date	Actor	Action
APPLICATION				
1.			Owner, Town Board, Co. Supervisor, RPC	a) File completed amendment form, attachments, and fee with DCPD.
2.			Clerical staff	a) Receive application, date-stamp materials b) Enter in permit tracking system c) Issue receipt d) Enter into Excel Hearing Log (M:/RPC/Admin) e) Attach zoning amendment process sheet f) Forward to appropriate ZA
3.			Zoning Administrator	a) Review for completeness, including: completed forms, legal description of area for rezoning (need for report & ordinance), compare with existing text b) Planners review against Comp. Plan & w/ ZA write staff report c) ZA puts packet together d) ZA writes letter that forwards packet e) ZA creates the town recommendation worksheet
4.			Clerical	a) E-mail complete 11" x 17" packet to town clerk, chair & plan commission chair for (28 day) review period b) Scan packet and save on M:drive c) Send scanned pdf packet & town worksheet (Word document) via e-mail to clerk & town contact(s) d) Send copy of letter and staff report to applicant e) Enter date sent to town into Excel Hearing Log
5.			Zoning Administrator	a) If proposing to amend <u>within shoreland</u> , send copy of petition to DNR within 5 days (NR 115.04(2)3.(c)2.)
NOTICE				
6.			Clerical	a) Upon receipt of town notification/letter, e-mail ZAs b) Enter date into Excel Hearing Log
7.			Zoning Administrator	a) Confirm hearing date with applicant/agent b) Prepare short form (Class II) legal notice & long form c) Create mailing list: i. Adjacent properties within 300' ii. Town Clerk (Certified) iii. County Board Supervisor(s) iv. DNR (shoreland only) v. Airport affected area (w/in 3 miles of either Door County Airport or Ephraim-Gibraltar Airports) vi. Specific areas affected by text amendments (i.e., district "x" in town "y") vii. Laddie Chapman & DCSW Director
8.			Clerical w / direction from ZA	a) Submit short form notice to Advocate via e-mail by noon, 3 Mondays prior to hearing date, for publication on Wednesdays (by practice, submit on Friday before). Published twice, at one-week intervals, with the last occurring at least 1 week prior to the hearing. b) Post notice in DCPD & Government Center Lobby. c) Co. Clerk date-stamps original petition. d) Co. Clerk refers to DCPD/RPC e) Co. Clerk reports to Co. Board f) At least 10 days prior to hearing, mail notice: i. Town Clerk(s): short form; certified mail with return receipt requested, if amendment changes allowed use (all map & some text).

				<ul style="list-style-type: none"> ii. DNR (shoreland only): both forms; e-mail iii. SWCD Director: both forms: e-mail iv. Letter to Supervisor(s) of affected district(s) on Co. Clerk stationery: long form; regular mail. v. Applicant, adjacent properties within 300', airport, Laddie Chapman & interested parties: long form; regular mail. vi. Applicant(s) or agent receive "Notice to Applicant" sheet along w/ notice.
9.			Zoning Administrator / Director	<ul style="list-style-type: none"> a) Approximately 10 days before hearing: <ul style="list-style-type: none"> i. Prepare agenda ii. Update staff reports iii. Compile & finalize packet.
10.			Clerical	<ul style="list-style-type: none"> a) On Friday before hearing: <ul style="list-style-type: none"> i. E-mail agenda to Advocate, with statement "Not for Publication"; "cc" individuals on list for posting at Clerk's, Sheriff's, & Library ii. Post agenda in DCPD iii. Place original & 6 copies of agenda in general file iv. Posts agenda/agenda packet in Adobe form to Q-drive. Ask appropriate persons(s) to push out to web. (Computer automatically posts 2times/ day) v. E-mail RPC, Administrator, & staff that the packet is ready for viewing; include packet link on e-mail vi. Print packet (black & white, 2-sided, 2 pages /side) for general file
HEARING				
11.			RPC	<ul style="list-style-type: none"> a) Hearing held
12.			Zoning Administrator / Director	<ul style="list-style-type: none"> a) Provide introductions to cases, provide ordinance information, and keep minutes
13.			DNR	<ul style="list-style-type: none"> a) DNR input prior to or at hearing (if formal objection, extends county board action effective date)
14.			Town Board(s)	<ul style="list-style-type: none"> a) If not in shoreland, may file certified resolution of objection, before, at, or within 10 days following hearing (possible additional 20-day extension)
COUNTY BOARD MATERIALS				
15.			RPC	<ul style="list-style-type: none"> a) Recommendation to Co. Board: approval, modification, or denial with reasons.
16.			Zoning Administrator	<ul style="list-style-type: none"> a) Write report and ordinance at least 10 days prior to Co. Board meeting so that Corporation Counsel can review. If denial, then only write a report. P:/Planning/Reports & Ordinances
17.			Clerical	<ul style="list-style-type: none"> a) Edit report & ordinance (obtain Ord. # from Co. Administrator's Office) b) Submit hard copies to Corporation Counsel for review c) E-mail Co. Administrator's office to let them know it is ready for action/formatting (cover sheet for Co. Board agenda & reports and ordinances on P:drive.)
18.			Zoning Administrator	<ul style="list-style-type: none"> a) Send letter with information regarding Co. Board meeting date & copy of Report & Ordinance to: <ul style="list-style-type: none"> i. Property owner, airport (if within airport affected area), persons testifying at hearing ii. Town clerk(s) iii. DNR, if shoreland, 10+ days prior to Co. Board
19.			Neighbors >50%,	<ul style="list-style-type: none"> a) Protest petition filed with Co. Clerk 24+ hours prior to

