

# Chapter 1

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## ROLE OF THE PLAN COMMISSION

The plan commission performs a wide variety of functions related to community planning and land use development. Formal roles are outlined in state statutes and local ordinances while informal roles evolve as a result of the nature of the plan commission's work. Five general roles are outlined below:

### ► Community Planning

One of the primary roles of the plan commission is to prepare community plans and recommend their adoption to the governing body. Important roles for the plan commission include overseeing the development of a request for proposals for professional planning services; designing the planning process; developing a community vision; reviewing community data and trends; developing goals and objectives; and recommending policies, programs and tools to implement the plan.

### ► Plan Implementation

The plan commission plays an important role in the adoption and administration of zoning ordinances, land division ordinances, development standards and other related plan implementation tools. While adoption of these tools is a legislative function reserved by state law for the local governing body, the commission's role is nonetheless important. The plan commission may be involved in drafting and reviewing ordinances or amendments, public airing of proposals, and making recommendations to the governing body.

### ► Public Participation and Education

The plan commission may be asked to take the lead role in involving the public in developing community plans and implementing programs or ordinances. A well-designed public participation process will identify affected parties, provide meaningful opportunities for public involvement, and ensure that as many points of view as possible are expressed

throughout the process. While involving the public may add significant time, expense, and other challenges to the process, it can also help the community to identify issues of concern, assess the impacts of a proposal on various parties, and garner political support leading to adoption of the plan or ordinance.

### ► Development Review

In communities that are experiencing growth and change, the plan commission often spends a majority of its time reviewing specific land development proposals. Requests for zoning amendments, conditional use permits, and subdivision plats appear frequently on the municipal plan commission agenda. Plan commissions may also be involved in other types of development review including but not limited to site plan review, planned unit development review, historic preservation review, and design review.

### ► Referrals and Advisory Recommendations

The plan commission reviews a wide variety of matters referred to it. The table on the following page contains a list of items that must be referred to the plan commission before the decision-making body may take action. In most cases, the plan commission is given thirty days to review these matters.<sup>1</sup> If a report is not submitted by the plan commission within that time period, the decision-making body may proceed without it.<sup>2</sup> Failure to refer one of these items to the plan commission may result in a court voiding the action.<sup>3</sup> In addition to the items outlined in this table, the governing body may refer any other matter to the plan commission that it deems appropriate. These referrals may be outlined in a local ordinance or determined on a case-by-case basis.

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<sup>1</sup> The governing body may extend this time. Review of amendments to the zoning ordinance and official map are given 60 days.

<sup>2</sup> *KW Holdings, LLC v. Town of Windsor*, 2003 WI App 9, 259 Wis. 2d 357, 656 N.W.2d 752, 02-0706.

<sup>3</sup> *Scanlon v. Menasha*, 16 Wis. 2d 437, 114 N.W.2d 791 (1962).

## *Role of the Plan Commission*

What functions is the plan commission required to perform? What functions are optional?

The following table provides a summary of typical plan commission functions. Words such as “shall” and “must” indicate functions the plan commission is required to perform. Words such as “may” and “should” indicate functions that may be required by local ordinance or initiated at the discretion of the governing body or plan commission.

### *Community Planning*

- **Plan Preparation.** The plan commission shall prepare and recommend a comprehensive plan for adoption by the governing body.<sup>4</sup> The commission may also prepare other more detailed community plans, reports and recommendations.
- **Plan Review and Updates.** The comprehensive plan must be updated at least once every ten years.<sup>5</sup> However, the plan commission may review or recommend updates to the plan on a more frequent basis.
- **Consistency Review.** New or amended zoning, subdivision and official mapping ordinances must be consistent with the comprehensive plan.<sup>6</sup> The plan commission may be asked to review these items for consistency.

### *Public Participation*

- **Preparation of a Public Participation Plan.** The governing body is required to prepare written procedures for public participation in association with the preparation of a comprehensive plan.<sup>7</sup> The plan commission may be asked to prepare this plan or take a lead role in involving the public.
- **Public Meetings and Hearings.** Under Wisconsin’s Open Meetings Law, all meetings and hearings of the plan commission must be open to the public and preceded by advance notice.<sup>8</sup> A public hearing must be held by the plan commission or governing body prior to adopting plans and ordinances and in association with most development review functions.

### *Plan Implementation*

- **Ordinances.** At the direction of the governing body, the plan commission shall prepare and recommend ordinances or amendments necessary to implement the plan (i.e. zoning,<sup>9</sup> subdivision,<sup>10</sup> official mapping,<sup>11</sup> driveway access, design review, etc.)
- **Programs.** The plan commission may recommend programs for public improvements<sup>12</sup> or other non-regulatory programs to implement the plan (i.e. education, economic development, tourism promotion, acquisition of land or conservation easements, capital improvement programs, intergovernmental agreements, etc.)

### *Development Review*

- **Plat Review.** Proposed plats that fall within a municipality’s plat approval jurisdiction must be referred to the plan commission for review. Approval of preliminary or final plats may be assigned to the plan commission or governing body.<sup>13</sup>

- **Rezones.** Proposed zoning amendments must be referred to the plan commission for review.<sup>14</sup> (Note: For towns under county zoning, rezones and other zoning matters do not need to be referred to town plan commissions. However, notice of rezones must be provided to affected towns.)
- **Conditional Uses.** Authority to decide zoning conditional use permits may be assigned to the plan commission, zoning board, or governing body as specified in the local zoning ordinance.<sup>15</sup>
- **Other review** as assigned by the governing body including but not limited to site plan review, design review, historic preservation review, etc.

