

1999 DRAFTING REQUEST

Bill

Received: **01/05/2000**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Brian Ohm**

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

Drafter: **shoveme**

May Contact: **Brian Ohm, 2-2098**

Alt. Drafters: **nilsepe**

Subject: **Counties
Munis - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Changes to "Smart Growth"; comprehensive land use planning

Instructions:

See Attached. "Technical changes" to Act 9's (the budget's) comprehensive land use planning changes

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>
/1	shoveme 02/02/2000 nilsepe 02/03/2000	gilfokm 02/04/2000	jfrantze 02/04/2000	_____	lrb_docadmin 02/04/2000		S&L
/2	shoveme 02/14/2000	gilfokm 02/17/2000	martykr 02/18/2000	_____	lrb_docadmin 02/18/2000		S&L
/3	shoveme 03/07/2000 kuesejt 03/07/2000	gilfokm 03/07/2000	martykr 03/08/2000	_____	lrb_docadmin 03/08/2000	gretskl 03/13/2000 lrb_docadmin 03/13/2000	S&L

FE sent for 3/14/00

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/2	shoveme 02/14/2000	gilfokm 02/17/2000	martykr 02/18/2000	_____	lrb_docadmin 02/18/2000		S&L

13
FE Sent For: *MS 3/7/2000*
KMG
Km 3/8
3/8

<END>

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/1	shoveme 02/02/2000	gilfokm 02/04/2000	jfrantze 02/04/2000	_____	lrb_docadmin 02/04/2000		S&L
	nilsepe 02/03/2000	<i>12-2-17-2000 img</i>	<i>Km 2/4</i>	<i>JK</i>			

12 MBS 2/14/00
FE Sent For:

<END>

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Drafter: **shoveme**

May Contact: **Brian Ohm, 2-2098**

Alt. Drafters: **PEN**

Subject: **Counties
Munis - miscellaneous**

Extra Copies: **JTK**

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1?	shoveme	1-2-3-2000 Kmg	Jos/4	Jb/KM 24			

FE Sent For:

<END>

Shovers, Marc

From: Brian Ohm [bwohm@facstaff.wisc.edu]
Sent: Thursday, December 30, 1999 1:42 PM
To: marc.shovers@legis.state.wi.us
Subject: Smart Growth changes

Importance: High

2-2098

Marc:

[In this era of Y2K, my PC is acting funny. I'm sending this again to make sure the last message got off ok. Sorry if you get 2 messages.]

SKN.

BURKE

As we discussed, the parties involved with the Smart Growth legislation have several immediate issues that need to be addressed by the Legislature. As you will see the changes are relatively minor but they are significant in light of some of the questions which people are asking. The model ordinance provisions are critical because of the impact and need to be changed ASAP in light of the timeframe outlined in the legislation (all cities and villages in the state versus cities and villages with populations of at least 12,500--politically this is important because certain legislators signed on with the understanding that the legislation would only apply to cities and villages above that threshold). I hope you will be able to draft the legislation ASAP so it can be introduced in the very near future.

1/31/00

Conversation w/

Brian Ohm

Please let me know if you have questions. Thanks.

Best wishes for the New Year.

If a LCU has a comp. plan on or after 1/1/10, the plan must have all the elements in s. 66.0295(2)

CHANGES

1. Effective dates

Clarify that local governments do not need to have a comprehensive plan under 66.0295(2) until January 1, 2010.

Possible language would be to state at the end of s. 59.69(3)(b) that "After December 31, 2009, the development plan shall contain at least the elements described in s. 66.0295 if a county engages in any program or action identified in sec. 66.0295(3)." In s. 62.23(2) the language could be inserted to read: "The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and after December 31, 2009 shall contain at least the elements described in s. 66.0295 if a city engages in any program or action identified in sec. 66.0295(3)."

As a new or current plan is created or revised, LCUs must comply w/ each element in s. 66.0295(2) that's affected -- can be pieced approach until 1/1/10;

Other possibilities would be to state in 66.0295 that: "Master plans and development plans adopted prior to the enactment of 66.0295 shall remain in force and effect until amended, repealed or superseded by comprehensive plans adopted pursuant to 66.0295."

but

2. Timing of DOT grants

Change the appropriation for the transportation related planning grants from an annual appropriation to a bi-annual appropriation. (This will provide greater flexibility for when the grant money is made available and will better allow the timing of the transportation grant program to match the timing of the other planning grant program.)

They want the comp plan to be enacted "by" an ord, instead of enacting an ord. that contains the plan - Am. 66.0295 (4)(c)

3. Traditional neighborhood developments and conservation subdivisions

a. Clarify that only cities, villages, and towns with populations of at least 12,500 need to adopt the traditional neighborhood development ordinance.

b. Clarify that only the model traditional neighborhood development ordinance needs to be adopted and not the conservation subdivision ordinance.

This can be done in sec. 66.034(3)(a) by deleting the first "and" and the second "every" and by adding a reference to local subdivision regulations from ch. 236 and "traditional neighborhood development" so it reads: "Not later than January 1, 2002, every city, village, and town with a population of at least 12,500 shall enact an ordinance under s. 62.23(7) and s. 236.45 that is similar to the model traditional neighborhood development ordinance that is developed under"

*Not added
(a note)*

Sec. 66.034(3)(b) also needs to include the reference to s. 236.45. Also the reference to "5,000" should be changed to "12,500."

4. Procedures for adopting comprehensive plan

In sec. 66.0295(4)(b) change the references to "planning" commission to "plan" commission. Also add that the plan is adopted by a majority vote of the entire commission so it is consistent with the "majority vote of the members-elect" as used in s. 66.0295(4)(c).

5. Land use element

In the land use element, s. 66.0295(2)(h), delete the reference to "with detailed maps" in the fourth sentence.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4234
MES&PEN...K...

Due Fri 2/4

Rmk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

inserts

D-note

1 AN ACT ^{plm cut} relating to: requirements for enacting comprehensive plans,
2 requirements for comprehensive subdivision ordinances ¹ and the timing of
3 transportation planning grants ^{and making an appropriation}

Analysis by the Legislative Reference Bureau

Under current law, a county board may engage in zoning and land use planning by creating a county planning agency or by designating a previously constituted county committee or commission as the county planning agency. If a county board creates or designates such an agency, the agency is required to direct the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan. ^(A)

^(A) Also under current law, a city or village, or certain towns that exercise village powers, may create a city, village or town ~~plan~~ ^{commission} to engage in zoning and land use planning. If a city, village or town creates such a commission, the commission is required to adopt a master plan for the physical development of the city, village or town including in some instances, in the case of a city or village, unincorporated areas outside of the city or village which are related to the city's or village's development.

