

## **Section 2.01 Plan Commission**

### **2.01(A) Title/Purpose**

The title of this Section is Plan Commission. The purpose of this Section is to establish a Town of Leeds Plan Commission and to set forth its organization and 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 of Leeds, including, but not limited to, adoption and implementation of comprehensive planning with significant citizen involvement.

### **2.01(B) Authority**

This Section is hereby adopted and enacted pursuant to the Town of Leeds exercise of village powers as provided in Wis. Stat. § 60.22(3).

### **2.01(C) Creation of Plan Commission**

There is hereby created a five (5) member “Plan Commission” for the Town of Leeds, Columbia County, Wisconsin, pursuant to the authority of Wis. Stat. §§ 60.24(4), 61.35 and 62.23. The Plan Commission shall be considered the Town Planning Agency under Wis. Stat. §§ 236.02(13) and 236.45 with respect to the possible adoption of a subdivision or other land division ordinances.

### **2.01(D) Membership**

The Plan Commission shall consist of five (5) members composed of four citizens and one supervisor. The citizen members shall be persons of recognized experience and qualifications in land use planning issues. The supervisor shall be the Town Chair unless he or she elects to appoint someone else to the position. The Town Chair may select the presiding officer of the Commission and the Commission members shall select any remaining officers.

### **2.01(E) Appointment**

The citizen members shall be appointed by the Town Chair, subject to confirmation by the Town Board. In the event of a vacancy, the Town Chair shall appoint a replacement member for the unexpired term, subject to confirmation by the Town Board.

### **2.01(F) Term**

The term of office for the Plan Commission citizen members shall be for a period of three (3) years, ending on April 30, or until a successor to the Commission is appointed and qualified provided, however, that the terms of the citizen members initially appointed to

the Commission shall be staggered terms. Citizen members shall be appointed for terms of three (3) years ending on April 30 of the third succeeding year. The supervisor member of the Plan Commission shall be appointed for a one-year term ending on the second Monday of each April.

### **2.01(G) Compensation; Expenses**

The Town Board shall set and incorporate into the Town Fee Schedule a per diem allowance for each meeting for citizen and Town Board members of the Plan Commission as allowed under Wis. Stat. § 66.0501(2). The per diem allowance may be revised from time to time by the Town Board by resolution. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under Wis. Stat. § 60.321.

### **2.01(H) Quorum and Voting**

Three (3) members shall constitute a quorum and, unless otherwise required by state statute or this Code, all actions shall require the affirmative approval of a majority of those present. Nevertheless, all actions of the Plan Commission shall require the affirmative vote of a majority of all of the members of the Commission.

### **2.01(I) Records**

The Plan Commission shall comply with Wisconsin's Open Meetings Law regarding notices of meetings, agendas, minutes of meetings, and records of votes cast. A copy of the records of the Plan Commission shall at all times be provided to the Town Clerk.

### **2.01(J) Powers and Duties**

#### **(1) Planning and Reviewing Body**

The Plan Commission shall have the powers and duties of a Village Plan Commission under Wis. Stat. § 61.35, except for the powers relating to adoption of Town zoning ordinances. The Plan Commission shall undertake to coordinate and oversee the making and adoption of a comprehensive plan which contains the elements of Wis. Stat. § 66.100(2), following the procedures of Wis. Stat. § 66.1000(4). Such comprehensive planning shall be completed to allow sufficient time for the Town Board to review and adopt an ordinance implementing the plan as required by law. The Plan Commission may elect to work on elements of the plan individually and pass each element on to the Board for adoption prior to completion of all of the elements of adoption of the entire plan by ordinance. When the Town establishes a subdivision ordinance or an erosion control ordinance, the Plan Commission shall be the primary reviewing body for applications thereunder and make recommendations directly to the Town Board. In addition, the Town Board may, from time to time, delegate additional responsibilities to

the Plan Commission. To the extent necessary, the Plan Commission shall have the power to employ experts and staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commission by the Town Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Town Board.

(2) Public Hearings

(a) Prior to action by the Town Board on any request to Columbia County for a rezoning, variance, or conditional use permit pursuant to the Columbia County Zoning Code, or where otherwise required by this Code, a public hearing shall be held before the Plan Commission, and the Plan Commission shall make a recommendation on such request to the Town Board at the same or future Plan Commission meeting.

(b) The petitioner or applicant making any such request to Columbia County shall, either prior to, but in no event later than the time the request therefore is filed with the County, file a copy of the application or request form, if possible, with the Town together with the following information, as applicable to such request:

(i) Name and street address of the petitioner and a description of the petitioner's legal interest in the property;

(ii) Legal description of the property to be affected;

(iii) The existing use of all buildings on such property;

(iv) The principal uses of all property abutting or opposite the real estate;

(v) The purpose for which such property is to be used;

(vi) Facts indicating that the proposed change will not be detrimental to the general public interests of the Town's Land Use Plan and the purposes of the Columbia County Zoning Code;

(vii) Plot plan or survey plat, roughly drawn to scale, showing the property proposed to be changed, location of structures, and property lines;

(viii) With respect to a variance request, complete explanation of reasons supporting the variance, including all three of the following:

- (aa) unnecessary hardships;
- (bb) unique property features; and
- (cc) why not contrary to the public interest.

(ix) Such other information as may be required by the Plan Commission to facilitate the making of a comprehensive report to the Town Board.

(c) The Plan Commission shall hold a public hearing upon each such request, giving notice of the time, place and the request by publication of a Class 1 notice under Wisconsin Statutes Chapter 985. At least seven (7) days prior to the hearing, written notice thereof shall be given by the Town Clerk or the recording secretary of the Plan Commission by regular mail to all property owners abutting and opposite the real estate for which application is made.

(d) The petitioner requesting the particular action shall pay to the Town an application fee at the time of the filing of the petition or application in an amount to be established by resolution of the Town Board and incorporated into the Town's Fee Schedule. In addition, petitioner shall pay to the Town the Town's administrative costs in connection with the request, including reasonable engineering fees and attorney fees, such amount to be paid within thirty (30) days of billing by the Town. If not paid when due, the Town may impose a lien against the property of the petitioner as a special charge under Wis. Stat. § 66.60(16)(a), and applicant, by requesting action by the Town Board on such request, agrees to the imposition of such lien.

## **2.01(K) Meetings**

The Commission shall meet at least quarterly, upon the call of at least two (2) members, the Chair or the Town Board. The Town Clerk or other designee shall prepare the minutes of such meeting.