		airport, etc.	Co. Board (59.69(5)(e)5g, Wis. Stats.)
20.		County Clerk	a) If protest petition is filed, so notifies Co. Board; DCPD needs to verify meets statutes
21.		County Board	a) Approve, modify and approve, or deny RPC recommendation b) If protest petition filed, refer to 59.69(5)(e)5g or 3 & 3m, Wis. Stats.
IF AMENDATORY ORDINANCE MAKES ONLY CHANGE SOUGHT & NO TOWN OBJECTION			
22.		DNR	a) If DNR has formally objected, 30-day review period, possible veto (via state-level ordinance).
23.		County Clerk	a) If no DNR veto, effective date is either: <ul style="list-style-type: none"> • If DNR objected originally, 30 days after adoption • If DNR has not objected, date of passage
24.		County Clerk	a) Clerk records effective date in office b) Insert effective date in proceedings of Co. Board
25.		Zoning Administrator	a) Send copy of decision to DNR (shoreland only) w/in 10 days of Co. Board on Co. Clerk's stationery b) Letter to Town Clerk(s) of effective date on Co. Clerk's stationery c) Letter to petitioner: copy of decision & instructions
IF AMENDATORY ORDINANCE IS MODIFIED VERSION, OR IF TOWN OBJECTION			
26.		Zoning Administrator	a) Within 7 days of Co. Board decision, mail duplicate copies of amendatory ordinance to affected Town Clerk(s) (zoned towns only): certified mail with return receipt requested on Co. Clerk's stationery b) Within 10 days of Co. Board decision, e-mail copy of amendatory ordinance to DNR (shoreland only) c) Send to owner if Co. Board makes changes
27.		DNR	a) If DNR has objected, 30-day review period, possible veto (via state-level ordinance)
28.		Town Board(s)	a) If not in shoreland, 40-day review period, possible veto
29.		County Clerk	a) Amendatory ordinance effective 40 days after passage if no DNR or Town veto (41 days including date of Co. Board). Earlier if town(s) files certified resolution w/ Co. Clerk. b) Clerk records effective date in office c) Report effective date to Co. Board d) Print effective date in proceedings of Co. Board
30.		Zoning Administrator	a) Notice to Town Clerk(s) of effective date on Co. Clerk's stationery (after 41 st day – final letter). b) Letter to petitioner with copy of decision, effective date, and any further directions
DOCUMENT AMENDMENT – MAP OR TEXT			
31.		Mapping Technician	a) Update file/print maps; reconfigure/post to web
32.		Clerical	a) If map amendment: <ul style="list-style-type: none"> i. Compile tax parcel file ii. Compile general file iii. Give to mapping technician to change map b) If text amendment: <ul style="list-style-type: none"> i. Amend Ordinance ii. Distribute updated text pages iii. Remove and replace sheets in collating bins iv. Make changes to website postings (LIO staff) v. Compile general file

CONDITIONAL USE PERMIT PROCESS

Applicant: _____

PIN: _____

	Initials	Date	Actor	Action
APPLICATION				
1			Owner, Developer, or Agent	a) Files completed application for CUP, attachments, and fee with DCPD
2			Clerical Staff	a) Receive application & date-stamp application materials b) Enter in the permit tracking program c) Issue receipt d) Enter into Excel Hearing Log (M:/RPC/Admin) e) Attach CUP process sheet & completeness worksheet f) Forward to appropriate zoning administrator
3			Zoning Administrator & Planners	a) Review for completeness, including: completed forms, plans, compliance with Chapters 2, 3, 4 and other relevant provisions b) Planners review against Comp. Plan & w/ ZA write staff report c) ZA puts together packet d) ZA writes letter that forwards packet e) ZA creates town recommendation worksheet
4			Clerical Staff	a) E-mail complete 11" x 17" packet to: town clerk, town chair and town plan commission chair for additional (28 day) review period b) Scan packet and save on M:drive c) Send scanned pdf packet & town worksheet (Word version) via e-mail to clerk & town contact(s) d) Send copy of letter and staff report to applicant e) Enter date sent to town into Excel Hearing Log
NOTICE Class II, Ch. 985				
5			Clerical Staff	a) Upon receipt of town notification / letter, e-mail ZAs b) Enter date into Excel Hearing Log
6			Zoning Administrator	a) Confirm hearing date with applicant/agent b) Prepare short form (Class II) legal notice & long form c) Create mailing list <ul style="list-style-type: none"> i. Applicant ii. Adjacent properties within 300' iii. DNR (shoreland only) iv. RPC members v. BOA members vi. Laddie Chapman & DCSW Director vii. Town Chair & Clerk viii. Sanitary District ix. Building Inspector

