

**RULES AND BYLAWS OF THE
SAWYER COUNTY ZONING COMMITTEE**

Amended: June 17, 2004; September 16, 2005; August 17, 2007; October 17, 2008; March 19, 2009; November 20, 2009; June 20, 2013; September 17, 2020; and July 15, 2022.

SECTION 1.0 DEFINITIONS

- (1) “Aggrieved person” means any person whose substantial interests are adversely affected by a determination.
- (2) “Applicant” means any person, company, business entity or governmental body requesting permission from the County, which such action falls within the County Zoning Committee’s jurisdiction and requires the zoning Committee’s approval to do or take such action that requires County approval.
- (3) “Application” means any application, petition, or other written request made to the County by an individual, company, business entity or governmental body for permission to do or take such action that requires County approval and falls within the Zoning Committee’s jurisdiction.
- (4) “Bylaws” mean these Rules and Bylaws of the Sawyer County Zoning Committee.
- (5) “Chairperson” means the Sawyer County Zoning Committee Chairperson.
- (6) “County” means Sawyer County.
- (7) “County Board” means the Sawyer County Board of Supervisors.
- (8) “County Comprehensive Plan” means the County’s development plan as set forth in Wis. Stat. § 59.69 (3) and Wis. Stat. § 66.1001(1)(a)1.
- (9) “Findings of Fact” means a statement of the Zoning Committee’s rationale behind the decision and facts that support the decision.
- (10) “Moot Question” means a hypothetical question or a question relating to a controversy that does not exist.
- (11) “Substantial Evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an Applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- (12) “Zoning Administrator” means the Sawyer County Zoning and Conservation Department Administrator.

- (13) “Zoning Committee” means the Sawyer County Zoning Committee, which is also the designated zoning agency pursuant to Wis. Stat. § 59.69(2)(a).

SECTION 2.0 STATUTORY AUTHORITY; BYLAWS

2.1 **Statutory Authority.** The Sawyer County Zoning Committee is hereby designated as the zoning agency pursuant to Wis. Stat. § 59.69(2)(a). The Zoning Committee shall be responsible for performing all duties and maintaining all the rights and obligations set forth in Wis. Stat. § 59.69 or as otherwise delegated to a zoning agency.

2.2 Adoption of Bylaws and Amendment of Bylaws.

- (1) These Bylaws may be changed or amended from time to time by a majority vote of the Zoning Committee at any regular or special meeting.
- (2) These Bylaws are hereby adopted pursuant to the statutory authority set forth in Wis. Stat. § 59.69(2)(c).

2.3 Interpretation of Bylaws.

- (1) These Bylaws are supplementary to the provisions of the County Zoning Ordinance as they relate to the procedures of the Zoning Committee. In the event of a conflict between these Bylaws and the County Zoning Ordinance, the terms of the County Zoning Ordinance shall control.
- (2) These Bylaws are subject to and preempted by the Wisconsin Statutes, and any other applicable law or regulation. In the event of any conflict between these Bylaws and the Wisconsin Statutes or other applicable law or regulation, the Wisconsin Statutes, applicable law or regulation shall apply.

SECTION 3.0 JURISDICTION, POWER AND AUTHORITY OF THE ZONING COMMITTEE

3.1 Committee of Jurisdiction.

- (1) In addition to the obligations set forth in Wis. Stat. § 59.69(2), the Zoning Committee shall be the Committee of Jurisdiction for the following:
 - (a) The County Zoning and Conservation Department, to the extent that the jurisdiction is not within the County Land, Water and Forest Resources Committee.
 - (b) Hear and make recommendations to the County Board for Applications for zone district changes.
 - (c) Hear and make recommendations to the County Board for amendments to the County Zoning Ordinance.

