Town of Wascott
Douglas County, Wisconsin

Ordinance 2014-07
Amendment to Ordinance 2004-02
WASCOTT TOWN PLAN COMMISSION ORDINANCE
and As Amended 3/3/2010, 2/8/13 and 5/6/2014

The Town Board of the Town of Wascott, Douglas County, Wisconsin, does ordain as follows:

Section 1. Title

This ordinance is entitled the "Town of Wascott Plan Commission Ordinance."

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Wascott Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

Section 3. Authority: Establishment

The Town Board of the Town of Wascott, having been authorized by the town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the 'Town Planning Agency" under secs. 236. 02(13) and 236.45, Wis. Stats, which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

Section 4. Membership

The Plan Commission shall consist of one (1) to four (4) members of the Town Board under sec. 60.62.(4)(a), Wis. Stats., one of which may be the Town Board Chairperson. The remainder shall be citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

Section 5. Appointments

The Town Board Chairperson shall appoint members of the Plan Commission, subject to confirmation by the Town Board, during the month of April to fill any expiring term(s). The Plan Commission Chair shall be one of the Commission Members and shall be appointed by the Town Board Chair under sec. 60.62.(4)(a), Wis. Stats. The appointment of a Plan Commission Chair does not require Town Board approval under sec. 60.62.(4)(a), Wis. Stats. A Commission Member who is also a Town Board Supervisor shall serve in a Liaison capacity between the Plan Commission and the Town Board. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and based on the qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

Section 6. Terms of Office (With Citizen Member Terms Staggered)

The term of office for each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

(1) Initial Terms. If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: two (2) persons for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years. If the initial appointments are made after

April the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: two (2) persons for a term that expires one (1) year from the previous April 30; two (2) persons for a term that expires two (2) years from the previous April 30; and two (2) persons for a term that expires three (3) years from the previous April 30.

(2) The Plan Commission Chairperson. The Plan Commission Chairperson shall be elected, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., for a one (1) year term, and he or she may be re-elected thereafter.

(3) Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson shall serve for a period of two (2) years as Plan Commission Liaison member, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

Section 7. Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. A member of the Plan Commission may be removed only by a majority vote of the Town Board.

Section 8. Compensation: Expenses

The Town Board of the Town of Wascott hereby sets a per diem allowance of $30.00 per meeting for citizen members of the Plan Commission, and the per diem allowance for the Chairperson and the Secretary will be $50.00 per meeting as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

Section 9. Experts &Staff

The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

Section 10. Rules: Records

The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

Section 11. Chairperson & Officers

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

(a) provide leadership to the Commission;
(b) set Commission meeting and hearing dates;
(c) provide notice of Commission meetings and hearings and set their agendas; personally or by his or her designee;
(d) preside at Commission meetings and hearings; and
(e) ensure that the laws are followed.

(2) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19 88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary.

Section 12. 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, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Section 13. General & Miscellaneous Powers

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

(1) Necessary to enable it to perform its functions and promote Town planning.

(2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.

(3) To recommend to the Town Board programs for public improvements and the financing of such improvements.

(4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.

Section 14. Town Comprehensive Planning: General Authority & Requirements

(1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001 (4), Wis. Stats.

(2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which specified Town actions must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

(3) In this section the requirement to "make" the 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 Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

Section 15. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

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

(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town 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 the public the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Plan Commission, under sec. 66.1001 (4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote 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 sec. 66.1001, Wis. Stats., namely that:

(a) The Town Board adopted written procedures to foster public participation and that

Such procedures allowed public participation at each stage of preparing the comprehensive plan;

(b) The plan contains the nine (9) specified elements and meets the requirements of those elements;

(c) The (specified) maps and (specified) other descriptive materials relate to the plan;

(d) The plan has been adopted by a majority vote of the entire Plan Commission, which clerk or secretary is directed to record in the minutes; and

(e) The Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

(a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection rehabilitation district or other special district.

(b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.

(c) The Wisconsin Land Council.

(d) After September 1, 2005, the Department of Administration.

(e) The regional planning commission in which the Town is located.

(f) The public library that serves the area in which the Town is located.

Section 16. Plan Implementation & Administration

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

(a) Zoning. A proposed Town zoning ordinance under village powers, sees. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis Stats., a Town agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.

(b) Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.

(c) Subdivisions. A proposed Town subdivision and other land division ordinance under sec. 236.45, Wis. Stats.

(d) Other. Any other ordinance specified by the Town Board *(Note: e.g.,* historic preservation, design review, site plan review).

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory 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.

(4) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.

(a) Zoning conditional use permits. The Douglas County Zoning Administrator shall refer applications for conditional use permits to the Plan Commission for review and recommendation to the Town Board.

(b) Subdivision review. Proposed plats under ch. 236, Wis. Stats., shall be referred to the Plan Commission for review and recommendation to the Town Board.

(5) Consistency. When the Plan Commission considers any action that is subject to the consistency requirement in sec, 66.1001(3), Wis. Stats., the action of the Plan Commission shall, as of

January 1, 2010, be consistent with the Comprehensive Plan. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

Section 17. Referrals to the Plan Commission

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report to the Wascott Town Board:

(a) The location and architectural design of any public building.

(b) The location of any statue or other memorial.

(c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any

(i) street, alley or other public way;

(ii) park or playground;

(iii) airport;

(iv) area for parking vehicles; or

(v) other memorial or public grounds.

(d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.

(e) All plats under the Town's Jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.

(f) The location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing.

(g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission ; the Town Comprehensive Plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.

(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report to the Wascott Town Board:

(a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.

(b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.

(c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.

(d) Matters relating to the establishment or termination of an architectural conservancy district under Sec. 66.1007, Wis. Stats.

(e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under Sec. 66.1107, Wis. Stats.

(f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.

(g) A proposed housing project under sec. 66.1211(3), Wis. Stats.

(h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.

(i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.

(j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report to the Wascott Town Board:

(a) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.

(b) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.

(c) A proposed driveway access ordinance or amendment.

(d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.

(e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.

(f) An application for a conditional use permit under the Douglas County zoning ordinance.

(g) A proposed site plan *(Note:* Assuming that the Town Board has final authority, and that such review is not already covered by town zoning or subdivision ordinances.)

(h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

(i) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

(j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.

(k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.

(l) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.

(m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.

(n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

(o) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.

(p) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.

(q) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.

(r) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(4) Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report to the Wascott Town Board:

(a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.

(b) A proposed county zoning ordinance or amendment.

(c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.

(d) An appeal or permit application under the county zoning ordinance to the county

zoning board of adjustment, county planning body or other county body.

(e) A intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.

(f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(g) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

(h) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Section 18. Effective Date

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

ADOPTED this 6th day of May, 2014

_____ _____

Greg Jensen, Chairman Bill Stapp, Supervisor

_____ _____

Rick Moravec, Supervisor

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Lynn Koalska, Supervisor Attest: Jeannette Atkinson, Clerk/Treasurer