### *Referrals and Advisory Recommendations*

The following matters must be referred to the plan commission for review and consideration before the governing body or other decision-making body takes action:<sup>16</sup>

- Location and design of public buildings
- Location of statues and memorials
- Land for public purposes such as streets, parks, airports, etc.
- Land for public or semi-public housing, slum clearance, relief of congestion, vacation camps for children
- Public utilities
- General fire limits<sup>17</sup>
- Child welfare agencies and group homes<sup>18</sup>
- Community-based residential facilities<sup>19</sup>
- Pedestrian malls<sup>20</sup>
- Proposed housing projects<sup>21</sup>
- Plats of lands over which the municipality is given platting jurisdiction
- Adoption or amendment of a subdivision or land division ordinance<sup>22</sup>
- Amendment or repeal of any ordinance adopted under Wis. Stat. sec. 62.23, including ordinances relating to plan commissions, comprehensive planning, official mapping and zoning.

### *Miscellaneous Powers*

- **Hire Staff.** The plan commission may employ or contract for the services of experts or staff, not to exceed appropriations made by the governing body.<sup>23</sup>
- **Adopt Rules of Procedure.** The plan commission may adopt rules of procedure and shall keep a record of its studies, resolutions, transactions, findings, and determinations.<sup>24</sup>
- **Inspect Land.** The plan commission may enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon.<sup>25</sup>

<sup>4</sup> Wis. Stat. §§ 62.23(2) and 59.69(3)(a). <sup>5</sup> Wis. Stat. § 66.1001(2)(i). <sup>6</sup> Wis. Stat. § 66.1001(3). <sup>7</sup> Wis. Stat. § 66.1001(4)(a). <sup>8</sup> Wis. Stat. § 19.83. <sup>9</sup> Wis. Stat. §§ 59.69(5)(e), 60.61(4)(b) and 62.23(7)(d)1a. <sup>10</sup> Wis. Stat. § 236.45(4). <sup>11</sup> Wis. Stat. § 62.23(6). <sup>12</sup> Wis. Stat. § 62.23(4). <sup>13</sup> Wis. Stat. § 62.23(5) and 236.10(3). <sup>14</sup> Wis. Stat. §§ 59.69(5)(e) and 62.23(7)(d)2. <sup>15</sup> Wis. Stat. §§ 59.694(1) and 62.23(7)(e)1. <sup>16</sup> Wis. Stat. § 62.23(5) which applies to cities, villages and towns with village powers. Other references as noted. <sup>17</sup> Wis. Stat. § 62.23(9)(b). <sup>18</sup> Wis. Stat. § 48.68(3). <sup>19</sup> Wis. Stat. § 50.03(4). <sup>20</sup> Wis. Stat. § 66.0905. <sup>21</sup> Wis. Stat. § 66.1211(3). <sup>22</sup> Wis. Stat. § 236.45(4). <sup>23</sup> Wis. Stat. §§ 59.69(2)(d) and 62.23(1)(e). <sup>24</sup> Wis. Stat. §§ 59.69(2)(c) and 62.23(2). <sup>25</sup> Wis. Stat. § 62.23(4).

## FORMATION AND ORGANIZATION

Cities, villages, and towns in Wisconsin are authorized by state statutes to establish a plan commission. These bodies operate under a number of names which may vary locally. These include: plan commission, planning committee, zoning committee, and others. Counties create bodies with similar functions that go by a wide variety of names including: plan commission, planning and zoning committee, and other names derived from the functions they perform (i.e. parks, economic development, land records, etc.). The following paragraphs note differences in authority, appointment, membership and terms where appropriate. The term “plan commission” is used generally throughout the remainder of the handbook to refer to all such bodies.

### ► City, Village or Town Plan Commission

Municipal plan commission members are appointed by the mayor, village president or town board chair for three-year terms beginning in April.<sup>26</sup> Appointments to the town plan commission are subject to confirmation by the town board. Members can be removed at the “pleasure” of the mayor, village president, or by a majority vote of the town board.<sup>27</sup>

Most plan commissions include seven members. However, towns with a population of 2,500 or less are authorized to form a five-member commission. At least three “citizen” members who are not municipal officials must be appointed to serve on a seven member commission. Likewise, at least one “citizen” member must serve on a five-member commission. Citizens are to be persons of “recognized experience and qualifications.”

<sup>26</sup> Wis. Stat. §§ 60. 62(4) (town with village powers), 61.35 (village) and 62.23(1)-(5) (city).

<sup>27</sup> Wis. Stat. §§ 17.12 (city) and 17.13 (village/town). Members can also be removed “for cause” by  $\frac{3}{4}$  vote of the city council, or by a circuit court judge in the case of villages/towns. “Cause” means inefficiency, neglect of duty, official misconduct, or malfeasance in office.

Local ordinances can be used to alter the membership of municipal plan commissions. For example, a common practice is to increase the membership of the plan commission to include the building inspector or building commissioner.

Staggering of plan commission terms upon initial appointment is recommended, but not required. Staggering of terms helps to prevent turnover of all members at one time and preserves institutional memory. For a seven member commission, a typical arrangement is turnover of two members during year one and two, and turnover of three members during year three.

