Plan Commission Workshop

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UW-Stevens Point/Extension
Plan commission roles and responsibilities

• Planning and plan implementation
• Development review
  ✓ Rezones
  ✓ Conditional Uses / Special Exceptions
  ✓ Land division plats
• Referrals and advisory recommendations
• Public involvement
Local Government Structure

Elected

Appointed

Governed by:
- County/Town/Village Board, City Council
- County Exec/Admin, Mayor, President

Staff:
- Planning Director
- Zoning Administrator
- Legal Counsel

Appointed by:
- County/Town/Village Board, City Council

Boards/Commissions:
- Plan Commission
- Zoning Committee
- Zoning Board of Adjustment/Appeals
Let’s Review: who does what?

**Governing Body**
- Plans, ordinances, amendments
- Conditional use permits?
- Plat review?

**Plan Commission**
- Policy Recommendations
- Conditional use permits?
- Plat review?

**Zoning Administrator**
- Simple zoning permits

**Zoning Board**
- Conditional use permits?
- Variances
- Administrative appeals

Legend:
- Policy-Making
- Zoning
- Subdivision
67% of local governments have zoning, land division or official mapping functions which require consistency with a comprehensive plan.

84% have adopted a plan or started planning.

Comp Plan
- 9 elements
- Public participation
- Adopted by ordinance
- Update at least every 10 yrs

(Wis. Stat. §66.1001)

As of November 2010:
- Adopted: 1,417
- Process underway: 132
- Not planning: 143
- Unknown: 158

Please consult with individual local governments to check accuracy or for those municipalities with an “unknown” status and email comp.planning@wisconsin.gov with any corrections to be made. See s. 66.1001, Wis. Stats., for more information on Wisconsin’s Comprehensive Planning Law.

Some information self-reported by local and regional governments
Comprehensive Planning

• Allows a community to identify, anticipate, balance and decide how to meet its needs
• Fosters predictable and defensible decisions
• Provides a proactive approach to the future
Using the Comprehensive Plan

• Do local officials and the public have access to your plan and ordinances?
  – Post on website
  – Place printed copies in schools, libraries, and government offices
  – Hang large-format maps in meeting rooms
  – Provide a copy to plan commissioners and other local officials
City, Village, and Town Comprehensive Plans

Below are links to the City/Village/Town websites, their Plan Commission meeting schedule, and pertinent documents.

City of Amery
Plan Commission meetings: 3rd Thursday of each month at 4pm
- [Adopted Comprehensive Plan.pdf](#)

City of St. Croix Falls
Comprehensive Plan

Village of Balsam Lake
Plan Commission meetings: 3rd Wednesday of each month at 6:30pm at the Municipal Building
- [Adopted Comprehensive Plan.pdf](#)
Using the Comprehensive Plan

- Do you regularly consult the plan before making major decisions?
  - Rezones, subdivision plats, other land use permits
  - Investment of public dollars (capital improvements, TIF funds, etc.)
  - Location of infrastructure (parks, roads, sewer, water, etc.)
Using the Comprehensive Plan

Consistency Review

- Beginning Jan. 1, 2010, new or amended zoning, land division and official mapping ordinances must be consistent with the plan
- Consistent means “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan”

(2009 Wisconsin Act 372)
Consistency

- Not a literal, exact translation from plan to ordinance
- Ordinance usually includes more detailed maps/text
- Absence of policy does not create an inconsistency
- Plan and supporting ordinances not contradictory

Example: Town of Wilson, Lincoln County
Consistency Example

- Village of Black Creek – Future Land Use Maps

10 and 20 year future land use maps show location, intensity and timing of development.
Consistency Example

- Village of Mount Horeb – Future Land Use Map

Plan specifies conditions under which growth may occur:

“development of this area is conditioned on the improvement of a new north-south collector road”
Consistency Example

• Village of DeForest – Growth Phasing Map

Growth phasing map specifies desired timing of development
Consistency Example

- Village of DeForest – “Consistency Matrix”