A regional planning commission (RPC) may, under current law, conduct all types of research studies, collect and analyze data and prepare maps, charts and tables to be used in accomplishing its duties, ^{RPC duties} which include making plans for the physical, social and economic development of the region. ~~The~~ RPC is also required to prepare a master plan for the physical development of the region, ~~which~~

~~An~~ The master plan must

contain ~~the~~ ^{the} RPC's recommendations for such physical development, although all of ^{an} RPC's functions are solely advisory to the political subdivisions that comprise the region.

Current law ^{under} requires that, if a local governmental unit (city, village, town, county or RPC) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan ^{must} contain certain elements. The required elements consist of the following:

1. An issues and opportunities element that contains background information on the local governmental unit and a statement of objectives, policies, goals and programs to guide the growth of the local governmental unit over the next 20 years.
2. A housing element that contains information on the local governmental unit's housing stock and plans for housing for residents with all income levels and various needs.
3. A transportation element that addresses transportation issues and evaluates the relationship between the local governmental unit's transportation plans and state and regional transportation plans.
4. A utilities and community facilities element to guide the development of public and private utilities, governmental services and community facilities.
5. A natural and cultural resources element to guide the development of conservation policies for, and the effective management of, natural, historic and cultural resources.
6. An economic development element that promotes the stabilization, retention or expansion of the economic base of, and quality employment opportunities in, the local governmental unit.
7. An intergovernmental cooperation element that provides for joint planning and decision making with other jurisdictions.
8. A land use element to guide the future development and redevelopment of public and private property in the local governmental unit.
9. An implementation element that contains programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, building codes or subdivision ordinances, to implement the other elements.

Local governmental units that adopt ^{or amend} a comprehensive plan that contains these elements ^{are} eligible for state land use planning grants that must be used to finance the development of the comprehensive plan.

Beginning on January 1, 2010, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies include zoning ordinances, municipal incorporation procedures, annexation procedures, agricultural preservation plans and impact fee ordinances.

This bill specifies that if a local governmental unit has a comprehensive plan that is in effect on or after January 1, 2010, the plan must contain at least all of the elements that a created or amended plan must contain.

Current law requires the University of Wisconsin-Extension to develop, not later than January 1, 2001, a model ordinance for traditional neighborhood

law case

development and an ordinance for conservation subdivision. "Traditional neighborhood development" means a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other. "Conservation subdivision" means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible. If the model ordinances are approved, or considered approved, by a legislative committee in the Assembly and in the Senate, every city and village, and every town with a population of at least 12,500 is required to enact a traditional neighborhood development ordinance and a conservation subdivision ordinance that is similar to the model ordinances.

Under this bill, only a city, village or town with a population of at least 12,500 is required to enact a traditional neighborhood ordinance. There is no requirement that a city, village or town enact a conservation subdivision ordinance.

infra PN-A

delete white space

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

insert 3-1

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

1 SECTION 1. 59.69 (3) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is
2 amended to read:

3 59.69 (3) (a) The county zoning agency may direct the preparation of a county
4 development plan or parts thereof for the physical development of the
5 unincorporated territory within the county and areas within incorporated
6 jurisdictions whose governing bodies by resolution agree to having their areas
7 included in the county's development plan. The plan may be adopted in whole or in
8 part and may be amended by the board and endorsed by the governing bodies of
9 incorporated jurisdictions included in the plan. The county development plan, in
10 whole or in part, in its original form or as amended, is hereafter referred to as the
11 development plan. The If the development plan is amended or created on or after the
12 effective date of this paragraph ... [revisor inserts date], each amended or created
13 part of the plan shall correspond with one or more of the elements specified in s.

SECTION 1

1 66.0295 (2) and no later than January 1, 2010, shall contain at least the elements
2 described in s. 66.0295 (2).

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 a. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9.

3 SECTION 2. 62.23 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is
4 amended to read:

5 62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to
6 make and adopt a master plan for the physical development of the city, including any
7 areas outside of its boundaries which in the commission's judgment bear relation to
8 the development of the city provided, however, that in any county where a regional
9 planning department has been established, areas outside the boundaries of a city
10 may not be included in the master plan without the consent of the county board of
11 supervisors. The master plan, with the accompanying maps, plats, charts and
12 descriptive and explanatory matter, shall show the commission's recommendations
13 for such physical development, and shall, as described in sub. (3) (b), contain at least
14 the elements described in s. 66.0295. The commission may from time to time amend,
15 extend or add to the master plan or carry any part or subject matter into greater
16 detail. The commission may adopt rules for the transaction of business and shall
17 keep a record of its resolutions, transactions, findings and determinations, which
18 record shall be a public record.

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9.

19 SECTION 3. 62.23 (3) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is
20 amended to read:

21 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
22 resolution, or, as the work of making the whole master plan progresses, may from
23 time to time by resolution adopt a part or parts thereof, any such part to correspond



master
of a plan
2)

1 ~~with one or more of the elements specified in s. 66.0295~~ If the master plan is
 2 amended or created on or after the effective date of this paragraph [revisor inserts
 3 date], each amended or created part of the plan shall correspond with one or more
 4 of the elements specified in s. 66.0295 (2) and no later than January 1, 2010, shall
 5 contain at least the elements described in s. 66.0295 (2) The adoption of the plan
 6 or any part, amendment or addition, shall be by resolution carried by the affirmative
 7 votes of not less than a majority of all the members of the city plan commission. The
 8 resolution shall refer expressly to the elements under s. 66.0295 ⁽²⁾ and other matters
 9 intended by the commission to form the whole or any part of the plan, and the action
 10 taken shall be recorded on the adopted plan or part thereof by the identifying
 11 signature of the secretary of the commission, and a copy of the plan or part thereof
 12 shall be certified to the common council. The purpose and effect of the adoption and
 13 certifying of the master plan or part thereof shall be solely to aid the city plan
 14 commission and the council in the performance of their duties.

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987
 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9.