Appointment of alternate members is also recommended to provide a full complement of decision-makers and to avoid postponement of decisions due to absences, resignations or conflicts of interest. Alternates can be used to fill vacancies and to provide training for future full-time members. If a vacancy occurs, it is filled for the remainder of the term.

Prior to creating a municipal plan commission, the governing body must adopt an ordinance establishing the commission. Towns must also adopt village powers. A sample plan commission ordinance for towns is available on the Local Government Center website at [www.uwex.edu/lgc/program/pdf/tpcord.pdf](http://www.uwex.edu/lgc/program/pdf/tpcord.pdf) or by calling 608-262-9961. Sample ordinances for village plan commissions are available on the Center for Land Use Education website at [www.uwsp.edu/cnr-ap/clue](http://www.uwsp.edu/cnr-ap/clue) or by calling 715-346-3783.

### Appointment of a Military Representative

If a military base or installation with at least 200 personnel or 2,000 acres is located in a community, the commanding officer may appoint a representative to serve on the municipal plan commission, town zoning committee and/or county planning agency. The military appointee serves as a non-voting member of the commission.

**D Town Zoning Committee**

Towns that have not adopted village powers may appoint a town zoning committee to deal with planning and zoning matters. Town zoning committees consist of five members that are appointed by the town board.<sup>28</sup> Members may be removed by a majority vote of the town board.

**D County Zoning Agency**

Counties have three options for establishing a “zoning agency”. They may appoint a standing committee of the county board, establish a plan commission composed wholly or partly of non-county board members, or appoint an existing body to serve as the zoning agency.<sup>29</sup> Except in the case noted below, the county board chair appoints members to each of these bodies and may also remove members “for cause.”<sup>30</sup> Members elect their own chair and fill other positions for two-year terms coinciding with elected office.

Counties that appoint a plan commission rather than a standing committee of the county board use staggered, three-year terms. In counties that have a county executive, the county executive appoints members to serve on the plan commission subject to confirmation by the county board. The executive may also appoint two alternates. The designated “first” alternate acts when a member of the commission refuses to vote because of a conflict of interest or when a regular member is absent. The “second” alternate acts when the first alternate or two members of the plan commission are unable to vote.

County plan commissions that include both citizen members and elected officials benefit from the time, energy, expertise and diversity

of viewpoints provided by citizens. They also have the advantage of maintaining ongoing communication and relationships with the full county board.

**Oath of Office**

After being notified of an appointment to the plan commission, members should sign an oath of office.<sup>31</sup> Town and village officers have five days to sign the oath, city officers ten days, and county officers twenty days. The oath is administered by the clerk of the local jurisdiction and filed with that clerk’s office. Oral swearing in may be customary in some communities but is not required.<sup>32</sup> Failure to file the oath within the specified time period constitutes refusal to serve in the office. In such cases, the office becomes vacant.<sup>33</sup> A sample oath is provided below.

*“I, \_\_\_\_\_, having been appointed to the City/Village/Town/County of \_\_\_\_\_ Plan Commission swear that I will support the constitution of the United States and the constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of said office to the best of my ability.*

*Signature of plan commission member  
Signature of officer administering oath*

*Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.”*

Adapted from *Wisconsin Town Law Forms, 19.01(1) Official Oath*. May 2011. State of Wisconsin.

<sup>28</sup> Wis. Stat. § 60.61(4)(a).

<sup>29</sup> Wis. Stat. § 59.69(2).

<sup>30</sup> Wis. Stat. §§ 17.001, 17.10(s) and 17.16(3).

Members may be removed for cause after being given notice and an opportunity to be heard. “Cause” means inefficiency, neglect of duty, official misconduct, or malfeasance in office.

<sup>31</sup> Wis. Stat. §§ 19.01 (form of oath), 59.21 (counties), 60.31 (towns), 61.21 (villages), and 62.09 (cities).

<sup>32</sup> *The Municipality*. April 2007 Comment. League of Wisconsin Municipalities,

<sup>33</sup> Wis. Stat. § 17.03(7).

*Plan Commission Authority and Organization*

City, Village or Town Plan Commission	
Authority	<ul style="list-style-type: none"> <li>Wis. Stat. §§ 60.62(4) (towns), 61.35 (villages) and 62.23 (cities).</li> <li>Plan commission is created by ordinance of governing body.</li> </ul>
Appointment	<ul style="list-style-type: none"> <li>Mayor, village president or town board chair appoints members and selects chair.</li> <li>Town appointments are subject to confirmation by town board.</li> <li>Mayoral appointments are subject to confirmation of the city council, unless otherwise provided by law (Wis. Stat. § 62.09(3)(e)).</li> </ul>
Membership	<ul style="list-style-type: none"> <li>Seven members, unless otherwise provided by ordinance.</li> <li>Towns with population less than 2,500 may have a five-member commission.</li> <li>Must include at least three “citizen” members who are not city officials on a seven-member commission or one “citizen” on a five-member commission.</li> <li>Must include military base appointee as non-voting member if so appointed.</li> <li>May, by ordinance, increase membership to include building commissioner or building inspector.</li> </ul>
Terms	<ul style="list-style-type: none"> <li>Three year terms beginning in April.</li> <li>Vacancies are filled for the remainder of a term.</li> <li>Initial staggering of terms is not required but may be helpful to avoid complete turnover of members after three years.</li> </ul>

