ORDINANCE # 05-1
ESTABLISHMENT OF A TOWN PLAN AND REVIEW COMMISSION
Amendments approved 05-08-2024

The Town Board of the Town of Spider Lake, Sawyer County, Wisconsin, does ordain as follows:

Section 1. Title
This ordinance is entitled the "Town of Spider Lake Plan and Review Commission Ordinance".

Section 2. Purpose
The purpose of this ordinance is to establish a Town of Spider Lake Plan and Review Commission and set forth its organizations, 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
The Town Board of the Town of Spider Lake has been authorized by the Town meeting under sec. 60.11(2)(c) Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01 (29), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22 (3), Wis. Stats., and establishes a five (5) member Plan and Review Commission under secs. 60.62 (4), 61.35 and 62.23, Wis. Stats. The Plan and Review Commission shall be considered the "Town 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 4. Membership
The Plan and Review Commission consists of (1) member of the Town Board, who may be the Town Board Chairperson, and four (4) citizen members, who may or may not be Town officials, and who shall be persons of recognized experience and qualifications, except that the Commission shall always have at least one citizen member who is not a Town official. Appointments are made by the Town Chair with the advisory approval of the Town Board of Supervisors.

Section 5. Appointments
The Town Board Chairperson shall appoint the members of the Plan and Review Commission and designate a Plan and Review Commission Chairperson during the month of April to fill any expiring terms. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan and Review Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan and Review 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 and Review 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 6. Terms of Office

The term of office for the Plan and Review 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:

(1) Initial Terms. The citizen members initially appointed to the Plan and Review Commission shall be appointed for staggered terms.

(2) Town Board Member or Chairperson. The Plan and Review Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan and Review Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2) Wisc. Stats. Concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

For all positions, no Commissioner shall serve more than six consecutive years on the Commission.

Section 7. Vacancies

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

Section 8. Compensation: Expenses

The Town Board of the Town of Spider Lake hereby sets a per diem allowance of $25.00 per meeting for citizen and Town Board members of the Plan and Review Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

Section 9. Experts and Staff

The Plan and Review Commission may, under sec. 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 and Review 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 11. Chairperson & Officers

(1) Chairperson. The Plan and Review Commission Chairperson shall be appointed by the Town Chair and approved by the Town Board, and serve a term as provided in Section 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 and Review Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wisc. 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 and Review 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, the Town Chair may appoint the Town Clerk or other Town officer, employee, or citizen as Secretary.

Section 12. Commission Members as Local Public Officials

All members of the Plan and Review 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. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 and 19.59; Open Meetings, sec. 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 13. General & Miscellaneous Powers

The Plan and Review Commission, under sec. 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 examination 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 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.

Section 14. Town Comprehensive Planning: General Authority and Requirements

The Plan and Review Commission shall adopt the Town Comprehensive Plan dated September 2018, which contains the elements specified in sec. 66.1001(2), Wis. Stats. And follows the procedures in sec. 66.1001(4), Wis. Stats.

Section 15. Plan Implementation & Administration

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan and Review Commission shall prepare the following:
   a. Zoning. A proposed Town zoning ordinance (Land Use Ordinance) under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats. a Town exclusive agricultural zoning ordinance under subch. V of ch.91, Wis. Stats., and any other zoning ordinance within the Town's authority.
   b. Official Map. A proposed official map ordinance under sec. 62.23(6) Wis. Stats.
   c. Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 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 and Review Commission, on its own motion or at the direction of the Town Board by resolution or motion, may propose amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan and Review 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 and Review Commission shall, pursuant to Town ordinances, have the following powers:
   a. Zoning / Land Use Conditional Use permits. The Zoning Administrator shall refer applications for conditional use permits under Town zoning to the Plan and Review Commission for review and make recommendations to the Town Board as provided under Section 8.0 of the Town Land Use Ordinance.
   b. Subdivision review. Proposed plats under ch. 236, Wis Stats., (and proposed subdivision or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats. and section 2.1 of the Town Subdivision ordinance) shall be referred to the Plan and Review Commission for review and recommendation to the Town Board.

(5) Consistency. Any ordinance, amendment or program proposed by the Plan and Review Commission, and any Plan and Review Commission approval, recommendation for approval or other action under Town ordinances 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 January 1, 2010. If any such Plan and Review Commission action would not be consistent with the comprehensive plan, the Plan and Review Commission shall use this as information to consider in updating the comprehensive plan.

Section 16. Referrals to the Plan and Review Commission.

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan and Review 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 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 Plan and Review Commission; the Town master plan or the Town comprehensive plan under sec. 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 sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan and Review 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 under sec. 66.1107, Wis. Stats.
f. Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.
g. A proposed housing project under sec. 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 sec. 236.45(4), Wis. Stats.
j. Any other matter required by the Wisconsin Statutes to be referred to the Plan and Review 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 and Review Commission for report:

a. Any 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 Town zoning ordinance (Land Use Ordinance) or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.672(6), Wis. Stats. and a Town exclusive agricultural zoning ordinance under subch. V or ch.91, Wis. Stats.
f. An application for a Conditional Use permit under the Town zoning ordinance shall be permitted only upon issuance of a Conditional Use Permit authorized by the Town Plan and Review Commission and Town Board.
g. A proposed site plan.
h. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
i. 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.
j. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 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 sec. 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 sec. 66.0435, Wis. Stats.
n. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
o. A proposed Town airport zoning ordinance under sec. 114.136(2), Wis. Stats.

p. A proposal to create environmental remediation tax incremental financing in the town under sec. 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. Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan and Review Commission.

(4) Discretionary referrals. The Town Board, or other Town officer or body with final approval authority or referral authorization under the Town ordinance, may refer any of the following to the Plan and Review 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. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for the 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 and Review 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 and Review 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 thirty (30) day referral period if deemed advisable.

(6) Section 17. Effective Date

Following passage by the Town of Spider Lake 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 8 day of May, 2024.

Town Chairperson

Supervisor Mark Johns

Supervisor Sarah Delaney

Supervisor Deb Amery

Supervisor Quentin Johnson

Published / Posted this 8th day of May, 2024

Attest: Bianca Cleary, Town Clerk