15 **SECTION 4. 66.0295 (2) (h) of the statutes, as created by 1999 Wisconsin Act 9,**
 16 **is amended to read:**

17 66.0295 (2) (h) *Land-use element*. A compilation of objectives, policies, goals,
 18 maps and programs to guide the future development and redevelopment of public
 19 and private property. The element shall contain a listing of the amount, type,
 20 intensity and net density of existing uses of land in the local governmental unit, such
 21 as agricultural, residential, commercial, industrial and other public and private
 22 uses. The element shall analyze trends in the supply, demand and price of land,
 23 opportunities for redevelopment and existing and potential land-use conflicts. The
 24 element shall contain projections, based on the background information specified in

SECTION 4

1 par. (a), for 20 years ~~with detailed maps~~, in 5-year increments, of future residential,
 2 agricultural, commercial and industrial land uses including the assumptions of net
 3 densities or other spatial assumptions upon which the projections are based. The
 4 element shall also include a series of maps [✓] that shows current land uses and future
 5 land uses that indicate productive agricultural soils, natural limitations for building
 6 site development, floodplains, wetlands and other environmentally sensitive lands,
 7 the boundaries of areas to which services of public utilities and community facilities,
 8 as those terms are used in par. (d), will be provided in the future, consistent with the
 9 timetable described in par. (d), and the general location of future land uses by net
 10 density or other classifications.

History: 1999 a. 9.

11 **SECTION 5.** 66.0295 (4) (b) (intro.) of the statutes, as created by 1999 Wisconsin
 12 Act 9, is amended to read:

13 66.0295 (4) (b) (intro.) The ~~planning plan~~ ^x commission or other body of a local
 14 governmental unit that is authorized to prepare or amend a comprehensive plan may
 15 recommend the adoption or amendment of a comprehensive plan only by adopting
 16 a resolution by a majority vote of the entire commission. The vote shall be recorded
 17 in the official minutes of the ~~planning~~ [✓] ~~commission~~ ^{plan} or other body. The resolution shall
 18 refer to maps and other descriptive materials that relate to one or more elements of
 19 a comprehensive plan. One copy of an adopted comprehensive plan, or of an
 20 amendment to such a plan, shall be sent to all of the following:

History: 1999 a. 9.

21 **SECTION 6.** 66.0295 (4) (c) (intro.) of the statutes, as created by 1999 Wisconsin
 22 Act 9, is amended to read:

23 **66.0295 (4) (c)** ^(intro.) No recommended comprehensive plan that is adopted or
 24 amended under par. (b) may take effect until the local governmental unit enacts an

1 ~~ordinance that adopts~~ the plan or amendment is ~~enacted as an ordinance by the local~~
2 ~~governmental unit~~. The local governmental unit may not enact an ordinance under
3 this paragraph unless the comprehensive plan contains all of the elements specified
4 in sub. (2). An ordinance may be enacted under this paragraph only by a majority
5 vote of the members-elect, as defined in s. 59.001 (2m), of the governing body. An
6 ordinance that is enacted under this paragraph shall be filed with at least all of the
7 following:

8 History: 1999 a. 9.

8 **SECTION 7.** 66.034 (3) (a) of the statutes, as created by 1999 Wisconsin Act 9,
9 is amended to read:

10 66.034 (3) (a) Not later than January 1, 2002, every city and village, and every
11 town with a population of at least 12,500 shall enact an ordinance under s. 62.23 (7)
12 that is similar to the model traditional neighborhood development ordinance that is
13 developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b), although
14 the ordinance is not required to be mapped.

15 History: 1999 a. 9.

15 **SECTION 8.** 66.034 (3) (b) of the statutes, as created by 1999 Wisconsin Act 9,
16 is amended to read:

17 17 66.034 (3) (b) A city ~~or~~ village ~~that comes into existence,~~ or town whose
18 population reaches at least 12,500, after January 1, 2002, shall enact an ordinance
19 under s. 62.23 (7) that is similar to the model traditional neighborhood development
20 ordinance that is developed under sub. (2) (a) if the ordinance is approved under sub.
21 (2) (b) not later than the first day of the 12th month beginning after the ~~city or village~~
22 ~~comes into existence or after the~~ city's, village's or town's population reaches at least
23 12,500, although the ordinance is not required to be mapped.

24 History: 1999 a. 9.

(END)

insg
7-24

D-note

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4234/linsPN
PEN:.....

INS
PN-A

the department

Finally, the bill changes an annual appropriation to the department of administration (an appropriation from which ~~NOA~~ provides grants to local governmental units to be used to finance the cost of planning activities related to the transportation element of a comprehensive plan) to a biennial appropriation. (The bill also provides that the amount lapsed, if any, from the annual appropriation at the end of fiscal year 1999-2000 is appropriated to that biennial appropriation for transportation planning grants. An annual appropriation is expendable only up to the amount shown in the schedule and only for the fiscal year for which made. At the end of the fiscal year, the unencumbered balance in an annual appropriation lapses to the fund from which appropriated. In contrast, dollar amounts shown in the schedule for a biennial appropriation represent the most reliable estimates of the amounts which will be expended in each fiscal year, the total for both years being the biennial appropriation. Only at the end of the biennium do unencumbered balances of biennial appropriations ~~revert~~ to the fund from which appropriated.) AA

(lapse)

SECTION 1. 20.505 (1) (z) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

INS
3-1

20.505 (1) (z) *Transportation planning grants to local governmental units.*
~~From~~ Biennially, from the transportation fund, the amounts in the schedule to provide transportation planning grants to local governmental units under s. 16.9651. All moneys received from the federal government and transferred from the appropriation account under s. 20.395 (3) (ix) shall be credited to this appropriation account.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24.

SECTION 2. Appropriation changes.

INS
7-74

(1) TRANSPORTATION PLANNING GRANTS TO LOCAL GOVERNMENTAL UNITS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (1) (z) of the statutes, as affected by the acts of 1999, the dollar amount for fiscal year 2000-01 is increased by an amount equal to the amount, if any, of the moneys under that appropriation that

↓

ilb
7-24
(cont.)

were allocated for the purpose of transportation planning grants to local governmental units under section 16.965 of the statutes and that lapsed to the general fund on July 1, 2000, ~~for the purpose of~~ for the purpose of transportation planning grants to local governmental units under section 16.965 of the statutes.