Town Zoning Committee	
Authority	<ul style="list-style-type: none"> <li>Wis. Stat. § 60.61(4)(a).</li> </ul>
Appointment	<ul style="list-style-type: none"> <li>Town board appoints members.</li> </ul>
Membership	<ul style="list-style-type: none"> <li>Five members.</li> <li>Must include military base appointee as non-voting member if so appointed.</li> </ul>
Terms	<ul style="list-style-type: none"> <li>Not specified.</li> </ul>

County Planning Agency	
Authority	<ul style="list-style-type: none"> <li>Wis. Stat. § 59.69(2).</li> <li>County board may appoint standing committee of county board, create plan commission composed wholly or partly of non-county board members, or designate an existing body to serve as the planning agency.</li> </ul>
Appointment	<ul style="list-style-type: none"> <li>County board chair appoints members.</li> <li>County executive, if present, appoints commission subject to board approval.</li> <li>Members elect chair for 2-year term.</li> </ul>
Membership	<ul style="list-style-type: none"> <li>Size not specified.</li> <li>Must include military base appointee as non-voting member if so appointed.</li> </ul>
Terms	<ul style="list-style-type: none"> <li>2-year committee terms coinciding with elected office.</li> <li>3-year staggered commission terms.</li> </ul>

## PLAN COMMISSION QUALIFICATIONS

Appointment of plan commission members is an important decision and should recognize the duties of the commission. Officials should choose individual commissioners that together have the skills and experiences the commission needs to fulfill its purpose, while also reflecting the diversity, interests and needs of the entire community. Below is a set of criteria that can be used to help identify qualified plan commission members.

### ► Commitment to Community Service

Candidates must demonstrate a concern for serving the public interest. Look for individuals who:

- Are willing to attend and come prepared for commission meetings as well as educational workshops, conferences, and other planning events.
- Have demonstrated an interest in community service by serving as elected officials, citizen advisors, or in some other capacity.
- Are able to sustain service throughout their term.

### ► Interpersonal and Decision Making Skills

Desirable candidates should have strong interpersonal and decision-making skills. Commissioners that possess the following traits enhance the commission's productivity:

- Good communication
- Detail-oriented
- Willingness to learn
- Critical and objective thinker
- Open-minded

### ► Planning Skills and Expertise

Planning involves numerous and complex topics, such as natural resource management and economic development. Therefore, it is helpful to choose commissioners that have skills and experience that can broaden the commission's collective knowledge. Desirable qualifications include:

*"Someone who can serve the long-range interests of a community, unbound by election promises, political expediency, or narrow interests is the definition of the good planning commissioner."*

– Albert Solnit,  
The Job of the Planning Commissioner

- Strong analytical skills (able to read maps and plan proposals and assess potential land use impacts).
- Knowledge of diverse fields such as land use law, real estate, construction, natural resources, economic development, local government, policy development, and other related fields.

### ► Diversity

The plan commission should reflect the diversity and uniqueness of the community it represents. The ideal commission will consist of individuals that reflect various social, cultural, economic and other community interests. A diverse and reflective commission can be achieved using a combination of the following criteria:

**1. Physical or Geographic Diversity.** A community may consist of various physical or geographic landscapes each with its own unique issues. For example, a community may contain one area dominated by agriculture, another characterized by forests and lakes, and a third more urbanized area. Commission members can be selected to mirror these areas.

**2. Jurisdictional Diversity.** Interests and concerns often vary by jurisdiction. For example, one town may be pro-growth while its neighbors are pro-preservation. It is important to reflect

these interests on the commission, particularly at the county level.

**3. Demographic Diversity.** Different types of people have different interests and needs. For example, retired citizens may want better health services while younger parents want good schools for their children. Ideally, the plan commission should reflect the community’s demographic, cultural and socioeconomic composition.

