

Plan Commission Basics

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Presentation Overview

Authority to Form

Powers & Duties

Roles & Responsibilities

Authority to Form

- Cities, villages and towns are authorized by Wisconsin state statutes to establish a plan commission.

Authority to Form

	Town	City / Village
Authority	60.22(3)	62.23(1) / 61.35
Creation	Village Powers, Board By ordinance	Council / Board Ordinance
Membership	7 if >2,500 5 or 7 if <2,500	7
Appointment	Board chair	Mayor / president
Terms	3 yrs.	3 yrs.
Chair appointment	Board chair	Mayor / president

Authority to Form

Composition of plan commission:

- Local elected or appointed officials may serve on the plan commission.
- Citizen members
 - at least 3 on 7-member plan commission
 - at least 1 on 5-member plan commission

Authority to Form

Terms of plan commissioners:

- 3-year statutory terms
 - may be less for an elected official who has been appointed to the plan commission (ex. length of elected term)
- April appointment by chief elected official
- Staggering desirable

Authority to Form

Qualifications for plan commissioners:

- Fairness & sound judgment
- Geographic diversity
- Diversity of economic, cultural & other interests

Authority to Form

Qualifications for plan commissioners:

- Related knowledge or professional experience
- Demonstrated commitment to community service & continuing education
- Availability

Powers & Duties

- Plan commission is an appointed body, advisory to the local governing body on comprehensive planning and land use issues.
- (Town/Village Board, City Council are elected bodies with a policy-making function.)

Powers & Duties

- Plan commission can make only decisions delegated to them by the state statutes and the local plan commission ordinance.

Powers & Duties

Planning:

- Prepare, amend and update comprehensive plan and related documents (including implementation tools)
- Recommend to governing body the adoption, amendment and update of comprehensive plan
 - done by adoption of a resolution by majority vote of the entire plan commission

Powers & Duties

Referrals to plan commission:

- Actions affecting land use are referred to the plan commission for review and recommendation to the governing body.
- General 30-day referral period

Powers & Duties

Referrals to plan commission:

- Governing body may not act on referred matter during review period.
- Court may void actions if they were not referred to the plan commission.

Powers & Duties

Referrals to plan commission, sec. 62.23(5):

- the location & architectural design of any public building;
- the location of any statue or other memorial;
- all plats over which the governmental unit is given platting jurisdiction by ch. 236;

Powers & Duties

Referrals to plan commission, sec. 62.23(5):

- the location, extension, abandonment or authorization for any public utility whether publicly or privately owned;
- the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children;

Powers & Duties

Referrals to plan commission, sec. 62.23(5):

- the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds;

Powers & Duties

Referrals to plan commission, sec. 62.23(5):

- proposed ordinances, amendments or repeals under sec. 62.23 & sec. 236.45 (subdivision or land division ordinances);
- and other matters specified by statute or ordinance.

Powers & Duties

Rules and records sec. 62.23(2):

- “The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record”

Powers & Duties

General powers and duties sec. 62.23(4):

- may make reports and recommendations relating to planning and development
may recommend programs for public improvements
- “in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon”

Powers & Duties

General powers and duties sec. 62.23(4):

- “In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.”

Powers & Duties

Zoning sec. 62.23(7):

- Ordinance development, amendment and administration.
- NOTE: Role town plan commission plays in zoning depends upon whether or not it is part of countywide zoning. Town plan commission role may vary considerably from town to town.

Powers & Duties

Town plan commission may be involved in county zoning:

- petitions to amend county zoning
- exercise of disapproval authority over proposed amendments to county zoning
- testimony and recommendations to county zoning and land use committee regarding applications for zoning amendments, variances and conditional use permits

Powers & Duties

Other powers and duties:

- Development and amendment of official map
- Develop and propose subdivision/land division ordinance (ch. 236)
- Review and if authority delegated [sec. 236.10(3)], approve or object to proposed subdivision/land divisions

Roles & Responsibilities

- Primary role of plan commission is to prepare, assist the governing body in implementing, and update the local comprehensive plan.

Roles & Responsibilities

Plan commission role in Richland County Comprehensive Planning process:

- Provide feedback and direction to SWWRPC in developing the plan information, policies and implementation measures.
- Hold meetings for the purpose of discussing comprehensive planning issues.

Roles & Responsibilities

Plan commission role in Richland County Comprehensive Planning process:

- Develop comprehensive plan and recommend it to the governing body for adoption.
- Represent the jurisdiction at joint-jurisdictional meetings during the planning process.

Roles & Responsibilities

During comprehensive planning the plan commission:

- ensures citizen involvement in the process,
- provides structure for the process,
- and frees the governing body of the time-consuming process, thereby allowing it to carry out other functions.

Roles & Responsibilities

Work with many people including:

- Local governing body
- Other governmental units
- Citizens
- Planning advisory committee
- Developers and builders

Roles & Responsibilities

Work with many people including:

- Planning staff
- Attorneys
- Regional planning commissions
- Media
- Cooperative Extension Agents
- DNR, Land Conservation, etc.

Roles & Responsibilities

Continuing education on:

- service as a plan commissioner
- local issues
- current laws
- comprehensive planning
- public participation techniques

Roles & Responsibilities

Governmental decision-making:

- Legislative Decisions (policy making) – recommending actions to the governing body regarding adopting or amending plans and implementation tools.

Roles & Responsibilities

Governmental decision-making:

- Quasi-judicial Decisions (application of laws) – applying local ordinances to make decisions regarding zoning conditional use permits, plat approvals and administrative appeals and variances for specified ordinances.

Roles & Responsibilities

Governmental decision-making:

- Administrative Decisions (ministerial duties)
 - issuing permits or making personnel or other management decisions.

Roles & Responsibilities

Type of decision determines:

- The rules that apply to the decision-making process
- and the degree of discretion available to decision-makers.

Roles & Responsibilities



Roles & Responsibilities

A good decision is:

- clearly linked to vision/policy objectives;
- based on fact and science;
- not in conflict with related policies;
- technically and administratively feasible;

Roles & Responsibilities

A good decision is:

- socially & economically fair;
- politically acceptable;
- and simple and understandable.

Roles & Responsibilities

When making decisions determine:

- the nature and importance of the decision;
- who will make the decision;
- the decision-making process;
- the criteria that will be used to make the decision;

Roles & Responsibilities

When making decisions determine:

- opportunities for public participation;
- how the plan commission will respond to public comments;
- and the timeline for making the decision.

Roles & Responsibilities

Involve stakeholders and identify their interests:

- economic, social, political and cultural interests;
- those who believe their interests are affected;
- those whose power or influence is enhanced or diminished;

Roles & Responsibilities

Involve stakeholders and identify their interests:

- political or social movers and shakers;
- those with an axe to grind;
- and representative/s of decision-making body.

Roles & Responsibilities

Conduct public meetings & hearings:

- attend meetings and be on time
- provide meaningful opportunities for public to participate
- listen and show respect
- avoid jargon and explain terms
- ask questions

Roles & Responsibilities

Follow legal requirements:

- Open meetings law
- Open records law
- Voting requirements
- Conflict of interest laws
- Public notification requirements for meetings and hearings