	Initials	Date	Actor	Action
7			Clerical Staff w/direction from ZA	<ul style="list-style-type: none"> a) Submit short form notice to Advocate via e-mail by noon, 3 Mondays prior to hearing date, for publication on Wednesdays (by practice, submit on Friday before). Published twice, at one-week intervals, with the last occurring at least one week prior to the hearing. a) Request affidavit of publication b) Post notice in DCPD & Government Center Lobby c) Put copy of notices in general file d) E-mail staff copy of notice e) At least 10 days prior to hearing, send notice via regular mail: <ul style="list-style-type: none"> i. Town Clerk & Chair (by practice): short form ii. Applicant, neighboring property owners: long form iii. Applicant(s) or agent receive "Notice to Applicant" sheet along w/ notice iv. DNR (shoreland only): both forms; e-mail v. DCSW Director: both forms; e-mail
AGENDA				
8			Zoning Administrator / Director	<ul style="list-style-type: none"> a) Approximately 10 days before hearing: <ul style="list-style-type: none"> i. Prepare agenda ii. Update staff reports iii. Compile & finalize packet
9			Clerical Staff	<ul style="list-style-type: none"> a) On Friday before hearing: <ul style="list-style-type: none"> i. E-mail agenda to Advocate, with statement "Not for Publication"; "cc" individuals on list for posting at Clerk's, Sheriff's, & Library ii. Post agenda in DCPD iii. Place original & 6 copies of agenda in general file iv. Post agenda/agenda packet in Adobe form to Q:drive. Ask appropriate person(s) to push out to web. (Computer automatically posts two times a day.) v. E-mail RPC, Administrator, & staff that the packet is ready for viewing; include packet link on e-mail. vi. Print packet (black & white, 2-sided, 2 pages/side) for general file
HEARING				
10			RPC	<ul style="list-style-type: none"> a) Hearing held
11			Zoning Administrator / Director	<ul style="list-style-type: none"> a) Provide introductions to cases, provide ordinance information, and keep minutes
DECISION				
12			Zoning Administrator / Clerical Staff	<ul style="list-style-type: none"> a) On Friday after hearing (or following Monday if need be): <ul style="list-style-type: none"> i. Prepare minutes, ii. Write decision letter and issue Conditional Use Permit iii. Mail to applicant, town clerk, DNR if shoreland; copy all individuals that testified at the hearing.
13			Clerical Staff	<ul style="list-style-type: none"> a) Move digital audio file to M:RPC/Audio Recordings/20XX
15			Clerical Staff	<ul style="list-style-type: none"> a) Compile tax parcel file b) Compile general file
16			Mapping Technician	<ul style="list-style-type: none"> a) Update Future Land Use Map & Fire # if needed



County of Door
LAND USE SERVICES DEPARTMENT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Mariah Goode, Director

Direct line: (920) 746-2224

Main office line: (920) 746-2323

FAX: (920) 746-2387

E-mail: mgoode@co.door.wi.us

Website: <http://map.co.door.wi.us/planning>

MEMORANDUM

February 19, 2018

TO: Town Clerks, Board Chairs, and Plan Commission Chairs
FROM: Mariah Goode 
RE: Updated town review procedures for applications requiring public hearing

Attached please find an updated version of the town review procedures for various county zoning application types requiring a public hearing. The Resource Planning Committee approved the new procedures at a meeting on February 15th, 2018.

This revised set of procedures completely replaces those developed and approved in 1998, subsequently reiterated and clarified in correspondence and/or handouts to town officials in 2000, 2010, 2011, and 2012. **The updated procedures are effective as of today.**

The major changes from current practice are as follows:

1. Towns may no longer waive the review period, nor conduct their review before the county forwards the application packet to the town.
2. Owners of property within 300 feet of the boundaries of a property upon which a project is proposed will be copied (via regular mail) on the application packet transmittal letter the county sends to the town.

Please let me know if you have any questions.

Thank you!

cc: Resource Planning Committee members
Door County Board of Adjustment members
Door County Land Use Services Department staff
Door County Board of REALTORS
Door County Homebuilders Association

Town Review Process for County-Level Zoning Applications Going to Public Hearing

These procedures pertain to conditional use permit applications, appeals of Resource Planning Committee decisions, zoning text and/or map amendment petitions, and variance petitions.

1. Application is submitted to the Door County Land Use Services Department.
2. When Land Use Services staff have finished review/analysis and deemed the application complete, the application will be transmitted to the appropriate town(s).
3. Transmission of the application packet, the accompanying transmittal letter, and the town input form shall be via e-mail to the town clerk, plan commission chair, and town board chair. (Towns preferring regular mail transmittal will need to notify Land Use Services to that effect and select one recipient.)