- (d) Review and act on Applications for conditional use permits and special use permits.
 - (e) Conduct public hearings when necessary as required by the Statutes, the County Zoning Ordinance, or other applicable law.
- (2) The powers of the Zoning Committee include the following:
- (a) Draft Zoning Ordinances, Subdivision Ordinances and Sanitation Ordinances, and prepare any proposed amendments to Zoning Ordinances, Subdivision Ordinances and Sanitation Ordinances.
 - (b) Make recommendations to the County Board for its action on proposed Zoning Ordinances, Subdivision Ordinances or Sanitation Ordinances, and any amendments thereto.
 - (c) Hear and review proposed individual Zoning District amendments and make recommendations to the County Board on such proposed amendments.
 - (d) Conduct public hearings that are required pursuant to the Wisconsin Statutes or the County Zoning Ordinance for matters within the powers of the Zoning Committee's jurisdiction.
 - (e) Prepare amendments to the County's Comprehensive Plan, as defined by Wis. Stat. § 59.69(3) or as designated by Wis. Stat. § 66.1001, and make recommendations to the County Board for adoption of such amendments.
 - (f) Hear, review and decide land divisions pursuant to Wis. Stat. Ch. 236, Wis. Admin. Code Ch. NR 115, and the Subdivision Control Ordinance.
 - (g) Hear, review and decide Applications for conditional uses that are authorized and listed within the County Zoning Ordinance.
 - (h) Oversee the administering of the County Zoning Ordinances.
 - (i) Hear Wisconsin Fund Appeals.
 - (j) Waive specific provisions of the Bylaws in a specific matter and upon request, set forth in herein upon due consideration of a matter's specific facts and circumstances.
- (3) At all times, the Zoning Committee shall act pursuant to the Wisconsin Statutes, the County Zoning Ordinances and any other applicable law or regulation that takes legal precedence over these Bylaws and applies to the work of the Zoning Committee.

3.2 **Membership of Zoning Committee.**

- (1) The Zoning Committee shall consist of five (5) members and one (1) alternate member from the County Board.
- (2) Zoning Committee members shall reside in an unincorporated area of the County.
- (3) Each Zoning Committee member shall be an elected representative of a District that is, either in part or in its entirety, subject to the jurisdiction of the County and the County Zoning Ordinances. A Zoning Committee member may not be the elected Board representative of District 6 or District 7.

3.3 **Limitations.** Nothing herein shall be construed to give or grant to the Zoning Committee any of the following:

- (1) The power or authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official.
- (2) The power to grant or otherwise authorize any such variance from the terms and conditions of the County Zoning Ordinance.
- (3) Any other power that is within the jurisdiction of the County Board of Appeals pursuant to Wis. Stat. § 59.694.

SECTION 4.0 OFFICERS AND DUTIES

4.1 **Zoning Committee Chairperson.**

- (1) **Appointment; Election.** The Zoning Committee shall elect the Zoning Committee Chairperson at the first Zoning Committee meeting following the organizational meeting of the County Board.
- (2) **Duties.** The Chairperson shall:
 - (a) Preside over and direct the conduct of all Zoning Committee meetings and hearings of the Zoning Committee. In the event of a hearing conducted before the Zoning Committee, the Chairperson may administer oaths and compel the attendance of witnesses.
 - (b) Report on all official transactions that have not otherwise come to the attention of the Zoning Committee.
 - (c) Subject to these Bylaws and further instructions from the Zoning Committee:
 - (i) Direct the official business of the Zoning Committee.
 - (ii) Supervise the work of the Zoning Committee.

- (iii) Request necessary help when required, coordinate the Zoning Committee's needs to the appropriate Staff, and assist the Zoning Administrator with preparation of Zoning Committee meeting agendas.
- (iv) Decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on motion duly made and approved.

4.2 **Zoning Committee Vice-Chairperson.**

- (1) Election: The Zoning Committee shall elect a Vice-chairperson.
- (2) Duties: The Vice-chairperson shall perform all the duties of the Chairperson in the event the Chairperson is not able to perform those duties.