Future land use categories include zoning district recommendations

<table>
<thead>
<tr>
<th>Zoning Designation / Future Land Use Designation</th>
<th>Single Family Residential Sewered</th>
<th>Two-Family Residential</th>
<th>Mixed Residential</th>
<th>Planned Neighborhood</th>
<th>Mixed Use Centers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>RH: Rural Housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1: Single Family Residential</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-2: Two Family Residential</td>
<td></td>
<td>✗</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-3: Multi-Family Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Districts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-1 Central Business</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
• City of Sparta – Development Concepts Map
Maps are drawn in “bubble” fashion showing general locations for future development
Plan Implementation

• Refer to implementation element for a list of programs, policies, tools, actions and other recommendations to implement the plan

• Identify for each tool:
  – Timeline for implementation
  – Resources required
  – Party responsible for implementation
  – Indicators or measures of success
## Implementation Actions

### Enhance Business Climate and Commerce - Page 48

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
<th>Cost</th>
<th>Time Frame</th>
<th>Funding Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Establish continuous retail frontage along main street</td>
<td>M&amp;C, EDA, CC</td>
<td>$$$</td>
<td>L-H</td>
<td>PF, PV</td>
</tr>
<tr>
<td>2. Redevelop underutilized land in the downtown</td>
<td>M&amp;C, EDA, HRA, PC</td>
<td>$$$</td>
<td>M-L</td>
<td>PF, DEED, FR, CF, PV</td>
</tr>
<tr>
<td>3. Maintain existing destination retailers in the downtown</td>
<td>M&amp;C, CC, EDA</td>
<td>$</td>
<td>S-L</td>
<td>PV</td>
</tr>
<tr>
<td>4. Continue to develop mixed use in the downtown</td>
<td>M&amp;C, EDA, HRA, CC, PC</td>
<td>$$$</td>
<td>L</td>
<td>PF, FR, PV</td>
</tr>
<tr>
<td>5. Expand lodging options in the downtown</td>
<td>M&amp;C, EDA, CC</td>
<td>$</td>
<td>S-L</td>
<td>PF, FR, PV</td>
</tr>
<tr>
<td>6. Develop the Crow River districts along Highway 7</td>
<td>M&amp;C, EDA, HRA, PC</td>
<td>$$$</td>
<td>L</td>
<td>PF, FR, PV</td>
</tr>
</tbody>
</table>

### Develop Attractive Housing Options - Page 66

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsibility</th>
<th>Cost</th>
<th>Time Frame</th>
<th>Funding Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Enhance upper levels of commercial building for living spaces</td>
<td>HRA, EDA, PAC</td>
<td>$</td>
<td>I-M</td>
<td>FR, PV</td>
</tr>
<tr>
<td>2. Improve existing housing in the neighborhoods surrounding downtown</td>
<td>M&amp;C, PC, HRA</td>
<td>$</td>
<td>S-L</td>
<td>PF, FR, CF, PV</td>
</tr>
<tr>
<td>3. Investigate conversion of Park Elementary School into live/work or artist’s studios and housing</td>
<td>M&amp;C, HRA, PAC, EDA, CA</td>
<td>$$$</td>
<td>S-L</td>
<td>FR, CR, PV</td>
</tr>
<tr>
<td>4. Add new housing options in the downtown</td>
<td>M&amp;C, HRA, PC</td>
<td>$</td>
<td>I-L</td>
<td>PF, FR, CF, PV</td>
</tr>
<tr>
<td>5. Develop housing overlooking the river near Franklin Street and the old medical building site</td>
<td>M&amp;C, HRA, EDA</td>
<td>$</td>
<td>I-S</td>
<td>PF, FR, CF, PV</td>
</tr>
<tr>
<td>6. Develop housing overlooking the river in the East Crow River district</td>
<td>M&amp;C, PC, HRA</td>
<td>$</td>
<td>M-L</td>
<td>PF, FR, CF, PV</td>
</tr>
<tr>
<td>7. Create a long-term housing improvement and redevelopment area on the East Side of downtown</td>
<td>M&amp;C, PC, HRA, EDA, PRCE</td>
<td>$</td>
<td>L</td>
<td>PF, CF, PV</td>
</tr>
</tbody>
</table>

