

Chapter 101

PLAN COMMISSION

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[HISTORY: Adopted by the Village Board of the Village of Lyndon Station 10-13-2008 by Ord. No. 2008-3. Amendments noted where applicable.]

GENERAL REFERENCES

Shoreland-wetland zoning — See Ch. 325.
Subdivision of land — See Ch. 352.

Zoning — See Ch. 395.

§ 101-1. Title.

Chapter 101 shall be titled "Plan Commission."

§ 101-2. Authority.

The Village Board of the Village of Lyndon Station hereby establishes a seven-member Plan Commission under §§ 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Village Planning Agency" under § 236.45, Wis. Stats.

§ 101-3. Confirmation of authority, powers and duties.

The Village Board of the Village of Lyndon Station has, by adoption of this chapter, confirmed the specific statutory authority, powers and duties of the Village of Lyndon Station Plan Commission.

§ 101-4. Appointment of members.

The Village President shall appoint the members of the Plan Commission and shall designate a Plan Commission Chairperson. Appointments shall be made during the month of April for

terms that expire in April or at any other time if a vacancy occurs during the middle of a term. The Village President may appoint himself or herself or another Village Board member to the Plan Commission and may designate himself or herself, the other Village Board member, or a citizen member as Chairperson of the Plan Commission. The Plan Commission shall always have at least three citizen members who are not Village officials and who are persons of recognized experience and qualifications. In a year in which any Village Board member is elected at the spring election, any appointment or designation by the Village President shall be made after the election and qualification of the Village Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five days of notice of appointment, as provided under §§ 19.01 and 61.21, Wis. Stats.

§ 101-5. Term of office; compensation.

- A. Term of office; initial staggering of terms. The term of office for each Plan Commission member shall be three years, ending on April 30, or until a successor is appointed and qualified. In order to stagger the terms of appointments to the Plan Commission, members shall be appointed as follows: two persons for a term that expires on the first April 30 following their appointment, two persons for a term that expires on the second April 30 following their appointment, and three persons for a term that expires on the third April 30 following their appointment. Once the terms are staggered, members shall be appointed for three-year terms.
- B. Compensation. Plan Commission members shall not receive a per diem for attending Plan Commission meetings. The Village Board may establish from time to time by resolution an amount for reimbursement of reasonable costs and expenses. All costs and expenses of the Plan Commission shall be approved by the Village Board prior to being incurred by the Plan Commission.

§ 101-6. Powers and duties; subcommittees.

The Plan Commission has the duties and powers provided for under the Wisconsin Statutes, including §§ 62.23, 66.1001 and 236.45, Wis. Stats., plus any other additional powers and duties established by the Village Board. With the approval of the Village Board, the Plan Commission may create subcommittees to provide advisory recommendations to the Plan Commission regarding parks, urban services, zoning, smart growth, stormwater, transportation, and other planning issues.

§ 101-7. Experts and staff.

Upon Village Board approval, the Plan Commission may employ experts and staff and pay for their services pursuant to § 62.23(1), Wis. Stats.

§ 101-8. Rules and records.

Pursuant to § 62.23(2), Wis. Stats., the Plan Commission may adopt rules for the transaction of its business, subject to Village ordinances, and shall keep a record of its resolutions,

transactions, findings, and determinations, which shall be a public record under Wisconsin's Public Records Law, §§ 19.21 through 19.39, Wis. Stats.

§ 101-9. Chairperson and other officers.

- A. Chairperson. The Chairperson shall, subject to Village ordinances and Plan Commission rules:
- (1) Provide leadership to the Plan Commission;
 - (2) Set Plan Commission meeting and hearing dates;
 - (3) Provide notice of Plan Commission meetings and hearings and set meeting agendas, personally or by his or her designee;
 - (4) Preside at Plan Commission meetings and hearings; and
 - (5) Ensure that the laws are followed.
- B. Vice Chairperson. The Plan Commission may elect a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- C. Secretary. The Plan Commission may elect one of its members to serve as Secretary or, with the approval of the Village Board, designate the Village Clerk-Treasurer or other Village officer or employee as Secretary.

§ 101-10. Commission members as local public officials.

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office under § 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on public records, §§ 19.21 through 19.39, Wis. Stats.; code of ethics for local government officials, §§ 19.42 and 19.59, Wis. Stats.; open meetings, §§ 19.81 through 19.98, Wis. Stats.; misconduct in office, § 946.12, Wis. Stats.; and private interests in public contracts, § 946.13, Wis. Stats. Plan Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

§ 101-11. General and miscellaneous powers.

The Plan Commission, pursuant to § 62.23(4), Wis. Stats., shall have the power:

- A. Necessary to enable it to perform its functions and promote Village planning;
- B. To make reports and recommendations relating to the plan and development of the Village to the Village Board, other public bodies, citizens, public utilities, and organizations;
- C. To recommend to the Village Board programs for public improvements and the financing of such improvements.

- D. To receive from public officials, within a reasonable time, requested available information required by the Plan Commission to do its work;
- E. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under § 66.0119, Wis. Stats., or other court-issued warrant.