4.3 **Zoning Committee Secretary.**

- (1) Election: The Zoning Administrator shall appoint a Secretary.
- (2) Duties: The Secretary, or the Secretary's designee, shall perform the following duties:
 - (a) Record and maintain permanent minutes of the Zoning Committee's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating the absence and reason for failure to vote.
 - (b) Keep records of its official actions.
 - (c) Summarize accurately the testimony of those appearing before the Zoning Committee and keep an audio recording of all hearings.
 - (d) Record the names and addresses (if provided) of all persons appearing before the Zoning Committee in person, or by attorney.
 - (e) Subject to the Zoning Committee and Chairperson's discretion, conduct the correspondence of the Zoning Committee and have published in a local newspaper public notices of meetings or hearings as required by law.
 - (f) File the Zoning Committee minutes and records in the office of the Zoning Department.
 - (g) Act as the record custodian of all minutes, records and other materials deemed public records pursuant to a record retention policy adopted by the County or applicable state laws.

- (h) County staff, including, but not limited to, the Zoning Department staff and the County Clerk, shall assist the Secretary of the Zoning Committee in performing these duties.

SECTION 5.0 ZONING COMMITTEE MEETINGS

5.1 Time and Place of Meetings.

- (a) Zoning Committee meetings and hearings shall be held on the third Friday of each month, unless otherwise determined by the Zoning Committee Chairperson. The Zoning Committee shall approve a calendar of meeting dates on an annual basis.
- (b) Zoning Committee meetings and hearings may otherwise be held, or may be cancelled, upon the determination of the Zoning Committee Chairperson, provided that all Zoning Committee members are notified by the Secretary at least 48 hours prior to such meeting or hearing, or within at least 48 hours prior to the cancelled meeting or hearing.

5.2 Open Meetings. All Zoning Committee meetings and hearings shall be open to the public and in conducted in accordance with applicable Wisconsin law.

5.3 Closed Session Meeting. The Zoning Committee may call a closed session in accordance with Wis. Stat. § 19.85 upon the request of the Zoning Committee Chairperson and after a motion to go into closed session that is approved by majority vote.

5.4 Meeting Notices and Publication. The Zoning Committee Secretary, or the Zoning Committee Secretary's designee, shall comply with all applicable laws and regulations regarding publication and notices for Zoning Committee meetings and any hearing held before the Zoning Committee.

5.5 Quorum. A quorum must be present to conduct the business of the Zoning Committee. A quorum shall consist of a majority of all members of the Zoning Committee. No action may be taken except by a majority vote of such quorum.

5.6 Order of Business.

- (1) The Zoning Administrator, with the input of the Chairperson, shall prepare an agenda for each Zoning Committee meeting, listing the matters of business at all meetings in the following order:
 - (a) Call to order and roll call.
 - (b) Pledge of Allegiance.
 - (c) Statement, or summary of statement, by the presiding officer concerning notice in accordance with the Wisconsin Open Meeting Law.

- (d) Statement, or summary of statement, by the Chairperson concerning public hearing procedures.
 - (e) Public comment for items appearing on that meeting's agenda.
 - (f) Application requests and any accompanying public hearings required for each Application request in the following order:
 - (i) Rezoning Applications.
 - (ii) Conditional use permit Applications and special use Applications.
 - (iii) Ordinance amendments.
 - (g) Unfinished business.
 - (h) Other new business that may come before the Zoning Committee.
 - (i) Communications and miscellaneous.
 - (j) Adjournment.
- (2) The order of business at any Zoning Committee meeting may be amended by consent of a majority of Zoning Committee members present at the given Zoning Committee meeting.

5.7 **Robert's Rules of Order.** Unless provided elsewhere in these Bylaws, Robert's Rules of Order shall govern the actions of the Zoning Committee and conduct of the meetings if not covered by these Rules.

SECTION 6.0 APPLICATIONS AND PROCEDURES

6.1 Content of Applications.

- (1) *Application Form.* The Zoning Administrator shall determine a standard form of each Application. The Zoning Committee may direct, and the Zoning Administrator shall comply with, any elements or contents of an Application or the required information to be supplied in an Application.
- (2) *Required Information.*
 - (a) An Applicant shall provide all the required information set forth on a form Application and any additional information requested by the Zoning Administrator or the Zoning Committee at the time an Application is filed.
 - (b) An Applicant shall provide any additional information required by the Wisconsin Statutes, the Wisconsin Administrative Code, the County Zoning Ordinance, or any other applicable law, regulation or ordinance.