### Responsibility

- M&C - Mayor and City Council
- HRA - Housing and Redevelopment Authority
- PC - Planning Commission
- EDA - Economic Development Authority
- PRCE - Parks/Recreation/Community Education
- PAC - Public Arts Commission
- CC - Chamber of Commerce
- HH - Heart of Hutchinson
- HIS - Historic Hutchinson
- CA - Center for the Arts

### Cost

- $ - Low
- $$ - Mid
- $$$ - High

### Time Frame

- I - Immediate (1-2 years)
- S - Short Term (2-7 years)
- M - Mid Term (7-15 years)
- L - Long Term (15+ years)

### Funding Options

- PF - Public Finance
- DEED - Deed Grants
- LEG - Legacy Grants
- FR - Fund Raising
- CF - City Funds
- PV - Private

### Vision Principles

- [Icons for Vision Principles]
Plan Implementation Toolbox

Regulatory Tools:
- Zoning
- Official mapping
- Subdivision regulation
- Cluster/conservation design
- Sign ordinances
- Driveway ordinances
- Building and sanitary codes
- Livestock facility siting ordinance
- Stormwater management

Educational/Voluntary/Fiscal Tools:
- Pamphlets, brochures and other educational materials
- Public land acquisition
- Land conservation programs
- Purchase or transfer of development rights
- Capital improvement plan
- Impact fees and user fees
- Density bonus
- And many, many more...

See PC Handbook, Chapter 5
## Monitoring Progress

### Performance Measures (Bicycle Master Plan)

<table>
<thead>
<tr>
<th>Performance Measure</th>
<th>Baseline Data</th>
<th>Target Benchmarks</th>
<th>Data Collection Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of bicycle network completed</td>
<td>34% of network currently exists as recommended</td>
<td>60% by 2015 70% by 2020 100% by 2030</td>
<td>Parks Department will provide annual report</td>
</tr>
<tr>
<td>Number of bicycle maps and safety brochures distributed each year</td>
<td>4,004 distributed in 2008</td>
<td>Distribute 5,000 each year</td>
<td>Parks Department will provide annual report</td>
</tr>
<tr>
<td>Percentage of all commute trips made by bicycle</td>
<td>Central City: 3.23% Citywide: 0.96%</td>
<td>Central City: 8% by 2015, 10% by 2020 Citywide: 2% by 2015, 5% by 2020</td>
<td>Transportation survey conducted every two years</td>
</tr>
</tbody>
</table>
Monitoring Progress

Annual Self-Audit

• Hold joint meeting with governing body, plan commission, zoning board and staff
• Monitor progress towards plan implementation
• Summarize number and types of rezones, conditional uses, variances, appeals, etc.
• Make recommendations to clarify plan or ordinance language that is unclear, inadequate, overly restrictive or otherwise problematic

See PC Handbook (chapter 6, pg. 11) or BOA Handbook (chapter 19)
Zoning

Counties
• Required to administer shoreland/wetland zoning
• May adopt general zoning in unincorporated areas

Towns
• May adopt general zoning following adoption of village powers or if no county zoning

Cities/Villages
• May adopt general zoning
• May adopt extra-territorial zoning extending 1.5-3 miles beyond boundaries
• May have shoreland or floodplain zoning - required in some circumstances

Information self-reported to Wisconsin Department of Administration, November 30, 2010
A zoning ordinance contains 2 parts:

- **Map** – divides the community into districts
- **Text** – describes allowable uses and dimensional restrictions (i.e. lot size, density, setbacks, height, etc.)
Zoning – Allowable Uses

1. **Permitted Use** – use is listed and **allowed by right** in all parts of a zoning district (granted by zoning administrator)

2. **Conditional Use / Special Exception** – use is listed for a district and **may be allowed** if suited to the location (decided by plan commission, zoning board or governing body)

