

1999 DRAFTING REQUEST

Bill

Received: **12/14/98**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Grinde**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties**
Munis - miscellaneous

Extra Copies:

Topic:

DOA:.....Grinde - Comprehensive planning by municipalities, counties

Instructions:

See Attached. Replace definitions of county devel plans, muni master plans and regional master plans w/ a comprehensive plan containing 9 (attached) elements.

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>
/P1	shoveme 12/16/98	chanaman 12/29/98	hhagen 12/29/98	_____	lrb_docadmin 12/29/98		S&L
/P2	shoveme 01/14/99	chanaman 01/15/99	lpaasch 01/19/99	_____	gretskl 01/19/99		S&L
/P3	shoveme 01/27/99	chanaman 01/28/99	martykr 01/28/99	_____	lrb_docadmin 01/28/99		S&L
/P4	shoveme 02/1/99	chanaman 02/1/99	martykr 02/1/99	_____	lrb_docadmin 02/1/99		S&L

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **12/14/98**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Grinde**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties
Munis - miscellaneous**

Extra Copies:

Topic:

DOA:.....Grinde - Comprehensive planning by municipalities, counties

Instructions:

See Attached. Replace definitions of county devel plans, muni master plans and regional master plans w/ a comprehensive plan containing 9 (attached) elements.

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>
/P1	shoveme 12/16/98	chanaman 12/29/98	hhagen 12/29/98	_____	lrb_docadmin 12/29/98		S&L
/P2	shoveme 01/14/99	chanaman 01/15/99	lpaasch 01/19/99	_____	gretskl 01/19/99		S&L
/P3	shoveme 01/27/99	chanaman 01/28/99	martykr 01/28/99	_____	lrb_docadmin 01/28/99		S&L

1P4 NE 2/1/99
 FE Sent For:
plu cmv
plu 2/1
1P4 JG 2/1
HH 2
HH 1
 <END>

1999 DRAFTING REQUEST

Bill

Received: 12/14/98

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Grinde**

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

Drafter: **shoveme**

May Contact: *Brian Ohm*
2-2098 or: bwohm@facstaff.nisc.edu Alt. Drafters:

Subject: **Counties** Extra Copies:
Munis - miscellaneous

Topic:

DOA:.....Grinde - Comprehensive land-use planning by municipalities, counties

Instructions:

See Attached. Replace definitions of county devel plans, muni master plans and regional master plans w/ a comprehensive plan containing 9 (attached) elements.

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>
/P1	shoveme 12/16/98	chanaman 12/29/98	hhagen 12/29/98	_____	lrb_docadmin 12/29/98		S&L
/P2	shoveme 01/14/99	chanaman 01/15/99	lpaasch 01/19/99	_____	gretskl 01/19/99		S&L

FE Sent For: *cmH* *km/28* *JF* *km/28*
1/27 1P3
1P3 1/27 jlg
<END>

1999 DRAFTING REQUEST

Bill

Received: **12/14/98**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Grinde**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties**
Munis - miscellaneous

Extra Copies:

Topic:

DOA:.....Grinde - Comprehensive land-use planning by municipalities, counties

Instructions:

See Attached. Replace definitions of county devel plans, muni master plans and regional master plans w/ a comprehensive plan containing 9 (attached) elements.

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>
/P1	shoveme 12/16/98	chanaman 12/29/98	hhagen 12/29/98	_____	lrb_docadmin 12/29/98		S&L

1/P2 MES 1/14/99
 FE Sent For: cmm
 1/4 /PZ
 1/P2 1/5 jlg

1-ALP.
 1-ALP.
 WJ
 <END>

1999 DRAFTING REQUEST

Bill

Received: **12/14/98**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Grinde**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties
Munis - miscellaneous**

Extra Copies:

Topic:

DOA:.....Grinde - Comprehensive land use planning by municipalities, counties
^

Instructions:

See Attached. Replace definitions of county devel plans, muni master plans and regional master plans w/ a comprehensive plan containing 9 (attached) elements.

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	CMM 12/22/98			Submit		
1/P1/MES12/16		1/P1 12/28 JLG	12/29		12/29		
FE Sent For:		***NOTES			WLS <END>		

CORRESPONDENCE MEMORANDUM

**STATE OF WISCONSIN
Department of Administration**

Date: December 9, 1998
To: Steve Miller
Chief, Legislative Reference Bureau
From: Kirsten Grinde *KMG*
Policy and Budget Analyst, State Budget Office
Subject: FY 1999-2001 Budget Statutory Language Proposal

The following is an additional statutory language proposal for the FY1999-2001 biennial budget. I have indicated my priority ranking below.

The intent of this request is to replace the definitions of county development plans, master plans and regional master plans with a comprehensive plan containing nine elements. Also, create definitions for "capital improvement program," "local government unit" and "land use regulations." Delete references to town general zoning and grandfather in, under s. 60.62, towns currently exercising zoning authority. Preparation of comprehensive plans would be voluntary.

<u>Issue</u>	<u>Status</u>	<u>Analyst</u>	<u>Priority</u>
Comprehensive Plan	Proposal attached	Kirsten	High

This proposal would modify ss. 59.69(3), 62.23(2) and (3), 66.945(9) and (10).

The attached proposal includes explanatory paragraphs for each element of the comprehensive plan. As you may note on the attachment, these paragraphs continue to change.

If you have any questions, please contact me at 266-7973.

cc: Dave Schmiedicke

TO REPLACE THE DEFINITION OF A "COUNTY DEVELOPMENT PLAN" FOUND IN WIS. STAT. § 59.69(3); A "MASTER PLAN" FOUND IN WIS. STAT. §§ 62.23(2) AND (3); AND A "REGIONAL MASTER PLAN" FOUND IN WIS. STAT. §§ 66.945(9) AND (10).

Comprehensive plan contents

1. Issues and Opportunities Element

"Issues and opportunities element" means a compilation of background information on the local government unit, a vision statement, and the overall goals, policies, standards and programs that provide guidance for the entire comprehensive plan over a 20 year planning period. The population, household and employment forecasts that will be used as the basis for the comprehensive plan must be included. This information includes demographic trends, age distribution, educational attainment, income and employment characteristics.

Where appropriate, this element shall incorporate other data sources prepared by the local government unit, including land records plans prepared pursuant to s. 59.72(3)(b).

2. Housing Element

"Housing element" means a compilation of policy statements, goals, standards, maps and action programs for providing an adequate housing supply to meet existing and forecasted housing demand. The element should examine the age, structural, value, and occupancy characteristics of its present housing stock and provide a range of housing choices, recognizing local and regional housing needs for all income levels and for all age groups and special needs. The element shall also identify specific programs and policies to promote the availability of land for the development or redevelopment of low and moderate income housing and, where appropriate, plans for the maintenance and rehabilitation of the existing housing stock.

3. Transportation Element

"Transportation element" means a compilation of policy statements, goals, standards, maps, and action programs for guiding the future development of the various modes of transportation of the community and its environs such as streets, roads and highways, transit, paratransit, bicycle, pedestrian, railroads, air transportation, trucking and water transportation. The element shall evaluate its relationship to state and regional transportation plans. The element shall include an identification of the functional classification of streets and highways within the jurisdiction; and, if applicable, transportation corridors, the county highway functional and jurisdictional study, urban area transportation plans, rural area transportation plans, airport master plans, and the Wisconsin railroad plan for the county area.