- (c) Failure of the Applicant to supply the required information within 30 days of filing an Application may be considered by the Zoning Committee as a failure to comply with the Application procedure and the case may be dismissed for failure of timely filing.
 - (d) Any communication except on prescribed forms shall be deemed a mere notice of intention to file and shall not be deemed a filing to comply with the requirements of timely filing.
- (3) *Fees.*
- (a) The Applicant shall pay such fees as may be from time to time established upon recommendation by the Zoning Committee and adopted by the County Board. Application fees may consist of Application review fees, publication fees, and notification fees.
 - (b) All Application fees shall be paid in full at the time of filing the Application.
 - (c) The Zoning Administrator shall not take any action on an Application, including but not limited to review or publication, prior to receipt of the required Application fees.
 - (d) Application fees shall be deposited with the Zoning Administrator for each Application filed before a public hearing will be scheduled.

6.2 **Reasons to be Stated.** The reason for the Application must be stated and the reasons why the request should be granted must also be stated by the Applicant:

- (1) If a change in zone district is requested, facts should be stated upon which findings may be made by the Zoning Committee to justify the granting of the change in zone district. Zone district changes must be accompanied by a map per Wis. Stat. § 59.69(5)(e).
- (2) If a conditional use is requested, facts should be stated upon which findings may be made by the Zoning Committee to justify granting the conditional use permit or special use permit.

6.3 **Who May File.**

- (1) Applications to the Zoning Committee shall be filed with the Zoning Administrator by an Applicant or the Applicant's agent or representative. If an Applicant is not the fee simple owner of the property that is the subject of the Application, the fee simple property owner must sign the Application.
- (2) Petitions for zoning map amendments may be filed by a property owner, a County Board member, a member of the Zoning Committee, or by a Town Board.

6.4 **Copies to be Sent.** The Zoning Administrator shall transmit copies of the Application as follows:

- (1) The original Application shall remain in the Zoning Administrator's file and held as a public record.
- (2) One (1) copy to the Zoning Administrator for publication and notice compliance.
- (3) One (1) copy to each Zoning Committee member.
- (4) One (1) copy to the Applicant.
- (5) One (1) copy to the Clerk of the Town Board, City Council, or Village Council, as may be applicable.
- (6) In the case of Applications or petitions affecting property within the Wetland/Shoreland Zoning District, one (1) copy of the Application shall also be sent to the Department of Natural Resources.
- (7) Any other copies of an Application shall be sent in order to comply with any applicable law.

6.5 **Dismissal of Application and Request.** The Zoning Committee may refuse to hear or act on an Application upon the failure of the Applicant to pay the Application fees, supply the required information called for on the Application, or as further reasonably required by the Zoning Administrator.

6.6 **Time for Hearing and Meeting.** Each Application shall be considered by the Zoning Committee at its next meeting after date of the filing the Application and all required notices have been published.

6.7 **Notice of Hearing and Meeting.**

- (1) The Secretary of the Zoning Committee, or the Secretary's designee, shall give, or cause to be given, notice of each public hearing and meeting as required by law and these Bylaws. This shall include at least the following:
 - (a) Publication of a Class 2 pursuant to Wis. Stat. Ch. 985 hearing notice in a newspaper of general circulation, and pursuant to the terms of Wis. Stat. § 59.69(2)(e).
 - (b) Mailing a notice of the hearing to the Applicant and, where required, to the area office of the Department of Natural Resources at least 10 days before the hearing.

- (c) Mailing a notice of the hearing to property owners of all lands, within the County, within 300 feet of the perimeter of the property subject to the Application. This notice shall include the following:
 - (i) A letter indicating what the public hearing request is for, where the subject request property is located, and date and time of the public hearing.
 - (ii) A statement that comments from surrounding property owners may be considered by the Zoning Committee in granting or denying the request set forth in the Application.
 - (iii) A statement that the property owner may submit comments in writing or attend the hearing so the property owner's opinions and substantial evidence may be heard.
 - (iv) The failure of each letter to reach any property owner shall not invalidate any decision made on a change in zone district or conditional use.