(end inserts)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4234/dn
MES&PEN.....

King

WPO:
Wont change.
just text.
[scribbles]

Please review this bill very carefully to ensure that it is consistent with your intent. One of Brian Ohm's instructions was to amend s. 66.034 (3) (a) to state that "Not later than January 1, 2002, every city, village and town with a population of at least 12,500 shall enact an ordinance under s. 62.23 (7) and s. 236.45 that is similar to the model traditional neighborhood development ordinance . . ." I did not add the reference to s. 236.45. If a unit of government is required to enact an ordinance under one statute, that legislative directive is sufficient. There is no need to require a city, village and town to enact the same ordinance under 2 different statutes. Also, based on Mr. Ohm's instructions, I'm not sure where "5,000" needs to be changed to "12,500."

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

WPO:
vt. needs more info
[scribbles]

Do you want to "carry over" the unused appropriation for transportation planning grants in the manner provided in the appropriation changes portion of this bill? Doing so will ensure the availability of \$2 million for planning grants biennially. ~~ensure~~

\$2,000,000

-PEN

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

LRB-4234/1dn
MES&PEN:kmg:jf

February 4, 2000

Please review this bill very carefully to ensure that it is consistent with your intent. One of Brian Ohm's instructions was to amend s. 66.034 (3) (a) to state that "Not later than January 1, 2002, every city, village and town with a population of at least 12,500 shall enact an ordinance under s. 62.23 (7) *and* s. 236.45 that is similar to the model traditional neighborhood development ordinance . . ." I did not add the reference to s. 236.45. If a unit of government is required to enact an ordinance under one statute, that legislative directive is sufficient. There is no need to require a city, village and town to enact the same ordinance under 2 different statutes. Also, based on Mr. Ohm's instructions, I'm not sure where "5,000" needs to be changed to "12,500."

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: Marc.Shovers@legis.state.wi.us

Do you want to "carry over" the unused appropriation for transportation planning grants in the manner provided in the appropriation changes portion of this bill? Doing so will ensure the availability of \$2,000,000 for planning grants biennially.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

2/17/09 Marc S. is on vacation & an editor, asked me to review SECS 2 & 4 of Marc's draft.

I had TC's w/ Dave Cislowitz, Brian Ohm

& Tom Larson. I need to read

MES's suggested language in SECS 2 & 4

to try to figure out what's intended.

Dave referred me to Brian & Tom.

They confirmed that the intent is

captured by my substitute language

(INHERITS 4-21 → 6-6) — that if a

county or city engages in any of

those activities after 12/31/09, the

plan must have all of the elements.

Peter Grant



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4234²
MES&PEN:kmg:jf

RMA

1999 BILL

SOON

repen

1 AN ACT to amend 20.505 (1) (z), 59.69 (3) (a), 62.23 (2), 62.23 (3) (b), 66.0295 (2)
2 (h), 66.0295 (4) (b) (intro.), 66.0295 (4) (c) (intro.), 66.034 (3) (a) and 66.034 (3)
3 (b) of the statutes; relating to: requirements for enacting comprehensive
4 plans, requirements for comprehensive subdivision ordinances, the timing of
5 transportation planning grants and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a county board may engage in zoning and land use planning by creating a county planning agency or by designating a previously constituted county committee or commission as the county planning agency. If a county board creates or designates such an agency, the agency is required to direct the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan.

Also under current law, a city or village, or certain towns that exercise village powers, may create a city, village or town plan commission to engage in zoning and land use planning. If a city, village or town creates such a commission, the commission is required to adopt a master plan for the physical development of the city, village or town including in some instances, in the case of a city or village, unincorporated areas outside of the city or village which are related to the city's or village's development.

A regional planning commission (RPC) may, under current law, conduct all types of research studies, collect and analyze data and prepare maps, charts and

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tables to be used in accomplishing its duties. RPC duties include making plans for the physical, social and economic development of the region. An RPC is also required to prepare a master plan for the physical development of the region. The master plan must contain the RPC's recommendations for such physical development, although all of an RPC's functions are solely advisory to the political subdivisions that comprise the region.

Under current law, if a local governmental unit (city, village, town, county or RPC) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain ^{planning} elements. The required elements consist of the following:

1. An issues and opportunities element that contains background information on the local governmental unit and a statement of objectives, policies, goals and programs to guide the growth of the local governmental unit over the next 20 years.
2. A housing element that contains information on the local governmental unit's housing stock and plans for housing for residents with all income levels and various needs.
3. A transportation element that addresses transportation issues and evaluates the relationship between the local governmental unit's transportation plans and state and regional transportation plans.
4. A utilities and community facilities element to guide the development of public and private utilities, governmental services and community facilities.
5. A natural and cultural resources element to guide the development of conservation policies for, and the effective management of, natural, historic and cultural resources.
6. An economic development element that promotes the stabilization, retention or expansion of the economic base of, and quality employment opportunities in, the local governmental unit.
7. An intergovernmental cooperation element that provides for joint planning and decision making with other jurisdictions.
8. A land use element to guide the future development and redevelopment of public and private property in the local governmental unit.
9. An implementation element that contains programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, building codes or subdivision ordinances, to implement the other elements.

Local governmental units that adopt or amend a comprehensive plan that contains these elements are eligible for state land use planning grants that must be used to finance the development of the comprehensive plan.

Beginning on January 1, 2010, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies include zoning ordinances, municipal incorporation procedures, annexation procedures, agricultural preservation plans and impact fee ordinances.

BILL

after the bill takes effect

required planning

or is created

~~This bill specifies that if a local governmental unit has a comprehensive plan that is in effect on or after January 1, 2010, the plan must contain at least all of the elements that a created or amended plan must contain.~~

no later than January 1, 2010, the local governmental unit must

*TRNG
A*

Current law requires the University of Wisconsin-Extension to develop, not later than January 1, 2001, a model ordinance for traditional neighborhood development and an ordinance for conservation subdivision. "Traditional neighborhood development" means a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other. "Conservation subdivision" means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible. If the model ordinances are approved, or considered approved, by a legislative committee in the assembly and in the senate, every city and village, and every town with a population of at least 12,500 is required to enact a traditional neighborhood development ordinance and a conservation subdivision ordinance that is similar to the model ordinances.