4. Utilities and Community Facilities Element

"Utilities and community facilities element" means a compilation of policy statements, goals, standards, maps, and action programs for guiding the future development of the public, semi-public, or private facilities affecting, serving, or available to the local government unit such as facilities for sanitary sewer service, potable water, solid waste disposal, recycling, park and open space improvements, stormwater management (including major drainageways), aquifer recharge, telecommunications, energy, cemeteries, schools, public/municipal buildings, police and fire protection, health care, child care, and, where appropriate, plans to acquire land for the development of public facilities. The element shall describe the character, location, timing, sequence, function, use, and capacity of existing and future public facilities of the local ^{→ regional} government unit. The element should also discuss current and future needs for police and fire protection, emergency medical service, library service, and other government services.

on-site systems

Where appropriate, the element shall incorporate other community facilities plans prepared by the community including: a public facilities needs assessment prepared pursuant to section 66.55(4); a sewer service area plan prepared pursuant to NR 121.

5. Natural and Cultural Resources Element

"Natural and cultural resources element" means a compilation of policy statements, goals, standards, maps, and action programs for the conservation and effective management of natural resources such as groundwater, forests, productive agricultural ^{areas} soils, environmentally sensitive ^{threatened & endangered species} lands, stream corridor protections, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources, parks, open space, recreational resources, and other natural resources, and the acquisition of private lands that are to be preserved for public benefit. Where appropriate, the element shall also include policies for community design and ^{including cons. easements, deed restrictions, fee simple, etc.} for the protection and enhancement of the historic and cultural resources of the community. ^{priority watershed plans}

surface water quality aesthetic

6. Economic Development Element

"Economic development element" means a compilation of policy statements, goals, standards, maps, and action programs for promoting the stabilization and/or expansion of the current economic base and quality employment opportunities including an analysis of labor force characteristics and the economic base of the community. The element shall identify opportunities for the expansion and retention of existing business; identify the categories or particular types of new businesses and industries desired by the community; assess the community's strengths and weaknesses with respect to attracting and retaining business and industry; designate an adequate number of sites of suitable sizes, types, and locations for those businesses and industries; and ensure necessary community facilities through the community facilities element. Where applicable, the element shall evaluate and promote the re-use of environmentally contaminated sites for commercial and industrial activities. The element shall coordinate local economic development initiatives with county, regional and state economic development policies and

strategies. The element may include plans for the public acquisition of sites and improvements to those sites to further economic development.

7. Intergovernmental Cooperation Element

"Intergovernmental cooperation element" means a compilation of policy statements, goals, standards, maps, and action programs for joint planning and decision making with other governmental jurisdictions, including adjacent local governmental units and school districts, for siting and building public facilities and sharing public services. The element shall evaluate the relationship of the local governmental unit to adjacent local governmental units, the region, the state, and other governmental entities. The element shall incorporate any plans or agreements prepared pursuant to s. 66.023, s. 66.30, or s. 66.945. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units and set forth processes to resolve those conflicts.

8. Land Use Element

"Land use element" means a compilation of policy statements, goals, standards, maps, and action programs for guiding the future development and redevelopment of public and private property. The element shall provide an inventory, of the amount, type, intensity and/or net density of existing uses such as agricultural, residential, commercial, industrial, and other public and private uses. The element shall: a.) analyze trends in the supply, demand, and price of land; b.) opportunities for redevelopment; and c.) existing and potential land use conflicts. The element shall provide 20 year projections and sufficiently detailed maps, in 5 year increments, of future residential, agricultural, commercial, and industrial land uses. The projections shall include a statement of the assumptions of net densities or other spatial assumptions that have been applied. The element shall include a series of maps showing current land uses and future land uses including, where appropriate, productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of area(s) to which public facilities and services are expected to be provided within time frames specified in the land use or utilities and community facilities elements, and the general location of future land uses by net density or other classifications.

9. Implementation Element

"Implementation element" means a description of public programs and other specific actions to be undertaken in stated sequence to implement the policies, goals, and guidelines of each element of the comprehensive plan, including proposed changes to land use regulations. The implementation element shall include a statement describing the ways in which the various elements of the comprehensive plan will be coordinated, integrated, and made consistent with other elements of the comprehensive plan. The implementation element shall include benchmarks to measure the community's progress toward achieving the goals of each element of the comprehensive plan. The implementation element shall identify the process for updating the comprehensive plan. Plans

must be updated every 10 years, or sooner, as determined by the local governmental unit. An implementation program may include a capital improvement program.

Definitions

"Capital improvement program" means an itemized five-year program setting forth the schedule and details of specific contemplated public improvements by fiscal year, their estimated cost, the justification for each, the impact that they will have on the current operating expense of the local government unit, and other information on capital improvements that may be pertinent.

"Local government unit" means a city, village, town, or county.

Why this def.?? Don't want this def to apply in 0.59.69(3m), 62.23, etc

"Land use regulations" means ordinances rules which control the physical development of a community, or any part thereof or detail thereof, and implement the general objectives of the comprehensive plan. Land use regulations include, but are not limited to, ordinances establishing general zoning, floodplain zoning, shoreland zoning, shoreland/wetland zoning, erosion and stormwater control ordinances, exclusive agricultural zoning, extraterritorial zoning, subdivision regulation, land division regulation, official maps, site plan regulations, sign regulations, telecommunication ordinances, design review ordinances, historic preservation ordinances, and building, mechanical, housing, and sanitary codes.

Other Points

1) AMEND SECTION 60.61 TO DELETE THE REFERENCES TO TOWN GENERAL ZONING. TOWNS EXERCISING ZONING AUTHORITY UNDER THIS SECTION WOULD BE "GRANDFATHERED IN" AS EXERCISING ZONING UNDER VILLAGE POWERS UNDER SECTION 60.62 OR THE WISCONSIN STATUTES. (NOTE: ONLY A SMALL NUMBER OF TOWNS EXERCISE ZONING AUTHORITY UNDER THIS PROVISION.) TOWNS WOULD STILL NEED APPROVAL AT A TOWN MEETING TO EXERCISE PLANNING AUTHORITY ("VILLAGE POWERS").

11/23/98



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1256/P1

MES.....

*CMH
+ JLG*

DOA:.....Grinde – Comprehensive land use planning by municipalities,
counties

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*W.P.O.s -
please
for topic
line of
request
sheet*

D. note

SOON

- 1 **AN ACT** ...; **relating to:** the contents of a comprehensive plan of a county and a
- 2 master plan of a city, village, town and regional planning commission.

don't put

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT ✓

OTHER LOCAL GOVERNMENT ✓

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. The development plan may include a number of elements, such as comprehensive surveys, studies and analyses of the history, existing land use, population and population density, economy, soil characteristics wetland and floodplain conditions and other human and natural features of the county. The plan may identify goals and objectives for the future physical development of the county with respect to land use issues, transportation issues, recreational facilities, public buildings, sanitary and storm water issues, waste disposal issues, pollution issues, public and private utilities issues and other factors that will improve the physical and economic situation of the county. The plan may be amended.

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. The master plan, including maps, plats and charts is required to show the commission's recommendations for such physical development, including the location, character and extent of streets and highways, public places and areas, parks and other recreational facilities, sites for public buildings, airports, waterways, railroad and bus routes, sewers, water conduits and other public or private utilities, community centers, blighted districts and slum areas. The master plan must also contain a comprehensive zoning plan, and may be amended.