- (d) Mailing or emailing a notice of the hearing to the Town Clerk and Town Chairman of the Town Board of the Town in which the property subject to the Application is located, including the provisions set forth below. If notice is sent via email, the Zoning Administrator shall include with the electronic mail a request that the Town Clerk promptly confirm receipt of the materials by return electronic mail. If the Zoning Administrator does not receive such confirmation within 2 business days, the Zoning Administrator shall submit the materials to the Town Clerk by certified mail.
 - (i) Notice that the Application shall be returned to the Zoning Administrator indicating whether the Town Board approved, denied or postponed decision on the Application.
 - (ii) The Town shall provide verification of its decision.
 - (iii) The decision shall be signed by the Town Board members and attested by the Town Clerk.
 - (iv) The decision of the Town may be considered by, but shall not be binding upon, the Zoning Committee in granting or denying the request set forth in the Application, unless otherwise required by law.

- (e) Mailing or emailing a notice of the hearing to the City Clerk or Village Clerk and City Mayor or Village President when the property affected lies within 1-1/2 air miles of the closest city or village limits, no less than one week before the date of the hearing. If notice is sent via email, the Zoning

Administrator shall include with the electronic mail a request that the Town Clerk promptly confirm receipt of the materials by return electronic mail. If the Zoning Administrator does not receive such confirmation within 2 business days, the Zoning Administrator shall submit the materials to the Town Clerk by certified mail. This notice shall also include the following:

- (i) Request that the Application shall be returned to the Zoning Administrator indicating whether the City Council or Village Board approved, denied or postponed decision on the Application.
- (ii) A form Findings of Fact.
- (iii) The decision shall be signed by the City Council members or the City Council's designated representative, or Village Board members or the Village Board's designated representative, and attested by the City Clerk or Village Clerk.
- (iv) The decision of the City or Village may be considered by, but is not binding upon, the Zoning Committee in granting or denying the request set forth in the Application.

SECTION 7.0 PROCEEDINGS OF PUBLIC HEARINGS AND MEETINGS

7.1 **Appearances, Adjournments.** At the time of the public hearing and meeting, the Applicant may appear on the Applicant's own behalf or be represented by a representative or agent. A motion passed to postpone, recess or adjourn until a date certain that is made at a noticed meeting date, to a future time and place certain, is adequate notice to the Zoning Committee members, the Applicant and the public of a new meeting date.

7.2 **Witnesses.** The Chairperson may compel the attendance of witnesses and may require those wishing to testify to state their names and interests in the matter before the Zoning Committee. Testimony may be taken under oath administered by the Chairperson.

7.3 **Order of Public Hearings.**

- (1) A public hearing conducted at the same Zoning Committee meeting at the discussion or decision on that Application shall occur immediately prior to that decision or discussion on the agenda.
- (2) Public hearings shall proceed as follows:
 - (a) Reading of the Application or a summary of the Application by the Zoning Administrator or Chairperson, as the Chairperson may determine.
 - (b) Determination of jurisdiction, if requested.

- (c) Submission of the file to the Zoning Committee, which may include, but is not limited to information such as:
 - (i) The Town Board decision, Findings of Facts or other information from the Town.
 - (ii) Any City Council decision, Findings of Facts or other information from the City.
 - (iii) Any Village Board decision; Findings of Facts or other information from the Village.
 - (iv) Maps or surveys.
 - (v) Inspection reports or other expert reports such as engineering reports, traffic studies, environmental report, soil test or other test results, and surveyor information.
 - (vi) Opinion letters and other letters of correspondence.
 - (vii) Plots, plans or sketches.
 - (viii) Photographs.
 - (ix) Any other information that the Zoning Administrator deems relevant for the Zoning Committee to consider.
- (d) Applicant's statements and presentation of evidence, including but not limited to, further comments or presentation of additional evidence presented to the Zoning Committee.
 - (i) An Applicant has the burden of proof to present evidence to support the Applicant's request. Such proof may include, but is not limited to, the following:
 - a. Letters from real estate professionals attesting to a positive impact of the proposal set forth in the Application on surrounding property values.
 - b. Data supporting positive economic impact on the surrounding community and the County.
 - c. Data supporting the Applicant's statements regarding impact of such things as noise, increased light pollution, potential impacts on ground water or other environmental impacts.