Under this bill, only a city, village or town with a population of at least 12,500 is required to enact a traditional neighborhood ordinance. There is no requirement that a city, village or town enact a conservation subdivision ordinance.

Finally, the bill changes an annual appropriation to the department of administration (an appropriation from which the department provides grants to local governmental units to be used to finance the cost of planning activities related to the transportation element of a comprehensive plan) to a biennial appropriation. The bill also provides that the amount lapsed, if any, from the annual appropriation at the end of fiscal year 1999-2000 is appropriated to that biennial appropriation for transportation planning grants. An annual appropriation is expendable only up to the amount shown in the schedule and only for the fiscal year for which made. At the end of the fiscal year, the unencumbered balance in an annual appropriation lapses to the fund from which appropriated. In contrast, dollar amounts shown in the schedule for a biennial appropriation represent the most reliable estimates of the amounts which will be expended in each fiscal year, the total for both years being the biennial appropriation. Only at the end of the biennium do unencumbered balances of biennial appropriations lapse to the fund from which appropriated.

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

any program or action that affects land use after December 31, 2009

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

- 1 **SECTION 1.** 20.505 (1) (z) of the statutes, as created by 1999 Wisconsin Act 9,
- 2 is amended to read:

BILL

SECTION 1

1 20.505 (1) (z) *Transportation planning grants to local governmental units.*
 2 ~~From~~ Biennially, from the transportation fund, the amounts in the schedule to
 3 provide transportation planning grants to local governmental units under s.
 4 16.9651. All moneys received from the federal government and transferred from the
 5 appropriation account under s. 20.395 (3) (ix) shall be credited to this appropriation
 6 account.

7 **SECTION 2.** 59.69 (3) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is
 8 amended to read:

9 59.69 (3) (a) The county zoning agency may direct the preparation of a county
 10 development plan or parts thereof for the physical development of the
 11 unincorporated territory within the county and areas within incorporated
 12 jurisdictions whose governing bodies by resolution agree to having their areas
 13 included in the county's development plan. The plan may be adopted in whole or in
 14 part and may be amended by the board and endorsed by the governing bodies of
 15 incorporated jurisdictions included in the plan. The county development plan, in
 16 whole or in part, in its original form or as amended, is hereafter referred to as the
 17 development plan. ~~The~~ ^{in existence or is} ~~If the~~ development plan is ~~amended~~ ^{amended or created} on or after the
 18 effective date of this paragraph [revisor inserts date]. ~~amended or created~~
 19 ~~any~~ ^{at least all} of the plan shall correspond with ~~one or more~~ of the elements specified in s.
 20 66.0295 (2) ~~and~~ ^{if the county engages in any program or action} no later than January 1, 2010, shall contain at least the elements
 21 described in s. 66.0295 (2) ^{(3) after December 31, 2009}

22 **SECTION 3.** 62.23 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is
 23 amended to read:

24 62.23 (2) **FUNCTIONS.** It shall be the function and duty of the commission to
 25 make and adopt a master plan for the physical development of the city, including any

BILL

1 areas outside of its boundaries which in the commission's judgment bear relation to
 2 the development of the city provided, however, that in any county where a regional
 3 planning department has been established, areas outside the boundaries of a city
 4 may not be included in the master plan without the consent of the county board of
 5 supervisors. The master plan, with the accompanying maps, plats, charts and
 6 descriptive and explanatory matter, shall show the commission's recommendations
 7 for such physical development, and shall, as described in sub. (3) (b), contain at least
 8 the elements described in s. 66.0295 (2). The commission may from time to time
 9 amend, extend or add to the master plan or carry any part or subject matter into
 10 greater detail. The commission may adopt rules for the transaction of business and
 11 shall keep a record of its resolutions, transactions, findings and determinations,
 12 which record shall be a public record.

13 **SECTION 4.** 62.23 (3) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is
 14 amended to read:

15 ~~62.23 (3) (b) The commission may adopt the master plan as a whole by a single~~
 16 ~~resolution, or, as the work of making the whole master plan progresses, may from~~
 17 ~~time to time by resolution adopt a part or parts thereof, any such part to correspond~~
 18 ~~with one or more of the elements specified in s. 66.0295 of a master plan. If the~~
 19 ~~master plan is amended or created on or after the effective date of this paragraph...~~
 20 ~~[revisor inserts date]. each amended or created part of the plan shall correspond with~~
 21 ~~one or more of the elements specified in s. 66.0295 (2) no later than January 1,~~
 22 ~~2010, shall contain at least the elements described in s. 66.0295 (2). The adoption~~
 23 ~~of the plan or any part, amendment or addition, shall be by resolution carried by the~~
 24 ~~affirmative votes of not less than a majority of all the members of the city plan~~
 25 ~~commission. The resolution shall refer expressly to the elements under s. 66.0295~~

on
in existence or is
at least all
if the city engages in any program or action
(3) after December 31, 2009

BILL

SECTION 4

1 (2) and other matters intended by the commission to form the whole or any part of
2 the plan, and the action taken shall be recorded on the adopted plan or part thereof
3 by the identifying signature of the secretary of the commission, and a copy of the plan
4 or part thereof shall be certified to the common council. The purpose and effect of
5 the adoption and certifying of the master plan or part thereof shall be solely to aid
6 the city plan commission and the council in the performance of their duties.

7 SECTION 5. 66.0295 (2) (h) of the statutes, as created by 1999 Wisconsin Act 9,

8 is amended to read:

9 66.0295 (2) (h) *Land-use element*. A compilation of objectives, policies, goals,
10 maps and programs to guide the future development and redevelopment of public
11 and private property. The element shall contain a listing of the amount, type,
12 intensity and net density of existing uses of land in the local governmental unit, such
13 as agricultural, residential, commercial, industrial and other public and private
14 uses. The element shall analyze trends in the supply, demand and price of land,
15 opportunities for redevelopment and existing and potential land-use conflicts. The
16 element shall contain projections, based on the background information specified in
17 par. (a), for 20 years with detailed maps, in 5-year increments, of future residential,
18 agricultural, commercial and industrial land uses including the assumptions of net
19 densities or other spatial assumptions upon which the projections are based. The
20 element shall also include a series of maps that shows current land uses and future
21 land uses that indicate productive agricultural soils, natural limitations for building
22 site development, floodplains, wetlands and other environmentally sensitive lands,
23 the boundaries of areas to which services of public utilities and community facilities,
24 as those terms are used in par. (d), will be provided in the future, consistent with the

BILL

1 timetable described in par. (d), and the general location of future land uses by net
2 density or other classifications.