Also under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town or county (political subdivision). A hearing on the petition is also required unless the governing bodies of all of the political subdivision in the proposed region join in the petition. The governor may also create a RPC if the governing bodies of political subdivision that in combination include more than 50% of the region's population and equalized assessed valuation of property consent to such a creation. Currently, there are eight multi-county RPCs in the state, one RPC that consists only of Dane County and five counties that are adjacent to Dane County and are not in a RPC.

An RPC may conduct all types of research studies, collect and analyze data and prepare maps, charts and tables to be used in accomplishing its duties, which include making plans for the physical, social and economic development of the region. An RPC may also provide advisory services on regional planning problems to the political subdivisions within its region and may act as a coordinating agency for programs and activities of such political subdivisions and other local agencies that relate to the RPC's planning objectives. The RPC is also required to prepare a master plan for the physical development of the region, which shall contain the RPC's recommendations for such physical development. The elements of a RPC's master plan are the same as the elements contained in a master plan developed by a city, village and certain towns, although all of a RPC's functions are solely advisory to the political subdivisions that comprise the region.

This bill changes the current law requirements that must be contained in a county development plan or a city, village, town or RPC master plan. Under the bill, all such plans must have all of the following elements:

1. An issues and opportunities element, which contains background information on the county and a statement of objectives, policies, plans and programs of the county to guide the future growth and development of the county over a 20 year planning period. This element includes population, demographic, economic and employment forecasts, trends and characteristics.

2. A housing element ^{that} which contains information on the city's, village's, town's, county's or RPC's (local governmental unit's) housing stock and plans for low and moderate income housing.

3. A transportation element that addresses transportation issues and evaluates the relationship between the local government'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} which promotes the stabilization or expansion of the economic base of, and quality employment opportunities in, the local governmental unit.

7. An intergovernmental ^{that} cooperation element ^{that} which 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} which contains programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning, building code or subdivision ordinances, to implement the other elements.

The bill does not, however, require a local governmental unit to take any specific action at any particular time. If a local governmental unit that has not created a development plan or a master plan before the effective date of the bill does so, or amends an existing plan after the effective date of the bill, the new elements of a development plan or master plan that are contained in the bill must be used.

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:

1 SECTION 1. 59.69 ^X(3) (a) of the statutes is amended to read:

2 59.69 (3) (a) The county zoning agency shall direct the preparation of a county
3 development plan or parts thereof 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

1 incorporated jurisdictions included in the plan. The county development plan, in
2 whole or in part, in its original form or as amended, is hereafter referred to as the
3 development plan. The development plan shall contain the elements described in
4 sub. (3m).

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, 310; 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. 35; 1995 a. 227; 1997 a. 3, 35.

5 **SECTION 2.** 59.69 (3) (b) of the statutes is repealed.

6 **SECTION 3.** 59.69 (3m) of the statutes is created to read:

7 59.69 (3m) CONTENTS OF A COUNTY DEVELOPMENT PLAN. A county plan prepared
8 or amended under ~~this section~~ ^{sub. (2) or (3)} shall contain all of the following elements:

9 (a) *Issues and opportunities element.* Background information on the county
10 and a statement of objectives, policies, plans and programs of the county to guide the
11 future growth and development of the county over a 20^{hyphen} year planning period.
12 Background information shall include population, household and employment
13 forecasts that the county uses in developing its plan, and demographic trends, age
14 distribution, educational levels, income levels and employment characteristics that
15 exist within the county. The statement shall also identify any existing land use or
16 development plan, either required or voluntary, that is being used by the county
17 zoning agency or the board.

****NOTE: I added the last sentence in par. (a) because it seems to me that an identification of the current plan would be useful once sub. (3) (b) is repealed. Is this OK?

18 (b) *Housing element.* A statement of objectives, policies, plans and programs
19 of the county to provide an adequate housing supply that meets existing and
20 forecasted housing demand in the county. The statement shall contain a map and
21 shall assess the age, structural, value and occupancy characteristics of the county's
22 housing stock and shall contain a range of policy choices to address the housing needs
23 of all county residents. The statement shall also identify specific policies and

1 programs that promote the development of housing for county residents with low or
2 moderate incomes, and policies and programs to maintain or rehabilitate the
3 county's existing housing stock.

4 (c) *Transportation element.* A map and a statement of objectives, policies, plans
5 and programs to guide the future development of transportation infrastructure and
6 various modes of transportation. The statement shall compare the county's
7 objectives, policies and programs to state and regional transportation plans. The
8 statement shall also identify existing transportation corridors, highways and streets
9 by type, transportation facilities, and transportation plans, airport master plans and
10 railroad plans that apply in the county.

****NOTE: Your instructions seem to separate urban and rural transportation plans,
railroad plans and airport master plans. Aren't these all types of transportation plans
and, if so, wouldn't it be easier to merely require the statement to identify all existing
transportation plans that apply in the county?

11 (d) *Utilities and community facilities element.* A map and a statement of
12 objectives, policies, plans and programs to guide the future development of public
13 utilities and community facilities in the county such as sanitary sewer service,
14 stormwater management, water supply, solid waste disposal, recycling facilities,
15 parks and open spaces, telecommunications facilities, power-generating plants and
16 transmission lines, cemeteries, health care facilities, child care facilities and other
17 public facilities, such as police, fire and rescue facilities, libraries, schools and other
18 governmental facilities. The statement shall describe the use and capacity of
19 existing public utilities and community facilities in the county and within adjacent
20 cities, villages, towns and counties, shall include a timetable that forecasts the need
21 in the county to expand or rehabilitate existing utilities and facilities or to create new
22 utilities and facilities and shall assess future needs for government services in the
23 county that are related to such utilities and facilities.

****NOTE: Your instructions state that this element shall incorporate other community facilities plans prepared by *the community*. What “community” are you referring to?

1 (e) *Natural and cultural resources element.* A map and a statement of
2 objectives, policies, plans and programs to guide the conservation, and promote the
3 effective management, of natural resources such as groundwater, forests, productive
4 agricultural areas, environmentally sensitive areas, threatened and endangered
5 species, stream corridors, surface water, floodplains, wetlands, wildlife habitat,
6 metallic and nonmetallic mineral resources, parks, open spaces, historic and
7 cultural resources, recreational resources and other natural resources. The
8 statement shall also assess the need for, and feasibility of, acquiring private lands,
9 conservation easements and deed restrictions for the purpose of preserving such
10 lands for public benefit.

****NOTE: Your instructions have “priority watershed plans” and “aesthetic” written in, but I’m not sure what these words refer to. Also, the instructions state that “Where appropriate, the element shall also include policies for *community design*.” What does this mean? Who is the “community” and what is it designing?

11 (f) *Economic development element.* A map and a statement of objectives,
12 policies, plans and programs to promote the stabilization, or expansion, of the
13 economic base and quality employment opportunities in the county, including an
14 analysis of the labor force and economic base of the county. The statement shall
15 identify opportunities for the expansion and retention of existing businesses, and
16 categories or particular types of new businesses and industries that are desired by
17 the county. The statement shall assess the county’s strengths and weaknesses with
18 respect to attracting and retaining businesses and industries, and shall designate an
19 adequate number of sites for such businesses and industries. If an adequate number
20 of sites do not exist within the county, the statement shall analyze the feasibility of
21 acquiring sites and improvements within the county to encourage economic

1 development. The statement shall also evaluate the feasibility of, and promote
2 where feasible, the use of environmentally contaminated sites for commercial or
3 industrial uses.

