

City of Whitewater Plan & Architectural Review Commission Education Session

Legal Duties, Authority, and Best Practices

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With support from Community Development Director Mason Becker

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Committee's authority

Ethics Training

Committee Procedures

PARC AUTHORITY AND ROLL

Authorizes Creation Wis. Stat. §62.23



Created by City Ordinance §19.06



Type of Authority Quasi-Judicial



Reviews Rezoning, Plan Amendments, Conditional Use Permits (CUPs) and applies adopted standards/plans

LEGAL FOUNDATIONS

Wis. Stat. §62.23 – Planning & zoning authority

§66.1001 – Comprehensive Plan guides land use actions

Act 67 (2017): CUPs must be approved if standards are met

Conditions must be reasonable, measurable, and supported by substantial evidence

ROLES & RESPONSIBILITIES

PARC – reviews facts, applies standards, makes findings

Common Council – legislative policymaker

Staff – advises, prepares reports, drafts findings

Board of Appeals – handles variances/appeals

Keep roles distinct and evidence-based

CONFLICTS OF INTEREST

Actual Conflict or
Appearance of
Conflict

Direct or Indirect
Conflict

Financial Interest in
outcomes

Personal
relationships with
applicants

Professional
business
connections

Property
ownership

Family member
involvement

Violations of
Conflicts of
Interest can rise to
Felony violations.

DISCLOSURE

- Disclosure must occur before discussion on a topic begins.
- State nature of any appearance of conflict clearly
- Disclosure must be part of the public record
- When appropriate recuse yourself
- Ensure disclosure is documented.
- When in doubt disclose possible conflicts or speak to the City Attorney's office

EX PARTE COMMUNICATIONS

- Any Communication about the topic outside official proceedings
- Contact with applicants or interested parties
- Information received outside public meetings
- Includes written, verbal, and electronic communications
- Applies to all pending matters
- Owe a duty of impartiality to public, applicants, and the City.

EFFECTIVE MEETING PRACTICES

Read

Before: Read packets, note ordinance standards

Keep

During: Keep discussion on the record; ask factual questions

Disclose

Disclose site visits or new information

Keep

Public input: Keep relevant and fact-based

MAKING DEFENSIBLE MOTIONS

Ask parties to
confirm key record
points

Tie motions directly
to ordinance criteria

State findings of fact
clearly

Add reasonable,
measurable
conditions (e.g., hours,
decibels, traffic)

ZONING & CUP BASICS

Zoning: Districts define permitted and conditional uses

Process: Notice → Staff report → Hearing → Findings → Record

Substantial evidence required at every step

COMPREHENSIVE PLAN CONSISTENCY

Future Land Use Map guides long-term decisions

Align actions with plan goals/policies

Cite plan in motions/findings for defensible record

Plan must be updated every 10 years

CONSEQUENCES OF VIOLATIONS

Legal challenges to committee decisions

Invalidation of approvals

Personal liability

Loss of public confidence

Removal from committee

KEY TAKEAWAYS & Q&A

Apply adopted standards and plans

Build a record with substantial evidence by asking questions during the meeting

Keep meetings open and transparent

When in doubt disclose potential conflicts and recuse when needed

When unsure—ask the City Attorney, Zoning Administrator, or EDD

THANK YOU!

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