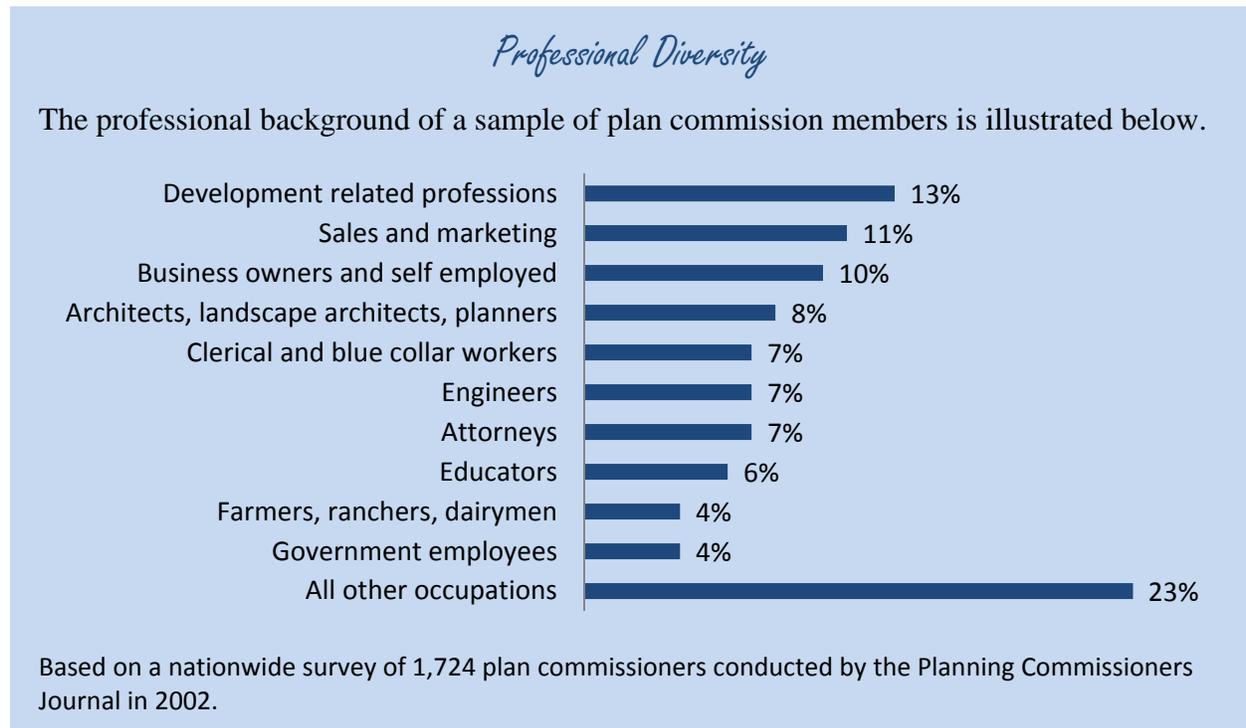
**4. Professional Diversity.** Selecting commission members based on demography or geography alone does not assure representation of important economic or professional interests. Such representation is essential in forming policy objectives and in determining the impact of proposed plans and regulations on different segments of the community. Ideally, various economic sectors and professions will be represented on the commission. The table below shows the professional diversity of a sample group of plan commissioners.

**Additional Points to Consider**

When selecting members, the personal and professional interests of plan commission members should be carefully considered to ensure objectivity. Individuals who are selected for their land use expertise, such as developers or real estate professionals, may find themselves in a position where a plan commission decision involves a professional acquaintance or personal financial interest.

Occasional conflicts of interest are to be expected and should be avoided by asking members to recuse themselves from the decision-making process (see Chapter 2 for additional guidance). Such occurrences may also be reduced by selecting individuals for the plan commission that do not hold a direct financial interest in local land use decisions.

In all situations, it is necessary to balance the prospective skills and expertise of plan commission members against the potential for conflicts of interest or likely litigation.



**EFFECTIVE AND INFORMED MEMBERSHIP****D Orientation**

Upon initial appointment, a veteran member of the plan commission, governing body or planning staff should orient new plan commission members and provide them with copies of resources necessary to do their job. Regular updates should be provided to all commission members when materials change.

**Tools of the Plan Commission**

Plan commission members should be provided with an electronic or print copy of the following resources:

- ✓ Comprehensive plan
- ✓ Land use ordinances
- ✓ Maps
- ✓ Rules of procedure
- ✓ Summary of applicable state statutes and case law

**D Continuing Education**

Plan commission members should have access to ongoing training and education. Planning and zoning staff at the county or municipal level may be able to provide members with updates to local plans, ordinances, statutes, and case law. Periodic training is also provided by other groups such as the Wisconsin Towns Association, Wisconsin Counties Association, League of Wisconsin Municipalities, Wisconsin's nine Regional Planning Commissions, and the University of Wisconsin-Cooperative Extension.

The UW-Extension Center for Land Use Education provides plan commission workshops throughout the state addressing the roles and responsibilities of the plan commission and related procedural and decision-making standards. The UW-Extension Local Government Center provides training on topics such as Wisconsin's open meeting law, public records law, and code of ethics. County-based Extension educators may also assist with these and other topics.

**D Working Relationships**

Plan commission members are most effective when they understand not only their roles, but also the roles of the groups they work with. Beyond the public sector, plan commission members have important interactions with local residents, landowners, builders, developers, realtors, attorneys, news reporters, and educators. The roles of various groups involved in planning and land use decision-making are described below, along with suggestions for working with each.

**Governing Body**

(Town Board, Village Board, City Council, County Board)

The governing body creates the plan commission and has the authority to specify powers, duties and functions of the commission. The governing body also provides a budget, equipment, and accommodations necessary for the plan commission to do its work.

The governing body is responsible for adopting and amending community plans, policies and regulations. In most cases, the governing body is required to refer these matters to the plan commission for review and input. In some communities, the governing body has authority to approve land division plats and zoning conditional use permits; in others, the governing body assigns these tasks to the plan commission.

Because the relationship between the governing body and plan commission is so important, the two should meet periodically to discuss community planning and land use issues. If the governing body has certain policies it wishes to pursue, the plan commission needs to understand those policies and how the governing body would like to achieve them. Conversely, plan commission members should share their concerns and ideas with the governing body. Ultimately, the two entities may not agree on policy or how to implement it, but at least each is informed so that they can make decisions and recommendations accordingly.

### Planning Advisory Committee

When a community is undertaking a large planning effort – such as the preparation of a new comprehensive plan or the rewrite of a zoning ordinance – it may wish to appoint a special committee to advise the plan commission. These bodies go by various names such as citizen advisory committee or comprehensive plan steering committee. In communities in which day-to-day functions such as development review consume a large portion of the plan commission’s time, the advisory body can help to alleviate the workload of the plan commission while also bringing diverse opinions to the process.