3 **SECTION 6.** 66.0295 (4) (b) (intro.) of the statutes, as created by 1999 Wisconsin
4 Act 9, is amended to read:

5 66.0295 (4) (b) (intro.) The planning plan commission or other body of a local
6 governmental unit that is authorized to prepare or amend a comprehensive plan may
7 recommend the adoption or amendment of a comprehensive plan only by adopting
8 a resolution by a majority vote of the entire commission. The vote shall be recorded
9 in the official minutes of the planning plan commission or other body. The resolution
10 shall refer to maps and other descriptive materials that relate to one or more
11 elements of a comprehensive plan. One copy of an adopted comprehensive plan, or
12 of an amendment to such a plan, shall be sent to all of the following:

13 **SECTION 7.** 66.0295 (4) (c) (intro.) of the statutes, as created by 1999 Wisconsin
14 Act 9, is amended to read:

15 66.0295 (4) (c) (intro.) No recommended comprehensive plan that is adopted
16 or amended under par. (b) may take effect until the local governmental unit enacts
17 an ordinance that adopts the plan or amendment is enacted as an ordinance by the
18 local governmental unit. The local governmental unit may not enact an ordinance
19 under this paragraph unless the comprehensive plan contains all of the elements
20 specified in sub. (2). An ordinance may be enacted under this paragraph only by a
21 majority vote of the members-elect, as defined in s. 59.001 (2m), of the governing
22 body. An ordinance that is enacted under this paragraph shall be filed with at least
23 all of the following:

24 **SECTION 8.** 66.034 (3) (a) of the statutes, as created by 1999 Wisconsin Act 9,
25 is amended to read:

A ✓

beginning on
January 1, 2010,

¶ This bill specifies that if a local governmental unit engages in any program or action that affects land use, the comprehensive plan must contain at least all of the required planning elements.

~~4-27~~

6-6

~~Section # 62.23 (3) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:~~

62.23 (3) (b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, ~~any such part to correspond with one or more of the elements specified in s.~~

~~66.0295.~~ The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.0295 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the common council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the city plan commission and the council in the performance of their duties.

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9.

of a master plan. Beginning ^{on} January 1, 2010, if the city engages in any program or action described in s. 66.0295 (3), the master plan shall correspond with at least all of the elements specified in s. 66.0295 (2)

BASE

4-21

~~Section #. 59.69 (3) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:~~

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

amended, is hereafter referred to as the development plan. ~~The~~ development plan shall ~~contain~~ at least ^{all of} the elements ^{specified} described in s. 66.0295. ⁽²⁾ ✓ ^{correspond with}

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9.

Beginning on January 1, 2010,
if the county engages in
any program or action
described in s. 66.0295 (3), the

Shovers, Marc

From: Williams, Vincent
Sent: Thursday, March 02, 2000 4:21 PM
To: Shovers, Marc
Subject: RE: Changes to LRB 4234/2

We would like a companion drafted to Senator Burke's -4234/2 with the changes contained in the memo for Rep. Powers. You can check with Barry, but I believe that the changes in the memo should also be drafted as 4234/3 for the Senator.

Sorry about the previous e-mail, I sent it and then had to head up to Finance because the Representative had a bill that was up, I was going to call when I returned. Thank you for e-mailing me to check on it.

-----Original Message-----

From: Shovers, Marc
Sent: Thursday, March 02, 2000 4:14 PM
To: Williams, Vincent
Subject: FW: Changes to LRB 4234/2

I spoke to Barry in Senator Burke's office and he said that I have permission to talk about -4234/2 with your office. Do you want a companion bill to 1999 LRB -4234/2, with the changes contained in this memo, drafted for Rep. Powers or do you want an amendment drafted to Senator Burke's un-introduced draft?

Marc E. Shovers

Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-8522
e-mail: marc.shovers@legis.state.wi.us

-----Original Message-----

From: Grant, Peter
Sent: Thursday, March 02, 2000 3:19 PM
To: Shovers, Marc
Subject: FW: Changes to LRB 4234/2

-----Original Message-----

From: Williams, Vincent
Sent: Thursday, March 02, 2000 3:16 PM
To: Grant, Peter
Subject: Changes to LRB 4234/2

Additions to Technical Clean-up Bill

JTK
Revise Wis. Stat. sec. 1.13(3) by deleting the current language and replacing it with:

“Consistently with other laws, each state agency, whenever it administers a law under which a local governmental unit prepares a plan, is encouraged to design its planning requirements in a manner that makes it practical for local governmental units to incorporate these plans into local comprehensive plans prepared under Wis. Stat. sec. 66.0295.”

Revise Wis. Stat. sec. 16.695(4) to state: “In determining whether to approve a proposed grant,

JTK

greater ~~precedence~~ preference shall be accorded to applications of local governmental units that contain all of the following:".

Revise Wis. Stat. sec. 66.0295(4)(b) to include: "(2) ~~Every the clerk of all adjacent local governmental units that is adjacent to the local governmental unit which is the subject of the plan that is adopted or managed as described in Par. (b)(intro).~~ Also include "(5) the regional planning commission where the local governmental unit is located; and (6) the public library that serves the area in which the local governmental unit is located."

Revise the last sentence of Wis. Stat. sec. 66.0295 (4)(c) to state: "An ordinance and accompanying plan that is enacted under this paragraph shall be filed with at least all of the ~~following~~ entities specified under par. (b)." Also, under Wis. Stat. sec. 66.0295(4)(c), delete sub 1. and sub. 2.

Changes to Technical Clean-up Bill

Revise the last sentence of Section 2 of the Technical Clean-up Bill (Wis. Stat. sec. 59.69(3)) to state: "Beginning on January 1, 2010, if the county engages in any program or action described in s. 66.0295(3), the development plan shall ~~correspond with~~ contain at least all of the elements specified in s. 66.0295(2)."

Changes (cont.)

Revise the second sentence of Section 4 of the Technical Clean-up Bill (Wis. Stat. sec. 62.23 (3)(b)) to state: "Beginning on January 1, 2010, if the county engages in any program or action described in s. 66.0295(3), the development plan shall ~~correspond with~~ contain at least all of the elements specified in s. 66.0295(2)."

