
Section 2.26 Town Plan Commission

The Town Board of the Town of Union, Rock County, Wisconsin, does ordain as follows:

(1) Title

This ordinance is entitled the Town of Union Plan Commission Ordinance.

(2) Purpose

The purpose of this ordinance is to establish a Town of Union 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.

(3) Authority; Establishment

The Town Board of the Town of Union, 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.

It is the intent of this Ordinance to replace and repeal all other Ordinances or rules inconsistent herewith and to hereby replace and remove the Town of Union Planning & Zoning Committee.

(4) Membership

The Plan Commission shall consist of seven (7) Town of Union electors, three of which shall be citizen members who are not municipal officials. Citizen members shall be persons of recognized experience and qualifications.

(5) Appointments

The Town Board shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. 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.

(6) Terms of Office (With Member Terms Staggered)

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

- A. 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: three (3) 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. After the initial appointments, appointments shall be made for those expiring terms for three (3) years.
- B. Initial appointment for the Plan Commission will be made from members of the previously existing Town of Union Planning & Zoning Committee who have remaining years on their terms. Their length of term will be identical to the number of years remaining on their Planning & Zoning Committee term. Newly appointed members to the Plan Commission will fill the remaining openings with staggered terms listed above.

(7) Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the

term.

(8) Compensation; Expenses

The Town Board of the Town of Union shall, by resolution adopted from time to time, set a per diem allowance for the members of the Plan Commission, 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.

(9) Member Attendance

Any Plan Commission member not attending at least 75% of all scheduled meetings for a year may be removed from membership of the Plan Commission by resolution of the Town Board.

(10) 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.

(11) 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.

Meeting minutes shall be maintained by the Secretary of the Plan Commission. All original documents shall be provided to and held by the Town Clerk.

(12) Chairperson & Officers

- A. Chairperson. The Plan Commission Chairperson shall be appointed by the Town Board and serve a term as provided in Section 2.25(5) and Section 2.25(6) of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:
 - 1. provide leadership to the Commission;
 - 2. set Commission meeting and hearing dates;
 - 3. provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
 - 4. preside at Commission meetings and hearings; and
 - 5. ensure that the laws are followed.
- B. 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.
- C. 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, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

(13) 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 and conflicts of interest..

(14) General & Miscellaneous Powers

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

- A. Necessary to enable it to perform its functions and promote Town planning.
- B. 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.
- C. To recommend to the Town 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 for the 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 sec. 66.0119, Wis. Stats., or other court-issued warrant.

(15) Town Master Planning & Comprehensive Planning: General Authority & Requirements

- A. The Plan Commission, under sec. 62.23(2), Wis. Stats., shall, except as provided in Section 2.25(15)B, have authority over the Zoning Ordinance originally adopted in May of 1979, and any amendments thereto or replacements thereof along with its accompanying maps, plats, charts and descriptive and explanatory matter.
- B. 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.
- C. Regardless of whether the Town has a Master Plan under sub. (1) of this section, or is developing one, the Plan Commission shall make and adopt a comprehensive plan under Section 2.25(15)A of this section and the comprehensive planning law, sec. 66.1001, Wis. Stats., 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 any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.
- D. 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.

(16) 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.

- A. Public participation verification. 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 of the public to the Town Board and for the Town Board to respond to such written comments.
- B. 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:

1. 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;
 2. the plan contains the nine (9) specified elements and meets the requirements of those elements;
 3. the (specified) maps and (specified) other descriptive materials relate to 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; and
 5. 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 Section 2.25(16)C of this section.
- C. Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
1. 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 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 Town.
 3. The Wisconsin Land Council.
 4. After September 1, 2003, the Department of Administration.
 5. The regional planning commission in which the Town is located.
 6. The public library that serves the area in which the Town is located.

(17) 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, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive 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 or 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 building inspector shall refer applications for conditional use permits under Town zoning to the Plan Commission for review and recommendation to the Town Board as provided under Section 16.03 of the Town of Union Zoning Ordinance.

- b. Subdivision review and other land divisions (excluding A1, A2 & A3 Conditional user permit land divisions). Proposed plats under ch. 236, Wis. Stats, and proposed subdivisions or other land divisions under the Town Land Division ordinance under sec. 236.45, Wis. Stats. and CHAPTER 16 - Land Division, of the Town ordinances shall be referred to the Plan Commission for review and recommendation to the Town Board.
 - c. Zoning Changes. The building inspector shall refer applications for zoning changes to the Plan Commission for review and recommendation to the Town Board as provided in the Town of Union's Land Division Ordinance.
 - d. A1, A2 & A3 Conditional Uses Permit Land Divisions. The building inspector shall refer applications for A1, A2 & A3 Conditional Use Permits to the Plan Commission to review and make a final decision to grant or deny. No Town Board action is required.
 - e. Temporary Use Permits. The building inspector shall refer applications for Temporary Use Permits as described in the Town Zoning Ordinance to the Plan Commission to review and make a final decision to grant or deny. No Town Board action is required.
 - f. Conditional Use Permits. The building inspector shall refer applications for all other types of Conditional Use Permit original requests and renewals to the Plan Commission to review and make a final decision to grant or deny. No Town Board action is required.
5. Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2010. 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.

