



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1256/P12
MES:cmh&jlg:hmh

SOON

RMR

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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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do not gen

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.

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 subdivisions in the proposed region join in the petition. The governor may also create an RPC if the governing bodies of political subdivisions 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 multicounty 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 an 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 an RPC's functions are solely advisory to the political subdivisions that comprise the region. *an*

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.

local governmental unit (political subdivision or RPC)

local governmental unit

2. A housing element that contains information on the ~~city's, village's, town's,~~ ^{city's, village's, town's,} ~~county's or P.D.M.'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~~ ^{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 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, 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 (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. (3)(b)~~ 9.66.0295 ✓

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 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-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 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 shows 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-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 s. 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,~~

1 ~~removal, vacation, abandonment or change of use of any of the foregoing public ways,~~
 2 ~~grounds, places, spaces, buildings, properties, utilities, routes or terminals, the~~
 3 ~~general location, character and extent of community centers and neighborhood~~
 4 ~~units, the general character, extent and layout of the replanning of blighted districts~~
 5 ~~and slum areas, and a comprehensive zoning plan shall contain the elements~~
 6 ~~described in sub (3)(b).~~ ^{D.66.0295 ✓} The commission may from time to time amend, extend or add
 7 to the master plan or carry any part or subject matter into greater detail. The
 8 commission may adopt rules for the transaction of business and shall keep a record
 9 of its resolutions, transactions, findings and determinations, which record shall be
 10 a public record.

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

12 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
 13 resolution, or, as the work of making the whole master plan progresses, may from
 14 time to time by resolution adopt a part or parts thereof, any such part to correspond
 15 generally with one or more of the functional subdivisions of the subject matter of the
 16 ~~plan elements specified in sub (3)(b).~~ ^{D.66.0295 ✓} The adoption of the plan or any part,
 17 amendment or addition, shall be by resolution carried by the affirmative votes of not
 18 less than a majority of all the members of the city plan commission. The resolution
 19 shall refer expressly to the ~~elements under sub (3)(b).~~ ^{D.66.0295 ✓} maps, descriptive matter, and
 20 other matters intended by the commission to form the whole or any part of the plan,
 21 and the action taken shall be recorded on the adopted plan or part thereof by the
 22 identifying signature of the secretary of the commission, and a copy of the plan or
 23 part thereof shall be certified to the common council. The purpose and effect of the
 24 adoption and certifying of the master plan or part thereof shall be solely to aid the
 25 city plan commission and the council in the performance of their duties.

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

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

4 (a) *Issues and opportunities element.* Background information on the city and
5 a statement of objectives, policies, plans and programs of the city to guide the future
6 growth and development of the city over a 20-year planning period. Background
7 information shall include population, household and employment forecasts that the
8 city uses in developing its plan, and demographic trends, age distribution,
9 educational levels, income levels and employment characteristics that exist within
10 the city. The statement shall also identify any existing land use or development plan,
11 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?

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

21 (c) *Transportation element.* A map and a statement of objectives, policies, plans
22 and programs to guide the future development of transportation infrastructure and
23 various modes of transportation. The statement shall compare the city's objectives,

1 policies and programs to state and regional transportation plans. The statement
2 shall also identify existing transportation corridors, highways and streets by type,
3 transportation facilities, and transportation plans, airport master plans and
4 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?

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

18 (e) *Natural and cultural resources element.* A map and a statement of
19 objectives, policies, plans and programs to guide the conservation, and promote the
20 effective management, of natural resources such as groundwater, forests, productive
21 agricultural areas, environmentally sensitive areas, threatened and endangered

1 species, stream corridors, surface water, floodplains, wetlands, wildlife habitat,
2 metallic and nonmetallic mineral resources, parks, open spaces, historic and
3 cultural resources, recreational resources and other natural resources. The
4 statement shall also assess the need for, and feasibility of, acquiring private lands,
5 conservation easements and deed restrictions for the purpose of preserving such
6 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?

7 (f) *Economic development element*. A map and a statement of objectives,
8 policies, plans and programs to promote the stabilization, or expansion, of the
9 economic base and quality employment opportunities in the city, including an
10 analysis of the labor force and economic base of the city. The statement shall identify
11 opportunities for the expansion and retention of existing businesses, and categories
12 or particular types of new businesses and industries that are desired by the city. The
13 statement shall assess the city's strengths and weaknesses with respect to attracting
14 and retaining businesses and industries, and shall designate an adequate number
15 of sites for such businesses and industries. If an adequate number of sites do not
16 exist within the city, the statement shall analyze the feasibility of acquiring sites and
17 improvements within the city to encourage economic development. The statement
18 shall also evaluate the feasibility of, and promote where feasible, the use of
19 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. 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
21 spatial assumptions upon which the projections are based. The statement shall also
22 include a series of maps that shows current land uses and future land uses that
23 indicate productive agricultural soils, natural limitations for building site

1 development, floodplains, wetlands and other environmentally sensitive lands, the
 2 boundaries of areas to which services of public utilities and community facilities, as
 3 those terms are used in par. (d), will be provided in the future, along with the
 4 timetable described in par. (d), and the general location of future land uses by net
 5 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.

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

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

1 66.945 (8) (a) The regional planning commission may conduct all types of
2 research studies, collect and analyze data, prepare maps, charts and tables, and
3 conduct all necessary studies for the accomplishment of its other duties; it may,
4 consistent with the elements specified in ~~§ 66.945~~ ^{D. 66.0295} make plans for the physical, social
5 and economic development of the region, and may, consistent with the elements
6 specified in ~~§ 66.945~~ ^{D. 66.0295} adopt by resolution any plan or the portion of any plan so
7 prepared as its official recommendation for the development of the region; it may
8 publicize and advertise its purposes, objectives and findings, and may distribute
9 reports thereon; it may provide advisory services on regional planning problems to
10 the local government units within the region and to other public and private agencies
11 in matters relative to its functions and objectives, and may act as a coordinating
12 agency for programs and activities of such local units and agencies as they relate to
13 its objectives. All public officials shall, upon request, furnish to the regional planning
14 commission, within a reasonable time, such available information as it requires for
15 its work. In general, the regional planning commission shall have all powers
16 necessary to enable it to perform its functions and promote regional planning. The
17 functions of the regional planning commission shall be solely advisory to the local
18 governments and local government officials comprising the region.

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

20 66.945 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning
21 commission shall have the function and duty of making and adopting a master plan
22 for the physical development of the region. The master plan, with the accompanying
23 maps, plats, charts, programs and descriptive and explanatory matter, shall show
24 the commission's recommendations for such physical development and ~~may include,~~
25 ~~among other things without limitation because of enumeration, the general location,~~

1 character and extent of main traffic arteries, bridges and viaducts; public places and
 2 areas; parks; parkways; recreational areas; sites for public buildings and structures;
 3 airports; waterways; routes for public transit; and the general location and extent
 4 of main and interceptor sewers, water conduits and other public utilities whether
 5 privately or publicly owned; areas for industrial, commercial, residential,
 6 agricultural or recreational development shall contain the elements described in
 7 ~~sub 11(10)~~ ^{66.0295}. The regional planning commission may amend, extend or add to the
 8 master plan or carry any part or subject matter into greater detail.

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

10 66.945 (10) ADOPTION OF MASTER PLAN FOR REGION. The master plan shall be
 11 made with the general purpose of guiding and accomplishing a coordinated, adjusted
 12 and harmonious development of the region which will, in accordance with existing
 13 and future needs, best promote public health, safety, morals, order, convenience,
 14 prosperity or the general welfare, as well as efficiency and economy in the process
 15 of development. The regional planning commission may adopt the master plan as
 16 a whole by a single resolution, or, as the work of making the whole master plan
 17 progresses, may by resolution adopt a part or parts thereof, any such part to
 18 correspond generally with one or more of the functional subdivisions of the subject
 19 matter of the plan elements specified in ~~sub 11(10)~~ ^{66.0295}. The resolution shall refer
 20 expressly to the maps, plats, charts, programs and descriptive and explanatory
 21 matter, and other matters intended by the regional planning commission to form the
 22 whole or any part of the plan, and the action taken shall be recorded on the adopted
 23 plan or part thereof by the identifying signature of the chairperson of the regional
 24 planning commission and a copy of the plan or part thereof shall be certified to the
 25 legislative bodies of the local governmental units within the region. The purpose and

1 effect of adoption of the master plan shall be solely to aid the regional planning
2 commission and the local governments and local government officials comprising the
3 region in the performance of their functions and duties.

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

5 **66.945 (10m) CONTENTS OF A MASTER PLAN.** A master plan adopted or amended
6 under sub. (8), (9) or (10) shall contain all of the following elements:

7 (a) *Issues and opportunities element.* Background information on the region
8 and a statement of objectives, policies, plans and programs of the regional planning
9 commission to guide the future growth and development of the region over a 20-year
10 planning period. Background information shall include population, household and
11 employment forecasts that the regional planning commission uses in developing its
12 plan, and demographic trends, age distribution, educational levels, income levels
13 and employment characteristics that exist within the region. The statement shall
14 also identify any existing land use or development plan, either required or voluntary,
15 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. Is this OK?

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

1 for regional residents with low or moderate incomes, and policies and programs to
2 maintain or rehabilitate the region's existing housing stock.

