

SECTION 2.7.04. VILLAGE OF LAKE HALLIE PLANNING COMMISSION

(1) Mission Statement. The mission statement of the Village of Lake Hallie Planning Commission is to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Village and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

(2) Establishment. The Village Board in the exercise of its authority under Wis. Stats. Chapter 61, establishes a seven (7) member Planning Commission under Sec. 61.35 Wis. Stats. The Planning Commission shall be considered the "Village Planning Agency" under Secs. 236.02(13) and 236.45 Wis. Stats., which authorizes, but does not require, Village adoption of a subdivision or other land division ordinance.

(3) Membership. The Planning Commission shall consist of one (1) member of the Village Board, who may be the Village President, and at least three (3) citizen members, who shall be appointed by the Village President, and confirmed by the Village Board. Qualified citizen candidate members to the Planning Commission must be electors of the Village of Lake Hallie with a demonstrated interest in orderly growth and development in the Village of Lake Hallie.

(4) Appointments and Removal.

(a) The Village President shall appoint the members of the Planning Commission and designate a Planning Commission Chairperson during the month of April to fill any expiring term. The Village President may appoint himself or herself or another Village Trustee to the Planning Commission and may designate himself or herself, the other Village Trustee, or a citizen member as Chairperson of the Planning Commission. A Pre-requisite for a citizen member to become Chairperson of the Planning Commission is to serve at least one (1) year as a Planning Commission member. All appointments are subject to the advisory approval of the Village Board. In a year in which any Village Trustee is elected at the Spring election, any appointment or designation by the Village President shall be made after the election and qualification of the Village Trustee(s) elected. Any citizen appointed to the Planning 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.

(b) The Village Board may remove any appointed Commission member, at any time, by majority vote of the Village Board. Removal will be made after discussion at the second scheduled Village of Lake Hallie Board meeting of that month.

(5) Terms of Office. The term of office for the Planning 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, except:

(a) The Village President, or a Village Trustee, who serves on the Planning Commission shall serve for a period of two (2) years, as allowed under Sec 66.50 1(2), Wis. Stats., concurrent with his or her term on the Village Board. An initial appointment

of the Village President, or a Village Trustee, made after April 30 shall be for a term that expires two (2) years from the previous April 30.

(6) Commission Members. All members of the Planning 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, Code of Ethics for Local Government Officials, Open Meetings, Misconduct in Office, and Private Interests in Public Contracts. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

(7) Vacancies. A person who is appointed to fill a vacancy on the Planning Commission shall serve for the remainder of the term.

(8) Advisory. Serving as advisory to the Planning Commission are the following:

- (a)** Police Chief or designee
- (b)** Fire Chief or designee
- (c)** Attorney
- (d)** Assessor
- (e)** Surveyor
- (f)** Road Superintendent or designee
- (g)** Sanitary District Manager or designee

(9) Recommendations. The Planning Commission may recommend to the Village Board the employment of experts to assist with their duties under this ordinance.

(10) Records. The Planning Commission may adopt rules for the transaction of its business, subject to compliance with Village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record and available for public inspection, as provided under Secs. 19.21 to 19.39 Wis. Stats.

(11) Duties and Responsibilities.

(a) Board Referral. The Planning Commission shall accept and consider matters referred by the Village Board for planning and development.

(b) Initiative. On its own initiative, the Planning Commission may consider all matters relevant to the orderly growth and development of the Village of Lake Hallie.

(c) Recommendation. After review and study, the Planning Commission shall make recommendations to the Village Board.

(12) Chairperson & Officers.

(a) Chairperson. The Planning Commission Chairperson shall be appointed and serve a term as provided in Sections 6 and 7 herein. The Chairperson shall

1. Provide leadership to the Planning Commission.
2. Set Planning Commission meeting and hearing dates.
3. Provide notice of Planning Commission meetings and hearings and set their agendas, personally or by his or her designee.

4. Preside at Planning Commission meetings and hearings; and
5. Take reasonable steps to ensure that all laws are followed.

(b) Vice Chairperson. The Planning 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 Planning Commission shall elect, by open vote or secret ballot, one of its members to serve as Secretary.

(13) General and Miscellaneous Powers. The Planning Commission shall have the power:

(a) Necessary to enable it to perform its functions and promote Village planning.

(b) To make reports and recommendations to the Village Board, and other public bodies, citizens, public utilities and organizations relating to the planning and development of the Village of Lake Hallie, that do not exceed the Planning Commission's budget allocation.

(c) To recommend to the Village 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 Planning 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. The Planning Commission must give at least 24 hour notice of its intent to designate one or more persons to enter upon land in the performance of the Commission's duties. 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.

(14) Village Comprehensive Planning: General Authority & Requirements.

(a) The Planning 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.

(b) The Planning Commission shall make and adopt the comprehensive plan with the time period directed by the Village Board, but not later than a time sufficient to allow the Village Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Village comprehensive plan is in effect by the date on which any Village program or action affecting land use must be consistent with the Village comprehensive plan under sec. 66.1001(3), Wis. Stats.

(c) In this section the requirement to "make" the plan means that the Planning Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Village of Lake Hallie by the Planning Commission, Village personnel, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(15) Procedure for Planning Commission Adoption & Recommendation of a Village Comprehensive Plan or Amendment. The Planning 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. Prior to beginning work on a comprehensive plan, the Planning Commission shall verify that the Village 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 Village Board and for the Village Board to respond to such written comments.