### Zoning Board

Communities that have adopted a local zoning ordinance are required to appoint a zoning board of adjustment or zoning board of appeals. The zoning board is responsible for hearing and deciding zoning administrative appeals, variances, and in some cases, conditional use permits. Due to their familiarity with the zoning ordinance, we recommend that the zoning board meet annually with the plan commission and governing body to discuss potential revisions to the zoning ordinance and improve provisions that are unclear, inadequate, overly restrictive, or otherwise problematic.

### Other Boards, Commissions and Committees

Many communities have special boards and commissions that play additional roles in the local planning process. Examples include design review boards, historic preservation commissions, and extraterritorial zoning committees. These bodies often provide additional input to the plan commission or governing body and may be granted final decision-making authority in some situations.

### Professional Staff and Consultants

The size and technical capacity of planning staff varies widely throughout the state. While a large city or county might employ a full complement of professional staff, including a

planning director, zoning administrator, GIS technician, support staff, and other land use professionals, smaller communities often rely on a single planning and zoning director, an administrator, elected officials, or consultants to provide these services. Consulting services are frequently provided by private consulting firms, counties, and regional planning commission.

Professional planners bring training and expertise to the planning process. They can assist with a variety of planning tasks including public participation, visioning, economic profiling, population projections and mapping. They are usually responsible for drafting land use regulations such as zoning and subdivision ordinances, and day-to-day administration of those ordinances. In this capacity, planning and zoning staff help landowners to navigate the development process, grant simple permits, and guide the development review process. They can also assist decision-makers by providing staff reports and impact analyses and making sure that procedural requirements such as meeting notice and minutes are satisfied.

### Regional Planning Commissions

Wisconsin has nine Regional Planning Commissions (RPCs) serving all but five counties in the state (Columbia, Dodge, Jefferson, Rock and Sauk). By law, RPCs function as strictly advisory bodies. They have the authority to conduct studies, collect and analyze data, and make and adopt plans for the physical and economic development of the region. RPCs also provide advisory services to local governments. Specific services might include: comprehensive planning; economic development planning; preparation of zoning, subdivision and other land use regulations; grant writing; revolving loan fund administration; socio-economic data collection and dissemination; development of intergovernmental agreements; and mapping services using geographic information systems.

### Attorneys (and the Law)

Planning and land use regulation rest on legal principles, statutes, and codes. Attorneys may become involved in plan commission proceedings in one of three ways: by representing an applicant or his or her opponent; by providing counsel to the plan commission; or by serving directly as a member of the plan commission. Legal counsel can play an important role in supporting the plan commission by providing education and advice related to plan commission decisions and procedural requirements.

Attorneys who appear before the commission representing a private party are advocates for that party, and therefore, may have different interpretations of statutes or local codes. This does not mean that a decision or interpretation of the plan commission is necessarily wrong. In fact, Wisconsin courts will generally uphold local decisions if any reasonable view of the evidence supports the decision. By keeping a complete record of meetings and hearings and by making decisions based on the law, plan commissions minimize the likelihood that their decisions will be overturned.

### The Private Sector

Developers, builders, realtors and other contractors represent the private sector side of planning and development. These are the companies and individuals that design, build and sell subdivisions and other developments based on the plans and regulations that a community has in place. They often represent landowners in applying for local land use and building permits. While the private sector may complain about regulations, they appreciate a system where the process for obtaining permits is streamlined and transparent. In other words, there are no hidden costs or requirements.

### *The Role of the Lawyer*

When the applicant brings a lawyer, listen carefully to the presentation, but don't assume that the lawyer is right on every point, either of law or fact. Lawyers in this situation are advocates and as such will be selective in the points they make to the commission.

Lawyers who have done their job will be familiar with the commission's plans and ordinances, especially the sections that pertain to their clients' applications. But a lawyer's interpretations of a given section may differ from yours. Be consistent in your application of the rules.

Ask questions, but don't argue with the lawyer. Make notes of any points where you disagree, and the basis for your disagreement. Above all, don't let yourself be bullied by threats of litigation, unconstitutional takings or other bluster that may come your way. Make your decision based upon the law as set forth in your plans and ordinances.

Be sure that the bases for your decisions are clearly stated in the motion or motions on which the commission votes. Courts do not lightly overturn planning commission decisions if they are in accordance with duly adopted plans and regulations and firmly based on factual findings.

From: "The Role of the Lawyer." Carolyn W. Baldwin, Esq. *Planning Commissioners Journal* #11, Summer 1993.

### Nearby Communities

Each community is part of a larger network of neighboring towns, villages and cities. Local land use decisions can have impacts outside a jurisdiction's own boundaries. Wisconsin's comprehensive planning law recognizes the need for intergovernmental coordination. The law asks each local government to include an intergovernmental cooperation element within its comprehensive plan to address consistencies between and among plans of different jurisdictions and to address how to deal with future conflicts that may arise over land use matters. When adopting implementation policies and tools, neighboring communities can be an invaluable source of information and experience.

### The Public

Citizens are local experts on the issues and broader trends affecting their communities. Public input should be emphasized before, during and after the development of local plans and regulations. By directly participating in public meetings, focus groups, surveys and the like, and by participating in informal discussions with neighbors and local decision-makers, the public offers perspective and opinions that are valuable in the planning process. The perennial challenge is getting significant input from the public in the planning process. There are many methods to involve individual members of the public as well as targeted interest groups such as businesses, natural resources protection groups, and agricultural interests, to name a few. Additional detail is provided in Chapter 4.