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

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

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 region, including an
14 analysis of the labor force and economic base of the region. 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 regional planning commission. The statement shall assess the region's strengths
18 and weaknesses with respect to attracting and retaining businesses and industries,
19 and shall designate an adequate number of sites for such businesses and industries.
20 If an adequate number of sites do not exist within the region, the statement shall
21 analyze the feasibility of acquiring sites and improvements within the region to

1 encourage economic development. The statement shall also evaluate the feasibility
2 of, and promote where feasible, the use of environmentally contaminated sites for
3 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.

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 cities, villages, towns, counties and
9 school districts in the region to the state and to other regions and local governmental
10 units. The statement shall incorporate any plans or agreements to which local
11 governmental units in the region are parties under s. 66.023, 66.30 or 66.945. The
12 statement shall identify existing or potential conflicts between the region and other
13 governmental units that are specified in this paragraph and describe processes to
14 resolve such conflicts.

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

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

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

1 subsection shall be updated no less than once every 10 years. The statement may
2 include a 5-year program that details specific public improvements to be completed
3 in a specific fiscal year, the estimated cost of each public improvement and the impact
4 that the improvement will have on the current operating expenses of the region.

****NOTE: Do you want to specify what a "public improvement" may be? For a
definition of "public facilities", see s. 66.55 (1) (f). Do you think this paragraph is
appropriate for RPCs since they only have an advisory function in the land use planning
system?

5

(END)

D-NOTE →

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1256/P2dn
MES:cmh&jlg:hmh

✓
stamp

your
January 12
→

I have made a number of the changes that you requested in your e-mail, but not all of them.

1. I did not make "statement" or "map" plural. This is unnecessary. See s. 990.001 (1).

2. I did not include a definition for "land use regulation." This is unnecessary because the term is never used in the bill.

3. I don't believe that a separate "vision statement" in s. 66.0295 (2) (a) is needed. That paragraph requires the issues and opportunities element to include a "statement of objectives, policies, plans and programs . . . to guide the future growth and development of the local governmental unit over a 20-year planning period."

4. I don't think that we can include an "intent statement" in the bill. Generally, such statements are inappropriate for a number of reasons and are not included in bills unless one of 2 conditions exist: 1) ~~If~~ a bill is a recodification, or restatement of the law that does not make any substantive changes to the law, or 2) ~~If~~ a reasonable probability exists that a provision of a bill may be declared unconstitutional and that an intent statement may help sustain the provision. Neither of these conditions exist so an intent statement would be inappropriate.

Because every bill should contain all provisions that are necessary to carry out the legislature's intent in the substantive text of the ~~draft~~, a statement of intent or purpose that mirrors the substantive text is redundant and, therefore, unnecessary. A statement of intent or purpose may include provisions that directly or indirectly grant rights, prohibit actions or are otherwise substantive in nature, which could lead to unforeseen effects on other, seemingly unrelated laws. See, for example, *State ex rel. Jacobus v. State*, 198 Wis. 2d 783 (Ct. App. 1995). Courts have also used promotional language in statements of legislative intent to confer substantive rights or privileges that are unintended by the substantive text in the bill. See *In the Matter of the Protective Placement of D.E.R. v. La Crosse Co.*, 155 Wis. 2d 240 (1990). For these, and other reasons, statements of legislative intent are generally not included in a bill.

Marc E. Shovers
Senior Legislative Attorney
266-0129

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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Insert 15-17

SECTION 1. 66.0295 of the statutes is created to read:

66.0295 Comprehensive land-use planning. (1) DEFINITIONS. In this section:

(a) "Comprehensive plan" means:

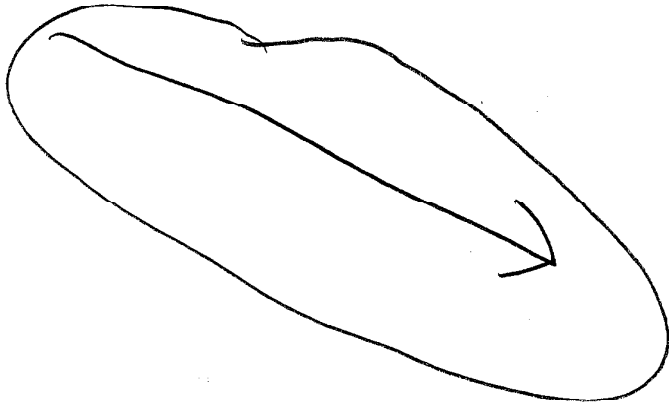
1. For a county, a development plan that is prepared or amended under s. 59.69 (2) or (3).

2. For a city or a village, or for a town that exercises village powers under s. 60.22 (3), a master plan adopted or amended under s. 62.23 (2) or (3).

3. For a regional planning commission, a master plan adopted or amended under s. 66.945 (8), (9) or (10).

(b) "Local governmental unit" means a city, village, town, county or regional planning commission that may adopt, prepare or amend a comprehensive plan.

(2) CONTENTS OF A COMPREHENSIVE PLAN. A comprehensive plan shall contain all of the following elements:



INS. 15-17, cont

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).

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 sub. (2) or (3) shall contain all of the following elements:

9 (a) *Issues and opportunities element.* Background information on the ~~county~~
10 ~~local governmental unit~~ and a statement of objectives, policies, plans and programs of the ~~county~~
11 future growth and development of the ~~county~~ over a 20-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 ~~county~~ zoning agency, ~~the~~ ~~county~~ board, ~~the~~ ~~county~~ regional planning commission or the
~~city, village or town plan commission~~

18 ~~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?~~
~~I retained this note and the last sentence because you seemed unsure about~~
~~whether to retain it or whether to retain § 59.69(3)(b) 1. § 59.69(3)(b) 1. is permissive~~
~~and addresses different issues than the last sentence in par. (a).~~

19 (b) *Housing element.* A statement of objectives, policies, plans and programs
20 of the ~~county~~ to provide an adequate housing supply that meets existing and
21 forecasted housing demand in the ~~county~~. The statement shall contain a map and
22 shall assess the age, structural, value and occupancy characteristics of the ~~county's~~
~~local governmental unit's~~

23 housing stock and shall contain a range of policy choices to address the housing needs
of all ~~county~~ residents ~~of the~~. The statement shall also identify specific policies and

2. A housing element that 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 promotes the stabilization 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, 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 (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

of the local governmental unit

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 ~~and applicable transportation plans, including corridor plans, highway functional and jurisdictional~~
10 by type, transportation facilities, and transportation plans, airport master plans and
11 railroad plans that apply in the ~~county~~ area.

What are "highway functional and jurisdictional studies" and who conducts them?
NOTE: All 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 ~~county~~
13 utilities and community facilities in the ~~county~~, such as sanitary sewer service,
14 stormwater management, water supply, solid waste disposal, ~~on-site wastewater treatment technologies,~~ 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.

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INS 15-17 cont

****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.

Where appropriate, the statement shall contain policies that relate to architecture and landscape issues

****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?

draft,

I believe that the last sentence responds to your comments on the "PI" but I'm not sure what this sentence means. What are "policies that relate to 'architecture and landscape issues'?"

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 ^{local governmental unit'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 ^{does} not exist within the ^{local governmental unit} county, the statement shall analyze the feasibility of
21 acquiring sites and improvements within the ^{county} to encourage economic

What does "other designs for the community mean?"

step "do"



1 development. The statement shall also evaluate the feasibility of, and promote
2 where feasible, the use of environmentally contaminated ^{the} sites for commercial or
3 industrial uses. *The statement shall also identify development policies of other cities, villages, towns or counties that apply to the local governmental unit.*

****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. *Your suggestions in your response to the PFI do not adequately address this issue.*

draft
****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 ^{local governmental unit} ~~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 s. ^{66.023} 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

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INS 15-17 cont

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 shows 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 ^{local governmental unit's} ~~county's~~ progress toward achieving all aspects of the comprehensive



INS 15-17
CONT

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-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~~ local governmental unit

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

SECTION 4. 62.23 (2) of the statutes 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 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 may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads and buses, historic districts, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation,

END of
INS. 15-17

1 ~~removal, vacation, abandonment or change of use of any of the foregoing public ways,~~
2 ~~grounds, places, spaces, buildings, properties, utilities, routes or terminals, the~~
3 ~~general location, character and extent of community centers and neighborhood~~
4 ~~units, the general character, extent and layout of the replanning of blighted districts~~
5 ~~and slum areas, and a comprehensive zoning plan shall contain the elements~~
6 ~~described in sub. (3m). The commission may from time to time amend, extend or add~~
7 ~~to the master plan or carry any part or subject matter into greater detail. The~~
8 ~~commission may adopt rules for the transaction of business and shall keep a record~~
9 ~~of its resolutions, transactions, findings and determinations, which record shall be~~
10 ~~a public record.~~

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

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1256/P2dn
MES:cmh&jlg:lp

January 19, 1999

I have made a number of the changes that you requested in your January 12 e-mail, but not all of them.

1. I did not make "statement" or "map" plural. This is unnecessary. See s. 990.001 (1).

2. I did not include a definition for "land use regulation." This is unnecessary because the term is never used in the bill.

3. I don't believe that a separate "vision statement" in s. 66.0295 (2) (a) is needed. That paragraph requires the issues and opportunities element to include a "statement of objectives, policies, plans and programs . . . to guide the future growth and development of the local governmental unit over a 20-year planning period."

