

**Town of Somerset**  
**Ordinance 2007-02**  
**Town of Somerset Plan Commission**

The Town Board of the Town of Somerset, St. Croix County, Wisconsin, does ordain as follows:

**Section 1. Title**

This ordinance is entitled the “Town of Somerset Plan Commission Ordinance.”

**Section 2. Purpose**

The purpose of this ordinance is to update Town of Somerset Plan Commission Ordinance 1996-02 to comply with current Wisconsin State Statutes 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** (7-Member)

The Town Board of the Town of Somerset, having been authorized by the Town meeting under § 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 §§ 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under §§ 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 consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and six (6) 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 the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. [All appointments are subject to the advisory approval of 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 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 §§ 19.01 and 60.31, Wis. Stats.

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

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

**Section 7. Vacancies**

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

**Section 8. Compensation; Expenses**

The Town Board of the Town of Somerset will set compensation for the citizen members of the Plan Commission by resolution as allowed under § 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under § 60.321, Wis. Stats.

**Section 9. Experts & Staff**

The Plan Commission may, under § 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 § 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 §§ 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 § 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 § 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.

**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, § 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, §§ 19.21-19.39; Code of Ethics for Local Government Officials, §§ 19.42, 19.58 & 19.59; Open Meetings, §§ 19.81-19.89; Misconduct in Office, § 946.12; and Private Interests in Public Contracts, § 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 § 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.
- (5) 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.

### **Section 14. Town Comprehensive Planning: General Authority & Requirements**

- (1) The Plan Commission has completed and adopted 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.
- (2) The Plan Commission shall review the comprehensive plan as adopted by the Town Board in 2003 at regular intervals to ensure that the demographic and other data is still valid. Any changes required will be prepared and presented to the Town Board for review and adoption to ensure that any Town program or action affecting land use will be consistent with the Town comprehensive plan under § 66.1001(3), Wis. Stats.

### **Section 15. Plan Implementation & Administration**

- (1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
  - (a) Official map. A proposed official map ordinance under § 62.23 (6), Wis. Stats.
  - (b) Subdivisions. A proposed Town subdivision or other land division ordinance under § 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 zoning administrator shall refer applications for special exception permits under St. Croix County Zoning Ordinances to the Plan Commission for review and recommendation to the Town Board as provided. [The Town of Somerset is under St. Croix County Zoning Ordinances]

b) Subdivision review. Proposed plats under ch. 236, Wis. Stats, and proposed subdivisions or other land divisions under the Town subdivision ordinance under § 236.45, Wis. Stats. shall be referred to the Plan Commission for review and recommendation to the Town Board.

(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 §§ 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.

### **Section 16. Referrals to the Plan Commission**

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

- (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 § 236.45, Wis. Stats.
- (f) The location, character and extent or acquisition, leasing or sale of lands for
  - (i) public or semi-public housing;
  - (ii) slum clearance;

- (iii) relief of congestion; or
- (iv) vacation camps for children.
- (g) The amendment or repeal of any ordinance adopted under § 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under § 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 § 62.23(5), Wis. Stats.

The following shall be referred to the Plan Commission for report:

- (a) An application for initial licensure of a child welfare agency or group home under § 48.68(3), Wis. Stats.
- (b) An application for initial licensure of a community-based residential facility under § 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 § 66.0905, Wis. Stats.
- (d) Matters relating to the establishment or termination of an architectural conservancy district under § 66.1007, Wis. Stats.
- (e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under § 66.1107, Wis. Stats.
- (f) Matters relating to the establishment or termination of a business improvement district required to be referred under § 66.1109, Wis. Stats.
- (g) A proposed housing project under § 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 § 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:

- (a) Any proposal, under § 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 § 60.64, Wis. Stats.
- (c) A proposed driveway access ordinance or amendment.
- (d) A proposed Town official map ordinance under § 62.23(6), Wis. Stats., or any other proposed Town ordinance under § 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
- (e) An application for a special exception permit under the St. Croix County zoning ordinance.

- (f) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under § 62.23(7a), Wis. Stats.
  - (i) A proposed boundary change pursuant to an approved cooperative plan agreement under § 66.0307, Wis. Stats., or a proposed boundary agreement under § 66.0225, Wis. Stats., or other authority.
  - (j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under § 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 § 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 § 66.0435, Wis. Stats.
  - (n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under § 66.1009, Wis. Stats.
  - (o) A proposed town airport zoning ordinance under § 114.136(2), Wis. Stats.
  - (p) A proposal to create environmental remediation tax incremental financing in the town under § 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) Other (specify).
  - (s) 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:
- (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 § 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 proposed intergovernmental cooperation agreement, under § 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under § 66.0305, Wis. Stats.
  - (f) A proposed plat or other land division under the county subdivision or other land division ordinance under § 236.45, Wis. Stats.
  - (g) A proposed county plan, under § 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 17. 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 § 60.80, Wis. Stats.

ADOPTED this 3rd day of October, 2007.

\_\_\_\_\_ (Town Board Chairperson)

[Published / Posted] this 11<sup>th</sup> day of October, 2007.

Attest: \_\_\_\_\_ (Town Clerk)