### The Media

The media may attend meetings or hearings of the governing body, plan commission or zoning board. Recognizing that reporters are required to cover a very broad range of issues and work under short timelines, it's best to help them understand the role of planning and land use regulation long before a controversial issue arises. The media can also be used to keep the public informed of an ongoing planning process or planning issues in general. Staff can help reporters understand the issues at hand by providing them with copies of staff reports and applicable plans, ordinances, statutes and case law, and by taking the time to explain these materials and answer questions. When working with the media, be sure to provide clear graphics and translate your technical language into lay terminology. Working as a team with reporters is the best approach to obtain accurate press coverage.

### Cooperative Extension Educators

UW-Extension educators seek to improve the quality of local decisions by providing public, private and non-profit clients with information, targeted research results, and process support. County educators work within a network of state specialists to provide direct support to local communities. The UW-Extension Center for Land Use Education offers educational workshops for plan commissions, zoning boards and other local officials involved in planning and land use issues. Upcoming workshops are listed at: [www.uwsp.edu/cnr-ap/clue/Pages/workshops/workshopspc.aspx](http://www.uwsp.edu/cnr-ap/clue/Pages/workshops/workshopspc.aspx)

## *Learning to Enjoy Your Service on the Commission*

One would be hard pressed to find another overworked, underappreciated position in a community equal to being a plan commissioner. There is usually no financial remuneration, and the meetings are often tedious, technical, and sometimes contentious. Your best friends may disagree with a decision you make. Why, then, even bother? Surely, there are other uses you can find for your time.

One reason that seems to give commissioners a boost is that little goes on in the community that is not affected somewhat by planning. You have the opportunity to influence and lead the way to change that will be felt for years to come. Look upon these positive attributes as your challenge to execute the obligations of your office so that the experience is, indeed, one you savor.

Some principles to consider:

- *Do not take it personally.*

It would be gratifying if you and the other commissioners could deal only with the big picture, concepts, and ideas. Often, however, it is the nuts and bolts of how individuals use their property that concern the commission, and this can become personal.

When landowners get frustrated or angry, they may express themselves in ways that are not pleasant. You will survive and keep your sanity if you realize it is the system they rail against and the plan commission and staff are convenient targets. Never forget, however, that even words expressed in anger can contain kernels of truth worth being considered.

- *Respect your staff.*

They are human. They err. Sometimes their mistakes are embarrassing or should be overturned. You are entitled, or even expected to question your staff carefully, but do it privately. If you have to overturn their recommendation, vote on the facts as you see them, not hearsay or opinion. Never make them scapegoats in a public setting. This diminishes you in the eyes of the public and also undermines the confidence people will have in your staff in the future.

- *Avoid being seduced by planning jargon.*

The longer you are on the plan commission, the more technical information you will come to understand. However, you are not, nor should you be a professional planner. Put yourself in the shoes of the citizens. In documents that are sent to the public, insist that staff translate planning jargon into plain English. Add a summary page to your meeting agenda or include a glossary of commonly used terms.

- *Maintain collegial relations with other commissioners.*

You may have been appointed to the plan commission because of a particular interest or segment of the community that you represent. Moreover, you may have little in common with fellow commissioners, socially or professionally. Nevertheless, you all have the same title. Your enthusiasm to work for the good of the community binds you, though you may define this in different ways. Show respect for each others' opinions, even if they differ.

Take time for a convivial cup of coffee or tea before or after a meeting to help cement relationships. But check first with your staff or the city attorney to make sure this does not violate open meeting laws or run counter to community norms.

- *Always be prepared.*

Staff spend many hours working on the agenda and supporting documents. Read them over carefully before the meeting and call them for clarification if there is something that you do not understand. Listen attentively to their presentations and those of the public, asking questions that show you have done your homework.

- *Understand the political landscape.*

No one need tell you that planning is far from an ivory tower exercise. The commission is appointed by a political body and does its work within a political environment. That said, it is important that your decisions be the best you can make for the entire community. You need to be very careful not to give even a hint of favoritism. This means, for example, not meeting separately with a buddy of the mayor's or huddling in a corner at a social event with anyone who has a stake in a development or other major decision your commission is being asked to make. Your well-reasoned decisions may be overturned by elected officials, but that is their prerogative for which they have to answer to the public.

In these and other ways, you can enjoy the important role you play in your community.

Adapted from: *The Planning Commissioners Journal*, Number 74, Spring 2009. By Elaine Cogan, partner in the planning firm, Cogan Owens Cogan, LLC.

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## RECOMMENDED RESOURCES

### Plan Commissions

*Guide to Community Planning in Wisconsin, Chapter 3: The Plan Commission.* Brian W. Ohm. 1999. 275 pages. Department of Urban & Regional Planning, UW-Madison/Extension. Available online: [www.lic.wisc.edu/shapingdane/resources/planning/library/book/contents.htm](http://www.lic.wisc.edu/shapingdane/resources/planning/library/book/contents.htm).

*The Job of the Planning Commissioner.* 3<sup>rd</sup> Edition. Albert Solnit. 1987. 198 pages. APA Planners Press. Available from libraries, bookstores or online: [www.planning.org/apastore](http://www.planning.org/apastore).