****NOTE: I'm not sure what you mean by the instruction that the element "shall identify opportunities for the expansion and retention of existing businesses." Do you mean that the county zoning agency should conduct research for, and make suggestions to, area businesses regarding the possibilities for such private businesses to expand? Such a policy could violate the public purpose doctrine of the state constitution by the expenditure of public funds for a private purpose.

****NOTE: Your instructions also state that "The element shall coordinate local economic development initiatives" with other development policies of other units of government. You may want to consider requiring the county board to study such coordination. An element of a plan could not do this.

4 (g) *Intergovernmental cooperation element.* A map and a statement of
5 objectives, policies, plans and programs for joint planning and decision making with
6 other jurisdictions, including adjacent cities, villages, towns, counties and school
7 districts, for siting and building public facilities and sharing public services. The
8 statement shall analyze the relationship of the county to adjacent cities, villages,
9 towns, counties and school districts, and to the region, the state and other
10 governmental units. The statement shall incorporate any plans or agreements to
11 which the county is a party under ^g§s. 66.30 or 66.945. The statement shall identify
12 existing or potential conflicts between the county and other governmental units that
13 are specified in this paragraph and describe processes to resolve such conflicts.

****NOTE: Your instructions indicated that this element should also include a cross-reference to s. 66.023. I omitted this cross-reference because a county may not be party to a boundary agreement under a cooperative plan in s. 66.023.

14 (h) *Land use element.* A map and a statement of objectives, policies, plans and
15 programs to guide the future development and redevelopment of public and private
16 property. The statement shall contain a listing of the amount, type, intensity and net
17 density of existing uses of land in the county, such as agricultural, residential,
18 commercial, industrial and other public and private uses. The statement shall

1 analyze trends in the supply, demand and price of land, opportunities for
 2 redevelopment and existing and potential land use conflicts. The statement shall
 3 contain land use planning projections for 20 years with detailed maps, in 5-year
 4 increments, of future residential, agricultural, commercial and industrial land uses.
 5 The projections shall include a statement of the assumptions of net densities or other
 6 spatial assumptions upon which the projections are based. The statement shall also
 7 include a series of maps that show current land uses and future land uses that
 8 indicate productive agricultural soils, natural limitations for building site
 9 development, floodplains, wetlands and other environmentally sensitive lands, the
 10 boundaries of areas to which services of public utilities and community facilities, as
 11 those terms are used in par. (d), will be provided in the future, along with the
 12 timetable described in par. (d), and the general location of future land uses by net
 13 density or other classifications.

****NOTE: I'm not sure what "intensity and net density" of land uses means, and to what "spatial assumptions" refers. Are these terms sufficiently precise? The instructions to analyze "opportunities for redevelopment and existing and potential land use conflicts" seem vague to me. Does "redevelopment" refer to public or private efforts? Does the redevelopment only apply to public lands? Between which parties do the "existing and potential land use conflicts" exist? Also, I'm not sure how the timing of this element is supposed to work. Nothing in the bill requires any of these elements to be implemented at any particular time, so a "current" map of land uses and a 20-year planning projection in one county may be on a completely different time frame from other cities, villages, towns and counties.

14 (i) *Implementation element.* A statement of programs and specific actions to
 15 be completed in a stated sequence, including proposed changes to any applicable
 16 zoning, building code or subdivision ordinances, to implement the objectives,
 17 policies, plans and programs contained in pars. (a) to (h). The statement shall
 18 describe how each of the elements of the comprehensive plan will be integrated and
 19 made consistent with the other elements of the plan, and shall include goals to
 20 measure the county's progress toward achieving all aspects of the comprehensive

1 plan. The statement shall include a process for updating the comprehensive plan.
 2 A comprehensive plan under this subsection shall be updated no less than once every
 3 10 years. The statement may include a ⁵~~five~~-year program that details specific public
 4 improvements to be completed in a specific fiscal year, the estimated cost of each
 5 public improvement and the impact that the improvement will have on the current
 6 operating expenses of the county.

****NOTE: Do you want to specify what a "public improvement" may be? For a definition of
~~"public facilities", see § 66.55(1)(F).~~

7 SECTION 4. 62.23 (2) of the statutes is amended to read:

8 62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to
 9 make and adopt a master plan for the physical development of the city, including any
 10 areas outside of its boundaries which in the commission's judgment bear relation to
 11 the development of the city provided, however, that in any county where a regional
 12 planning department has been established, areas outside the boundaries of a city
 13 may not be included in the master plan without the consent of the county board of
 14 supervisors. The master plan, with the accompanying maps, plats, charts and
 15 descriptive and explanatory matter, shall show the commission's recommendations
 16 for such physical development, and ~~may include, among other things without~~
 17 ~~limitation because of enumeration, the general location, character and extent of~~
 18 ~~streets, highways, freeways, street grades, roadways, walks, bridges, viaducts,~~
 19 ~~parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites~~
 20 ~~for public buildings and structures, airports, pierhead and bulkhead lines,~~
 21 ~~waterways, routes for railroads and buses, historic districts, and the general location~~
 22 ~~and extent of sewers, water conduits and other public utilities whether privately or~~
 23 ~~publicly owned, the acceptance, widening, narrowing, extension, relocation,~~
 24 ~~removal, vacation, abandonment or change of use of any of the foregoing public ways,~~

1 ~~grounds, places, spaces, buildings, properties, utilities, routes or terminals, the~~
2 ~~general location, character and extent of community centers and neighborhood~~
3 ~~units, the general character, extent and layout of the replanning of blighted districts~~
4 ~~and slum areas, and a comprehensive zoning plan shall contain the elements~~
5 ~~described in sub. (3m).~~ The commission may from time to time amend, extend or add
6 to the master plan or carry any part or subject matter into greater detail. The
7 commission may adopt rules for the transaction of business and shall keep a record
8 of its resolutions, transactions, findings and determinations, which record shall be
9 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, 28, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246.

10 **SECTION 5. 62.23 (3) (b) of the statutes is amended to read:**

11 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
12 resolution, or, as the work of making the whole master plan progresses, may from
13 time to time by resolution adopt a part or parts thereof, any such part to correspond
14 generally with one or more of the functional subdivisions of the subject matter of the
15 ~~plan~~ elements specified in sub. (3m). The adoption of the plan or any part,
16 amendment or addition, shall be by resolution carried by the affirmative votes of not
17 less than a majority of all the members of the city plan commission. The resolution
18 shall refer expressly to the elements under sub. (3m), maps, descriptive matter, and
19 other matters intended by the commission to form the whole or any part of the plan,
20 and the action taken shall be recorded on the adopted plan or part thereof by the
21 identifying signature of the secretary of the commission, and a copy of the plan or
22 part thereof shall be certified to the common council. The purpose and effect of the

1 adoption and certifying of the master plan or part thereof shall be solely to aid the
2 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, 104, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246.

3 **SECTION 6. 62.23 (3m)** of the statutes is created to read:

4 **62.23 (3m) CONTENTS OF A MASTER PLAN.** A master plan adopted or amended
5 under sub~~s~~(2) or (3) shall contain all of the following elements:

6 (a) *Issues and opportunities element.* Background information on the city and
7 a statement of objectives, policies, plans and programs of the city to guide the future
8 growth and development of the city over a 20¹/₂ year planning period. Background
9 information shall include population, household and employment forecasts that the
10 city uses in developing its plan, and demographic trends, age distribution,
11 educational levels, income levels and employment characteristics that exist within
12 the city. The statement shall also identify any existing land use or development plan,
13 either required or voluntary, that is being used by the city plan commission.

