

2009 DRAFTING REQUEST

Bill

Received: **01/23/2009**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Hubler (608) 266-2519**

By/Representing: **Rep. Hubler**

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

Drafter: **mshovers**

May Contact:

Adl. Drafters: **mglass**

Subject: **Local Gov't - zoning**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Hubler@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Smart growth, comprehensive planning; extend date to 2012 under certain circumstances

Instructions:

See Attached. Based on 2007 Smart Growth delay, AB 718 (-2199) but delay only until 2012 and only if LGU passes a resolution committing to develop a plan by 1/1/12

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>
/?				_____			S&L
/1	mshovers 01/23/2009	nmatzke 02/19/2009	phenry 02/20/2009	_____	cduerst 02/20/2009	lparisi 04/21/2009	

FE Sent For:

<END>

↳ At Intro.

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/?	mshovers	1 nwn 2/19	1/19 ph	1/19 ph			
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11 MES 1/23/09

1/19
ph

1/19
ph

FE Sent For:

<END>

Shovers, Marc

From: Hubler, Mary
Sent: Tuesday, January 20, 2009 2:05 PM
To: Shovers, Marc
Subject: Rep. Hubler Bill draft request

Representative Mary Hubler requests that a bill be drafted that would allow a two-year delay to January 2012 in applying the consistency requirement of the Comprehensive Planning law. The delay would be permitted to governmental units who passed a resolution committing to developing a comprehensive plan by January 2012.

The following information is in regard to a drafting request to delay the current “consistency requirement” in Sec. 66.1001 (3) of Wis. Statutes.

The legislative intent is to create a two-year delay in the current consistency requirement for towns, villages, cities, and counties that have not adopted a plan prior to December 31, 2009, but have adopted a resolution by the governing body of the local government unit invoking the delay and committing to develop a comprehensive plan under Sec. 66.1001 prior to January 1, 2012. For those local government units that adopt such a resolution the consistency requirement would be delayed until January 1, 2012.

Failure to complete the plan by January 1, 2012 by those adopting such a delay resolution will have the same consequences as those current law provides - the various actions listed under subsection (3) of Sec. 66.1001.

For those local government units who have adopted a comprehensive plan and those that have not adopted a resolution asking for a delay the current law requiring consistency under Sec. 66.1001 (3) by January 1, 2010 will stand.

All other provisions of Sec. 66.1001 would remain the same.

change
- 1766

can call WTR -
Rick Stadelman

2 yr delay is only if pol sub
has not received or applied for

a planning grant

Rep Hubler's

New instructions
from Rep Hubler = 2/5/09

The 2 year delay applies only if
a pol. subdivision has not received
or applied for a planning grants
under s. 16.965 (2)





State of Wisconsin
2009 - 2010 LEGISLATURE

MRB
LRB-1766/7
MES.....
nwn
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
X-ref ✓

gen

- 1 AN ACT ...; relating to: delaying the implementation date of the comprehensive
- 2 planning statute for certain local governmental units. ✓

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. ✓

This bill delays the implementation date in current law from January 1, 2010, until January 1, 2012, but only for a local governmental unit that has not enacted a comprehensive plan that takes effect on January 1, 2010, but that has also adopted

2
INS
ANL

a resolution before that date which commits the local governmental unit to enacting a comprehensive plan that will take effect on or before January 1, 2012

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

AM; 59.69 (3)(a)

INS
ANL

1 59.69 (3) (a) The county zoning agency may direct the preparation of a county
2 development plan or parts of the plan for the physical development of the
3 unincorporated territory within the county and areas within incorporated
4 jurisdictions whose governing bodies by resolution agree to having their areas
5 included in the county's development plan. The plan may be adopted in whole or in
6 part and may be amended by the board and endorsed by the governing bodies of
7 incorporated jurisdictions included in the plan. The county development plan, in
8 whole or in part, in its original form or as amended, is hereafter referred to as the
9 development plan. Beginning on January 1, 2010, or, subject to s. 66.1001 (3m),
10 beginning on January 1, 2012, if the county engages in any program or action
11 described in s. 66.1001 (3), the development plan shall contain at least all of the
12 elements specified in s. 66.1001 (2).

13 **SECTION 1.** 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, or, subject to s. 66.1001 (3m), beginning on January 1, 2012, if the
18 city engages in any program or action described in s. 66.1001 (3), the master plan
19 shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of
20 the plan or any part, amendment, or addition, shall be by resolution carried by the
21 affirmative votes of not less than a majority of all the members of the city plan

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

11 **SECTION 2.** ^{✓x} 66.1001 (3) (intro.) of the statutes is amended to read:

12 66.1001 (3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE
 13 PLANS. (intro.) Beginning on January 1, 2010, or, subject to (s. 66.1001) (3m), ^{sub.}
 14 beginning on January 1, 2012, if a local governmental unit engages in any of the
 15 following actions, those actions shall be consistent with that local governmental
 16 unit's comprehensive plan: ✓

17 **SECTION 3.** ^{✓✓✓} 66.1001 (3m) of the statutes is created to read:

18 66.1001 (3m) DELAY OF CONSISTENCY REQUIREMENTS. If a local governmental
 19 unit has not enacted a comprehensive plan that takes effect on January 1, 2010, but
 20 adopts a resolution before January 1, 2010, which commits the local governmental
 21 unit to enacting a comprehensive plan that will take effect on or before January 1,
 22 2012, ^{and has applied} the January 1, 2010, consistency requirement in sub. (3) does not apply to the
 23 local governmental unit until January 1, 2012. ✓

24 (END)

D-NOTE →

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1766/1ins
MGG:.....

Insert ANL

and

NOTE → This bill delays the implementation date in current law from January 1, 2010, until January 1, 2012 for a local governmental unit that takes certain steps towards meeting the consistency requirement. The local governmental unit must adopt a resolution before January 1, 2010, that commits the local government unit to enacting a comprehensive plan that will take effect on or before January 1, 2012, and the local government must have applied for but not yet received, or must have decided not to apply for, a grant under a program administered by the Department of Administration that provides funding for local planning activities.

→ FE-SC ←
1 Insert 3-23

2 SECTION 1. 66.001 (3m) of the statutes is created to read:

3 66.001 (3m) DELAY OF CONSISTENCY REQUIREMENT. If a local governmental unit
4 has not enacted a comprehensive plan before January 1, 2010, the local
5 governmental unit is exempt from the consistency requirement under sub. (3) until
6 January 1, 2012, if all of the following apply:

7 1. The local governmental unit adopts a resolution before January 1, 2010, that
8 commits the local governmental unit to enact a comprehensive plan that will take
9 effect on or before January 1, 2012.

10 2. The local governmental unit, as of the date the resolution is adopted, has
11 applied for but has not received, or has decided not to apply for, a comprehensive
12 planning grant under s. 16.965 (2).

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1766/1dn

MGG:.....

MES:nwn

Date

> Representative Hubler

Please review s. 66.001 (3m) in this draft carefully to ensure that it is consistent with your intent.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

MES

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1766/1dn
MES:nwn:ph

February 19, 2009

Representative Hubler:

Please review s. 66.001 (3m) in this draft carefully to ensure that it is consistent with your intent.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Parisi, Lori

From: Engelbert, Steve
Sent: Tuesday, April 21, 2009 10:55 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1766/1 Topic: Smart growth, comprehensive planning; extend date to 2012 under certain circumstances

Please Jacket LRB 09-1766/1 for the ASSEMBLY.