3. **Unlisted or Prohibited Use** – use is **not listed** for the district or **expressly prohibited**
Conditional Use / Special Exception

- Must be listed for the zoning district
- Decision criteria also listed in the ordinance
- Discretionary decision – may be granted or denied
- Conditions may be attached
Conditional Use / Special Exception

- Permit generally assigned to property, not owner
- Conditions cannot be changed unless permit is revoked or expires
  - Permit may be revoked due to non-compliance
  - Expiration date appropriate for temporary uses such as gravel pit
- In the case of a zoning change, property becomes nonconforming and conditions cannot be enforced
  (Hussein v. Germantown BOA, 2011 WI Court of Appeals)
Options for developing conditions:

- Zoning staff develops generic list of conditions based on common permit requests/situations
- Zoning staff recommends conditions specific to permit request as part of staff report
- PC/GB/BOA develops conditions specific to permit request at close of public hearing
- Some combination of the above
Conditions must meet 2 tests:

1) **Essential nexus** – address expected harmful project impacts

2) **Rough proportionality** – be proportional to the extent of those impacts
Options for ensuring compliance:

- Conditions recorded on deed
- Compliance reporting by owner as condition of permit (required on periodic basis or upon sale of property)
- Zoning staff maintains database and periodically checks for enforcement
- Cash or surety bond for projects involving significant capital outlay (i.e. mitigation, construction, etc.)
- Do nothing -- wait for complaints
Zoning – Relief Mechanisms

1. **Variance** – allowed “violation” of an ordinance standard (decided by zoning board)

2. **Appeal** – contested decision or interpretation of the zoning ordinance (decided by zoning board or circuit court)

3. **Map or Text Amendment** – change to the zoning ordinance (adopted by governing body with advisory recommendation from plan commission)
Variance

Use variances “permit a landowner to put property to an otherwise prohibited use.”

Area variances “provide an increment of relief (normally small) from a physical dimensional restriction such as a building height, setback, and so forth.”

Ziervogel v. Washington County Board of Adjustment, 2004 WI Supreme Ct.
Variance

The applicant has burden of proof to show that all three statutory tests are met:

1. unnecessary hardship*
2. due to conditions unique to the property
3. no harm to public interests

See Zoning Board Handbook, Chapter 15: Variances
Zoning Amendments

Two types:

• **Map amendment** – change to district boundaries
• **Text amendment** – change to district regulations (i.e. allowed uses, setback, etc.)

Legislative decision

• Elected decision-makers have wide discretion
• Must be reasonable and constitutional
Suggested Rezoning Criteria:

• **Consistent with comprehensive plan.**

• **Meets criteria for proposed district.** May include soil suitability, septic suitability, environmental suitability, proximity to wetlands and adjacent waters, etc.

• **Compatible with adjacent uses.** Avoid potential conflicts with neighbors such as noise, litter, lighting, aesthetics, construction erosion, and stormwater runoff.

• **Public purpose.** Should provide public purpose or benefit; not merely benefit an individual property owner.
**Veto Authority for Towns under County Zoning**

**Stage 1**
Towns have 10 days from public hearing to object to changes outside shoreland/floodplain areas. If town disapproves, P&Z must revise proposal or recommend denial.

**Stage 2**
If majority of affected towns disapprove within 40 days of county vote, amendment does not take effect.

1. Petition for ordinance amendment
2. Notice of public hearing & notice to affected towns
3. Public hearing on map and/or text amendment
4. P&Z committee recommendation to county board
5. Protests of affected landowners
6. Governing body approves/modifies/denies amendment
7. Amendment goes into effect & is published
8. Appeal to Circuit Court
Local subdivision regulation is enabled under statutes s. 236.45, Wis. Stats. The term "land division regulations" is often used for local subdivision regulations. This map does not display county subdivision regulations exercised by counties in unincorporated areas. Please consult with individual local governments to check accuracy or for those municipalities with an "unknown" status. Please email comp.planning@wisconsin.gov with any corrections to be made.