****NOTE: I added the last sentence in par. (a) because it seems to me that an
identification of the current plan would be useful once the amendment of s. 66.23 (2) takes
effect. Is this OK?

14 (b) *Housing element.* A statement of objectives, policies, plans and programs
15 of the city to provide an adequate housing supply that meets existing and forecasted
16 housing demand in the city. The statement shall contain a map and shall assess the
17 age, structural, value and occupancy characteristics of the city's housing stock and
18 shall contain a range of policy choices to address the housing needs of all city
19 residents. The statement shall also identify specific policies and programs that
20 promote the development of housing for city residents with low or moderate incomes,
21 and policies and programs to maintain or rehabilitate the city's existing housing
22 stock.

1 (c) *Transportation element.* A map and a statement of objectives, policies, plans
2 and programs to guide the future development of transportation infrastructure and
3 various modes of transportation. The statement shall compare the city's objectives,
4 policies and programs to state and regional transportation plans. The statement
5 shall also identify existing transportation corridors, highways and streets by type,
6 transportation facilities, and transportation plans, airport master plans and
7 railroad plans that apply in the city.

****NOTE: Your instructions seem to separate urban and rural transportation plans,
railroad plans and airport master plans. Aren't these all types of transportation plans
and, if so, wouldn't it be easier to merely require the statement to identify all existing
transportation plans that apply in the city?

8 (d) *Utilities and community facilities element.* A map and a statement of
9 objectives, policies, plans and programs to guide the future development of public
10 utilities and community facilities in the city such as sanitary sewer service,
11 stormwater management, water supply, solid waste disposal, recycling facilities,
12 parks and open spaces, telecommunications facilities, power-generating plants and
13 transmission lines, cemeteries, health care facilities, child care facilities and other
14 public facilities, such as police, fire and rescue facilities, libraries, schools and other
15 governmental facilities. The statement shall describe the use and capacity of
16 existing public utilities and community facilities in the city and within adjacent
17 cities, villages, towns and counties, shall include a timetable that forecasts the need
18 in the city to expand or rehabilitate existing utilities and facilities or to create new
19 utilities and facilities and shall assess future needs for government services in the
20 city that are related to such utilities and facilities.

****NOTE: Your instructions state that this element shall incorporate other
community facilities plans prepared by *the community*. What "community" are you
referring to?

1 (e) *Natural and cultural resources element.* A map and a statement of
2 objectives, policies, plans and programs to guide the conservation, and promote the
3 effective management, of natural resources such as groundwater, forests, productive
4 agricultural areas, environmentally sensitive areas, threatened and endangered
5 species, stream corridors, surface water, floodplains, wetlands, wildlife habitat,
6 metallic and nonmetallic mineral resources, parks, open spaces, historic and
7 cultural resources, recreational resources and other natural resources. The
8 statement shall also assess the need for, and feasibility of, acquiring private lands,
9 conservation easements and deed restrictions for the purpose of preserving such
10 lands for public benefit.

****NOTE: Your instructions have “priority watershed plans” and “aesthetic”
written in, but I’m not sure what these words refer to. Also, the instructions state that
“Where appropriate, the element shall also include policies for *community design*.” What
does this mean? Who is the “community” and what is it designing?

11 (f) *Economic development element.* A map and a statement of objectives,
12 policies, plans and programs to promote the stabilization, or expansion, of the
13 economic base and quality employment opportunities in the city, including an
14 analysis of the labor force and economic base of the city. The statement shall identify
15 opportunities for the expansion and retention of existing businesses, and categories
16 or particular types of new businesses and industries that are desired by the city. The
17 statement shall assess the city’s strengths and weaknesses with respect to attracting
18 and retaining businesses and industries, and shall designate an adequate number
19 of sites for such businesses and industries. If an adequate number of sites do not
20 exist within the city, the statement shall analyze the feasibility of acquiring sites and
21 improvements within the city to encourage economic development. The statement
22 shall also evaluate the feasibility of, and promote where feasible, the use of
23 environmentally contaminated sites for commercial or industrial uses.

****NOTE: I'm not sure what you mean by the instruction that the element "shall identify opportunities for the expansion and retention of existing businesses." Do you mean that the city plan commission should conduct research for, and make suggestions to, area businesses regarding the possibilities for such private businesses to expand? Such a policy could violate the public purpose doctrine of the state constitution by the expenditure of public funds for a private purpose.

****NOTE: Your instructions also state that "The element shall coordinate local economic development initiatives" with other development policies of other units of government. You may want to consider requiring the common council to study such coordination. An "element" of a plan could not do this.

1 (g) *Intergovernmental cooperation element.* A map and a statement of
2 objectives, policies, plans and programs for joint planning and decision making with
3 other jurisdictions, including adjacent cities, villages, towns, counties and school
4 districts, for siting and building public facilities and sharing public services. The
5 statement shall analyze the relationship of the city to adjacent cities, villages, towns,
6 counties and school districts, and to the region, the state and other governmental
7 units. The statement shall incorporate any plans or agreements to which the city is
8 a party under ~~§s.~~ ^{§s.} 66.023, 66.30 or 66.945. The statement shall identify existing or
9 potential conflicts between the city and other governmental units that are specified
10 in this paragraph and describe processes to resolve such conflicts.

11 (h) *Land use element.* A map and a statement of objectives, policies, plans and
12 programs to guide the future development and redevelopment of public and private
13 property. The statement shall contain a listing of the amount, type, intensity and net
14 density of existing uses of land in the city, such as agricultural, residential,
15 commercial, industrial and other public and private uses. The statement shall
16 analyze trends in the supply, demand and price of land, opportunities for
17 redevelopment and existing and potential land use conflicts. The statement shall
18 contain land use planning projections for 20 years with detailed maps, in 5 year
19 increments, of future residential, agricultural, commercial and industrial land uses.
20 The projections shall include a statement of the assumptions of net densities or other

1 spatial assumptions upon which the projections are based. The statement shall also
 2 include a series of maps that show^s current land uses and future land uses that
 3 indicate productive agricultural soils, natural limitations for building site
 4 development, floodplains, wetlands and other environmentally sensitive lands, the
 5 boundaries of areas to which services of[✓] public utilities and community facilities, as
 6 those terms are used in par. (d),[✓] will be provided in the future, along with the
 7 timetable described in par. (d),[✓] and the general location of future land uses by net
 8 density or other classifications.

→ ****NOTE: I'm not sure what "intensity and net density" of land uses means, and to what "spatial assumptions" refers. Are these terms sufficiently precise? The instructions to analyze "opportunities for redevelopment and existing and potential land use conflicts" seem vague to me. Does "redevelopment" refer to public or private efforts? Does the redevelopment only apply to public lands? Between which parties do the "existing and potential land use conflicts" exist? Also, I'm not sure how the timing of this element is supposed to work. Nothing in the bill requires any of these elements to be implemented at any particular time, so a "current" map of land uses and a 20[✓] year planning projection in one city may be on a completely different time frame from other cities, villages, towns and counties.

9 (i) *Implementation element.* A statement of programs and specific actions to
 10 be completed in a stated sequence, including proposed changes to any applicable
 11 zoning, building code or subdivision ordinances, to implement the objectives,
 12 policies, plans and programs contained in pars. (a) to (h).[✓] The statement shall
 13 describe how each of the elements of the master plan will be integrated and made
 14 consistent with the other elements of the plan, and shall include goals to measure
 15 the city's progress toward achieving all aspects of the master plan. The statement
 16 shall include a process for updating the master plan. A master plan under this
 17 subsection[✓] shall be updated no less than once every 10 years. The statement may
 18 include a ~~five~~⁵-year program that details specific public improvements to be
 19 completed in a specific fiscal year, the estimated cost of each public improvement and

1 the impact that the improvement will have on the current operating expenses of the
2 city.