4. I don't think that we can include an "intent statement" in the bill. Generally, such statements are inappropriate for a number of reasons and are not included in bills unless one of 2 conditions exist: 1) If a bill is a recodification, or restatement of the law that does not make any substantive changes to the law; or 2) if a reasonable probability exists that a provision of a bill may be declared unconstitutional and that an intent statement may help sustain the provision. Neither of these conditions exists so an intent statement would be inappropriate.

Because every bill should contain all provisions that are necessary to carry out the legislature's intent in the substantive text of the bill, a statement of intent or purpose that mirrors the substantive text is redundant and, therefore, unnecessary. A statement of intent or purpose may include provisions that directly or indirectly grant rights, prohibit actions or are otherwise substantive in nature, which could lead to unforeseen effects on other, seemingly unrelated laws. See, for example, *State ex rel. Jacobus v. State*, 198 Wis. 2d 783 (Ct. App. 1995). Courts have also used promotional language in statements of legislative intent to confer substantive rights or privileges that are unintended by the substantive text in the bill. See *In the Matter of the Protective Placement of D.E.R. v. La Crosse Co.*, 155 Wis. 2d 240 (1990). For these, and other reasons, statements of legislative intent are generally not included in a bill.

Marc E. Shovers
Senior Legislative Attorney
266-0129



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1256/P2
MES:cmh&jlg:lp

FNR

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

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*W.P.D.s
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*do not
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1 AN ACT *do not gen* 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.

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 subdivisions in the proposed region join in the petition. The governor may also create an RPC if the governing bodies of political subdivisions 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 multicounty 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 an 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 an 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 an 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 local governmental unit (a political subdivision or an RPC) and a statement of objectives, policies, ~~plans~~ ^{goals} and programs of the local governmental unit to guide the future growth and development of the local governmental unit over a 20-year planning period. This element includes population, demographic, economic and employment forecasts, trends and characteristics. *This element may also include background information on nearby local governmental units.*

for residents with all income levels
and various needs

2. A housing element that contains information on the 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 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, 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, 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 (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

→ Ordinances

retention

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 ^{at least} the elements described in s.
4 66.0295.

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

SECTION 3. 62.23 (2) of the statutes 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
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 ~~may include, among other things without
limitation because of enumeration, the general location, character and extent of
streets, highways, freeways, street grades, roadways, walks, bridges, viaducts,
parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites
for public buildings and structures, airports, pierhead and bulkhead lines,
waterways, routes for railroads and buses, historic districts, and the general location
and extent of sewers, water conduits and other public utilities whether privately or
publicly owned, the acceptance, widening, narrowing, extension, relocation,
removal, vacation, abandonment or change of use of any of the foregoing public ways,
grounds, places, spaces, buildings, properties, utilities, routes or terminals, the
general location, character and extent of community centers and neighborhood~~

intro. 1
59.69(3)(b) 2
Am; (b) 1.
So it says only
The master plan shall incl.
the master plan, if any.

1 units, the general character, extent and layout of the replanning of blighted districts
2 and slum areas, and a comprehensive zoning plan shall contain ^{at least} the elements
3 described in s. 66.0295. The commission may from time to time amend, extend or add
4 to the master plan or carry any part or subject matter into greater detail. The
5 commission may adopt rules for the transaction of business and shall keep a record
6 of its resolutions, transactions, findings and determinations, which record shall be
7 a public record.

8 SECTION 4. 62.23 (3) (b) of the statutes is amended to read:

9 62.23 (3) (b) The commission may adopt the master plan as a whole by a single
10 resolution, or, as the work of making the whole master plan progresses, may from
11 time to time by resolution adopt a part or parts thereof, any such part to correspond
12 generally with one or more of the functional subdivisions of the subject matter of the
13 plan elements specified in s. 66.0295. The adoption of the plan or any part,
14 amendment or addition, shall be by resolution carried by the affirmative votes of not
15 less than a majority of all the members of the city plan commission. The resolution
16 shall refer expressly to the elements under s. 66.0295, maps, descriptive matter, and
17 other matters intended by the commission to form the whole or any part of the plan,
18 and the action taken shall be recorded on the adopted plan or part thereof by the
19 identifying signature of the secretary of the commission, and a copy of the plan or
20 part thereof shall be certified to the common council. The purpose and effect of the
21 adoption and certifying of the master plan or part thereof shall be solely to aid the
22 city plan commission and the council in the performance of their duties.

23 SECTION 5. 66.0295 of the statutes is created to read:

24 66.0295 Comprehensive ~~land use~~ ^{land use} planning. (1) DEFINITIONS. In this
25 section:

1 (a) "Comprehensive plan" means:

2 1. For a county, a development plan that is prepared or amended under s. 59.69

3 (2) or (3).

4 2. For a city or a village, or for a town that exercises village powers under s.
5 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).

6 3. For a regional planning commission, a master plan that is adopted or
7 amended under s. 66.945 (8), (9) or (10).

8 (b) "Local governmental unit" means a city, village, town, county or regional
9 planning commission that may adopt, prepare or amend a comprehensive plan.

10 (2) CONTENTS OF A COMPREHENSIVE PLAN. A comprehensive plan shall contain
11 all of the following elements:

12 (a) *Issues and opportunities element.* Background information on the local
13 governmental unit and a statement of objectives, policies, ^{keep common} ~~plans~~ ^{goals} and programs of the
14 local governmental unit to guide the future growth and development of the local
15 governmental unit over a 20-year planning period. Background information shall
16 include population, household and employment forecasts that the local
17 governmental unit uses in developing its plan, and demographic trends, age
18 distribution, educational levels, income levels and employment characteristics that
19 exist within the local governmental unit. ~~The statement shall also identify any~~

20 ~~existing land-use or development plan, either required or voluntary, that is being~~
21 ~~used by the county zoning agency, the county board, the regional planning~~
22 ~~commission or the city, village or town 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 s. 59.69 (B) is repealed. Is this
OK?
The statement may also include similar elements related to federal and state programs and background information on nearby local governmental units that affect the local governmental units.

I retained this note and the last sentence because you seemed unsure about whether to retain it or whether to retain s. 59.69 (3) (b) 1. Section 59.69 (3) (b) 1. is permissive and addresses different issues than the last sentence in par. (a).

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(b) *Housing element.* A statement of objectives, policies, ~~plans~~ and programs of the local governmental unit to provide an adequate housing supply that meets existing and forecasted housing demand in the local governmental unit. The statement shall contain a map and shall assess the age, structural, value and occupancy characteristics of the local governmental unit's housing stock and shall contain a range of policy choices to address the housing needs of all residents of the local governmental unit. The statement shall also identify specific policies and programs that promote the development of housing for residents of the local governmental unit with ^{all} ~~low or moderate~~ incomes and policies and programs to maintain or rehabilitate the local governmental unit's existing housing stock.

(c) *Transportation element.* A map and a statement of objectives, policies, ~~plans~~ and programs to guide the future development of transportation infrastructure and various modes of transportation. The statement shall compare the local governmental unit's objectives, policies, and programs to state and regional transportation plans. The statement shall also identify highways and streets by type and applicable transportation plans, including transportation corridor plans, ^{county} highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail ~~plans~~ plans that apply in the local governmental unit.

•••NOTE: What are "highway functional and jurisdictional studies" and who conducts them?

(d) *Utilities and community facilities element.* A map and a statement of objectives, policies, ~~plans~~ and programs to guide the future development of utilities and community facilities in the local governmental unit such as sanitary sewer

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goals

including public transportation, transportation systems for persons with disabilities, bicycles, walking, railroads, air transportation, trucking and water transportation within the local governmental unit

levels and with various needs
camp

1 service, stormwater management, water supply, solid waste disposal, on-site
 2 wastewater treatment technologies, recycling facilities, parks and open spaces,
 3 telecommunications facilities, power-generating plants and transmission lines,
 4 cemeteries, health care facilities, child care facilities and other public facilities, such
 5 as police, fire and rescue facilities, libraries, schools and other governmental
 6 facilities. The statement shall describe the use and capacity of existing public
 7 utilities and community facilities ^{that serve} in the local governmental unit and within adjacent
 8 ~~cities, villages, towns and counties,~~ ^{an approximate} shall include a timetable that forecasts the need
 9 in the local governmental unit to expand or rehabilitate existing utilities and
 10 facilities or to create new utilities and facilities and shall assess future needs for
 11 government services in the local governmental unit that are related to such utilities
 12 and facilities.

13 (e) *Natural and cultural resources element.* A map and a statement of
 14 objectives, policies, ~~plans~~ ^{goals} and programs ~~to provide~~ ^{for} the conservation, and ~~promote~~ ^{Promotion of} the
 15 effective management, of natural resources such as groundwater, forests, productive
 16 agricultural areas, environmentally sensitive areas, threatened and endangered
 17 species, stream corridors, surface water, floodplains, wetlands, wildlife habitat,
 18 metallic and nonmetallic mineral resources, parks, open spaces, historic and
 19 cultural resources, ^{aesthetic resources,} recreational resources and other natural resources. The
 20 statement shall also assess the need for, and feasibility of, acquiring private lands,
 21 conservation easements and deed restrictions for the purpose of preserving such
 22 lands for public benefit. Where appropriate, the statement shall contain policies that
 23 relate to architecture and landscape issues.