Information self-reported by local and regional governments
Is a subdivision plat required?

Scenario 1
Jack and Jill propose creating 5 lots that are each 1.5 acres in size.
Is a subdivision plat required?

YES!

- State provides minimum standards for subdivisions
  - Creation of 5 or more parcels of 1½ acre or less within 5 years
  - plat map, monuments, legal description, sanitation, street access
- Counties, towns, cities, villages may also have ordinances
- Most restrictive ordinance applies
Objecting Authorities

• The following agencies have authority to review and “object” to state-defined subdivision plats:
  
  – **Dept. of Administration** – all subdivisions reviewed for compliance with surveying, layout, mapping and plat submittal requirements.
  
  – **Dept. of Transportation** – subdivisions that abut a state trunk or connecting highway reviewed for public safety issues and the preservation of public interests/investments.
  
  – **County planning agency** – subdivisions not served by public sewer reviewed for lot size/elevation necessary for proper sanitary conditions.
  
  – Some counties review for conflicts with parks, highways, airports, schools, and other planned public developments.
Approving Authorities

• The following units of government have authority to review and “approve” of state-defined subdivision plats:
  
  – **City** – if the subdivision is located in the city or its extraterritorial plat review jurisdiction
  
  – **Village** – if the subdivision is located in the village or its extraterritorial plat review jurisdiction
  
  – **Town** – if the subdivision is located in the town or an area whose annexation is being contested by the town
  
  – **County** – if the subdivision is located in the county and outside the city or village plat review jurisdiction
Who has plat review authority?

Scenario 1

The subdivision is located in a town approximately 1 mile from the nearest village.

The county has a subdivision ordinance.

The town and village do not.
Extraterritorial Plat Review

- The extraterritorial plat approval jurisdiction extends:
  - 3 miles from a first, second, or third class city
  - 1.5 miles from a fourth class city or village

- The city or village must have an adopted subdivision ordinance or official map to exercise this authority

Answer: State, County and Town review Scenario 1
Is a subdivision plat required?

Scenario 2
Jack and Jill propose creating 25 lots ranging in size from 5-10 acres.
## Is a subdivision plat required?

It depends on local regulations...

<table>
<thead>
<tr>
<th></th>
<th>No. parcels</th>
<th>Parcel size</th>
<th>Time period</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>5 or more</td>
<td>1.5 acres or less</td>
<td>5 years</td>
</tr>
<tr>
<td>Racine Co.</td>
<td>5 or more</td>
<td>3 acres or less</td>
<td>5 years</td>
</tr>
<tr>
<td>Kenosha Co.</td>
<td>5 or more</td>
<td>5 acres or less</td>
<td>5 years</td>
</tr>
<tr>
<td>Walworth Co.</td>
<td>5 or more</td>
<td>15 acres or less</td>
<td>5 years</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>No. parcels</th>
<th>Parcel size</th>
<th>Time period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polk Co.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Subd.</td>
<td>1-4</td>
<td>19 acres or less</td>
<td>5 years</td>
</tr>
<tr>
<td>Major Subd.</td>
<td>5 or more</td>
<td>19 acres or less</td>
<td>5 years</td>
</tr>
</tbody>
</table>
Land divisions that do not meet state or local definitions of subdivision (based on number or size):

- Surveyed, monumented, and mapped by a registered land surveyor
- Approved certified survey map filed with the county register of deeds

Polk County = any division >19 acres
What can the town review for?

Scenario 2

- Layout, access and safety (sight lines, turning radius, emergency vehicle access, etc.)
- Provision of public improvements (street lights, curb and gutter, etc.)
- Efficient use of public facilities/services (road length, proximity to existing utilities, etc.)
- Preservation of natural features (steep slopes, shorelands, wetlands, forests, etc.)
- Compatibility with adjacent uses (use, intensity, scale, etc.)
What can the town review for?