****NOTE: Do you want to specify what a "public improvement" may be? *For a definition of*
"public facilities", see S. 66.55 (1)(f).

3 SECTION 7. 66.945 (8) (a) of the statutes is amended to read:

4 66.945 (8) (a) The regional planning commission may conduct all types of
5 research studies, collect and analyze data, prepare maps, charts and tables, and
6 conduct all necessary studies for the accomplishment of its other duties; it may,
7 consistent with the elements specified in sub. (10), make plans for the physical, social
8 and economic development of the region, and may, consistent with the elements
9 specified in sub. (10), adopt by resolution any plan or the portion of any plan so
10 prepared as its official recommendation for the development of the region; it may
11 publicize and advertise its purposes, objectives and findings, and may distribute
12 reports thereon; it may provide advisory services on regional planning problems to
13 the local government units within the region and to other public and private agencies
14 in matters relative to its functions and objectives, and may act as a coordinating
15 agency for programs and activities of such local units and agencies as they relate to
16 its objectives. All public officials shall, upon request, furnish to the regional planning
17 commission, within a reasonable time, such available information as it requires for
18 its work. In general, the regional planning commission shall have all powers
19 necessary to enable it to perform its functions and promote regional planning. The
20 functions of the regional planning commission shall be solely advisory to the local
21 governments and local government officials comprising the region.

History: 1971 c. 225, 227; 1977 c. 29, 187, 418; 1978 c. 110, 175, 248; 1979 c. 361 s. 112; 1991 a. 316; 1993 a. 184, 246; 1995 a. 27 s. 9116 (5); 1995 a. 225, 227.

22 SECTION 8. 66.945 (9) of the statutes is amended to read:

23 66.945 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning
24 commission shall have the function and duty of making and adopting a master plan

1 for the physical development of the region. The master plan, with the accompanying
 2 maps, plats, charts, programs and descriptive and explanatory matter, shall show
 3 the commission's recommendations for such physical development and ~~may include,~~
 4 ~~among other things without limitation because of enumeration, the general location,~~
 5 ~~character and extent of main traffic arteries, bridges and viaducts; public places and~~
 6 ~~areas; parks; parkways; recreational areas; sites for public buildings and structures;~~
 7 ~~airports; waterways; routes for public transit; and the general location and extent~~
 8 ~~of main and interceptor sewers, water conduits and other public utilities whether~~
 9 ~~privately or publicly owned; areas for industrial, commercial, residential,~~
 10 ~~agricultural or recreational development~~ shall contain the elements described in
 11 sub. (10m). The regional planning commission may amend, extend or add to the
 12 master plan or carry any part or subject matter into greater detail.

History: 1971 c. 225, 227; 1977 c. 29, 187, 418; 1979 c. ~~10~~, 175, 248; 1979 c. 361 s. 112; 1991 a. 316; 1993 a. 184, 246; 1995 a. 27 s. 9116 (5); 1995 a. 225, 227.

13 **SECTION 9. 66.945 (10)** of the statutes is amended to read:

14 **66.945 (10) ADOPTION OF MASTER PLAN FOR REGION.** The master plan shall be
 15 made with the general purpose of guiding and accomplishing a coordinated, adjusted
 16 and harmonious development of the region which will, in accordance with existing
 17 and future needs, best promote public health, safety, morals, order, convenience,
 18 prosperity or the general welfare, as well as efficiency and economy in the process
 19 of development. The regional planning commission may adopt the master plan as
 20 a whole by a single resolution, or, as the work of making the whole master plan
 21 progresses, may by resolution adopt a part or parts thereof, any such part to
 22 correspond generally with one or more of the ~~functional subdivisions of the subject~~
 23 ~~matter of the plan~~ elements specified in sub (10m). The resolution shall refer
 24 expressly to the maps, plats, charts, programs and descriptive and explanatory

1 matter, and other matters intended by the regional planning 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 thereof by the identifying signature of the chairperson of the regional
 4 planning commission and a copy of the plan or part thereof shall be certified to the
 5 legislative bodies of the local governmental units within the region. The purpose and
 6 effect of adoption of the master plan shall be solely to aid the regional planning
 7 commission and the local governments and local government officials comprising the
 8 region in the performance of their functions and duties.

9 History: 1971 c. 225, 227; 1977 c. 29, 187, 418; 1979 c. 110, 10^x 248; 1979 c. 361 s. 112; 1991 a. 316; 1993 a. 184, 246; 1995 a. 27 s. 9116 (5); 1995 a. 225, 227.

SECTION 10. 66.945 (10m) of the statutes is created to read:

10 66.945 (10m) CONTENTS OF A MASTER PLAN. A master plan adopted or amended
 11 under sub^e (8), (9) or (10) shall contain all of the following elements:

12 (a) *Issues and opportunities element.* Background information on the region
 13 and a statement of objectives, policies, plans and programs of the regional planning
 14 commission to guide the future growth and development of the region over a 20^y year
 15 planning period. Background information shall include population, household and
 16 employment forecasts that the regional planning commission uses in developing its
 17 plan, and demographic trends, age distribution, educational levels, income levels
 18 and employment characteristics that exist within the region. The statement shall
 19 also identify any existing land use or development plan, either required or voluntary,
 20 that is being used by the regional planning commission.

? ****NOTE: I added the last sentence in par. (a) because it seems to me that an
 identification of the current plan would be useful ~~once **** sub (8) (b) is repealed.~~ Is
 this OK? (7)

21 (b) *Housing element.* A statement of objectives, policies, plans and programs
 22 of the regional planning commission to provide an adequate housing supply that
 23 meets existing and forecasted housing demand in the region. The statement shall

1 contain a map and shall assess the age, structural, value and occupancy
2 characteristics of the region's housing stock and shall contain a range of policy
3 choices to address the housing needs of all regional residents. The statement shall
4 also identify specific policies and programs that promote the development of housing
5 for regional residents with low or moderate incomes, and policies and programs to
6 maintain or rehabilitate the region's existing housing stock.

7 (c) *Transportation element.* A map and a statement of objectives, policies, plans
8 and programs to guide the future development of transportation infrastructure and
9 various modes of transportation. The statement shall compare the regional planning
10 commission's objectives, policies and programs to state and regional transportation
11 plans. The statement shall also identify existing transportation corridors, highways
12 and streets by type, transportation facilities, and transportation plans, airport
13 master plans and railroad plans that apply in the region.

****NOTE: Your instructions seem to separate urban and rural transportation plans,
railroad plans and airport master plans. Aren't these all types of transportation plans
and, if so, wouldn't it be easier to merely require the statement to identify all existing
transportation plans that apply in the region?

14 (d) *Utilities and community facilities element.* A map and a statement of
15 objectives, policies, plans and programs to guide the future development of public
16 utilities and community facilities in the region such as sanitary sewer service,
17 stormwater management, water supply, solid waste disposal, recycling facilities,
18 parks and open spaces, telecommunications facilities, power-generating plants and
19 transmission lines, cemeteries, health care facilities, child care facilities and other
20 public facilities, such as police, fire and rescue facilities, libraries, schools and other
21 governmental facilities. The statement shall describe the use and capacity of
22 existing public utilities and community facilities in the region and within adjacent
23 cities, villages, towns and counties, shall include a timetable that forecasts the need

1 in the region to expand or rehabilitate existing utilities and facilities or to create new
2 utilities and facilities and shall assess future needs for government services in the
3 region that are related to such utilities and facilities.