....NOTE: I believe that the last sentence responds to your comments on the "/P1"
 draft, but I'm not sure what this sentence means. What are "policies that relate to

“architecture and landscape issues?” What does “other designs for the community” mean?

1 (f) *Economic development element.* A map and a statement of objectives,
 2 policies, ~~plans~~ ^{goals} and programs to promote the stabilization, ^{retention} or expansion, of the
 3 economic base and quality employment opportunities in the ~~county~~ ^{local governmental unit} including an
 4 analysis of the labor force and economic base of the ~~county~~ ^{local governmental unit}. The statement shall
 5 ~~identify~~ ^{assess} opportunities for the expansion and retention of existing businesses, and
 6 categories or particular types of new businesses and industries that are desired by
 7 the ~~county~~ ^{local governmental unit}. The statement shall assess the local governmental unit’s strengths and
 8 weaknesses with respect to attracting and retaining businesses and industries, and
 9 shall designate an adequate number of sites for such businesses and industries. ~~if~~
 10 ~~an adequate number of sites do not exist within the local governmental unit, the~~
 11 ~~statement shall analyze the feasibility of acquiring sites and improvements within~~
 12 ~~the local governmental unit to encourage economic development.~~ The statement
 13 shall also evaluate ~~the feasibility of~~ and promote ~~where feasible,~~ the use of
 14 environmentally contaminated sites for ~~commercial or industrial~~ ^{county regional and state economic} uses. The
 15 statement shall also identify ~~the~~ ^{development policies of other cities, villages, towns,}
 16 ~~or counties~~ ^{programs} that apply to the local governmental unit.

....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. Your suggestions in your response to the “P1” draft do not adequately address this issue.

17 (g) *Intergovernmental cooperation element.* A map and a statement of
 18 objectives, policies, ~~plans~~ ^{goals} and programs for joint planning and decision making with
 19 other jurisdictions, including ^{school districts and} adjacent ~~cities, villages, towns, counties and school~~
 20 ~~districts~~ ^{local governmental units} for siting and building public facilities and sharing public services. The

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SECTION 5
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statement shall analyze the relationship of the local governmental unit to adjacent cities, villages, towns, counties and school districts, and to the region, the state and other governmental units. The statement shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.023, 66.30 or 66.945. The statement shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

Local governmental units

Goals

(h) *Land-use element.* A map and a statement of objectives, policies, ~~plans~~ and programs to guide the future development and redevelopment of public and private property. The statement 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 statement shall analyze trends in the supply demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The statement shall

specified in par. (a)

contain ~~land use planning~~ projections for 20 years with detailed maps, in 5-year increments, of future residential, agricultural, commercial and industrial land uses ~~and~~ including

~~The projections shall include~~ a statement of the assumptions of net densities or other spatial assumptions upon which the projections are based. The statement 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, ~~along~~ ^{consistent} with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.

based on the background information

1999 - 2000 Legislature

ordinance, official maps, sign regulations, erosion and stormwater control ordinances, historic preservation ordinances, site plan regulations, design review ordinances, SECTION 5

1 (i) Implementation element. A statement of programs and specific actions to

2 be completed in a stated sequence, including proposed changes to any applicable

3 zoning, building codes, mechanical codes, housing codes, sanitary codes or subdivision ordinances, to implement the objectives,

4 policies, plans and programs contained in pars. (a) to (h). The statement shall

5 describe how each of the elements of the comprehensive plan will be integrated and

6 made consistent with the other elements of the comprehensive plan, and shall include a mechanism

7 to measure the local governmental unit's progress toward achieving all aspects of the

8 comprehensive plan. The statement shall include a process for updating the

9 comprehensive plan. A comprehensive plan under this subsection shall be updated

10 no less than once every 10 years. The statement may include a 5-year program that

11 details specific public improvements to be completed in a specific fiscal year, the

12 estimated cost of each public improvement and the impact that the improvement will

13 have on the current operating expenses of the local governmental unit.

14 SECTION 6. 66.945 (8) (a) of the statutes is amended to read:

15 66.945 (8) (a) The regional planning commission may conduct all types of

16 research studies, collect and analyze data, prepare maps, charts and tables, and

17 conduct all necessary studies for the accomplishment of its other duties; it may,

18 consistent with the elements specified in s. 66.0295, make plans for the physical,

19 social and economic development of the region, and may, consistent with the

20 elements specified in s. 66.0295, adopt by resolution any plan or the portion of any

21 plan so prepared as its official recommendation for the development of the region; it

22 may publicize and advertise its purposes, objectives and findings, and may distribute

23 reports thereon; it may provide advisory services on regional planning problems to

24 the local government units within the region and to other public and private agencies

25 in matters relative to its functions and objectives, and may act as a coordinating

1 agency for programs and activities of such local units and agencies as they relate to
2 its objectives. All public officials shall, upon request, furnish to the regional planning
3 commission, within a reasonable time, such available information as it requires for
4 its work. In general, the regional planning commission shall have all powers
5 necessary to enable it to perform its functions and promote regional planning. The
6 functions of the regional planning commission shall be solely advisory to the local
7 governments and local government officials comprising the region.

8 SECTION 7. 66.945 (9) of the statutes is amended to read:

9 66.945 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning
10 commission shall have the function and duty of making and adopting a master plan
11 for the physical development of the region. The master plan, with the accompanying
12 maps, plats, charts, programs and descriptive and explanatory matter, shall show
13 the commission's recommendations for such physical development and ~~may include,~~
14 ~~among other things without limitation because of enumeration, the general location,~~
15 ~~character and extent of main traffic arteries, bridges and viaducts; public places and~~
16 ~~areas; parks; parkways; recreational areas; sites for public buildings and structures;~~
17 ~~airports; waterways; routes for public transit; and the general location and extent~~
18 ~~of main and interceptor sewers, water conduits and other public utilities whether~~
19 ~~privately or publicly owned; areas for industrial, commercial, residential,~~
20 ~~agricultural or recreational development shall contain~~ ^{at least ✓} ~~the elements described in s.~~
21 66.0295. The regional planning commission may amend, extend or add to the master
22 plan or carry any part or subject matter into greater detail.

23 SECTION 8. 66.945 (10) of the statutes is amended to read:

24 66.945 (10) ADOPTION OF MASTER PLAN FOR REGION. The master plan shall be
25 made with the general purpose of guiding and accomplishing a coordinated, adjusted

1 and harmonious development of the region which will, in accordance with existing
2 and future needs, best promote public health, safety, morals, order, convenience,
3 prosperity or the general welfare, as well as efficiency and economy in the process
4 of development. The regional planning commission may adopt the master plan as
5 a whole by a single resolution, or, as the work of making the whole master plan
6 progresses, may by resolution adopt a part or parts thereof, any such part to
7 correspond generally with one or more of the ~~functional subdivisions of the subject~~
8 ~~matter of the plan~~ elements specified in s. 66.0295. The resolution shall refer
9 expressly to the maps, plats, charts, programs and descriptive and explanatory
10 matter, and other matters intended by the regional planning commission to form the
11 whole or any part of the plan, and the action taken shall be recorded on the adopted
12 plan or part thereof by the identifying signature of the chairperson of the regional
13 planning commission and a copy of the plan or part thereof shall be certified to the
14 legislative bodies of the local governmental units within the region. The purpose and
15 effect of adoption of the master plan shall be solely to aid the regional planning
16 commission and the local governments and local government officials comprising the
17 region in the performance of their functions and duties.

18 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1256/P3ins
MES:cmh&jlg:lp

INS. 4-4

SECTION 1. 59.69 (3) (b) of the statutes is repealed and recreated to read:

59.69 (3) (b) The development plan shall include

SECTION 2. 59.69 (3) (b) 1. of the statutes is amended to read:

~~59.69 (3) (b) 1. Comprehensive surveys, studies and analyses of the history, existing land use, population and population density, economy, soil characteristics, forest cover, wetland and floodplain conditions and other human and natural features of the county and shall include the master plan, if any, of any city or village, which was adopted under s. 62.23 (2) or (3) and the official map, if any, of such city or village, which was adopted under s. 62.23 (6) in such county, without change.~~

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. 18, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 91, 30 (4), 91, 26 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59, 69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35



TODAY

RNR

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

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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- 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.

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 subdivisions in the proposed region join in the petition. The governor may also create an RPC if the governing bodies of political subdivisions 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 multicounty 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 an 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 an 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 an 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 local governmental unit (a political subdivision or an RPC) and a statement of objectives, policies, goals and programs of the local governmental unit to guide the future growth and development of the local governmental unit over a 20-year planning period. This element includes population, demographic, economic

and employment forecasts, trends and characteristics. This element may also include background information on nearby local governmental units.

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.

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 (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

1 included in the county's development plan. The plan may be adopted in whole or in
2 part and may be amended by the board and endorsed by the governing bodies of
3 incorporated jurisdictions included in the plan. The county development plan, in
4 whole or in part, in its original form or as amended, is hereafter referred to as the
5 development plan. The development plan shall contain at least the elements
6 described in s. 66.0295.

7 **SECTION 2.** 59.69 (3) (b) of the statutes is repealed and recreated to read:

8 59.69 (3) (b) The development plan shall include the master plan, if any, of any
9 city or village, which was adopted under s. 62.23 (2) or (3) and the official map, if any,
10 of such city or village, which was adopted under s. 62.23 (6) in the county, without
11 change.