Town officials are responsible for deciding which bodies will be reviewing applications (e.g., plan commission and/or board), distributing packets to other commission/board members, scheduling and posting meetings, etc.

4. Land Use Services staff will forward to the applicant or agent, via e-mail, the e-mail and attachments which were sent to the town.
5. For all applications except zoning text amendment petitions, a hard copy of the application transmittal letter to the town will be sent to owners of property within 300 feet of the boundaries of the property which is the subject of the hearing.
6. The town needs to let the Land Use Services Department know that it has completed its review within 72 hours of the meeting at which the review was finalized. When the town's written input is submitted to the county it should be on the standardized forms provided, using attachments if necessary.
7. Applications modified by the applicant, unless requested by the town based on discussion at town-level meetings, shall be deemed new applications. All modifications must be reviewed by Land Use Services Department staff to ensure ordinance compliance.
8. 28 days after (e)mail transmittal of a packet to the town, or when the Land Use Services Department receives word from the town that its review has been completed, whichever is first, the Land Use Services Department will begin regular public hearing notice procedures.

Note: The legal notice/ mailing process takes approximately three weeks. Towns can submit input on applications up until the day before the hearing and/or at the hearing itself, as well as during the 28-day additional review period.

*Approved by the Door County Resource Planning Committee February 15, 2018
Procedures Effective February 19, 2018*

GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.

I. ZONING AMENDMENT – MAP

(See also Door County Zoning Ordinance section 11.08 and Wisconsin Statutes section 59.69(5).)

By state law, petitions to rezone property which are under county zoning jurisdiction are heard at a public hearing before the county planning committee (called the Resource Planning Committee in Door County), which makes a recommendation to the county board for final decision. The town board of a town under comprehensive zoning does have, however, statutory authority to essentially "veto" rezonings approved at the county level that it (the town) does not support. (Comprehensively zoned towns may not, however, force the county to rezone property through this authority – the town can only prevent a rezoning. Note that towns with shoreland-only county zoning do not have any "veto" authority.)

A petition to change the zoning district designation of a property or properties may be submitted by: 1) the property owner(s) of all or some of the land in question, 2) the town board of the town in which the land is located, if the town is under county zoning, 3) the Door County Resource Planning Committee, or 4) any county board supervisor.

Considerations in evaluating petitions to rezone

- Was the existing district due to a mistake in the mapping process?
- Have circumstances changed for this property or surrounding properties since the original zoning district designation?
- How are the adjacent properties zoned and used?
- Is the land area in question large or small?
- Would the new district fit official plan guidelines for the property? Is the existing district a better fit?
- Is the request simply to economically benefit one property owner or a small group of property owners?
- Is there an overriding public good to be gained by rezoning the property? (If yes, rezoning might be justified even if other considerations point toward denying the petition.)

In general, a rezoning that 1) will economically benefit only one or a few property owners, 2) affects a small area of land, 3) is not a fit with official plans, 4) will allow for higher intensity or higher density uses than those allowed on surrounding properties, and 5) will not result in any overall public benefit may constitute "spot zoning," which may be deemed illegal.

Note that rezoning a property means that any use allowed in the new zoning district may be established on the property, now or in the future, not just the use being proposed by the current applicant. A property owner may volunteer to legally restrict the uses to which the property may be put, such as through a deed restriction naming the county as enforcement agency, but the planning committee may be reluctant to participate in such discussions or agreements for fear of inadvertently engaging in "contract rezoning," which is illegal.

GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.

II. ZONING AMENDMENT – TEXT

(See also Door County Zoning Ordinance section 11.08 and Wisconsin Statutes section 59.69(5).)

A petition to amend the text of the county zoning ordinance may be submitted by: 1) any property owner affected by the proposed amendment, 2) the town board of a zoned town, 3) the Door County Resource Planning Committee, or 4) any county board supervisor.

As with zoning map amendments, petitions to amend county zoning ordinance text are heard at a public hearing before the Resource Planning Committee, which makes a recommendation to the county board for final decision. If a majority of the town boards under county zoning do not approve of an amendment passed at the county level, there is a statutory procedure those towns can follow to "veto" that text amendment. (Again, towns may not, through this authority, force the county to make amendments to the zoning ordinance text – they can only prevent an ordinance change.)

Considerations

- Will the amendment correct an inconsistency or loophole within the ordinance?
- Is the amendment more consistent with the goals of the comprehensive plan than existing ordinance text?
- Is the amendment contrary to the stated goals of the ordinance itself?

GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.

III. CONDITIONAL USE PERMIT

(See also Door County Zoning Ordinance section 11.04.)