- d. Professional test results or reports such as traffic studies, environmental reports or soil testing.
 - e. Information regarding future development or plans should the Application be approved.
- (ii) Members of the public in support of Application may make statements and present evidence.
 - (iii) Members of the public in objection to the Application may make statements and presentation of evidence.
 - (iv) Members of the public are encouraged to supply statements and data to substantiate the opinions of support or objection to the Application. This information may include, but is not limited to, the following:
 - a. Letters from real estate professionals attesting to a support an argued increase or decrease in property values should the Application be approved.
 - b. Data supporting the potential impact of such things as noise, increased light pollution, potential impacts on ground water or other environmental impacts.
 - c. Professional test results or reports such as traffic studies, environmental reports or soil testing.
 - d. Public comments may be limited by the provisions set forth herein, or as otherwise permitted by any applicable law, ordinance or regulation, within the discretion of the Chairperson.
 - (e) Staff recommendations.
 - (f) Questions by Zoning Committee members.
 - (g) Rebuttals as permitted by the Zoning Committee Chairperson.

7.4 **Preliminary Matters.** Following the reading of the application or petition, the Zoning Committee may hear arguments on the question of jurisdiction and request that briefs be filed on the point. The Zoning Committee may proceed with the hearing and the taking of testimony in any event and reserve its determination on a jurisdictional question until after hearing all testimony and render a decision on the merits as if it had jurisdiction. The Zoning Committee may make an immediate determination and close the hearing upon finding that it lacks jurisdiction. If the Zoning Committee determines by motion that it lacks jurisdiction, the Secretary shall record the decision as a vote to deny the request.

7.5 **Interruption; Decorum.**

- (1) Orderly procedure requires that all individuals proceed without interruption and all discussion be directed to the Zoning Committee.
- (2) Members of the public, an Applicant's or an Applicant's representatives shall not engage in questioning or arguments during a public hearing or otherwise when the Zoning Committee is in session.
- (3) The Chairperson may order any individual to leave the Zoning Committee meeting if the person does not engage in respectful and proper decorum, as determined within the Chairperson's reasonable discretion.

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

7.7 **Presentation of Evidence.** All supporting evidence for and against each case shall be presented to the assembled Zoning Committee. The Applicant shall be responsible for the presentation of all information supporting his/her case.

7.8 **Additional Evidence.** The Zoning Committee may take a case under advisement for later consideration and determination, or may postpone additional action whenever it concludes that additional evidence is needed or future study is required.

7.9 **Rules of Evidence.**

- (1) The Zoning Committee shall not be bound by rules of evidence set forth in Wis. Stats. Chs. 901, 904 and 910.
- (2) The Zoning Committee shall be bound by applicable state laws, including but not limited to the presentation of Substantial Evidence in the request for a conditional use permit and rendering its determination based on Substantial Evidence, as set forth in Wis. Stat. § 59.69(5e).
- (3) The Zoning Committee may exclude irrelevant, immaterial, incompetent, unduly argumentative or repetitious testimony, or evidence. For Applications requesting a conditional use permit, the Zoning Committee may exclude testimony or evidence that it does not deem to be substantial evidence.

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

- 7.11 **Record of Hearing and Meeting.** All proceedings at a hearing and meeting shall be recorded by audio recording. The Secretary shall prepare a summary of motions, witnesses, appearances, roll call, votes, and all other matters constituting the substance of the proceedings. Verbatim transcripts of recorded proceedings shall not be prepared unless ordered by the circuit court by a writ of certiorari. The proceedings shall become part of the written record filed in the office of the Zoning Committee and open to the public.
- 7.12 **Adjournments.** When all Applications cannot be disposed of on the day set, the Zoning Committee may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Zoning Committee.
- 7.13 **Withdrawal of Applications.** An Applicant may withdraw an Application at any time prior to the Zoning Committee's decision, but a pending motion to grant or deny the application shall have precedence over withdrawal. Withdrawal of the Application shall not entitle the Applicant to reimbursement of any Application fees paid by the Applicant to the County.

