

Ordinance 2016-04
Town of Phelps Planning and Development Commission Ordinance
Amended June 11, 2025

The Town Board of the Town of Phelps, Vilas County, Wisconsin does ordain as follows:

SECTION 1 – Title and Purpose

The title of this ordinance is the “Town of Phelps Planning and Development Commission Ordinance.” The purpose of this ordinance is to establish a Planning and Development Commission for the Town of Phelps 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 2 – Authority and Establishment

The Town Board of the Town of Phelps, having been authorized by the Town meeting under sec. 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 commission under secs. 61.35 and 62.23, Wis. Stats. The Planning and Development Commission shall be considered the “The Planning Agency” under secs. 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 3 – Membership; [amended 6-11-2025]

The Planning and Development Commission shall have a seven (7) member board consisting of:

- a) a maximum of two (2) but at least one (1) elected Town Board Member(s), which may be the Town Chairperson and/or a Town Supervisor; and
- b) a maximum of six (6) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.
- c) Three unexcused absences from regular monthly meetings within a calendar year shall be considered resignation from the Planning Commission.

SECTION 4 – Appointments

The Town Board Chairperson shall appoint the members of the Planning and Development Commission during the month of April to fill any expiring term. Appointments are subject to the approval of the Town Board. In a year in which the Town Board Chairperson member and/or Town Board Supervisor 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 Supervisors and/or Town Board Chairperson elected. Any citizen appointed to the Planning and Development 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.

SECTION 5 – Terms of Office; [amended 6-11-2025]

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

Initial Terms – The first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: one (1) person for a term that expires in one (1) year from April 30; a minimum of one (1) and maximum of two (2) person(s) for a term that expires in two (2) years from April 30; and two (2) person(s) and a maximum of three (3) person(s) for a term that expires in three (3) years from April 30.

Ordinance 2016-04
Town of Phelps Planning and Development Commission Ordinance
Amended June 11, 2025

Town Board Supervisor Member or Town Board Chairperson Member – The Plan Commission member who is the Town Board Supervisor or the Town Board Chairperson including either if designated as the Planning Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term of the Town Board, except for the initial appointment which shall expire two (2) years from April 30.

SECTION 6 – Vacancies

A person who is appointed to fill a vacancy on the Planning and Development Commission shall serve for the remainder of the designated term.

SECTION 7 – Compensation and Expenses

The Town Board of the Town of Phelps hereby sets a per diem allowance of \$0 per meeting for citizens and Town Board members of the Planning and Development Commission, as allowed under sec. 60.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec 60.321. Wis. Stats.

SECTION 8 – Experts and Staff

The Planning and Development Commission may, under sec. 60.23(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 9 – Rules and Records

The Planning and Development Commission, under sec. 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 secs. 19.21 – 19.39, Wis. Stats.

SECTION 10 – Chairperson and Officers

Chairperson – The Planning and Development Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Chairperson and serve a term as provided in Section 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules;

- provide leadership to the Commission; and
- set Commission meeting and hearing dates; and
- provide notice of Commission meetings and hears and set their agenda, personal or by his or her designee; and
- preside at the Commission meetings and hearings; and
- ensure that the laws are followed.

Vice Chairperson – The Planning and Development 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.

Secretary – The Planning and Development Commission shall elect, by open vote or secret ballot under sec. 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.

Ordinance 2016-04
Town of Phelps Planning and Development Commission Ordinance
Amended June 11, 2025

SECTION 11 – Commission Members as Local Public Officials

All members of the Planning and Development 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, secs. 19.21 - 19.23; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81 - 19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

SECTION 12 – General and Miscellaneous Powers; [amended 6-11-2025]

The Planning and Development Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- Necessary to enable it to perform its functions and promote Town planning.
- 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.
- To recommend to the Town Board programs for public improvements and the financing of such improvements.
- To receive from public officials, within a reasonable time requested available information required for the Commission to do its work.
- 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 sec. 66.0119, Wis. Stats., or other court-issued warrant.
- To oversee the maintenance of boat landings and all park spaces, including landscaping, equipment and structures; and the maintenance of biking and hiking trails.
- To oversee the maintenance of boat landings on North Twin Lake, Smoky Lake, Kentuck Lake and Long Lake.
- To make recommendations for beneficial additions and/or improvements to all park spaces, park structures, trails and boat landings.
- To provide an annual status report and a five (5) year development plan of park spaces, trails and boat landings to the Town Board at the Regular Town Board meeting scheduled in July.
- To manage the Parks budget through the fiscal cycle.
- To enter into contracts for park development and maintenance provided that the cost of said contracts be within the budget provided by the Town of Phelps and that such contracts are let in accordance with the appropriate Wisconsin Statutes.
- To apply for, receive and accept grants, subject to the approval of the Board, from any governmental agency, either state or federal, and agree to and comply with such terms and conditions as may be necessary, convenient, or desirable in order to obtain said grant.
- The Commission may establish a fee structure for the use of facilities, privileges and conveniences provided within any park in the Town of Phelps. Said fees shall be paid over to the Town Treasurer for the Town of Phelps and credited to the revenue account for Parks maintenance.

Ordinance 2016-04
Town of Phelps Planning and Development Commission Ordinance
Amended June 11, 2025

SECTION 13 – Town Comprehensive Planning: General Authority and Requirements

- 1) The Planning and Development 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.
- 2) The Planning and Development Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before June 1, 2020, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.
- 3) In this section the requirement to “make” the plan means that the Planning and Development Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Planning and Development Commission, Town staff, another unit of government, the regional planning commission, a consultant, an advisory committee, or any other person, group or organization.