** NOTE: NOT YET
UPDATED TO REFLECT
2017 LEGISLATION.*

A conditional use permit application is a request to establish or expand a use that is allowed in that zoning district as a conditional use if it is determined that the use or expansion can be made compatible with the surrounding area. A conditional use permit is also required if a property owner wishes to expand a non-conforming use (a use previously established which would not be allowed under current zoning regulations). For areas under county zoning in Door County, the Resource Planning Committee holds a public hearing and makes the final decision on such applications. Appeals of those decisions are decided at a public hearing before the county Board of Adjustment, which would render a decision based on the same criteria as outlined below. Appeals of Board of Adjustment decisions proceed to the court system.

General criteria by which to evaluate conditional use permit applications

- Will the project affect the public interest? If yes, how?
- Would the proposal negatively affect public health, safety, and welfare? If yes, how?
- Would the use negatively affect the character of the surrounding area? If yes, how?
- Does the use meet the zoning ordinance's stated purpose and intent?

Specific potential criteria to evaluate, if applicable

- Affect on neighboring property values
- Similarity to other uses in the area
- Consistency with official comprehensive plan
- Sanitary waste disposal
- Potable water supply
- Solid waste disposal
- Noise, odor, dust
- Vehicular and pedestrian access
- Impact on neighborhood traffic flow
- Emergency services adequacy and ability to service site
- Surface water drainage
- Visual harmony with buildings in the neighborhood
- Exterior lighting glare or spillover
- Removal of natural vegetation or alteration of topography

GENERAL CRITERIA REGARDING ZONING HEARING CASES IN DOOR COUNTY

This document is intended to provide a general guide to the issues and criteria to consider when making decisions regarding this type of zoning hearing. It should not be considered a complete guide to applicable statutes or ordinances.

IV. PETITION FOR VARIANCE

(See Door County Zoning Ordinance section 11.06 and Wisconsin Statutes section 59.694.)

A petition for variance is a request to relax one or more of the dimensional requirements or restrictions of the ordinance (road, water, or property line setbacks; building size or height, etc.). The Door County Zoning Ordinance only allows so-called "area" variance petitions – it does not permit application for a variance where a use not allowed in that zoning district would be established (a "use" variance). Note that variances "run with the land" and not with the applicant; an approved variance is permanently attached to the parcel in question.

By state statute, petitions for variance from the county zoning ordinance are heard and decided upon at a public hearing before the board of adjustment or appeals (called the Board of Adjustment in Door County), members of which are appointed by the County Board of Supervisors. Appeals of Board of Adjustment decisions are heard in the court system.

Criteria for evaluating "area" variance petitions

(Note: Responses to the three bolded questions below should be "yes" in order to justify granting the variance in accordance with legal/case law criteria.)

- **Do physical limitations of the property prevent compliance with ordinance standards?** *Examples of physical limitations include wetland presence, parcel shape, steep slopes, etc.*
- **Will granting the variance have no affect on the public interest?**
 - *Public interest includes additional runoff, affects on the quality of fish or wildlife habitat, impacts on scenic beauty, etc. Cumulative effects must be considered.*
 - *Public interest includes the interest of the public at large, not just that of nearby property owners.*
 - *Lack of local opposition does not in itself mean that a variance will not harm the public interest.*
 - *A variance should include only the minimal relief necessary to allow reasonable use of the property.*
 - *The board's actions should be consistent with stated ordinance objectives.*
- **Is an "unnecessary hardship" present?**
 - *Does compliance with the ordinance unreasonably prevent the owner from using the property for a permitted purpose, or is conformity with restrictions unnecessarily burdensome for the property owner?*
 - *Is there a unique physical property limitation? (See above.)*
 - *The variance is not warranted if the physical character of the property allows a landowner to develop or build in compliance with the zoning ordinance.*
 - *Financial hardship is not grounds for a variance.*
 - *Self-imposed hardship or personal preference are not grounds for a variance. (Note that "self-imposed hardship" has been determined by courts to mean either current or former owners.)*
 - *The hardship cannot be one that would have existed in the absence of zoning.*

One final consideration: Will granting the variance serve an overriding public interest? (If yes, granting the variance may possibly be justifiable even if other criteria point toward denial.)

PROCEDURES FOR CORRECTIONS TO WETLAND ZONING DISTRICT MAPS, PROJECT(S) PENDING

The Resource Planning Committee (RPC) asks that, in cases where 1) an application for a proposed project has been received and 2) field inspection shows the proposed project area is mapped incorrectly on the wetland maps, the procedures outlined below be followed to correct the maps. (See the following page for a description of the qualifications of a wetland delineation professional/specialist. Note that currently one of the Door County Planning Department's [DCPD] zoning administrators is qualified to act as and is designated as the wetland delineation professional/specialist.)