(18) Referrals to the Plan Commission

- A. Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report and recommendation to the Town Board:
- 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 for 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 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.
 - 6. The location, character and extent or acquisition, leasing or sale of lands for
 - a. public or semi-public housing;
 - b. slum clearance;
 - c. relief of congestion; or
 - d. vacation camps for children.
 - 7. The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and

Town zoning under village powers.

- B. 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 and recommendation to the Town Board:
1. An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
 2. An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
 3. 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.
 4. Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
 5. Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
 6. Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
 7. A proposed housing project under sec. 66.1211(3), Wis. Stats.
 8. Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
 9. The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
 10. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- C. 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 and recommendation to the Town Board:
1. 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.
 2. Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
 3. A proposed driveway access ordinance or amendment.
 4. 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.
 5. 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 stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.
 6. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
 7. 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.
 8. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
 9. 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.
 10. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
 11. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

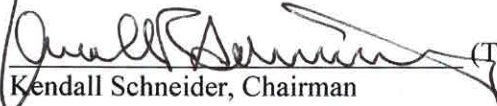
12. A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
 13. A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.
 14. A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
 15. Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- D. 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 and recommendation to the Town Board:
1. A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
 2. A proposed county zoning ordinance or amendment.
 3. A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
 4. An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
 5. A proposed 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.
 6. A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
 7. 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.
 8. Any other matter deemed advisable for referral to the Plan Commission for report.
- E. 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.

- (19) Meetings. The Plan Commission shall establish an 11-month, monthly meeting schedule for the upcoming year (e.g., January - November 2007) in September of the current year and present to the Town Board for their approval at the October meeting of the Town Board. No Plan Commission Meetings will be held in December unless required to take action on a previously heard application which would require action within a time period specified by the Town of Union's Land Division Ordinance. New requests will only be heard at regularly scheduled meetings. Special meetings may be called by the presiding officer or upon written request of two commission members. Notice of a special meeting shall be given by personal service to all members at least 24 hours.
- (20) Quorum. Four members shall constitute a quorum to transact any business and formulate its proper action thereon.
- (21) Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (22) Amendments. The Town Board is the public body having authority thereon to change or amend

this Ordinance in accordance with the requirements sec. 66.23 Wis. Stats..

(23) 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 11th day of April, 2006.

 (Town Board Chairperson)
Kendall Schneider, Chairman

[Published / Posted] this 13 day of April, 20 06.

Attest:

 (Town Clerk)
Linda O'Leary, Town Clerk

AFFADAVIT OF POSTING

Town of Union Rock County, Wisconsin

I, Linda O'Leary, the Town Clerk of the Town of Union, Rock County, Wisconsin, attest and swear that the following action was posted pursuant to s. 60.80, stats:

Town of Union Plan Commission Ordinance (Section 2.26)

I Attest and swear that the above noted action was posted as required in the following 3 places in the Town of Union, Rock County, Wisconsin on April 13, 2006:

Worthington Ag Parts, 14904 Bullard Rd. Evansville, WI 53536

Evansville Review, 8409 Hwy 14, Evansville, WI 53536

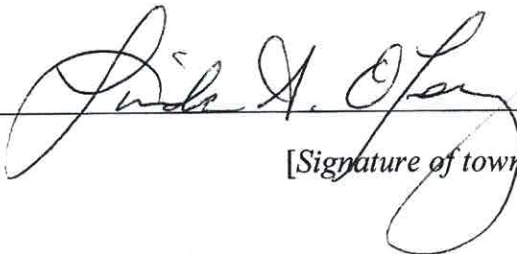
Landmark Services, 6631 N. Cty Rd M, Evansville, WI 53536

I further Attest and swear that the posting of this action occurred at the following times and dates:

<u>3:47</u> a.m. / <u>p.m.</u>	<u>4/13/06</u>	Worthington Ag Parts,
<u>3:35</u> a.m. / <u>p.m.</u>	<u>4/13/06</u>	Evansville Review
<u>4:04</u> a.m. / <u>p.m.</u>	<u>4/13/06</u>	Landmark Services

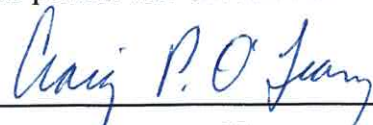
Finally, I attest and swear that I filed this affidavit in the records of the town clerk for the Town of Union on April, 13, 2006.

Dated this 13 day of April 2006


[Signature of town clerk]

NOTARY PUBLIC

Personally came before me this 13 day of April, 2006, the Town Clerk of the Town of Union, Rock County. To me known to be the person who executed and acknowledged the foregoing instrument.


[Signature of notary public]

SEAL

Notary Public, State of Wisconsin

My commission expires on 1-11-9.