SECTION 8.0 DECISIONS OF THE ZONING COMMITTEE

- 8.1 **Majority Vote Required.** The concurring vote of a majority of the quorum of the Zoning Committee members present shall be necessary to approve, deny, or postpone any Application or other matter upon which it is required to under any Zoning Ordinance.
- 8.2 **Decisions to be Written.** All decisions shall be in writing and contain the facts upon which the decision is based.
- 8.3 **Decisions to be Mailed.**
- (1) Within 30 days of the close of the hearing or meeting to which the Zoning Committee's decision relates, written copies of such decision shall be mailed to the Applicant, the local municipality, and when applicable, any other governmental body or state agency.
 - (2) The approval or granting by the Zoning Committee is deemed to constitute an order to the zoning official to issue a permit. A denial of the application or petition by the Zoning Committee is deemed to be an order to deny the permit.
 - (3) On matters in which the Zoning Committee is a recommending body for final decision by the County Board, the decision shall be mailed within 30 days after the County Board's decision on the application to the Applicant, the local municipality, and when applicable, any other governmental body or state agency.
- 8.4 **Findings.** In acting on any matters before it, the Zoning Committee shall make Findings of Fact supporting its action. The Zoning Committee may rely upon recommended Findings of Fact set forth by the Zoning Administrator or legal counsel in rendering its findings.

- 8.5 **Conflict of Interest; Disqualification; Abstention.** The Zoning Committee shall adhere to the Sawyer County Board of Supervisors Policy and Procedures Manual's provisions regarding conflicts of interest, disqualification and abstention.
- 8.6 **Decision to Relate to Specific Property.**
- (1) The decision of the Zoning Committee shall be deemed as applying to the property that is the subject of the Application, rather than to the Applicant or owner of the property.
 - (2) Notwithstanding the foregoing, the Zoning Committee may determine and require that a conditional use permit be issued only to an individual Applicant or property owner for operation on a specific property that is included in the Application.
 - (3) The Zoning Committee may determine and require that any conditional use permit issued may not be transferrable or otherwise conveyed to any successor or assign.
- 8.7 **Informal Advice or Statements Not Binding.** Any advice, opinion or information given by any Zoning Committee member, the Zoning Administrator, or any other official or employee of the County, shall not be binding on the Zoning Committee.
- 8.8 **Cases to be Determined Individually.** No action of the Zoning Committee shall set a binding precedent. Each Application shall be decided upon its merits, upon the attendant circumstances, based on the evidence or information presented. The Zoning Committee shall not act arbitrarily or capriciously.
- 8.9 **Order for Permit Valid for One Year.** An order or approval by the Zoning Committee requiring a zoning official to issue a permit shall become void after one (1) year unless the Applicant shall have obtained such permit from the zoning official within such time, provided that the time may be extended when so specified by the Zoning Committee.
- 8.10 **Decisions to be Filed with State.** Copies of decisions on conditional uses and map or text amendments within the shorelands or affecting the Wetland/Shoreland District shall be sent to the appropriate district office of the Department of Natural Resources or as otherwise required by law. When required by applicable law, copies of decisions shall be provided to or filed with other governmental bodies or state agencies.
- 8.11 **Appeals of Zoning Committee Decision.** Any Applicant or other Aggrieved Person aggrieved by a conditional use, special use or any other decision in which the Zoning Committee is the decision-making authority may commence an action with the Sawyer County Board of Appeals to review the Zoning Committee's decision, in whole or in part, within 30 days of the date following the date of the signing of the Zoning Committee's decision letter. The date following the date of the signing of the Zoning Committee's decision letter is the first day of the 30-day appeal filing period.