****NOTE: Your instructions state that this element shall incorporate other
community facilities plans prepared by *the community*. What “community” are you
referring to?

4 (e) *Natural and cultural resources element*. A map and a statement of
5 objectives, policies, plans and programs to guide the conservation, and promote the
6 effective management, of natural resources such as groundwater, forests, productive
7 agricultural areas, environmentally sensitive areas, threatened and endangered
8 species, stream corridors, surface water, floodplains, wetlands, wildlife habitat,
9 metallic and nonmetallic mineral resources, parks, open spaces, historic and
10 cultural resources, recreational resources and other natural resources. The
11 statement shall also assess the need for, and feasibility of, acquiring private lands,
12 conservation easements and deed restrictions for the purpose of preserving such
13 lands for public benefit.

****NOTE: Your instructions have “priority watershed plans” and “aesthetic”
written in, but I’m not sure what these words refer to. Also, the instructions state that
“Where appropriate, the element shall also include policies for *community design*.” What
does this mean? Who is the “community” and what is it designing?

14 (f) *Economic development element*. A map and a statement of objectives,
15 policies, plans and programs to promote the stabilization, or expansion, of the
16 economic base and quality employment opportunities in the region, including an
17 analysis of the labor force and economic base of the region. The statement shall
18 identify opportunities for the expansion and retention of existing businesses, and
19 categories or particular types of new businesses and industries that are desired by
20 the regional planning commission. The statement shall assess the region’s strengths
21 and weaknesses with respect to attracting and retaining businesses and industries,

1 and shall designate an adequate number of sites for such businesses and industries.
 2 If an adequate number of sites do not exist within the region, the statement shall
 3 analyze the feasibility of acquiring sites and improvements within the region to
 4 encourage economic development. The statement shall also evaluate the feasibility
 5 of, and promote where feasible, the use of environmentally contaminated sites for
 6 commercial or industrial uses.

****NOTE: I'm not sure what you mean by the instruction that the element "shall identify opportunities for the expansion and retention of existing businesses." Do you mean that the regional planning commission should conduct research for, and make suggestions to, area businesses regarding the possibilities for such private businesses to expand? Such a policy could violate the public purpose doctrine of the state constitution by the expenditure of public funds for a private purpose.

****NOTE: Your instructions also state that "The element shall coordinate local economic development initiatives" with other development policies of other units of government. You may want to consider requiring the regional planning commission to study such coordination. An element of a plan could not do this.

7 (g) *Intergovernmental cooperation element.* A map and a statement of
 8 objectives, policies, plans and programs for joint planning and decision making with
 9 other jurisdictions, including adjacent cities, villages, towns, counties and school
 10 districts, for siting and building public facilities and sharing public services. The
 11 statement shall analyze the relationship of the cities, villages, towns, counties and
 12 school districts in the region to the state and to other regions and local governmental
 13 units. The statement shall incorporate any plans or agreements to which local
 14 governmental units in the region are parties under ^gss. 66.023, 66.30 or 66.945. The
 15 statement shall identify existing or potential conflicts between the region and other
 16 governmental units that are specified in this paragraph and describe processes to
 17 resolve such conflicts.

18 (h) *Land use element.* A map and a statement of objectives, policies, plans and
 19 programs to guide the future development and redevelopment of public and private
 20 property. The statement shall contain a listing of the amount, type, intensity and net

1 density of existing uses of land in the region, such as agricultural, residential,
 2 commercial, industrial and other public and private uses. The statement shall
 3 analyze trends in the supply, demand and price of land, opportunities for
 4 redevelopment and existing and potential land use conflicts. The statement shall
 5 contain land use planning projections for 20 years with detailed maps, in 5-year
 6 increments, of future residential, agricultural, commercial and industrial land uses.
 7 The projections shall include a statement of the assumptions of net densities or other
 8 spatial assumptions upon which the projections are based. The statement shall also
 9 include a series of maps that show current land uses and future land uses that
 10 indicate productive agricultural soils, natural limitations for building site
 11 development, floodplains, wetlands and other environmentally sensitive lands, the
 12 boundaries of areas to which services of public utilities and community facilities, as
 13 those terms are used in par. (d), will be provided in the future, along with the
 14 timetable described in par. (d), and the general location of future land uses by net
 15 density or other classifications.

→ ****NOTE: I'm not sure what "intensity and net density" of land uses means, and to what "spatial assumptions" refers. Are these terms sufficiently precise? The instructions to analyze "opportunities for redevelopment and existing and potential land use conflicts" seem vague to me. Does "redevelopment" refer to public or private efforts? Does the redevelopment only apply to public lands? Between which parties do the "existing and potential land use conflicts" exist? Also, I'm not sure how the timing of this element is supposed to work. Nothing in the bill requires any of these elements to be implemented at any particular time, so a "current" map of land uses and a 20-year planning projection in one region may be on a completely different time frame from other regions, cities, villages, towns and counties.

16 (i) *Implementation element.* A statement of programs and specific actions to
 17 be completed in a stated sequence, including proposed changes to any applicable
 18 zoning, building code or subdivision ordinances, to implement the objectives,
 19 policies, plans and programs contained in pars. (a) to (h). The statement shall
 20 describe how each of the elements of the master plan will be integrated and made

1 consistent with the other elements of the plan, and shall include goals to measure
 2 the region's progress toward achieving all aspects of the master plan. The statement
 3 shall include a process for updating the master plan. A master plan under this
 4 subsection shall be updated no less than once every 10 years. The statement may
 5 include a ~~five~~⁵-year program that details specific public improvements to be
 6 completed in a specific fiscal year, the estimated cost of each public improvement and
 7 the impact that the improvement will have on the current operating expenses of the
 8 region.

9 ****NOTE: Do you want to specify what a "public improvement" may be? Do you think this paragraph is appropriate for RPCs?

(END)

NO # since they only have an advisory function in the land use planning system.

For a definition of "public facilities," see § 66.55(1)(f).

note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1256/P1dn

MES.....

cmj
+
jlg

Please review this bill very carefully to ensure that it meets your intent. Because the bill does not require any unit of government to take any specific action at any particular time, it seems to me that the bill will have no effect until a city, village, town or county (political subdivision) amends an existing plan or a creates a new one. Is this your intent?

I did not include in the bill the definitions listed on page 4 of your instructions because they were not needed. I was able to incorporate the concepts embodied by the definitions into the text.

I also did not execute the instructions listed under "Other Points" because I'm not sure what you mean. The instructions state that towns exercising zoning under s. 60.61 would be "grandfathered in" as exercising zoning powers under s. 60.62. The instructions also acknowledge that such towns would still need approval from a town meeting to exercise village powers, so I'm not sure how exactly you want to "grandfather in" such towns and what you mean by this instruction.

Marc E. Shovers
Senior Legislative Attorney
266-0129

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1256/P1dn
MES:cmh&jlg:hmh

Tuesday, December 29, 1998

Please review this bill very carefully to ensure that it meets your intent. Because the bill does not require any unit of government to take any specific action at any particular time, it seems to me that the bill will have no effect until a city, village, town or county (political subdivision) amends an existing plan or a creates a new one. Is this your intent?

I did not include in the bill the definitions listed on page 4 of your instructions because they were not needed. I was able to incorporate the concepts embodied by the definitions into the text.

