



Preserving Yesterday's Heritage for Tomorrow.

The Town of Cedarburg, Wisconsin

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

RESOLUTION #2023-1

"ADOPTING PUBLIC PARTICIPATION PROCEDURES FOR AMENDING THE COMPREHENSIVE PLAN FOR THE TOWN OF CEDARBURG"

WHEREAS, pursuant to Section 66.1001 of the *Wisconsin Statutes*, all units of government which enact or amend zoning, subdivision, or official mapping ordinances on or after January 1, 2010, must adopt a comprehensive plan; and

WHEREAS, the Town of Cedarburg adopted a comprehensive plan under the authority of and procedures established by Section 66.1001 of the *Wisconsin Statutes* on April 2, 2008; and

WHEREAS, Section 66.1001(4)(a) of the *Wisconsin Statutes* requires that the Town Board adopt written procedures designed to foster public participation during the preparation or amendment of a comprehensive plan; and

WHEREAS, the Town Board of the Town of Cedarburg believes that regular, meaningful public involvement in the comprehensive planning process is important to assure that the comprehensive plan continues to reflect input from the public; and

WHEREAS, public participation procedures have been developed to foster public participation in the comprehensive plan amendment process.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Cedarburg hereby adopts the Public Participation Procedures for Amending the Comprehensive Plan attached hereto as Exhibit A to fulfill the requirements of Section 66.1001(4)(a) of the *Wisconsin Statutes*.

ADOPTED this 5th day of April, 2023.

Town Chairman David Salvaggio

Attest:

Clerk/Asst. Administrator Jack Johnston

**PUBLIC PARTICIPATION PROCEDURES
FOR AMENDING THE COMPREHENSIVE PLAN:
TOWN OF CEDARBURG**

Introduction

On April 2, 2008, the Cedarburg Town Board adopted a Town comprehensive plan under Section 66.1001 of the *Wisconsin Statutes*, which is documented in a report titled: “Town of Cedarburg Comprehensive Plan: 2035.” The comprehensive plan was prepared in accordance with a public participation plan adopted by the Town Board of the Town of Cedarburg on March 21, 2007, that included activities to foster public participation in the preparation of the comprehensive plans. Under Section 66.1001(4)(a) of the *Wisconsin Statutes*, future amendments to the comprehensive plan must also be carried out in accordance with a public participation plan, adopted by the Town Board, designed to foster public participation in the amendment process. The balance of this document describes the process to be followed by the Town to foster public participation in the consideration of amendments to the comprehensive plan.

Part 1: Public Participation Activities and Procedures for Comprehensive Plan Amendments

1. *Background Materials*

The Town will provide opportunities for public review of materials describing all proposed amendments to the comprehensive plan, including the following:

- Printed copies of materials describing a proposed plan amendment will be made available at the Town Hall at the request of the public.
- Electronic copies of materials describing a proposed plan amendment will be posted on the Town website.

2. *Public Informational Meeting(s)*

The Town will host one public informational meeting to be held roughly halfway through the update process, and second “open house” prior to the Public Hearing. These meetings will provide an opportunity for the public to review maps and other information relating to the proposed amendment. No formal procedures or notice requirements are required for the informational meeting(s); however, the Town will provide notice of the meeting through its website, eNotify, and posting of agendas.

3. *Plan Commission Recommendation*

The Plan Commission will make a recommendation to the Town Board to approve, deny, or modify the proposed amendment. The Plan Commission’s recommendation will be in the form of a resolution approved by a majority of the full membership of the Commission.

4. *Public Hearing*

As required by Section 66.1001(4)(d), the Town will hold a public hearing on each proposed amendment to the comprehensive plan. The hearing may be held by the Plan Commission, Town Board, or jointly by the Plan Commission and Town Board. The hearing will include a presentation describing the proposed plan amendment followed by an opportunity for the public to comment on the proposed amendment. The Town Plan Commission and Town Board will consider public testimony provided at the hearing and any written comments submitted to the Town prior to the hearing during their deliberations on the proposed plan amendment.

5. *Notice of Public Hearing*

The public hearing will be preceded by a Class 1 notice that is published or posted at least 30 days before the hearing is held. In accordance with Section 66.1001(4)(d), the notice will include the date, time, and place of the hearing; a brief summary of the proposed comprehensive plan amendment and/or a map illustrating the proposed amendment; a local contact who may be contacted for additional information on the proposed plan amendment and to whom written comments regarding the plan amendment may be submitted; and information regarding where and when the proposed plan amendment may be inspected before the hearing and how a copy of the proposed plan amendment may be obtained.

6. *Notification to Interested Parties*

The Town Clerk will provide a copy of the public hearing notice and the proposed amendment at least 30 days prior to the public hearing to any person who submits a written request to receive notice of a proposed amendment under Section 66.1001(4)(f). The Town may charge a fee to cover the cost of providing such notice. In accordance with Section 66.1001(4)(e), the Town Clerk will also provide notice to nonmetallic mining operators within the Town; to persons who have registered a marketable nonmetallic mineral deposit within the Town; or to persons who own or lease property on which nonmetallic minerals may be extracted, if such person has requested notification in writing. The Town Clerk will maintain a list of persons who have submitted a written request to receive notices of public hearings under Sections 66.1001(4)(e)(3) and 66.1001(4)(f).

7. *Town Board Action*

Following Plan Commission action, and the required public hearing, the Town Board will consider the amendment and the Plan Commission's recommendations and approve, deny, or refer the proposed amendment back to the Plan Commission. If approved, the Town Board approval will be in the form of an ordinance adopted by a majority of the full membership of the Town Board.

8. *Distribution of Plan Amendment*

If approved by the Town Board, printed or electronic copies of the amendment will be sent by the Town Clerk to the parties listed in Section 66.1001(4)(b).

Part 2: Additional Procedures for Comprehensive Plan Amendments Requiring a Rezoning

In some cases, an amendment to a comprehensive plan may be needed in order for a proposed rezoning to be consistent with the plan. In such cases, the Town Board may allow the public notice and public hearing for the proposed plan amendment and rezoning to be combined, if a combined hearing is acceptable to the applicant. In such cases, the following procedures shall apply in addition to or in combination with those set forth in Part 1:

The notice of the public hearing shall be published and distributed in accordance with the procedures set forth in paragraphs 4 and 5 in Part 1; however, the public notice will include notification that the proposed rezoning will also be considered at the hearing. The notice will include any information required in a public notice for a rezoning by the Town zoning ordinance. The combined notice will constitute the first of the two (Class 2) public notices required for rezoning under the *Statutes*. The public notice will be published a second time one week after the first notice is published, unless a later time is specified in the zoning ordinance. The Town will also notify parties-in-interest as required by the Town zoning ordinance, and any parties that have filed a written request for rezoning notifications under Section 60.61(4)(f) of the *Statutes*.

The Plan Commission will consider and act on a proposed plan amendment before considering the requested rezoning, and a separate motion will be made for a recommendation to the Town Board on the plan amendment, followed by a motion to make a recommendation to the Town Board on the rezoning.

The Town Board will consider and act on a proposed plan amendment before considering the requested rezoning. A separate motion will be made for action on the plan amendment, followed by a motion to act on the rezoning. If approved, separate ordinances will be adopted for the plan amendment and for the rezoning.

Part 3: Optional Procedures

The Town Board, at its option, may approve additional public participation procedures or a separately-documented public participation plan to provide for public informational meetings, the formation of advisory committees, the conduct of public opinion surveys, and/or other procedures to obtain public input on a proposed plan amendment.