12 **SECTION 3.** 62.23 (2) of the statutes is amended to read:

13 62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to
14 make and adopt a master plan for the physical development of the city, including any
15 areas outside of its boundaries which in the commission's judgment bear relation to
16 the development of the city provided, however, that in any county where a regional
17 planning department has been established, areas outside the boundaries of a city
18 may not be included in the master plan without the consent of the county board of
19 supervisors. The master plan, with the accompanying maps, plats, charts and
20 descriptive and explanatory matter, shall show the commission's recommendations
21 for such physical development, and ~~may include, among other things without~~
22 ~~limitation because of enumeration, the general location, character and extent of~~
23 ~~streets, highways, freeways, street grades, roadways, walks, bridges, viaducts,~~
24 ~~parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites~~
25 ~~for public buildings and structures, airports, pierhead and bulkhead lines,~~

1 ~~waterways, routes for railroads and buses, historic districts, and the general location~~
2 ~~and extent of sewers, water conduits and other public utilities whether privately or~~
3 ~~publicly owned, the acceptance, widening, narrowing, extension, relocation,~~
4 ~~removal, vacation, abandonment or change of use of any of the foregoing public ways,~~
5 ~~grounds, places, spaces, buildings, properties, utilities, routes or terminals, the~~
6 ~~general location, character and extent of community centers and neighborhood~~
7 ~~units, the general character, extent and layout of the replanning of blighted districts~~
8 ~~and slum areas, and a comprehensive zoning plan shall contain at least the elements~~
9 ~~described in s. 66.0295.~~ The commission may from time to time amend, extend or add
10 to the master plan or carry any part or subject matter into greater detail. The
11 commission may adopt rules for the transaction of business and shall keep a record
12 of its resolutions, transactions, findings and determinations, which record shall be
13 a public record.

14 **SECTION 4.** 62.23 (3) (b) of the statutes is 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 ~~generally~~ with one or more of the ~~functional subdivisions of the subject matter of the~~
19 ~~plan~~ elements specified in s. 66.0295. The adoption of the plan or any part,
20 amendment or addition, shall be by resolution carried by the affirmative votes of not
21 less than a majority of all the members of the city plan commission. The resolution
22 shall refer expressly to the ~~maps, descriptive matter,~~ elements under s. 66.0295 and
23 other matters intended by the commission to form the whole or any part of the plan,
24 and the action taken shall be recorded on the adopted plan or part thereof by the
25 identifying signature of the secretary of the commission, and a copy of the plan or

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

4 **SECTION 5.** 66.0295 of the statutes is created to read:

5 **66.0295 Comprehensive planning. (1) DEFINITIONS.** In this section:

6 (a) "Comprehensive plan" means:

7 1. For a county, a development plan that is prepared or amended under s. 59.69

8 (2) or (3).

9 2. For a city or a village, or for a town that exercises village powers under s.
10 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).

11 3. For a regional planning commission, a master plan that is adopted or
12 amended under s. 66.945 (8), (9) or (10).

13 (b) "Local governmental unit" means a city, village, town, county or regional
14 planning commission that may adopt, prepare or amend a comprehensive plan.

15 **(2) CONTENTS OF A COMPREHENSIVE PLAN.** A comprehensive plan shall contain
16 all of the following elements:

17 (a) *Issues and opportunities element.* Background information on the local
18 governmental unit and a statement of objectives, policies, goals and programs of the
19 local governmental unit to guide the future growth and development of the local
20 governmental unit over a 20-year planning period. Background information shall
21 include population, household and employment forecasts that the local
22 governmental unit uses in developing its plan, and demographic trends, age
23 distribution, educational levels, income levels and employment characteristics that
24 exist within the local governmental unit. The statement may also include similar

1 elements related to federal and state programs and background information on
2 nearby local governmental units that affect the local governmental unit.

3 (b) *Housing element.* A statement of objectives, policies, goals and programs
4 of the local governmental unit to provide an adequate housing supply that meets
5 existing and forecasted housing demand in the local governmental unit and in
6 nearby local governmental units. The statement shall contain a map and shall
7 assess the age, structural, value and occupancy characteristics of the local
8 governmental unit's housing stock. The statement shall also identify specific policies
9 and programs that promote the development of housing for residents of the local
10 governmental unit with all income levels and with various needs, and policies and
11 programs to maintain or rehabilitate the local governmental unit's existing housing
12 stock.

13 (c) *Transportation element.* A map and a statement of objectives, policies, goals
14 and programs to guide the future development of transportation infrastructure and
15 various modes of transportation, including public transportation, transportation
16 systems for persons with disabilities, bicycles, walking, railroads, air transportation,
17 trucking and water transportation. The statement shall compare the local
18 governmental unit's objectives, policies, goals and programs to state and regional
19 transportation plans. The statement shall also identify highways and streets within
20 the local governmental unit by type and applicable transportation plans, including
21 transportation corridor plans, county highway functional and jurisdictional studies,
22 urban area and rural area transportation plans, airport master plans and rail plans
23 that apply in the local governmental unit.

24 (d) *Utilities and community facilities element.* A map and a statement of
25 objectives, policies, goals and programs to guide the future development of utilities

1 and community facilities in the local governmental unit such as sanitary sewer
2 service, stormwater management, water supply, solid waste disposal, on-site
3 wastewater treatment technologies, recycling facilities, parks, telecommunications
4 facilities, power-generating plants and transmission lines, cemeteries, health care
5 facilities, child care facilities and other public facilities, such as police, fire and rescue
6 facilities, libraries, schools and other governmental facilities. The statement shall
7 describe the use and capacity of existing public utilities and community facilities
8 that serve the local governmental unit, shall include an approximate timetable that
9 forecasts the need in the local governmental unit to expand or rehabilitate existing
10 utilities and facilities or to create new utilities and facilities and shall assess future
11 needs for government services in the local governmental unit that are related to such
12 utilities and facilities.

13 (e) *Natural and cultural resources element.* ^{Agricultural} A map and a statement of
14 objectives, policies, goals and programs for the conservation, and promotion of the
15 effective management, of natural resources such as groundwater, forests, productive
16 agricultural areas, environmentally sensitive areas, threatened and endangered
17 species, stream corridors, surface water, floodplains, wetlands, wildlife habitat,
18 metallic and nonmetallic mineral resources, parks, open spaces, historic and
19 cultural resources, aesthetic resources, recreational resources and other natural
20 resources.

21 (f) *Economic development element.* A map and a statement of objectives,
22 policies, goals and programs to promote the stabilization, retention or expansion, of
23 the economic base and quality employment opportunities in the local governmental
24 unit, including an analysis of the labor force and economic base of the local
25 governmental unit. The statement shall assess categories or particular types of new

1 businesses and industries that are desired by the local governmental unit. The
2 statement shall assess the local governmental unit's strengths and weaknesses with
3 respect to attracting and retaining businesses and industries, and shall designate an
4 adequate number of sites for such businesses and industries. The statement shall
5 also evaluate, and promote the use of environmentally contaminated sites for
6 commercial or industrial uses. The statement shall also identify county, regional and
7 state economic development programs that apply to the local governmental unit.

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

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

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

12 (i) *Implementation element.* A statement of programs and specific actions to
13 be completed in a stated sequence, including proposed changes to any applicable
14 zoning ordinances, official maps, sign regulations, erosion and stormwater control
15 ordinances, historic preservation ordinances, site plan regulations, design review
16 ordinances, building codes, mechanical codes, housing codes, sanitary codes or
17 subdivision ordinances, to implement the objectives, policies, plans and programs
18 contained in pars. (a) to (h). The statement shall describe how each of the elements
19 of the comprehensive plan will be integrated and made consistent with the other
20 elements of the comprehensive plan, and shall include a mechanism to measure the
21 local governmental unit's progress toward achieving all aspects of the
22 comprehensive plan. The statement shall include a process for updating the
23 comprehensive plan. A comprehensive plan under this subsection shall be updated
24 no less than once every 10 years.

25 **SECTION 6.** 66.945 (8) (a) of the statutes is amended to read:

1 66.945 (8) (a) The regional planning commission may conduct all types of
2 research studies, collect and analyze data, prepare maps, charts and tables, and
3 conduct all necessary studies for the accomplishment of its other duties; it may,
4 consistent with the elements specified in s. 66.0295, make plans for the physical,
5 social and economic development of the region, and may, consistent with the
6 elements specified in s. 66.0295, adopt by resolution any plan or the portion of any
7 plan so prepared as its official recommendation for the development of the region; it
8 may publicize and advertise its purposes, objectives and findings, and may distribute
9 reports thereon; it may provide advisory services on regional planning problems to
10 the local government units within the region and to other public and private agencies
11 in matters relative to its functions and objectives, and may act as a coordinating
12 agency for programs and activities of such local units and agencies as they relate to
13 its objectives. All public officials shall, upon request, furnish to the regional planning
14 commission, within a reasonable time, such available information as it requires for
15 its work. In general, the regional planning commission shall have all powers
16 necessary to enable it to perform its functions and promote regional planning. The
17 functions of the regional planning commission shall be solely advisory to the local
18 governments and local government officials comprising the region.