I also did not execute the instructions listed under "Other Points" because I'm not sure what you mean. The instructions state that towns exercising zoning under s. 60.61 would be "grandfathered in" as exercising zoning powers under s. 60.62. The instructions also acknowledge that such towns would still need approval from a town meeting to exercise village powers, so I'm not sure how exactly you want to "grandfather in" such towns and what you mean by this instruction.

Marc E. Shovers
Senior Legislative Attorney
266-0129

Shovers, Marc

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Tuesday, January 12, 1999 10:56 PM
To: Shovers, Marc
Subject: LRB 1256/P1

Marc,

Please make the following changes to LRB 1256/P1:

1) Could this be drafted as a "comprehensive plan" in Chapter 66 and have ss. 59.69 (3), 62.23 (2), and 66.945 refer to that language rather than repeating the same language three times in the statutes? This would require defining a county development plan, city master plan and regional master plan as the comprehensive plan (or vice versa). I think you can get around having to change every reference to these plans in the statutes by this means. Please let me know if there is a compelling reason why this cannot be done.

check

singular = plural

2) Each element should consist of "statements" and "maps" rather than a singular statement and/or map.

note

3) Drafter's note 1: Yes, there are some instances when a unit of government would be required to complete a comprehensive plan to participate in certain programs, but we do not intend to require every unit of government to complete a comprehensive plan or that one be done by any particular date.

No - the term went into the draft

4) Drafter's note 2: Please include the "land use regulation" definition. By drafting the language in Chapter 66, you may need to define "local unit of government" -- regional planning commission, county, city, village, town; perhaps sanitary districts, sewerage districts and lake associations (use your best judgement). It has also been suggested that the points in the language where you refer to "the county," "the commission," etc., could be replaced with "community" -- which would be defined as any local unit of government or any combination or subdivision thereof" or similar language. It is meant to be broad and flexible, so neighboring cities, towns or counties could plan together or a city could plan for a neighborhood if it chose to do so. (This definition should also address many of your other notes.)

note

5) Drafter's note 3: This is fine.

6) Page 4, ****Note: It has been suggested that s. 59.69(3)(b)1. be retained, and your last sentence in par. (a) be removed. When I reread this section, I'm not sure that suggestion makes a great deal of sense. Do you think that the items in s. 59.69(3)(b)1. are referred to in other parts of the draft language and the current statutory language does not need to be retained? I'm checking with Brian Ohm who made the suggestion for further clarification of his reasoning.

check

*1) 59.69(3)(b)1. is permissive
2) addresses diff issues than last sent of (3m)(a)*

7) Include in the "Issues and opportunities element" a statement of what the community should be 20 years in the future (a.k.a. a "vision statement").

note

it was this - p.4, ll 10-11

8) Page 5, ****Note: modify lines 8 to 10 to read "statements shall also identify the highways and streets by type and applicable transportation plans, including transportation corridor plans, highway functional and jurisdictional studies, urban area transportation plans, rural area transportation plans, airport master plans and railroad plans."

prepared by whom?

repeat in 2/2/99

9) The utilities and community facilities element should recognize semi-public and private facilities even though the community cannot control future development of those facilities. The list of facilities should also include "on-site wastewater treatment technologies."

10) Page 6, 2d ****Note: "community design" has been defined to me as "architecture, landscape and other designs for the community."

11) Page 7, 1st ****Note: Could we address this problem by changing page 6, line 15 to read "identify existing business opportunities and" and line 13 to read "economic base and quality employment and business opportunities in the community, including an"

12) Page 7, 2d ****Note: Have the statements identify applicable development policies of other units of government.

13) Page 7, 3d ****Note: In the general language describing the comprehensive plan in chapter 66, have the statements incorporate any applicable plans or agreements to which the community (or local unit of government) is a party under ss. 66.023, 66.30 or 66.945. (page 7, lines 10 and 11)

14) Page 8, ****Note: 1st question -- the precision of the terms is OK; 2d question -- "redevelopment" refers to both; 3d question -- No, not just public lands; 4th question -- the conflict language is meant to be vague; timing comment -- timeframe differences are OK.

15) Page 9, ****Note: No, the definition in s. 66.55(1)(f) is seen as too limiting.

16) Section 7, page 16, lines 4 to 6: Some concern was raised that regional planning commissions occasionally have to make plans under federal laws, which may or may not be consistent with the elements of the comprehensive plan. Although I would like to see some language requiring consistency whenever possible, it may be best to just leave the amendments out.

17) Page 6, line 20: Change "do" to "does"

Brian Ohm has also put together legislative intent draft language. I'll forward the e-mail message to you. It may be helpful for you when making the above changes. It may also be helpful to include an intent section as a lead-in to the comprehensive plan language in chapter 66.

Let me know if you have any questions.

Kirsten
6-7973

?
The statement? shall??
incl policies on arch.? land/?
This doesn't affect the problem

Not nec because
no chibb

nothing needs to be
done

No change --
RPCs must not consistently w/ Fed
law anyway

note

Shovers, Marc

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Tuesday, January 12, 1999 10:57 PM
To: Shovers, Marc
Subject: FW: Legislative Policy Statements

This is the message I referred to at the end of my changes to LRB 1256/P1.

> -----Original Message-----

> From: Keegan, Linda
> Sent: Tuesday, January 12, 1999 3:33 PM
> To: Grinde, Kirsten
> Cc: 'bwohm@facstaff.wisc.edu'; Blaska, Michael
> Subject: Legislative Policy Statements

>
> Kirsten -- Brian Ohm asked me to pass this along to you for your review.
> This is the "preamble" for the comprehensive plan definition. He might
> have a few word changes, as reviewers provide some feedback, but he would
> like you to see this ASAP because of the tight timeframe for language
> drafting. Please let us know if you have any questions.

>
> -- DRAFT --

>
> The legislature recognizes the need to update present local planning
> enabling legislation and declares that:

>
> (1) The absence of comprehensive planning by local governments as a
> rational basis for long-term development creates conflicting requirements
> and reactive land use regulations and decisions.

>
> (2) Comprehensive planning will provide a basis for improved coordination
> on issues of local, regional, and statewide concern.

>
> (3) The development and enactment by a local government unit of a
> comprehensive plan which can be readily identified, and is available for
> the public, is in the best interest of the people of the local government
> unit. The participation of citizens in an open, responsible and flexible
> planning process is essential to the development of comprehensive plans.

>
> (4) It is the intent of the legislature to encourage, but not to require,
> the preparation and adoption of a comprehensive plan pursuant to this
> section. Nothing herein shall be deemed to affect the status or validity
> of existing master plans, development plans, comprehensive plans, or land
> use plans.

>
> (5) It is the intent of the legislature to provide a uniform definition of
> a comprehensive plan for use by regional plan commissions, counties,
> cities, villages, and towns, that sets forth (in words, maps,
> illustrations, and tables) goals, policies, standards and programs
> intended to direct present and future physical, social, and economic
> development. A comprehensive plan is comprised of a series of elements
> which shall include, but is not limited to, an issues and opportunities
> element, housing element, a transportation element, a utilities and
> community facilities element, a natural and cultural resources element, an
> economic development element, an intergovernmental cooperation element,
> and an implementation element.

>
> (6) The great diversity of resources and conditions that exist within and
> among the local government units of the state compels the consideration of
> such diversity in the development of comprehensive plans. The level of

-
- > detail and completeness for each element shall be consistent with the
 - > responsibilities of each local government unit.
 - >