• Plat approval may **only** be conditioned on:
  – Compliance with local ordinances in place at time of submittal
  – Consistency with comprehensive plan or official map
  – Provision of public improvements or financial guarantees
    (contained in a town/village/city subdivision ordinance)
  – Satisfaction of objections raised by state agencies
  – Other requirements of Wis. Stat. Ch. 236

Short answer... items contained in an **adopted**
comprehensive plan, ordinance or official map.
Role of the Plan Commission

• Subdivision plats must be referred to the plan commission for review and a recommendation.
• The governing body may delegate preliminary or final plat approval authority to the plan commission.
• Final plats dedicating streets, highways or other lands must be approved by the governing body.

(Wis. Stat. 62.23(5) and 236.10(3))
Typical Plat Review Process

1. Pre-Application Conference (PC and Staff – if required)
   • Informal review intended to spot problems upfront

2. Preliminary Plat Approval (GB or PC – if required or submitted)
   • Submission of detailed plans and maps
   • 90 days for local government to approve, condition or deny

3. Final Plat Approval (GB or PC)
   • Submission of detailed engineering and design drawings that meet requirements of Ch. 236
   • 20 days for state agencies to register objection
   • 60 days for local government to approve, condition or deny

4. Survey by registered land surveyor and recording with county register of deeds
PRE-APPLICATION CHECK LIST

- Dumpster Enclosures
- Cross sections of all RTU, wall mounted meters or air handling units.
- Lighting Plan – Parking Lot and Street Lighting if required

§ 226 & § 275.55 Stormwater & Drainage Plan
- Stormwater Management Plan meeting the requirements of Chapter 226
- Master Grading Plan drawn to a scale no greater than 1” = 100’ on no smaller than 24” x 36” sheets
- Erosion Control Plan drawn to a scale no greater than 1” = 100’ on no smaller than 24” x 36” sheets

§ 275.44C(3) Utility Plans
- The Utility Plan may be incorporated into the site plan as long as it remains readerable.
- Utility Plans draw to a scale no greater than 1” = 100’ on no smaller than 24” x 36” sheets (four copies required).
- Sewage Disposal with location of pipe, septic field, holding tank or sampling manhole
- Water Supply source with location of pipe or well
- Location of electric, gas and telecommunication equipment
- Location of existing and proposed utility easements
- RTU, wall mounted meters or air handling units.

§ 275.56 Landscaping Plan
- Landscaping Plan to a scale no greater than 1” = 100’ on no smaller than 24” x 36” sheets (four copies required)
- Landscaping Plan drawn and colored suited for public presentation to fit on a single 11” x 17” sheet (eighteen color copies required)
- Signature of Landscape Architect that prepared plan
- Fiscal security – installation and maintenance bond or letter of credit
- Limits of Disturbance boundary, § 275.54A
- Size, location, type and height of new and existing landscaping
- Screening materials
- Location of electric, gas and telecommunication equipment screening
- RTU, wall mounted meters or air handling units screening.
- Buffer yard landscaping
- Existing wooded areas
- Watercourses
- Scenic or significant vistas
- Pedestrian Access / Sidewalks / Trails

§ 275.54 Natural Resource Preservation
- Limits of Disturbance (LOD) boundary shown on Site Plan and Landscaping Plan
- No development, grading or vegetation removal or alteration (other than approved landscaping) shall occur outside the LOD
- Residential uses: No more than 60% of the total gross area to be within the LOD
- Non-Residential uses: No more than 75% of the total gross area to be within the LOD
- Woodland, tree and vegetation protection shown on Landscaping Plan
- Location and size of all significant trees (deciduous trees with a DBH of 5 inches or larger or conifers trees 10 foot and taller)
- Significant trees to be removed shall be identified
- Location and size of all replacement trees, see § 275.54B(6)
- Wildlife conservation plan (only if required by staff) in accordance with § 275.54C

§ 275.37(6)(b) Wetland Field Verification

D:\Adopted Manual 021006\Section 14A\Pre-Application Checklist 021106.doc
Adopted by BFH February 13, 2006
Preliminary Plat drawn to scale including location of streets, utility lines, parks, storm drainage, sewer and water lines, etc.
Final Plat including subdivision name, legal description, street names, boundaries, measurements and other engineering data.