19 **SECTION 7.** 66.945 (9) of the statutes is amended to read:

20 66.945 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning
21 commission shall have the function and duty of making and adopting a master plan
22 for the physical development of the region. The master plan, with the accompanying
23 maps, plats, charts, programs and descriptive and explanatory matter, shall show
24 the commission's recommendations for such physical development and ~~may include,~~
25 ~~among other things without limitation because of enumeration, the general location,~~

1 ~~character and extent of main traffic arteries, bridges and viaducts; public places and~~
2 ~~areas; parks; parkways; recreational areas; sites for public buildings and structures;~~
3 ~~airports; waterways; routes for public transit; and the general location and extent~~
4 ~~of main and interceptor sewers, water conduits and other public utilities whether~~
5 ~~privately or publicly owned; areas for industrial, commercial, residential,~~
6 ~~agricultural or recreational development~~ shall contain at least the elements
7 described in s. 66.0295. The regional planning commission may amend, extend or
8 add to the master plan or carry any part or subject matter into greater detail.

9 **SECTION 8.** 66.945 (10) of the statutes is amended to read:

10 66.945 (10) ADOPTION OF MASTER PLAN FOR REGION. The master plan shall be
11 made with the general purpose of guiding and accomplishing a coordinated, adjusted
12 and harmonious development of the region which will, in accordance with existing
13 and future needs, best promote public health, safety, morals, order, convenience,
14 prosperity or the general welfare, as well as efficiency and economy in the process
15 of development. The regional planning commission may adopt the master plan as
16 a whole by a single resolution, or, as the work of making the whole master plan
17 progresses, may by resolution adopt a part or parts thereof, any such part to
18 correspond generally with one or more of the functional subdivisions of the subject
19 ~~matter of the plan~~ elements specified in s. 66.0295. The resolution shall refer
20 expressly to the maps, plats, charts, programs and descriptive and explanatory
21 matter, and other matters intended by the regional planning commission to form the
22 whole or any part of the plan, and the action taken shall be recorded on the adopted
23 plan or part thereof by the identifying signature of the chairperson of the regional
24 planning commission and a copy of the plan or part thereof shall be certified to the
25 legislative bodies of the local governmental units within the region. The purpose and

1 effect of adoption of the master plan shall be solely to aid the regional planning
2 commission and the local governments and local government officials comprising the
3 region in the performance of their functions and duties.

4 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1256/P4
MES:cmh&jlg:km

DOA:.....Grinde – Comprehensive planning by municipalities, counties
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

- 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.

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 subdivisions in the proposed region join in the petition. The governor may also create an RPC if the governing bodies of political subdivisions 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 multicounty 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 an 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 an 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 an 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 local governmental unit (a political subdivision or an RPC) and a statement of objectives, policies, goals and programs of the local governmental unit to guide the future growth and development of the local governmental unit over a 20-year planning period. This element includes population, demographic, economic

and employment forecasts, trends and characteristics. This element may also include background information on nearby local governmental units.

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.

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 (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

SECTION 1

1 included in the county's development plan. The plan may be adopted in whole or in
2 part and may be amended by the board and endorsed by the governing bodies of
3 incorporated jurisdictions included in the plan. The county development plan, in
4 whole or in part, in its original form or as amended, is hereafter referred to as the
5 development plan. The development plan shall contain at least the elements
6 described in s. 66.0295.

7 **SECTION 2.** 59.69 (3) (b) of the statutes is repealed and recreated to read:

8 59.69 (3) (b) The development plan shall include the master plan, if any, of any
9 city or village, which was adopted under s. 62.23 (2) or (3) and the official map, if any,
10 of such city or village, which was adopted under s. 62.23 (6) in the county, without
11 change.

12 **SECTION 3.** 62.23 (2) of the statutes is amended to read:

13 62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to
14 make and adopt a master plan for the physical development of the city, including any
15 areas outside of its boundaries which in the commission's judgment bear relation to
16 the development of the city provided, however, that in any county where a regional
17 planning department has been established, areas outside the boundaries of a city
18 may not be included in the master plan without the consent of the county board of
19 supervisors. The master plan, with the accompanying maps, plats, charts and
20 descriptive and explanatory matter, shall show the commission's recommendations
21 for such physical development, and ~~may include, among other things without~~
22 ~~limitation because of enumeration, the general location, character and extent of~~
23 ~~streets, highways, freeways, street grades, roadways, walks, bridges, viaducts,~~
24 ~~parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites~~
25 ~~for public buildings and structures, airports, pierhead and bulkhead lines,~~

1 ~~waterways, routes for railroads and buses, historic districts, and the general location~~
2 ~~and extent of sewers, water conduits and other public utilities whether privately or~~
3 ~~publicly owned, the acceptance, widening, narrowing, extension, relocation,~~
4 ~~removal, vacation, abandonment or change of use of any of the foregoing public ways,~~
5 ~~grounds, places, spaces, buildings, properties, utilities, routes or terminals, the~~
6 ~~general location, character and extent of community centers and neighborhood~~
7 ~~units, the general character, extent and layout of the replanning of blighted districts~~
8 ~~and slum areas, and a comprehensive zoning plan shall contain at least the elements~~
9 ~~described in s. 66.0295.~~ The commission may from time to time amend, extend or add
10 to the master plan or carry any part or subject matter into greater detail. The
11 commission may adopt rules for the transaction of business and shall keep a record
12 of its resolutions, transactions, findings and determinations, which record shall be
13 a public record.

14 **SECTION 4.** 62.23 (3) (b) of the statutes is 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 ~~generally~~ with one or more of the functional subdivisions of the subject matter of the
19 ~~plan~~ elements specified in s. 66.0295. The adoption of the plan or any part,
20 amendment or addition, shall be by resolution carried by the affirmative votes of not
21 less than a majority of all the members of the city plan commission. The resolution
22 shall refer expressly to the ~~maps, descriptive matter,~~ elements under s. 66.0295 and
23 other matters intended by the commission to form the whole or any part of the plan,
24 and the action taken shall be recorded on the adopted plan or part thereof by the
25 identifying signature of the secretary of the commission, and a copy of the plan or

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

4 **SECTION 5.** 66.0295 of the statutes is created to read:

5 **66.0295 Comprehensive planning.** (1) DEFINITIONS. In this section:

6 (a) “Comprehensive plan” means:

7 1. For a county, a development plan that is prepared or amended under s. 59.69
8 (2) or (3).

9 2. For a city or a village, or for a town that exercises village powers under s.
10 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).

11 3. For a regional planning commission, a master plan that is adopted or
12 amended under s. 66.945 (8), (9) or (10).

13 (b) “Local governmental unit” means a city, village, town, county or regional
14 planning commission that may adopt, prepare or amend a comprehensive plan.

15 (2) CONTENTS OF A COMPREHENSIVE PLAN. A comprehensive plan shall contain
16 all of the following elements:

17 (a) *Issues and opportunities element.* Background information on the local
18 governmental unit and a statement of objectives, policies, goals and programs of the
19 local governmental unit to guide the future growth and development of the local
20 governmental unit over a 20-year planning period. Background information shall
21 include population, household and employment forecasts that the local
22 governmental unit uses in developing its plan, and demographic trends, age
23 distribution, educational levels, income levels and employment characteristics that
24 exist within the local governmental unit. The statement may also include similar

1 elements related to federal and state programs and background information on
2 nearby local governmental units that affect the local governmental unit.

3 (b) *Housing element.* A statement of objectives, policies, goals and programs
4 of the local governmental unit to provide an adequate housing supply that meets
5 existing and forecasted housing demand in the local governmental unit and in
6 nearby local governmental units. The statement shall contain a map and shall
7 assess the age, structural, value and occupancy characteristics of the local
8 governmental unit's housing stock. The statement shall also identify specific policies
9 and programs that promote the development of housing for residents of the local
10 governmental unit with all income levels and with various needs, and policies and
11 programs to maintain or rehabilitate the local governmental unit's existing housing
12 stock.

13 (c) *Transportation element.* A map and a statement of objectives, policies, goals
14 and programs to guide the future development of transportation infrastructure and
15 various modes of transportation, including public transportation, transportation
16 systems for persons with disabilities, bicycles, walking, railroads, air transportation,
17 trucking and water transportation. The statement shall compare the local
18 governmental unit's objectives, policies, goals and programs to state and regional
19 transportation plans. The statement shall also identify highways and streets within
20 the local governmental unit by type and applicable transportation plans, including
21 transportation corridor plans, county highway functional and jurisdictional studies,
22 urban area and rural area transportation plans, airport master plans and rail plans
23 that apply in the local governmental unit.

24 (d) *Utilities and community facilities element.* A map and a statement of
25 objectives, policies, goals and programs to guide the future development of utilities

1 and community facilities in the local governmental unit such as sanitary sewer
2 service, stormwater management, water supply, solid waste disposal, on-site
3 wastewater treatment technologies, recycling facilities, parks, telecommunications
4 facilities, power-generating plants and transmission lines, cemeteries, health care
5 facilities, child care facilities and other public facilities, such as police, fire and rescue
6 facilities, libraries, schools and other governmental facilities. The statement shall
7 describe the use and capacity of existing public utilities and community facilities
8 that serve the local governmental unit, shall include an approximate timetable that
9 forecasts the need in the local governmental unit to expand or rehabilitate existing
10 utilities and facilities or to create new utilities and facilities and shall assess future
11 needs for government services in the local governmental unit that are related to such
12 utilities and facilities.