SECTION 9.0 REFILING AND REHEARINGS

- 9.1 **One-Year Refiling Rule.** No matter which has been acted upon by the Zoning Committee concerning the same or part of the same property shall be considered again within one (1) year from the date of the action, except as hereinafter provided.
- 9.2 **Reopenings and Rehearings Limited.** The Zoning Committee may not reopen any case upon which a previous hearing has been held, except to correct a manifest error.
- 9.3 **Closure of Case.** A case will be considered as heard and closed at such time as the Zoning Committee approves or rejects an Application or when it is considered closed by operation of these Bylaws.
- 9.4 **Reconsideration on Zoning Committee Decision.** A decision of the Zoning Committee may be reconsidered: (1) by motion to reconsider made at the same Zoning Committee meeting, which may be immediately disposed of without further notice, or (2) upon direction of the County Board of Supervisors, in which event the matter shall be placed on the Zoning Committee calendar for a subsequent public hearing and a new notice given without additional fee.
- 9.5 **Reconsideration Tolls Appeal Period.** The filing of a motion for reconsideration shall stop the running of the 30-day period in which a petition to the County Board of Appeals must be made. The 30-day period will run in such event from the date a decision not to reconsider is made by the Zoning Committee, or if the matter is reconsidered, from the date the decision on the reconsidered matter is filed in the Zoning Committee's office.
- 9.6 **Procedures for Reconsideration.** A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused to an Applicant or Aggrieved Party who has requested reconsideration, the Zoning Committee shall enter on the minutes the basis of the request, the reason why it was refused, and the vote of the Zoning Committee members thereon.
- 9.7 **Waiver of Requirements.** The provisions of this Section 9.0 may be waived by the Zoning Committee upon a majority vote of the Zoning Committee members present.

SECTION 10.0 STAFF

10.1 Zoning and Conservation Department Administrator and Staff.

- (1) The Zoning Committee may utilize the advice and assistance of the Zoning and Conservation Department Administrator and staff for delegation of administrative tasks or to otherwise assist with the work of the Zoning Committee.
- (2) Staff Reports.
 - (a) The Zoning Administrator shall prepare staff reports and may make recommendations to the Zoning Committee on Applications and other matters coming before the Zoning Committee.

- (b) Staff Reports shall be prepared with the information necessary for the Zoning Committee members to review an Application prior to a Zoning Committee meeting.
- (c) The Zoning Committee may direct the Zoning Administrator what form and content should be included in a Staff Report or what information is to be included in a specific Application or a specific type of Application.
- (3) The Zoning Committee may rely on the expertise of the Zoning Administrator in rendering determinations on any Application or matter before it.

10.2 **Other County Staff.** The Zoning Committee may utilize the advice and assistance of County employees and may delegate administrative tasks to such employees.

10.3 **Legal Counsel.**

- (1) The County Administrator shall appoint legal counsel for the Zoning Committee. The County Administrator may appoint different legal counsel for different Applications or issues coming before the Zoning Committee.
- (2) Legal counsel may attend Zoning Committee meetings as determined by the County Administrator.
- (3) Legal Counsel shall perform the requested legal tasks for the Zoning Committee prior to or at a Zoning Committee meeting upon the request of the County Administrator:
 - (a) Conduct legal research.
 - (b) Advise on potential risks, benefits or implications or decisions or actions rendered by the Zoning Committee.
 - (c) Confer with parties deemed necessary to assist the Zoning Committee complete its work, such as discussions with an Applicant's legal counsel to resolve legal questions.
 - (d) Confer with staff or other County employees or officials as directed to advise on legal issues within the Zoning Committee's jurisdiction or within the powers and duties of the Zoning Committee.
 - (e) Advice of legal counsel shall be received and entered in the minutes of a given Zoning Committee meeting before disposition of any question of law or matter requiring legal interpretation or advice.
 - (f) Advice of legal counsel is not binding upon the Zoning Committee.

10.4 **Zoning Committee's Office.** The office of the Zoning Committee shall be located at the Office of the Zoning Administrator. All records of the Zoning Committee shall be

available for public inspection during office hours, 8:00 AM to 4:00 PM, Monday through Friday, except for legal holidays.