

2007 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB40)

Received: **06/27/2007**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9915**

By/Representing: **Renner**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Adl. Drafters:

Subject: **Local Gov't - munis generally**
Local Gov't - counties

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Renner -

Topic:

Limit applicability of comprehensive planning (Smart Growth); extend date to 2015

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 06/27/2007	csicilia 06/27/2007		_____			
/1			jfrantze 06/27/2007	_____	sbasford 06/28/2007		

FE Sent For:

<END>

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/?	mshovers	1 cjs 6/27/07	9/6/27	9/6/27			
11 NES	6/27/07		6/27				

FE Sent For:

<END>

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Assembly Republican Caucus 2007-09 Budget Motion Request

Date: 6/21/07

Legislator: Rep. Mary Williams

Staff Contact: Jon Hoelter

Working Group Motion Pertains To: Natural Resources & Stewardship

Agency: Administration

Statement of Motion Intent: Extend deadline for adopting a Comprehensive Plan to January 1, 2015. Exempt communities with a population less than 2,500 from being required to participate in comprehensive land-use planning.

Summary: Comprehensive planning was adopted in the 1999 budget. It came through as a policy item but did not have public hearings or opportunity for public debate; rather, it was the initiative of a few special interest groups.

It requires every county, city, village, and town that wishes to exercise land use regulations (zoning) to have a comprehensive plan adopted by January 1, 2010.

While many small, rural communities do not ever wish to adopt a comprehensive plan due to the time, resources, and money needed to prepare it, a larger concern is the looming date of January 1, 2010. If governmental units do not have a plan in place by then, they face potential lawsuits.

So far, only 15 of our 72 counties, 75 of 190 cities, 115 of 402 villages, and 349 of 1,259 towns have adopted their comprehensive plan. For some of these governmental units, either a plan will have to haphazardly be adopted or they will miss the deadline.

Fiscal Impact: None

Funding Source (if applicable):



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0808/7
MES.....

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RMNR

LFB:.....Renner - Limit applicability of comprehensive planning (Smart Growth); extend date to 2015

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 825, line 7: after that line insert:

3 (END)



2007 BILL

1 AN ACT *to amend* 59.69 (3) (a), 62.23 (3) (b) and 66.1001 (3) (intro.) of the
2 statutes; **relating to:** delaying the implementation date of the comprehensive
3 planning statute.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the "Smart Growth" statute, if a city, village, town, county, or regional planning commission (local governmental unit) creates a development plan or master plan (comprehensive plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Under current law, beginning on January 1, 2010, certain actions of a local governmental unit that affect land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. Also under current law, beginning on January 1, 2010, if a local governmental unit engages in any of these specified actions, the comprehensive plan must contain at least all of the required planning elements.

BILL

This bill delays the implementation date in current law from January 1, 2010, until January 1, 2015.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 → u **SECTION 1.** ¹⁸⁵¹⁵ 59.69 (3) (a) of the statutes is amended to read:

2 59.69 (3) (a) The county zoning agency may direct the preparation of a county
3 development plan or parts of the plan for the physical development of the
4 unincorporated territory within the county and areas within incorporated
5 jurisdictions whose governing bodies by resolution agree to having their areas
6 included in the county's development plan. The plan may be adopted in whole or in
7 part and may be amended by the board and endorsed by the governing bodies of
8 incorporated jurisdictions included in the plan. The county development plan, in
9 whole or in part, in its original form or as amended, is hereafter referred to as the
10 development plan. Beginning on January 1, ~~2010~~ 2015, if the county engages in any
11 program or action described in s. 66.1001 (3), the development plan shall contain at
12 least all of the elements specified in s. 66.1001 (2). " ←

#. Page 830, line 15; after that line insert!

13 → **SECTION 2.** ¹⁸⁶⁷⁵ 62.23 (3) (b) of the statutes is amended to read:

14 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
15 resolution, or, as the work of making the whole master plan progresses, may from
16 time to time by resolution adopt a part or parts of a master plan. Beginning on
17 January 1, ~~2010~~ 2015, if the city engages in any program or action described in s.
18 66.1001 (3), the master plan shall contain at least all of the elements specified in s.
19 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be
20 by resolution carried by the affirmative votes of not less than a majority of all the
21 members of the city plan commission. The resolution shall refer expressly to the

BILL

1 elements under s. 66.1001 and other matters intended by the commission to form the
 2 whole or any part of the plan, and the action taken shall be recorded on the adopted
 3 plan or part of the plan by the identifying signature of the secretary of the
 4 commission, and a copy of the plan or part of the plan shall be certified to the common
 5 council, and also to the commanding officer, or the officer's designee, of any military
 6 base or installation, with at least 200 assigned military personnel or that contains
 7 at least 2,000 acres, that is located in or near the city. The purpose and effect of the
 8 adoption and certifying of the master plan or part of the plan shall be solely to aid
 9 the city plan commission and the council in the performance of their duties. " ←