Revise the first sentence of Section 7 of the Technical Clean-up Bill (Wis. Stat. sec. 66.0295 (4)(c)(intro.)) to state: "No ~~recommended~~ comprehensive plan that is recommended for adoption or amendment under par. (b) may take effect until the local governmental unit enacts an ordinance that adopted the plan or amendment."

Revise the first sentence of Section 9 of the Technical Clean-up Bill (Wis. Stat. sec. 66.034(3) (b) to state: "A Each city, village, ~~or and town~~ whose with a population reaches of at least 12,500, after January 1, 2002, shall enact an ordinance ~~under s. 62.23(7)~~ that is similar to the model traditional neighborhood development ordinance that is developed under sub. (2)(a) if the ordinance is approved under sub. (2)(b) not later than the first day of the 12th month

Change to remove coverage of towns,¹
per Vince,² 3/2/00

beginning after the city's, village's or town's population reaches at least 12, 500, although the ordinance is not required to be mapped."



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4234/2

MES&PEN:kmg:ka

wanted wed 3/8

JTK
RMP

1999 BILL

WPO: please insert line numbers

repen

WPO
Print w/ line numbers

AN ACT to amend 20.505 (1) (z), 59.69 (3) (a), 62.23 (2), 62.23 (3) (b), 66.0295 (2)

(h), 66.0295 (4) (b) (intro.), 66.0295 (4) (c) (intro.), 66.034 (3) (a) and 66.034 (3)

(b) of the statutes; relating to: requirements for enacting comprehensive plans, requirements for comprehensive subdivision ordinances, the applicability of traditional neighborhood development, the timing of transportation planning grants and making an appropriation.

Ordinance

Analysis by the Legislative Reference Bureau

Under current law, a county board may engage in zoning and land use planning by creating a county planning agency or by designating a previously constituted county committee or commission as the county planning agency. If a county board creates or designates such an agency, the agency is required to direct the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan.

Also under current law, a city or village, or certain towns that exercise village powers, may create a city, village or town plan commission to engage in zoning and land use planning. If a city, village or town creates such a commission, the commission is required to adopt a master plan for the physical development of the city, village or town including in some instances, in the case of a city or village, unincorporated areas outside of the city or village which are related to the city's or village's development.

A regional planning commission (RPC) may, under current law, conduct all types of research studies, collect and analyze data and prepare maps, charts and

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tables to be used in accomplishing its duties. RPC duties include making plans for the physical, social and economic development of the region. An RPC is also required to prepare a master plan for the physical development of the region. The master plan must contain the RPC's recommendations for such physical development, although all of an RPC's functions are solely advisory to the political subdivisions that comprise the region.

Under current law, if a local governmental unit (city, village, town, county or RPC) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements consist of the following:

1. An issues and opportunities element that contains background information on the local governmental unit and a statement of objectives, policies, goals and programs to guide the growth of the local governmental unit over the next 20 years.
2. A housing element that contains information on the local governmental unit's housing stock and plans for housing for residents with all income levels and various needs.
3. A transportation element that addresses transportation issues and evaluates the relationship between the local governmental unit's transportation plans and state and regional transportation plans.
4. A utilities and community facilities element to guide the development of public and private utilities, governmental services and community facilities.
5. A natural and cultural resources element to guide the development of conservation policies for, and the effective management of, natural, historic and cultural resources.
6. An economic development element that promotes the stabilization, retention or expansion of the economic base of, and quality employment opportunities in, the local governmental unit.
7. An intergovernmental cooperation element that provides for joint planning and decision making with other jurisdictions.
8. A land use element to guide the future development and redevelopment of public and private property in the local governmental unit.
9. An implementation element that contains programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, building codes or subdivision ordinances, to implement the other elements.

Local governmental units that adopt or amend a comprehensive plan that contains these elements are eligible for state land use planning grants that must be used to finance the development of the comprehensive plan.

Beginning on January 1, 2010, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies include zoning ordinances, municipal incorporation procedures, annexation procedures, agricultural preservation plans and impact fee ordinances.

BILL

This bill specifies that beginning on January 2, 2010, if a local governmental unit engages in any program or action that affects land use, the comprehensive plan must contain at least all of the required planning elements.

Current law requires the University of Wisconsin-Extension to develop, not later than January 1, 2001, a model ordinance for traditional neighborhood development and an ordinance for conservation subdivision. "Traditional neighborhood development" means a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other. "Conservation subdivision" means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible. If the model ordinances are approved, or considered approved, by a legislative committee in the assembly and in the senate, every city and village, and every town with a population of at least 12,500 is required to enact a traditional neighborhood development ordinance and a conservation subdivision ordinance that is similar to the model ordinances.

Under this bill, only a city, ^{or} village ^{or} town with a population of at least 12,500 is required to enact a traditional neighborhood ordinance. There is no requirement that a city, village or town enact a conservation subdivision ordinance.

Finally, the bill changes an annual appropriation to the department of administration (an appropriation from which the department provides grants to local governmental units to be used to finance the cost of planning activities related to the transportation element of a comprehensive plan) to a biennial appropriation. The bill also provides that the amount lapsed, if any, from the annual appropriation at the end of fiscal year 1999-2000 is appropriated to that biennial appropriation for transportation planning grants. An annual appropriation is expendable only up to the amount shown in the schedule and only for the fiscal year for which made. At the end of the fiscal year, the unencumbered balance in an annual appropriation lapses to the fund from which appropriated. In contrast, dollar amounts shown in the schedule for a biennial appropriation represent the most reliable estimates of the amounts which will be expended in each fiscal year, the total for both years being the biennial appropriation. Only at the end of the biennium do unencumbered balances of biennial appropriations lapse to the fund from which appropriated.

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:

SECTION 1. 20.505 (1) (z) of the statutes, as created by 1999 Wisconsin Act 9,

is amended to read:

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20.505 (1) (z) *Transportation planning grants to local governmental units.*
~~From Biennially, from~~ the transportation fund, the amounts in the schedule to provide transportation planning grants to local governmental units under s. 16.9651. All moneys received from the federal government and transferred from the appropriation account under s. 20.395 (3) (ix) shall be credited to this appropriation account.