SECTION 14 – Procedure for Plan Commission Adoption and Recommendation of a Town Comprehensive Plan or Amendment

The Planning and Development Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats., are met, shall proceed as follows:

- 1) Public participation verification – Prior to beginning work on a comprehensive plane, the Planning and Development Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage or 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 Town Board and for the Town Board to respond to such written comments.
- 2) Resolution – The Planning and Development Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Commission. The vote shall be recorded in the minutes of the 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:
 - a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan; and
 - b) the plan contains the nine (9) specified elements and meets the requirements of those elements; and
 - c) the (specified) maps and (specified) other descriptive materials relate to the plan; and
 - d) the plan has been adopted by a majority vote of the entire Planning and Development Commission, which the clerk or secretary is directed to record in the minutes; and
 - e) the Planning and Development Commission 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.

Ordinance 2016-04
Town of Phelps Planning and Development Commission Ordinance
Amended June 11, 2025

- 3) Transmittal – One copy of the comprehensive plan or amendment adopted by the Planning and Development Commission for recommendation to the Town Board shall be sent to:
 - a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
 - b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
 - c) The Wisconsin Land Council.
 - d) After September 1, 2023, the Department of Administration.
 - e) The regional planning commission in which the Town is located.
 - f) The public library that serves the area in which the Town is located.

SECTION 15 – Plan Implementation and Administration

- 1) Ordinance development – If directed by resolution or motion of the Town Board, the Planning and Development Commission shall prepare the following:
 - a) Official Map – A proposed official map ordinance under sec. 62.23(6), Wis. Stats.
 - b) Other – Any other ordinance specified by the Town Board including but not limited to historic preservation, design review, site plan review.
- 2) Ordinance amendment – The Planning and Development 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 Planning and Development 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) Consistency – Any ordinance, amendment or program proposed by the Planning and Development Commission, and any Commission approval, recommendation for approval or other action under Town ordinance or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of June 1, 2020. If any such Planning and Development Commission action would not be consistent with the comprehensive plan, the Planning and Development Commission shall use this as information to consider in updating the comprehensive plan.

SECTION 16 – Referrals to the Planning and Development Commission

- 1) Required referrals under sec. 62.23(5), Wis. Stats. – The following shall be referred to the Planning and Development 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 or lease of land for any:
 - I. street, alley or other public way.
 - II. park or playground.
 - III. area for parking vehicles; or
 - IV. other memorials or public grounds.

Ordinance 2016-04
Town of Phelps Planning and Development Commission Ordinance
Amended June 11, 2025

- d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - e) All plans under the Town's jurisdiction under Ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 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 sec. 62.23, Wis. Stats., including ordinances relating to: the Town Planning and Development Commission of the Town comprehensive plan under sec. 66.1001, Wis. Stats., and a Town official map.
- 2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats., the following shall be referred to the Planning and Development Commission for report:
- a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
 - b) An application for initial licensure of a community-based residential facility under sec. 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 sec. 66.0905, Wis. Stats.
 - d) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.
 - e) Matters relating to the establishment of a reinvestment neighborhood required to be referred to under sec. 66.1107, Wis. Stats.
 - f) Matters relating to the establishment of termination of a business improvement district required to be referred to under sec. 66.1109, Wis. Stats.
 - g) A proposed housing project under sec. 66.1211(3), Wis. Stats.
 - h) Matters relating to urban development and renewal in the Town required to be referred under sub. XIII of Ch. 66, Wis. Stats.
 - i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
 - j) Any other matter required by the Wisconsin Statutes to be referred to by the Planning and Development Commission.
- 3) Required referrals under this ordinance – In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Planning and Development Commission for report:
- a) Ny proposal, under sec. 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 sec. 60.64, Wis. Stats.
 - c) A proposed driveway access ordinance or amendment.
 - d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
 - e) 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.

Ordinance 2016-04
Town of Phelps Planning and Development Commission Ordinance
Amended June 11, 2025

- f) 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.
 - g) 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 sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
 - h) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
 - i) A proposed agreement or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
 - j) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.
 - k) A proposed county agricultural preservation plan or amendment, under sub IV of Ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
 - l) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Planning and Development 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 Planning and Development 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 sec., 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 sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
 - f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
 - g) A proposed county plan, under sec. 236.45, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfare and minor streets, and the plating of lots surrounded by them.
 - h) Any other matter deemed advisable for referral to the Planning and Development 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 by the Planning and Development 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 subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Ordinance 2016-04
Town of Phelps Planning and Development Commission Ordinance
Amended June 11, 2025

SECTION 17 – Severability


- 1) In any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.
- 2) The provisions of this ordinance shall be deemed severable, and it is expressly declared that the County/Town would have passed the other provisions of whether or not one or more provisions may be declared invalid.
- 3) This ordinance will be reviewed as deemed necessary.
- 4) This ordinance can be modified and/or repealed at any time should just cause be found for excessive violation and issues of harm and safety to the public or the environment.


SECTION 18 – Effective Date


Following passage by majority vote of the Phelps Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

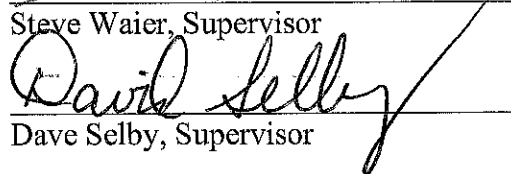
Adopted this 11th day of June 2025



Steven Doyen, Chairman


Maureen Robinson, Supervisor


Jeremy Ryan, Supervisor


Steve Waier, Supervisor


Dave Selby, Supervisor

ATTEST: 
Sheryl J Ward, Clerk/Treasurer

Published and Posted: June 20, 2025
Date