13 (e) *Agricultural, natural and cultural resources element.* A map and a
14 statement of objectives, policies, goals and programs for the conservation, and
15 promotion of the effective management, of natural resources such as groundwater,
16 forests, productive agricultural areas, environmentally sensitive areas, threatened
17 and endangered species, stream corridors, surface water, floodplains, wetlands,
18 wildlife habitat, metallic and nonmetallic mineral resources, parks, open spaces,
19 historic and cultural resources, aesthetic resources, recreational resources and other
20 natural resources.

21 (f) *Economic development element.* A map and a statement of objectives,
22 policies, goals and programs to promote the stabilization, retention or expansion, of
23 the economic base and quality employment opportunities in the local governmental
24 unit, including an analysis of the labor force and economic base of the local
25 governmental unit. The statement shall assess categories or particular types of new

1 businesses and industries that are desired by the local governmental unit. The
2 statement shall assess the local governmental unit's strengths and weaknesses with
3 respect to attracting and retaining businesses and industries, and shall designate an
4 adequate number of sites for such businesses and industries. The statement shall
5 also evaluate, and promote the use of environmentally contaminated sites for
6 commercial or industrial uses. The statement shall also identify county, regional and
7 state economic development programs that apply to the local governmental unit.

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

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

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

12 (i) *Implementation element.* A statement of programs and specific actions to
13 be completed in a stated sequence, including proposed changes to any applicable
14 zoning ordinances, official maps, sign regulations, erosion and stormwater control
15 ordinances, historic preservation ordinances, site plan regulations, design review
16 ordinances, building codes, mechanical codes, housing codes, sanitary codes or
17 subdivision ordinances, to implement the objectives, policies, plans and programs
18 contained in pars. (a) to (h). The statement shall describe how each of the elements
19 of the comprehensive plan will be integrated and made consistent with the other
20 elements of the comprehensive plan, and shall include a mechanism to measure the
21 local governmental unit's progress toward achieving all aspects of the
22 comprehensive plan. The statement shall include a process for updating the
23 comprehensive plan. A comprehensive plan under this subsection shall be updated
24 no less than once every 10 years.

25 **SECTION 6.** 66.945 (8) (a) of the statutes is amended to read:

1 66.945 (8) (a) The regional planning commission may conduct all types of
2 research studies, collect and analyze data, prepare maps, charts and tables, and
3 conduct all necessary studies for the accomplishment of its other duties; it may,
4 consistent with the elements specified in s. 66.0295, make plans for the physical,
5 social and economic development of the region, and may, consistent with the
6 elements specified in s. 66.0295, adopt by resolution any plan or the portion of any
7 plan so prepared as its official recommendation for the development of the region; it
8 may publicize and advertise its purposes, objectives and findings, and may distribute
9 reports thereon; it may provide advisory services on regional planning problems to
10 the local government units within the region and to other public and private agencies
11 in matters relative to its functions and objectives, and may act as a coordinating
12 agency for programs and activities of such local units and agencies as they relate to
13 its objectives. All public officials shall, upon request, furnish to the regional planning
14 commission, within a reasonable time, such available information as it requires for
15 its work. In general, the regional planning commission shall have all powers
16 necessary to enable it to perform its functions and promote regional planning. The
17 functions of the regional planning commission shall be solely advisory to the local
18 governments and local government officials comprising the region.

19 **SECTION 7.** 66.945 (9) of the statutes is amended to read:

20 66.945 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning
21 commission shall have the function and duty of making and adopting a master plan
22 for the physical development of the region. The master plan, with the accompanying
23 maps, plats, charts, programs and descriptive and explanatory matter, shall show
24 the commission's recommendations for such physical development and ~~may include,~~
25 ~~among other things without limitation because of enumeration, the general location,~~

SECTION 7

1 ~~character and extent of main traffic arteries, bridges and viaducts; public places and~~
2 ~~areas; parks; parkways; recreational areas; sites for public buildings and structures;~~
3 ~~airports; waterways; routes for public transit; and the general location and extent~~
4 ~~of main and interceptor sewers, water conduits and other public utilities whether~~
5 ~~privately or publicly owned; areas for industrial, commercial, residential,~~
6 ~~agricultural or recreational development~~ shall contain at least the elements
7 described in s. 66.0295. The regional planning commission may amend, extend or
8 add to the master plan or carry any part or subject matter into greater detail.

9 **SECTION 8.** 66.945 (10) of the statutes is amended to read:

10 **66.945 (10) ADOPTION OF MASTER PLAN FOR REGION.** The master plan shall be
11 made with the general purpose of guiding and accomplishing a coordinated, adjusted
12 and harmonious development of the region which will, in accordance with existing
13 and future needs, best promote public health, safety, morals, order, convenience,
14 prosperity or the general welfare, as well as efficiency and economy in the process
15 of development. The regional planning commission may adopt the master plan as
16 a whole by a single resolution, or, as the work of making the whole master plan
17 progresses, may by resolution adopt a part or parts thereof, any such part to
18 correspond ~~generally~~ with one or more of the ~~functional subdivisions of the subject~~
19 ~~matter of the plan~~ elements specified in s. 66.0295. The resolution shall refer
20 expressly to the maps, plats, charts, programs and descriptive and explanatory
21 matter, and other matters intended by the regional planning commission to form the
22 whole or any part of the plan, and the action taken shall be recorded on the adopted
23 plan or part thereof by the identifying signature of the chairperson of the regional
24 planning commission and a copy of the plan or part thereof shall be certified to the
25 legislative bodies of the local governmental units within the region. The purpose and

1 effect of adoption of the master plan shall be solely to aid the regional planning
2 commission and the local governments and local government officials comprising the
3 region in the performance of their functions and duties.

4 (END)

NOTE TO DRAFTING FILE for LRB-1256:

Per the drafter, this draft has been redrafted to a “/1” as no problems remain in the draft that require resolution before introduction of the budget bill. There are no changes between the “/PX” and the “/1.”

DOA:.....Grinde – Comprehensive planning by municipalities, counties
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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.

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 subdivisions in the proposed region join in the petition. The governor may also create an RPC if the governing bodies of political subdivisions 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 multicounty 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 an 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 an 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 an 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 local governmental unit (a political subdivision or an RPC) and a statement of objectives, policies, goals and programs of the local governmental unit to guide the future growth and development of the local governmental unit over a 20-year planning period. This element includes population, demographic, economic

and employment forecasts, trends and characteristics. This element may also include background information on nearby local governmental units.

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.

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 (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

1 included in the county's development plan. The plan may be adopted in whole or in
2 part and may be amended by the board and endorsed by the governing bodies of
3 incorporated jurisdictions included in the plan. The county development plan, in
4 whole or in part, in its original form or as amended, is hereafter referred to as the
5 development plan. The development plan shall contain at least the elements
6 described in s. 66.0295.

7 **SECTION 2.** 59.69 (3) (b) of the statutes is repealed and recreated to read:

8 59.69 (3) (b) The development plan shall include the master plan, if any, of any
9 city or village, which was adopted under s. 62.23 (2) or (3) and the official map, if any,
10 of such city or village, which was adopted under s. 62.23 (6) in the county, without
11 change.

12 **SECTION 3.** 62.23 (2) of the statutes is amended to read:

13 62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to
14 make and adopt a master plan for the physical development of the city, including any
15 areas outside of its boundaries which in the commission's judgment bear relation to
16 the development of the city provided, however, that in any county where a regional
17 planning department has been established, areas outside the boundaries of a city
18 may not be included in the master plan without the consent of the county board of
19 supervisors. The master plan, with the accompanying maps, plats, charts and
20 descriptive and explanatory matter, shall show the commission's recommendations
21 for such physical development, and ~~may include, among other things without~~
22 ~~limitation because of enumeration, the general location, character and extent of~~
23 ~~streets, highways, freeways, street grades, roadways, walks, bridges, viaducts,~~
24 ~~parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites~~
25 ~~for public buildings and structures, airports, pierhead and bulkhead lines,~~

1 ~~waterways, routes for railroads and buses, historic districts, and the general location~~
2 ~~and extent of sewers, water conduits and other public utilities whether privately or~~
3 ~~publicly owned, the acceptance, widening, narrowing, extension, relocation,~~
4 ~~removal, vacation, abandonment or change of use of any of the foregoing public ways,~~
5 ~~grounds, places, spaces, buildings, properties, utilities, routes or terminals, the~~
6 ~~general location, character and extent of community centers and neighborhood~~
7 ~~units, the general character, extent and layout of the replanning of blighted districts~~
8 ~~and slum areas, and a comprehensive zoning plan shall contain at least the elements~~
9 ~~described in s. 66.0295.~~ The commission may from time to time amend, extend or add
10 to the master plan or carry any part or subject matter into greater detail. The
11 commission may adopt rules for the transaction of business and shall keep a record
12 of its resolutions, transactions, findings and determinations, which record shall be
13 a public record.