(b) Resolution. The Planning Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Village Board by adopting a resolution by a majority vote of the entire Planning Commission. The vote shall be recorded in the minutes of the Planning 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 Village 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 Planning Commission, which the clerk or secretary is directed to record in the minutes; and

5. The Planning 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.

(c) Transmittal. One copy of the comprehensive plan or amendment adopted by the Planning Commission for recommendation to the Village Board shall be sent to:

1. Every governmental body that is located in whole or in part within the boundaries of the Village of Lake Hallie, including any school district, 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 Village of Lake Hallie.

3. The Wisconsin Land Council.

4. After September 1, 2003, the Department of Administration.

5. The regional planning commission in which the Village of Lake Hallie is located.

6. The public library that serves the area in which the Village of

Lake Hallie is located.

(16) Plan Implementation & Administration.

(a) Ordinance development. If directed by resolution or motion of the Village Board, the Planning Commission shall prepare the following:

1. Zoning. A proposed Village zoning ordinance under village powers, Secs. 61.35 and 62.23(7), Wis. Stats., a Village construction site erosion control and stormwater management zoning ordinance under Sec. 61.354, Wis. Stats., a Village exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Village's authority.

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

3. Subdivisions. A proposed Village subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

4. Other. Any other ordinance specified by the Village Board.

(b) Amendment. The Planning Commission, on its own motion, or at the direction of the Village Board by its resolution or motion, may prepare proposed amendments relating to comprehensive planning and land use.

(c) Non-regulatory programs. The Planning Commission, on its own motion, or at the direction of the Village 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.

(d) Program administration. The Planning Commission shall, pursuant to Village ordinances, have the following powers:

1. Zoning conditional use permits. The zoning administrator shall refer applications for conditional use and/or special exception permits under Village zoning to the Planning Commission for review and recommendation to the Village Board.

2. Subdivision review. Proposed plats under ch. 236, Wis. Stats, (and proposed subdivisions or other land divisions under the Village subdivision ordinance under sec. 236.45, Wis. Stats.) shall be referred for review and recommendation to the Village Board.

(e) Consistency. Any ordinance, amendment, or program proposed by the Planning Commission, and any Planning Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's comprehensive plan under Secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of the date of the plan's adoption. If any such Planning Commission action would not be consistent with the comprehensive plan, the Planning Commission shall use this as information to consider in updating the comprehensive plan.

(17) Referrals to the Planning Commission.

(a) Required referrals under sec. 62.23(5). Wis. Stats. The following shall be referred to the Planning Commission for report:

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 Village's jurisdiction under Sec. 236, Wis. Stats., including divisions under a Village 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. Clearance or redevelopment;
 - C. Relief of congestion; or
 - D. Vacation camps for children.
7. The amendment or repeat of any ordinance adopted under Sec. 62.23, Wis. Stats., including ordinances relating to: the Village Planning Commission; the Village master plan or the Village comprehensive plan under Sec. 66.1001, Wis. Stats.; a Village official map; and Village 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 Planning Commission for report:

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 Village, 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 66.1107, 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 Village required to be referred under subch. XIII of Sec. 66, Wis. Stats.
9. The adoption or amendment of a Village 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 Planning Commission.

(c) Required referrals. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Planning Commission for report:

1. Any proposal, under Sec. 59.69, Wis. Stats., for the Village to approve general county zoning so that it takes effect in the Village, or to remain under general county zoning.

2. Proposed regulations or amendments relating to historic preservation.

3. A proposed driveway access ordinance or amendment.

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

5. A proposed Village zoning ordinance or amendment adopted under authority separate from or supplemental to Sec. 62.23, Wis. Stats., including a Village construction site erosion control and stormwater management zoning ordinance under sec. 61.354, Wis. Stats., and a Village exclusive agricultural zoning ordinance under subch. V of Sec. 91, Wis. Stats.

6. An application for a conditional or special permit under the Village zoning ordinance.

7. A proposed site plan.

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

9. 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.

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

11. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.

12. 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 Village and the regional planning commission, under Sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.

13. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Sec. 66.0435, Wis. Stats.

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

15. A proposed Village airport zoning ordinance under sec. 114.136(2), Wis. Stats.

16. A proposal to create environmental remediation tax incremental financing in the Village under sec. 66.1106, Wis. Stats.

17. A proposed county agricultural preservation plan or amendment, under subch. IV of Sec. 91, Wis. Stats., referred by the county to the Village, or proposed Village agricultural preservation plan or amendment.

18. Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Planning Commission.

(d) Discretionary referrals. The Village Board, or other Village officer or body with final approval authority or referral authorization under the Village ordinances, may refer any of the following to the Planning Commission for report:

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 Village arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

8. Any other matter deemed advisable for referral to the Planning Commission for report.

(e) Referral period. No final action may be taken by the Village Board or any other officer or body with final authority on a matter referred to the Planning Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Village 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 Village Code or ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

(Formerly Hallie Ordinance No. 131 of 1/02 "Planning Commission" and of 9/91, as amended on 11/93 as to composition and members and by 1-92 amending Sec. 131(6) "Timing of Meeting")