1. A zoning administrator's on-site inspection for a pending application reveals the project appears to be proposed for an area mapped incorrectly on wetland zoning maps.
 - For areas actually wetland but mapped as upland, the zoning administrator shall deny the project, in consultation with the wetland delineation professional/specialist, as it would be unable to meet wetland setbacks.
 - For areas mapped as wetland but actually upland, the wetland delineation professional/specialist and the property owner shall proceed as follows.
2. The wetland delineation professional/specialist shall flag the wetland boundaries in the proposed project area.
3. The wetland delineation professional/specialist shall seek concurrence with the flagged boundary by the Wisconsin Department of Natural Resources (DNR) and the United States Corps of Engineers (COE), as appropriate.
4. Once appropriate approvals from DNR and COE have been received by the wetland delineation professional/specialist, the property owner shall be responsible for hiring a Registered Land Surveyor to prepare a legal description of the area to be removed from the wetland map.
5. After the legal description has been filed with and approved by the wetland delineation professional/specialist, the zoning administrator shall have the authority to grant or deny a zoning permit in accordance with the applicable regulations.
6. The wetland delineation professional/specialist shall, upon an annual basis or as otherwise needed, have the RPC sponsor a zoning map amendment hearing to formally approve the corrected zoning map(s) for the project area(s) in question. Such hearings shall proceed per usual policies and procedures for zoning map amendments, except that the following steps shall be eliminated: a) the 28-day municipal review period and b) notification of neighboring property owners.
7. After approval of the corrected maps by the Board of Supervisors, the wetland delineation professional/specialist shall provide the DNR with the updated legal descriptions of the area(s) in question so as to correct the DNR wetland maps.
8. County mapping staff shall then correct the zoning maps and other maps dependent upon the wetland zoning layer.

WETLAND REZONING PETITION PROCEDURES, OTHER

The RPC asks that, when 1) no project/application is pending, and/or 2) a property owner wants more than just the project area of the wetland map corrected for his/her property, and/or 3) the land the property owner desires to remove from the Wetland district is truly wetland, and/or 4) the property owner wishes the property to be rezoned to a district other than the underlying base zoning district, and/or 5) the property owner disagrees with the county wetland delineation professional/specialist, the following procedures be used by persons requesting a map amendment for a Wetland zoning district boundary.

1. Wetland delineation by a qualified wetland delineation professional/specialist:
 - a. Flag wetland boundary in the field.

- b. Prepare a written report of findings using the 1987 COE "Wetland Delineation Manual."
 - c. Prepare a preliminary map based on available property maps or surveys.
 - d. Submit map and report to DCPD.
2. Field inspection by the DCPD's designated wetland delineation professional/specialist.
 3. Submittal of report and map to DNR and COE for written concurrence.
 4. If concurrence is received, file Petition for Zoning Map Amendment with DCPD, including:
 - a. Petition for zoning amendment form with fee.
 - b. Written Report.
 - c. Preliminary Map.
 5. RPC hearing.
 6. If approved, wetland boundary is to be surveyed by Registered Land Surveyor.
 - a. Prepare a plat of survey, including bearings and distances.
 - b. Prepare a legal description of area to be rezoned.
 - c. Submit map and legal description to DCPD.
 7. DCPD uses legal description to draft amendatory zoning ordinance and map in report to Board of Supervisors.
 8. After approval of the zoning map amendment petition by the County Board of Supervisors, the zoning administrator shall provide the DNR with the updated legal descriptions of the area(s) in question so as to correct the DNR wetland maps.
 9. County mapping staff shall then correct the zoning maps, as well as other maps dependent upon the wetland zoning layer.

Wetland delineation is an applied science that requires education, training, and experience to accurately assess the presence or absence of three parameters: hydric soils, hydrophytic vegetation, and wetland hydrology. The following minimum educational and training requirements shall be required for county staff and/or county-designated consultants acting as the wetland delineation professional/specialist.

1. *Completion of the educational requirements leading to a Bachelor of Science, Bachelor of Arts, or equivalent or higher degree that includes sufficient emphasis on one or more of the wetlands parameters. For example:*
 - *Biological Sciences (Ecology, Botany, Limnology, Wildlife Biology, Fisheries Biology, Conservation Biology, etc.)*
 - *Soil Science, Geology, or other similar physical science*
 - *Hydrology*
2. *Completion of wetland delineation training courses based on the 1987 Corps of Engineers Manual and related guidance. Courses shall be offered by a governmental agency or reputable private firm and shall focus on Wisconsin wetlands. Due to the uniqueness of and delineation challenges created by the Wisconsin landscape, the State of Wisconsin Basic and Advanced Wetland Training Workshops are recommended. Other relevant courses include:*
 - *Basic Hydric Soil Identification*
 - *Advanced Hydric Soil Identification*
 - *Critical Methods in Wetland Delineation*
 - *Wetland Regulations and Assessment*
 - *Basic Plant Identification for Wetland Delineation*

07/27/09

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BUILDING, ZONING & SANITARIAN CONTACTS