14 **SECTION 4.** 62.23 (3) (b) of the statutes is 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 ~~generally with one or more of the functional subdivisions of the subject matter of the~~
19 ~~plan~~ elements specified in s. 66.0295. The adoption of the plan or any part,
20 amendment or addition, shall be by resolution carried by the affirmative votes of not
21 less than a majority of all the members of the city plan commission. The resolution
22 shall refer expressly to the ~~maps, descriptive matter,~~ elements under s. 66.0295 and
23 other matters intended by the commission to form the whole or any part of the plan,
24 and the action taken shall be recorded on the adopted plan or part thereof by the
25 identifying signature of the secretary of the commission, and a copy of the plan or

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

4 **SECTION 5.** 66.0295 of the statutes is created to read:

5 **66.0295 Comprehensive planning. (1) DEFINITIONS.** In this section:

6 (a) “Comprehensive plan” means:

7 1. For a county, a development plan that is prepared or amended under s. 59.69
8 (2) or (3).

9 2. For a city or a village, or for a town that exercises village powers under s.
10 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).

11 3. For a regional planning commission, a master plan that is adopted or
12 amended under s. 66.945 (8), (9) or (10).

13 (b) “Local governmental unit” means a city, village, town, county or regional
14 planning commission that may adopt, prepare or amend a comprehensive plan.

15 **(2) CONTENTS OF A COMPREHENSIVE PLAN.** A comprehensive plan shall contain
16 all of the following elements:

17 (a) *Issues and opportunities element.* Background information on the local
18 governmental unit and a statement of objectives, policies, goals and programs of the
19 local governmental unit to guide the future growth and development of the local
20 governmental unit over a 20-year planning period. Background information shall
21 include population, household and employment forecasts that the local
22 governmental unit uses in developing its plan, and demographic trends, age
23 distribution, educational levels, income levels and employment characteristics that
24 exist within the local governmental unit. The statement may also include similar

1 elements related to federal and state programs and background information on
2 nearby local governmental units that affect the local governmental unit.

3 (b) *Housing element.* A statement of objectives, policies, goals and programs
4 of the local governmental unit to provide an adequate housing supply that meets
5 existing and forecasted housing demand in the local governmental unit and in
6 nearby local governmental units. The statement shall contain a map and shall
7 assess the age, structural, value and occupancy characteristics of the local
8 governmental unit's housing stock. The statement shall also identify specific policies
9 and programs that promote the development of housing for residents of the local
10 governmental unit with all income levels and with various needs, and policies and
11 programs to maintain or rehabilitate the local governmental unit's existing housing
12 stock.

13 (c) *Transportation element.* A map and a statement of objectives, policies, goals
14 and programs to guide the future development of transportation infrastructure and
15 various modes of transportation, including public transportation, transportation
16 systems for persons with disabilities, bicycles, walking, railroads, air transportation,
17 trucking and water transportation. The statement shall compare the local
18 governmental unit's objectives, policies, goals and programs to state and regional
19 transportation plans. The statement shall also identify highways and streets within
20 the local governmental unit by type and applicable transportation plans, including
21 transportation corridor plans, county highway functional and jurisdictional studies,
22 urban area and rural area transportation plans, airport master plans and rail plans
23 that apply in the local governmental unit.

24 (d) *Utilities and community facilities element.* A map and a statement of
25 objectives, policies, goals and programs to guide the future development of utilities

1 and community facilities in the local governmental unit such as sanitary sewer
2 service, stormwater management, water supply, solid waste disposal, on-site
3 wastewater treatment technologies, recycling facilities, parks, telecommunications
4 facilities, power-generating plants and transmission lines, cemeteries, health care
5 facilities, child care facilities and other public facilities, such as police, fire and rescue
6 facilities, libraries, schools and other governmental facilities. The statement shall
7 describe the use and capacity of existing public utilities and community facilities
8 that serve the local governmental unit, shall include an approximate timetable that
9 forecasts the need in the local governmental unit to expand or rehabilitate existing
10 utilities and facilities or to create new utilities and facilities and shall assess future
11 needs for government services in the local governmental unit that are related to such
12 utilities and facilities.

13 (e) *Agricultural, natural and cultural resources element.* A map and a
14 statement of objectives, policies, goals and programs for the conservation, and
15 promotion of the effective management, of natural resources such as groundwater,
16 forests, productive agricultural areas, environmentally sensitive areas, threatened
17 and endangered species, stream corridors, surface water, floodplains, wetlands,
18 wildlife habitat, metallic and nonmetallic mineral resources, parks, open spaces,
19 historic and cultural resources, aesthetic resources, recreational resources and other
20 natural resources.

21 (f) *Economic development element.* A map and a statement of objectives,
22 policies, goals and programs to promote the stabilization, retention or expansion, of
23 the economic base and quality employment opportunities in the local governmental
24 unit, including an analysis of the labor force and economic base of the local
25 governmental unit. The statement shall assess categories or particular types of new

1 businesses and industries that are desired by the local governmental unit. The
2 statement shall assess the local governmental unit's strengths and weaknesses with
3 respect to attracting and retaining businesses and industries, and shall designate an
4 adequate number of sites for such businesses and industries. The statement shall
5 also evaluate, and promote the use of environmentally contaminated sites for
6 commercial or industrial uses. The statement shall also identify county, regional and
7 state economic development programs that apply to the local governmental unit.

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

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

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

12 (i) *Implementation element.* A statement of programs and specific actions to
13 be completed in a stated sequence, including proposed changes to any applicable
14 zoning ordinances, official maps, sign regulations, erosion and stormwater control
15 ordinances, historic preservation ordinances, site plan regulations, design review
16 ordinances, building codes, mechanical codes, housing codes, sanitary codes or
17 subdivision ordinances, to implement the objectives, policies, plans and programs
18 contained in pars. (a) to (h). The statement shall describe how each of the elements
19 of the comprehensive plan will be integrated and made consistent with the other
20 elements of the comprehensive plan, and shall include a mechanism to measure the
21 local governmental unit's progress toward achieving all aspects of the
22 comprehensive plan. The statement shall include a process for updating the
23 comprehensive plan. A comprehensive plan under this subsection shall be updated
24 no less than once every 10 years.

25 **SECTION 6.** 66.945 (8) (a) of the statutes is amended to read:

1 66.945 (8) (a) The regional planning commission may conduct all types of
2 research studies, collect and analyze data, prepare maps, charts and tables, and
3 conduct all necessary studies for the accomplishment of its other duties; it may,
4 consistent with the elements specified in s. 66.0295, make plans for the physical,
5 social and economic development of the region, and may, consistent with the
6 elements specified in s. 66.0295, adopt by resolution any plan or the portion of any
7 plan so prepared as its official recommendation for the development of the region; it
8 may publicize and advertise its purposes, objectives and findings, and may distribute
9 reports thereon; it may provide advisory services on regional planning problems to
10 the local government units within the region and to other public and private agencies
11 in matters relative to its functions and objectives, and may act as a coordinating
12 agency for programs and activities of such local units and agencies as they relate to
13 its objectives. All public officials shall, upon request, furnish to the regional planning
14 commission, within a reasonable time, such available information as it requires for
15 its work. In general, the regional planning commission shall have all powers
16 necessary to enable it to perform its functions and promote regional planning. The
17 functions of the regional planning commission shall be solely advisory to the local
18 governments and local government officials comprising the region.

19 **SECTION 7.** 66.945 (9) of the statutes is amended to read:

20 66.945 (9) PREPARATION OF MASTER PLAN FOR REGION. The regional planning
21 commission shall have the function and duty of making and adopting a master plan
22 for the physical development of the region. The master plan, with the accompanying
23 maps, plats, charts, programs and descriptive and explanatory matter, shall show
24 the commission's recommendations for such physical development and ~~may include,~~
25 ~~among other things without limitation because of enumeration, the general location,~~

1 ~~character and extent of main traffic arteries, bridges and viaducts; public places and~~
2 ~~areas; parks; parkways; recreational areas; sites for public buildings and structures;~~
3 ~~airports; waterways; routes for public transit; and the general location and extent~~
4 ~~of main and interceptor sewers, water conduits and other public utilities whether~~
5 ~~privately or publicly owned; areas for industrial, commercial, residential,~~
6 ~~agricultural or recreational development~~ shall contain at least the elements
7 described in s. 66.0295. The regional planning commission may amend, extend or
8 add to the master plan or carry any part or subject matter into greater detail.

9 **SECTION 8.** 66.945 (10) of the statutes is amended to read:

10 **66.945 (10) ADOPTION OF MASTER PLAN FOR REGION.** The master plan shall be
11 made with the general purpose of guiding and accomplishing a coordinated, adjusted
12 and harmonious development of the region which will, in accordance with existing
13 and future needs, best promote public health, safety, morals, order, convenience,
14 prosperity or the general welfare, as well as efficiency and economy in the process
15 of development. The regional planning commission may adopt the master plan as
16 a whole by a single resolution, or, as the work of making the whole master plan
17 progresses, may by resolution adopt a part or parts thereof, any such part to
18 correspond ~~generally~~ with one or more of the ~~functional subdivisions of the subject~~
19 ~~matter of the plan~~ elements specified in s. 66.0295. The resolution shall refer
20 expressly to the maps, plats, charts, programs and descriptive and explanatory
21 matter, and other matters intended by the regional planning commission to form the
22 whole or any part of the plan, and the action taken shall be recorded on the adopted
23 plan or part thereof by the identifying signature of the chairperson of the regional
24 planning commission and a copy of the plan or part thereof shall be certified to the
25 legislative bodies of the local governmental units within the region. The purpose and

1 effect of adoption of the master plan shall be solely to aid the regional planning
2 commission and the local governments and local government officials comprising the
3 region in the performance of their functions and duties.

4 (END)