SECTION 2. 59.69 (3) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

59.69 (3) (a) The county zoning agency may direct the preparation of a county development plan or parts thereof for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan. The Beginning on January 1, 2010, if the county engages in any program or action described in s. 66.0295 (3), the development plan shall contain ~~correspond with~~ at least all of the elements described specified in s. 66.0295 (2).

SECTION 3. 62.23 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

62.23 (2) **FUNCTIONS.** It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries which in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional

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planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3)(b), contain at least the elements described in s. 66.0295 (2). The commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

SECTION 4. 62.23 (3) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

62.23 (3) (b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, ~~any such part to correspond with one or more of the elements specified in s. 66.0295 of a master plan.~~ Beginning on January 1, 2010, if the city engages in any program or action described in s. 66.0295 (3), the master plan shall ^{contain} ~~correspond with~~ at least all of the elements specified in s. 66.0295 (2). The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.0295 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified

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to the common council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the city plan commission and the council in the performance of their duties.

SECTION 5. 66.0295 (2) (h) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

66.0295 (2) (h) *Land-use element.* A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years with detailed maps, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.

SECTION 6. 66.0295 (4) (b) (intro.) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

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66.0295 (4) (b) (intro.) The planning plan commission or other body of a local governmental unit that is authorized to prepare or amend a comprehensive plan may recommend the adoption or amendment of a comprehensive plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the planning plan commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan. One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall be sent to all of the following:

INS, 7 & 8
fix component
RA;
SECTION 7. ~~66.0295 (4) (c) (intro.)~~ of the statutes, as created by 1999 Wisconsin Act 9, is amended to read: renumbered 66.0295 (4) (c) and

~~66.0295 (4) (c) (intro.)~~ No ~~recommended~~ comprehensive plan that is ~~adopted~~ recommended for adoption or amendment or amended under par. (b) may take effect until the local governmental unit enacts an ordinance that adopts the plan or amendment is enacted as an ordinance by the local governmental unit. The local governmental unit may not enact an ordinance under this paragraph unless the comprehensive plan contains all of the elements specified in sub. (2). An ordinance may be enacted under this paragraph only by a majority vote of the members-elect, as defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted under this paragraph and the plan to which it relates shall be filed with at least all of the following: entities specified under par. (b).

A Sec. #; RP; 66.0295 (4) (c) 1. and 2.; as created by 1999 Wisconsin Act 9,
SECTION 8. 66.034 (3) (a) of the statutes, as created by 1999 Wisconsin Act 9,

is amended to read:

66.034 (3) (a) Not later than January 1, 2002, every city and village, and every town with a population of at least 12,500 shall enact an ordinance under s. 62.23 (7) that is similar to the model traditional neighborhood development ordinance that is

plain
SEC. #. AM; 66.034 (3) (f) (k), as created by 1999 Wisconsin Act 9,
66.034 (3) (k) (1) (a) (i) and village and town requirements

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developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b), although the ordinance is not required to be mapped.

SECTION 9. 66.034 (3) (b) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

66.034 (3) (b) A city ^(Plain) or village ^(D) that comes into existence, or town whose population reaches at least 12,500, after January 1, 2002, shall enact an ordinance ~~under s. 62.23 (7)~~ that is similar to the model traditional neighborhood development ordinance that is developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b) not later than the first day of the 12th month beginning after the city or village comes into existence or after the ~~city's, village's or town's~~ ^{city's or village's} population reaches at least 12,500, although the ordinance is not required to be mapped.

SECTION 10. Appropriation changes.

(1) **TRANSPORTATION PLANNING GRANTS TO LOCAL GOVERNMENTAL UNITS.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of administration under section 20.505 (1) (z) of the statutes, as affected by the acts of 1999, the dollar amount for fiscal year 2000-01 is increased by an amount equal to the amount, if any, of the moneys under that appropriation that were allocated for the purpose of transportation planning grants to local governmental units under section 16.965 of the statutes and that lapsed to the general fund on July 1, 2000, for the purpose of transportation planning grants to local governmental units under section 16.965 of the statutes.

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4234/3insJTK
JTK:.....

INSERT 3A:

Currently, each state agency must ensure that, consistently with other laws, whenever it administers a law under which a local governmental unit prepares a plan, the actions of the local governmental unit are designed to further certain local comprehensive planning goals. This bill provides instead that, consistently with other laws, each state agency, whenever it administers a law under which a local governmental unit prepares a plan, is encouraged to design its planning requirements in a manner that makes it practical for local governmental units to incorporate these plans into local government comprehensive plans.

INSERT 3-1:

SECTION 1. 1.13 (3) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

1.13 (3) ~~Each state agency shall ensure that, consistently~~ Consistently with other laws, each state agency, whenever it administers a law under which a local governmental unit prepares a plan, ~~the actions of the~~ is encouraged to design its planning requirements in a manner that makes it practical for local governmental unit under the plan are designed to further the goals specified in sub. (2), to the extent practical units to incorporate these plans into local comprehensive plans prepared under s. 66.0295.

History: 1999 a. 9.

SECTION 2. 16.965 (4) (intro.) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

16.965 (4) (intro.) In determining whether to approve a proposed grant, greater preedencee preference shall be accorded to applications of local governmental units that contain all of the following elements:

History: 1999 a. 9.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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MES&PEN:kmg:km

INS 7-8

✓ **SECTION 1.** 66.0295 (4) (b) 2. of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:

66.0295 (4) (b) 2. ~~Every~~ The clerk of every local governmental unit that is adjacent to the local governmental unit which is the subject of the plan that is adopted or amended as described in par. (b) (intro.).

byHistory: 1999 a. 9.

SECTION 2. 66.0295 (4) (b) 5. of the statutes is created to read:

66.0295 (4) (b) 5. The regional planning commission in which the local governmental unit is located.

SECTION 3. 66.0295 (4) (b) 6. of the statutes is created to read:

66.0295 (4) (b) 6. The public library that serves the area in which the local governmental unit is located.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/08/2000

To: Senator Burke

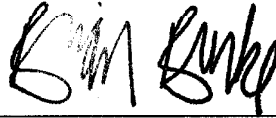
Relating to LRB drafting number: LRB-4234

Topic

Changes to "Smart Growth"; comprehensive land use planning

Subject(s)

Counties, Munis - miscellaneous



1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-0129