MUNICIPALITY	PREFIX	COUNTY ZONING ADMINISTRATOR	BUILDING INSPECTOR	PHONE	MUNICIPAL CONTACT	PHONE
Baileys Harbor	002	Jeff Kussow	Brett Guilette	920-495-3232	Haley Adams, Clerk	920-839-9509
Brussels *	004	Sue VandenLangenberg	SAFEbuilt	920-421-0963	JoAnn Neinas, Clerk	920-825-7618
Clay Banks	006	Sue VandenLangenberg	Brett Guilette	920-495-3232	Jessica Bongle, Clerk	920-493-7383
Egg Harbor *	008	Jeff Kussow	SAFEbuilt	920-421-0963	Pam Krauel, Clerk	920-743-6141
Forestville	010	Sue VandenLangenberg	SAFEbuilt (Brett Temme)	920-421-0963	Ruth Kerscher, Clerk	920-856-6551
Gardner *	012	Sue VandenLangenberg	Brett Guilette	920-495-3232	Amy Sacotte, Clerk	920-825-1137
Gibraltar	014	Richard Brauer	Brett Guilette	920-495-3232	Beth Hagen, Clerk	920-868-1714
Jacksonport	016	Sue VandenLangenberg	SAFEbuilt	920-421-0963	Theresa Cain-Bieri	920-823-8136
Liberty Grove	018	Richard Brauer	SAFEbuilt	920-421-0963	Janet Johnson, Clerk	920-854-2934
Nasewaupee *	020	Sue VandenLangenberg	Brett Guilette	920-495-3232	Steve Sullivan	920-743-9391
Sevastopol	022	Jeff Kussow	SAFEbuilt	920-421-0963	Amy Flok, Clerk	920-746-1230
Sturgeon Bay	024	Sue VandenLangenberg	SAFEbuilt	920-421-0963	Nancy Anschutz, Clerk	920-743-3908
Union *	026	Sue VandenLangenberg	Brett Guilette	920-495-3232	Rena LaLuzerne, Clerk Brett Guilette - Zoning Administrator	920-825-7569 920-495-3232
Washington	028	Richard Brauer	Brett Guilette	920-495-3232	Valerie Carpenter, Clerk	920-847-2522
City of Sturgeon Bay	281		SAFEbuilt	920-421-0963	Main Office Marty Olejniczak	920-746-2910 920-746-2915
Village of Egg Harbor	118		Brett Guilette	920-495-3232	Lynn Ohnesorge, Clerk	920-868-3334
Village of Ephraim	121		SAFEbuilt	920-421-0963	Brent Bristol, ZA	920-854-5501
Village of Forestville	127		Brett Guilette	920-495-3232	Terry McNulty	920-856-6711
Village of Sister Bay	181		Brett Guilette	920-495-3232	Zeke Jackson, Administrator	920-854-4118

* Shoreland Zoning Only

Door County Land Use Services
421 Nebraska Street
Sturgeon Bay, WI 54235
Planning & Zoning - Phone: 920-746-2323
Sanitarians – Phone: 920-746-2308

Zoning Administrators (ZA) Inspection Days
Sue Vanden Langenberg Tuesday
Jeff Kussow Wednesday
Rick Brauer Thursday

Sanitarians
John Teichtler Monday - Friday
Chris Olson Monday - Friday

Resource Planning Committee – Sue Vanden Langenberg
Conditional Use Permits (appeals go to BOA)
Petitions for zoning amendments (final decision made by County Board)
a. text amendment
b. map amendment (rezone property)

Board of Adjustment – Richard Brauer/Jeff Kussow
Variances
Appeals of RPC & Zoning Administrator decisions
Appeals of BOA decisions go to Circuit Court

DOOR COUNTY PLANNING DEPARTMENT APPLICATION FEE SCHEDULE

ZONING APPLICATIONS	
Comprehensive Zoning Ordinance Regular Zoning Permit Fees	
Footprint of Structure/Use ≤ 120 sq. ft.	75.00
Footprint of Structure/Use 121 - 999 sq. ft.	175.00
Footprint of Structure/Use 1,000 - 1,999 sq. ft.	250.00
Footprint of Structure/Use 2,000 - 4,999 sq. ft.	350.00
Footprint of Structure/Use 5,000 sq. ft. and greater	500.00
Miscellaneous uses and activities requiring regular zoning permit but with no establishment or conversion of structure (e.g., intensification of existing use)	150.00
Miscellaneous uses and activities requiring regular zoning permit but with no measurable footprint (e.g., structural alterations/repairs)	150.00
Sign Permit Application	75.00
Conservation Subdivision	500.00
Shoreland Zoning Permit (applied in addition to any other required permits/fees)	100.00
Petition for Grant of Variance or Conditional Use Permit, comp. or shoreland	450.00
Permit revision, comprehensive or shoreland	50.00, if no inspection required 100.00, if inspection required (or difference between categories)
Permit renewal, comprehensive or shoreland	50.00, if no inspection required 100.00, if inspection required
NOTE: For any of above projects started without permit:	
<ul style="list-style-type: none"> • 1st violation: Payment of double application fee. • 2nd violation within 36 months: Payment of triple application fee. • 3rd violation within 36 months: Payment of quadruple application fee. <p>Note: Enforcement action may also be initiated for any of the above violations.</p> <ul style="list-style-type: none"> • 4th violation within 36 months: Summons and complaint seeking both injunctive relief and monetary penalties. 	
Shoreland Mitigation Permit	500.00
Shoreland Mitigation Permit Including Storm Water Runoff Control Plan	1000.00
Impervious Surface Authorization (Requires Storm Water Runoff Control Plan)	1000.00
Combined Shoreland Mitigation Permit and Impervious Surface Authorization	1000.00
Modification of any of the above	500.00, or 1000.00 if storm water
Appeal	450.00
Zoning Ordinance Amendment Petition (Map and/or Text)	550.00
Door County Comprehensive Plan Amendment (Map and/or Text)	900.00
LAND DIVISION APPLICATIONS	
Minor Land Division or Minor Site Condominium	100 + 25 per lot or building site
Major Land Division Preliminary Plat or Major Site Condominium	500 + 25 per lot or building site
Major Land Division Final Plat or Major Site Condominium Final Review	350.00
NOTE: Land division re-submittals same as above fees.	
OTHER APPLICATIONS	
New Communication Tower and Associated Facilities, or Substantial Modification (including Class I Co-Location)	500.00
Minor Modification to Existing Communication Tower (including Class II Co-Location)	100.00
Wind Energy System, as defined by WI PSC	1,750.00
Small Wind Energy System, as defined by WI PSC	150.00
Floodplain Permit	100.00
Address sign & post and installation	One-time fee of 40.00
Verification of compliance with Airport Height Ordinance	50.00