Must follow accepted printing, layout and binding standards.

Accompanied by:
Surveyor’s certificate of compliance,
Owner’s certificate of dedication,
Consent of mortgagee,
Certificate of taxes paid,
Description of easements, and
Local government approvals.
Referrals and Advisory Recommendations

The following matters must be referred to the PC:

• Land division and subdivision plats (Wis Stat 62.23(5))
• Adoption or amendment of subdivision or land division ordinance (Wis. Stat. 236.45(4))
• Amendment or repeal of comprehensive plan, zoning ordinance, official map (Wis Stat 62.23(5))
• Acquisition of or changes to land for public purposes (street, park, airport, housing, etc.) (Wis Stat 62.23(5))
• Location and design of public buildings (Wis Stat 62.23(5))
• Location, extension or abandonment of public or privately-owned utilities (Wis Stat 62.23(5))
• Location of statues and memorials (Wis Stat 62.23(5))
Referrals and Advisory Recommendations

- Application for licensure of a child welfare agency or group home (Wis. Stat. 48.68(3)) or community-based residential facility (Wis. Stat. 50.03(4))
- Creation of a pedestrian mall (Wis. Stat. 66.0905)
- Proposed housing projects (Wis. Stat. 66.1211(3))

Additional matters at discretion of governing body:
- ex. conditional use permits, site plan review, planned unit developments, intergovernmental agreements, etc.

In most cases, Plan Commission has 30-day review period before decision-making body may take action. Failure to refer may result in a court voiding action.
Rules for Decision-Making

- **Legislative policies, plans, ordinances, amendments**
  - Constitutional and reasonable.
  - Public participation encouraged.

- **Quasi-judicial variances, conditional uses, plat review**
  - Pre-determined standards apply.
  - Conditions may be applied.
  - Procedural due process.
  - Notice, public hearing, record, impartial decision-maker

- **Administrative permits**
  - Apply ordinance as written.
  - No additional conditions.
Impartial Decision-Makers

Ex-parte Communication = discussion regarding a pending matter not included in the public record.

• Quasi-judicial decision-makers should...
  – avoid it,
  – disclose it, and
  – encourage citizens to make important information part of the public record.
“Recuse” yourself from decisions that present a conflict of interest or bias (or appearance of bias)
- Not the same as abstaining (not voting)
- Do not participate in decision or discussion leading up to decision
- Physically separate yourself from the decision-making body
- If you need to provide testimony, do so as a member of the audience
Public Hearings

• A public hearing is for the purpose of receiving public comment regarding a pending decision.
  – Notice requirements:
    • 1 newspaper publication at least 30 days prior to comprehensive plan adoption/amendment
    • 2 consecutive newspaper publications in 2 weeks prior to ordinance adoption/amendment
    • Other decisions as specified by ordinance
Open Meetings

• A government meeting is for the purpose of conducting public business (apply ‘purpose’ and ‘numbers’ test)
  – May include a period of public comment
  – Only noticed agenda items may be decided
  – Closed sessions limited by statute
  – Notice required at least 24 hours prior (2 hours for good cause); notice may be posted (3 locations recommended)
  – Paid, published notices not required
Beyond Meetings and Hearings

See Plan Commission Handbook, Chapter 4 for ideas and worksheets
Tools You Should Have

- Copy of Comprehensive Plan
- Copy of Zoning Ordinance and other Codes
- Decision Forms
- Rules of Procedure
Recommended Resource

Plan Commission Handbook (CLUE, 2012)

www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx

I. Introduction to the Plan Commission
II. Procedural Responsibilities
III. Community Planning
IV. Public Participation
V. Plan Implementation
V. Ordinance Administration
VI. Zoning Regulations
VII. Subdivision Regulations

Includes forms, worksheets, glossaries and recommended resources
Thank You!

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