### Establishing the Plan Commission

*Recruiting and Retaining Qualified Plan Commissioners.* Douglas Miskowiak and Chin-Chun Tang. 2004. 20 pages. Center for Land Use Education. Available online: [www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx](http://www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx).

*The Town Plan Commission.* James H. Schneider. 2001. 9 pages. Local Government Center. (Fact Sheet #16). Available online: <http://lgc.uwex.edu/publications/pubs.html>.

*Village Powers for Town Boards.* James H. Schneider. 2002. 6 pages. Local Government Center. (Fact Sheet #18). Available online: <http://lgc.uwex.edu/publications/pubs.html>.

### Plan Commission Ordinances

*Village Plan Commission Ordinances.* Anna Haines. 2005. 14 pages. Center for Land Use Education. Available online: [www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx](http://www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx).

*Town Plan Commission Sample Ordinance and Notes.* 2002. 16 pages. and *Updates to Town Plan Commission Sample Ordinance.* 2008. 4 pages. James H. Schneider. Local Government Center. Available online: <http://lgc.uwex.edu/publications/pubs.html>.

*Model Ordinance to Create a Town Plan Commission.* 2004. 4 pages. Southeastern Wisconsin Regional Planning Commission. Available online: [www.sewrpc.org/SEWRPC/communityassistance/EducationalServices2.htm](http://www.sewrpc.org/SEWRPC/communityassistance/EducationalServices2.htm).

## **PLAN COMMISSION FORMS**

The forms at the end of this chapter can be used by communities looking to establish or fine-tune the operation of their plan commission. Each form can also be downloaded in Microsoft Word format from the Center for Land Use Education website: [www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx](http://www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx)



Application for Appointment to the Plan Commission



Plan Commission Job Description

## Application for Appointment to the Plan Commission

The City/Village/Town/County of \_\_\_\_\_ is soliciting applications from individuals interested in serving on the plan commission. Members will be appointed to serve a three-year term. Please refer to the attached job description for a detailed description of plan commission duties, expectations and compensation.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Home address: \_\_\_\_\_

Length of residence: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Phone (day): \_\_\_\_\_ Phone (evening): \_\_\_\_\_

Occupation: \_\_\_\_\_ Employer: \_\_\_\_\_

1) Have you ever volunteered for or been affiliated with other public or private boards, commissions, community groups, or professional associations? If yes, please describe the nature of your involvement and your length of service.

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2) This position generally requires \_\_\_\_ day/evening meetings each month and \_\_\_\_ hours of meeting and preparation time. Are you able to meet this commitment on a regular basis?

Yes  No  Maybe (please describe):

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3) Please identify personal and professional skills, traits and experiences that qualify you for this position. Elaborate as needed below.

Experience:

Agriculture

Natural Resources

Real Estate/Construction

Business

Local Government

Skills/Traits:

Open-minded

Detail-oriented

Attentive listener

Clear speaker

Good writer

Conduct public meetings

Read plans and maps

Analyze alternatives

\_\_\_\_\_

\_\_\_\_\_

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4) Why would you like to serve on the plan commission?

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5) Please describe any special training that would assist you as a plan commission member.

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## Plan Commission Job Description

### PRIMARY DUTIES:

The plan commission is appointed to advise the governing body regarding community planning and land use management. The plan commission is responsible for developing and recommending the community plan and implementing policies, procedures and ordinances to the governing body for adoption. The commission is responsible for involving the public in planning and decision-making and must comply with applicable rules related to open meetings, ethical conduct, etc. The commission may be asked to review and/or decide the following matters: conditional use permits, rezonings, subdivision/land division plat approval, driveway permits, etc.

### ADDITIONAL DUTIES:

The plan commission is responsible for reading and reviewing plan-related documents and background materials prior to meetings and hearings. Members are expected to listen to and consider staff presentations and public comments when making decisions. Commission members are expected to attend periodic training sessions to keep abreast of current trends and information and to better understand and fulfill its role. Special positions such as chair, vice-chair, and secretary will be elected after the plan commission is appointed.

### TIME COMMITMENT:

The plan commission meets once a month for approximately two hours, depending upon the number and complexity of tasks on its agenda. Anticipate one hour of preparation time for each hour of meeting time. Plan commission terms last three years.

### DESIRED QUALIFICATIONS:

The following skills and traits are desired of plan commission members:

- Attention to detail, open mindedness, patience, and willingness to listen and learn.
- Ability to work as a team and make decisions based on the best interests of the community.
- An understanding of the planning process, land use issues or law, construction and development practices, natural resources, or economic development.
- Ability to read maps and plans.
- Ability to speak and write clearly.

### SUPERVISION:

The plan commission receives direction from, and is responsible to, the local governing body. The plan commission is supported by staff of the Planning and Zoning Department and contracted consultants.

### WORKING CONDITIONS:

The plan commission conducts 95 percent of work indoors in an intellectual capacity, but occasionally visits outdoor sites for information gathering or inspection.

### BENEFITS:

This is a voluntary position with a \$25 stipend per meeting. Funding for authorized training sessions is also available.

Adapted from *Recruiting and Retaining Qualified Plan Commissioners*. Douglas Miskowiak and Chin-Chun Tang. 2004. Center for Land Use Education. With credit to Waupaca County, Wisconsin and Lafayette County, Colorado.