Door County Planning Department Fee Schedule - Miscellaneous Items

Ordinance/policy does not require county board establishment, unless noted.

SERVICES	FEE
Pre-application site inspection	50.00 + mileage
Site visits (e.g., site not staked, or applicant requests return visit due to disagreement over setback lines, etc.)	50.00 + mileage
Letter to REALTOR, title co., financial institution, attorney, etc.	50.00/hour; 50.00 minimum
Mileage	Current IRS rate (county-wide policy)
FAX file documents	3.00 for 1 st page, 1.00 each for remaining page (county-wide policy)
Scan documents and burn to CD	50.00/hour, pro-rated to the ¼ hour; 2.00 additional for CD
Scan and e-mail documents or photos	50.00/hour, pro-rated to the ¼ hour, plus .15 per page or photo
E-mail existing digital document	.15 per page
Mailing existing documents through regular mail	Appropriate per-page cost (copying/printing, etc.), plus envelope and postage

Note: The last four items in the chart above and all items in the two charts below are consistent with the fees charged by other county departments for similar items and services.

MAPS (color)	PRINTING FEES	OVERLAID ONTO AIR PHOTO
8 ½ x 11 and 8 ½ x 14	1.50	3.00
11 x 17	3.00	6.00
18 x 24	6.00	10.00
24 x 24	8.00	12.00
24 x 36	10.00	15.00
36 x 44	15.00	20.00
42 x 50	20.00	25.00
CUSTOM MAP CREATION		<i>(Note: Above charges also apply to printing digital photos.)</i>
Variable size	50.00/hour, pro-rated to the ¼ hour; plus printing fee per above	

PHOTOCOPY SIZE	BLACK & WHITE	COLOR PHOTOCOPIES
8 ½ x 11 and 8 ½ x 14	.25 per page (county-wide policy)	.50 per page
11 x 17	.50 per page	1.00 per page
18 x 24 and 24 x 24	2.50 per page	5.00 per page
24 x 36	3.00 per page	5.00 per page
36 x 44 and 42 x 50	4.50 per page	8.00 per page

Fee for double-sided copying and printing: Twice the cost to copy or print two comparable single-sided pages.

ORDINANCES AND PLANS	FEE
Zoning Ordinance	30.00 (+ 5.00 postage, if mailed)
Land Division Ordinance	10.00
Wind Energy Facility Ordinance	10.00
Floodplain Zoning Ordinance	10.00
Telecommunication Tower Ordinance	10.00
Airport Height Limitation Ordinance	10.00
Door County Comprehensive Plan	100.00 (including full set of 11 x 17 color maps)

Planning Department Refund Policy

For permits requiring no public hearing:

- Withdrawal of application before any processing has occurred by administrative or zoning staff: 100% refund.
- Withdrawal of application after administrative staff has done initial processing but no work has been completed by zoning administrator: 75% refund, rounded to the nearest dollar.
- Withdrawal of application after zoning administrator has done office work related to the application: 50% refund, rounded to the nearest dollar.
- Withdrawal of application after zoning administrator has completed site visit: No refund.

For permits requiring a public hearing:

- Withdrawal of application before any processing has occurred by administrative or zoning staff: 100% refund.
- Withdrawal of application after administrative staff has done initial processing but no work has been completed by zoning administrator: 75% refund, rounded to the nearest dollar.
- Withdrawal of application after zoning administrator has processed application but no notice/ mailing procedures have begun: 50% refund, rounded to the nearest dollar.
- Withdrawal of application after notice/publication procedures have begun: No refund.

Effective May 1, 2014