§ 101-12. Commission to make and adopt Comprehensive Plan.

- A. The Plan Commission shall make and adopt a Comprehensive Plan under §§ 62.23 and 66.1001, Wis. Stats., which contains the elements specified in § 66.1001(2), Wis. Stats., and follows the procedures in § 66.1001(4), Wis. Stats.
- B. The Plan Commission shall make and adopt the Comprehensive Plan within the time period directed by the Village Board, but not later than a time sufficient to allow the Village Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Village Comprehensive Plan is in effect by the date on which any Village program or action affecting land use must be consistent with the Village Comprehensive Plan under § 66.1001(3), Wis. Stats.
- C. In this section the requirement to "make" the Comprehensive Plan means that the Plan Commission shall ensure that the plan is prepared and oversee and coordinate the preparation of the plan, whether the work is performed for the Village by the Plan Commission, Village staff, another unit of government, a regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

§ 101-13. Comprehensive Plan procedures.

The Plan Commission, in order to ensure that the requirements of § 66.1001(4), Wis. Stats., are met, shall proceed as follows:

- A. Public participation verification. Prior to beginning work on a Comprehensive Plan, the Plan Commission shall verify that the Village Board has adopted written procedures designed to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services, and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative, or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Village Board and for the Village Board to respond to such written comments.
- B. Resolution. The Plan Commission, under § 66.1001(4)(b), Wis. Stats., shall recommend its proposed Comprehensive Plan or amendment to the Village Board by adopting a resolution by a majority of the entire Plan Commission. The vote shall be recorded in the

minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under § 66.1001, Wis. Stats., namely that:

- (1) The Village Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan.
 - (2) The plan contains the nine specified elements and meets the requirements of those elements.
 - (3) The (specified) maps and (specified) other descriptive materials relate to one or more elements of the plan.
 - (4) The plan has been adopted by a majority vote of the entire Plan Commission, which the Clerk or Secretary is directed to record in the minutes.
 - (5) The Plan Commission Clerk or Secretary is directed to send a copy of the Comprehensive Plan adopted by the Plan Commission to the governmental units specified in § 66.1001(4), Wis. Stats.
- C. Transmittal. One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:
- (1) Every governmental body that is located in whole or in part within the boundaries of the Village, including any school district, sanitary district, public inland lake protection and rehabilitation district, or other special district.
 - (2) The clerk of every city, village, town, county, and regional planning commission that is adjacent to the Village.
 - (3) The Wisconsin Land Council.
 - (4) The Wisconsin Department of Administration.
 - (5) The regional planning commission in which the Village is located.
 - (6) The public library that serves the area in which the Village is located.

§ 101-14. Plan implementation and administration.

- A. Ordinance development. If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following: other ordinances, plans, or maps as directed by the Village Board (e.g., historic preservation, design review, and site plan review).
- B. Ordinance amendment. The Plan Commission, on its own motion or at the direction of the Village Board, may prepare proposed amendments to the Village's ordinances relating to comprehensive planning and land use.

- C. Nonregulatory programs. The Plan Commission, on its own motion or at the direction of the Village Board, may propose nonregulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- D. Consistency. Any ordinance, amendment, or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval, or other action under Village ordinances or programs that implement the Village's Comprehensive Plan under §§ 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010.

§ 101-15. Referrals to Plan Commission.

- A. Required referrals. The following shall be referred to the Plan Commission for report:
- (1) The location and architectural design of any public building.
 - (2) The location of any statue or other memorial.
 - (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land, or lease of land for any:
 - (a) Street, alley, or other public way;
 - (b) Park or playground;
 - (c) Airport;
 - (d) Area for parking vehicles; or
 - (e) Other memorial or public grounds.
 - (4) The location, extension, abandonment, or authorization for any publicly or privately owned public utility.
 - (5) All plats and certified survey maps of lands in the Village or within the territory over which the Village is given platting jurisdiction by Ch. 236, Wis. Stats., including divisions under a Village subdivision or other land division ordinance adopted pursuant to § 236.45, Wis. Stats.¹
 - (6) The location, character and extent or acquisition, leasing, or sale of lands for:
 - (a) Public or semipublic housing;
 - (b) Slum clearance;
 - (c) Relief of congestion; or
 - (d) Vacation camps for children.

1. Editor's Note: See Ch. 352, Subdivision of Land.

- (7) The amendment or repeal of any ordinance adopted under § 62.23, Wis. Stats., including ordinances relating to the Plan Commission, the Village Master Plan or the Village Comprehensive Plan under § 66.1001, Wis. Stats., and a Village Official Map.
 - (8) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
 - (9) Any other matter deemed advisable for referral to the Plan Commission for report.
- B. Referral period. No final action may be taken by the Village Board or any other officer or body having final authority on a matter referred to the Plan Commission until the Commission has made its report or 30 days, or such longer period as stipulated by the Village Board, have passed since referral. The thirty-day referral period required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty-day referral period for matters subject to required or discretionary referral under the Village's ordinances but not required to be referred under the Wisconsin Statutes may be made subject by the Village Board to a referral period shorter or longer than the thirty-day referral period if deemed advisable.