INS
3-9

10 SECTION 3. 66.1001 (3) (intro.) of the statutes is amended to read:

11 66.1001 (3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE
 12 PLANS. (intro.) Beginning on January 1, 2010 2015, if a local governmental unit
 13 engages in any of the following actions, those actions shall be consistent with that
 14 local governmental unit's comprehensive plan: " ←

15 (END)

2007 BILL

FNS 3-9
p. 1 of 2

1 AN ACT *to amend* 66.1001 (1) (b) of the statutes; **relating to:** limiting the
2 applicability of the comprehensive planning statute to political subdivisions
3 with a certain population.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the "Smart Growth" statute, if a city, village, town, county, or regional planning commission (local governmental unit) creates a development plan or master plan (comprehensive plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Under current law, beginning on January 1, 2010, certain actions of a local governmental unit that affect land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. Also under current law, beginning on January 1, 2010, if a local governmental unit engages in any of these specified actions, the comprehensive plan must contain at least all of the required planning elements.

Under this bill, to the extent that the comprehensive planning statute applies to a city, village, town, or county (political subdivision), it applies only to a political subdivision with a population of at least 2,500.



BILL

INS
3-9
p. 2002

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

#, Page 839, line 20: after that line insert:

1 → SECTION 1. 66.1001 (1) (b) of the statutes is amended to read:

2 66.1001 (1) (b) "Local governmental unit" means a city, village, town, county,
3 or regional planning commission that may adopt, prepare, or amend a
4 comprehensive plan and, in the case of a political subdivision, that has a population
5 of at least 2,500.

6

(END) of ins 3-9



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0808/1
MES:cjs:jf

LFB:.....Renner - Limit applicability of comprehensive planning (Smart Growth); extend date to 2015

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 825, line 7: after that line insert:

3 **"SECTION 1851s.** 59.69 (3) (a) of the statutes is amended to read:

4 59.69 (3) (a) The county zoning agency may direct the preparation of a county
5 development plan or parts of the plan for the physical development of the
6 unincorporated territory within the county and areas within incorporated
7 jurisdictions whose governing bodies by resolution agree to having their areas
8 included in the county's development plan. The plan may be adopted in whole or in
9 part and may be amended by the board and endorsed by the governing bodies of
10 incorporated jurisdictions included in the plan. The county development plan, in

1 whole or in part, in its original form or as amended, is hereafter referred to as the
2 development plan. Beginning on January 1, ~~2010~~ 2015, if the county engages in any
3 program or action described in s. 66.1001 (3), the development plan shall contain at
4 least all of the elements specified in s. 66.1001 (2).”.

5 **2.** Page 830, line 15: after that line insert:

6 “**SECTION 1867s.** 62.23 (3) (b) of the statutes is amended to read:

7 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
8 resolution, or, as the work of making the whole master plan progresses, may from
9 time to time by resolution adopt a part or parts of a master plan. Beginning on
10 January 1, ~~2010~~ 2015, if the city engages in any program or action described in s.
11 66.1001 (3), the master plan shall contain at least all of the elements specified in s.
12 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be
13 by resolution carried by the affirmative votes of not less than a majority of all the
14 members of the city plan commission. The resolution shall refer expressly to the
15 elements under s. 66.1001 and other matters intended by the commission to form the
16 whole or any part of the plan, and the action taken shall be recorded on the adopted
17 plan or part of the plan by the identifying signature of the secretary of the
18 commission, and a copy of the plan or part of the plan shall be certified to the common
19 council, and also to the commanding officer, or the officer’s designee, of any military
20 base or installation, with at least 200 assigned military personnel or that contains
21 at least 2,000 acres, that is located in or near the city. The purpose and effect of the
22 adoption and certifying of the master plan or part of the plan shall be solely to aid
23 the city plan commission and the council in the performance of their duties.”.

24 **3.** Page 839, line 20: after that line insert:

1 **SECTION 1903m.** 66.1001 (1) (b) of the statutes is amended to read:

2 66.1001 (1) (b) "Local governmental unit" means a city, village, town, county,
3 or regional planning commission that may adopt, prepare, or amend a
4 comprehensive plan and, in the case of a political subdivision, that has a population
5 of at least 2,500.

6 **SECTION 1903n.** 66.1001 (3) (intro.) of the statutes is amended to read:

7 66.1001 (3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE
8 PLANS. (intro.) Beginning on January 1, ~~2010~~ 2015, if a local governmental unit
9 engages in any of the following actions, those actions shall be consistent with that
10 local governmental unit's comprehensive plan:".

11

(END)