

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 06/4/99

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9916**

By/Representing: **Olin**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters: **kuesejt  
nilsepe  
mlief  
kahlepj**

Subject: **Munis - miscellaneous  
Counties  
Real Estate - miscellaneous  
State Finance - miscellaneous  
Education - miscellaneous  
Transportation - miscellaneous**

Extra Copies:

---

**Pre Topic:**

LFB:.....Olin -

---

**Topic:**

Comprehensive planning, planning grants, model ordinance development, plat approval

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 06/12/99	gilfokm 06/12/99	jfrantze 06/12/99	_____	lrb_docadmin 06/13/99		
	kuesejt 06/14/99		haugca 06/13/99	_____			
				_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	shoveme 06/14/99	gilfokm 06/14/99	martykr 06/14/99	_____	lrb_docadmin 06/15/99		
/3	shoveme 06/15/99	gilfokm 06/15/99 gilfokm 06/15/99	martykr 06/15/99	_____ _____ _____	lrb_docadmin 06/15/99		
/4			haugeca 06/15/99	_____ _____	lrb_docadmin 06/15/99		
/5	shoveme 06/18/99	gilfokm 06/18/99	jfrantze 06/19/99	_____ _____	lrb_docadmin 06/21/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 06/4/99

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-9916

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters: kuesejt  
nilsepe  
mlief  
kahlepj

Subject: Munis - miscellaneous  
Counties  
Real Estate - miscellaneous  
State Finance - miscellaneous  
Education - miscellaneous  
Transportation - miscellaneous

Extra Copies:

---

**Pre Topic:**

LFB:.....Olin -

---

**Topic:**

Comprehensive planning, planning grants, model ordinance development, plat approval

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 06/12/99	gilfokm 06/12/99	jfrantze 06/12/99	_____	lrb_docadmin 06/13/99		
	kuesejt 06/14/99	15-6-18-99 Kmg	haugca 06/13/99	_____			
			06/19	06/19			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	shoveme 06/14/99	gilfokm 06/14/99	martykr 06/14/99	_____ _____	lrb_docadmin 06/15/99		
/3	shoveme 06/15/99	gilfokm 06/15/99 gilfokm 06/15/99	martykr 06/15/99	_____ _____ _____ _____	lrb_docadmin 06/15/99		
/4			haugca 06/15/99	_____ _____	lrb_docadmin 06/15/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 06/4/99

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9916**

By/Representing: **Olin**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters: **kuesejt ✓  
nilsepe ✓  
mlief ✓  
kahlepj ✓**

Subject: **Munis - miscellaneous  
Counties  
Real Estate - miscellaneous  
State Finance - miscellaneous  
Education - miscellaneous  
Transportation - miscellaneous**

Extra Copies:

**Pre Topic:**

LFB:.....Olin -

**Topic:**

Comprehensive planning, planning grants, model ordinance development, plat approval

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 06/12/99	gilfokm 06/12/99	jfrantze 06/12/99	_____	lrb_docadmin 06/13/99		
	kuesejt 06/14/99	<i>13-6-15-99</i> <i>Kmg</i> <i>14-6-15-99</i> <i>Kmg</i>	haugca 06/13/99 <i>6/13/99</i>	_____			
				<i>Det b</i> <i>6/16</i>			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	shoveme 06/14/99	gilfokm 06/14/99	martykr 06/14/99	_____ _____	lrb_docadmin 06/15/99		

13 MES 6/15/99  
FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 06/4/99

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-9916

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Alt. Drafters: kuesejt  
nilsepe  
mlief  
kahlepj

Subject: Munis - miscellaneous  
Counties  
Real Estate - miscellaneous  
State Finance - miscellaneous  
Education - miscellaneous  
Transportation - miscellaneous

Extra Copies: KMG

**Pre Topic:**

LFB:.....Olin -

**Topic:**

Comprehensive planning, planning grants, model ordinance development, plat approval

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme 06/12/99	gilfokm 06/12/99	jfrantze 06/12/99	_____	lrb_docadmin 06/13/99		
			haugeca 06/13/99	_____			
			Xm 6/19	Xm 6/14			

12-6-14-99  
1/2 MES 6/14/99

FE Sent For:

**<END>**



**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **06/4/99**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-9916**

By/Representing: **Olin**

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

Drafter: **shoveme**

May Contact:

Alt. Drafters: **kuesejt  
nilsepe  
mlief  
kahlepi**

Subject: **Munis - miscellaneous  
Counties  
Real Estate - miscellaneous  
State Finance - miscellaneous  
Education - miscellaneous  
Transportation - miscellaneous**

Extra Copies: **KMG**

**Pre Topic:**

LFB:.....Olin -

**Topic:**

Comprehensive planning, planning grants, model ordinance development, plat approval

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	shoveme	1-6-12	CK 6-12 JF 6-13	CK 6-13 JS			
MES	6/11/99	KG					

FE Sent For:

<END>

COMPREHENSIVE PLANNING

Planning Grants for Comprehensive Planning Activities

passed  
a-7

Motion:

Move to modify the local planning grant program and comprehensive planning provisions of the bill by doing the following:

JTK

1. *Planning Grants to Local Units of Government.* Create a new PR-funded, annual appropriation under the Department of Administration (DOA) for the purpose of making planning grants to a county, city, village, town or regional planning commission. Authorize DOA to make an annual assessment of the state agencies enumerated below to fund these planning grants. Specify that this appropriation, DOA's authority to assess agencies and the associated grant program would be repealed, effective July 1, 2010.

JTK

2. *Assessment of Certain State Agencies to Fund the Planning Grants.* Provide that annually the Secretary of DOA shall assess DOA, DATCP, Commerce, DNR, DOR and the UW System \$250,000 each to support the planning grants and the costs of program delivery. Provide that the annual assessment would be applied against each agency's GPR-funded general program operations appropriations, in amounts as determined by the Secretary of DOA, such that the total assessed from all such appropriations under each agency would total \$250,000. Provide that the amounts assessed would be credited to the PR-funded planning grant appropriation account, after first deducting the amounts separately appropriated to support DOA staffing for planning grant activities, the UW-Extension Local Planning Educational and Technical Assistance Program, and the UW-Extension Model Ordinance Development Initiative (all as described below). Provide total expenditure authority under the new planning grant appropriation of \$1,430,000 PR in 1999-00 and \$1,288,200 PR in 2000-01.

JTK

3. *Purpose of the Planning Grants.* Specify that the activities eligible for funding under this planning grants appropriation would include contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. Stipulate that only complete comprehensive planning efforts containing all nine planning elements enumerated under s. 66.0295, as created by the bill, would be eligible for grants. Specify that DOA may require grantees to finance from local resources not more than 25% of the costs of the product or services to be supported by the planning grant.

JTK

4. *Approval of Planning Grants.* Specify that prior to the awarding of any planning

grants from this new appropriation, DOA would be required to forward a statement of the proposed expenditures to the Wisconsin Land Council and, through August 31, 2003, obtain the Land Council's written approval of the expenditures. In making such a funding determination, require the Land Council to favor grant applications if they contain the elements described below.

JTK

5. *Administrative Rules Establishing Funding Priorities for Awarding Planning Grants.* Authorize the Land Council to promulgate administrative rules specifying how planning grant applications containing the following provisions will be favored over those grant applications that do not contain these provisions:

a. Joint planning. Planning efforts that involve overlapping or neighboring jurisdictions will be favored over single unit planning efforts.

b. Coordination with state goals. Applications that are accompanied by a statement that the plans would meet the following state policy goals will be favored over applications that do not include these goals:

- Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
- Encouragement of neighborhood designs that support a range of transportation choices.
- Protection of natural areas, including wetlands, wildlife habitats, lakes and woodlands, open spaces and groundwater resources.
- Protection of economically productive areas, including farmland and forests.
- Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state government and utility costs.
- Preservation of cultural, historic and archaeological sites.
- Encouragement of coordination and cooperation among nearby units of government.
- Building of community identity by maintaining physical separation between urban areas, revitalizing main streets and enforcing design standards.
- Providing an adequate supply of affordable housing for all income levels throughout each community.
- Providing adequate infrastructure and public services and supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
- Promoting the expansion or stabilization of the current economic base and the creation of a

fr. Secy Bigler's Interagency  
Task Force

JTK  
range of employment opportunities.

- Balancing individual property rights with community interests and goals.

- Planning and development of land uses that create or preserve varied and unique urban and rural communities.

c. Smart growth areas. Planning efforts that identify smart growth areas to which state and local infrastructure and other investments will be targeted will be favored, if the areas will: (i) promote the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable; and (ii) encourage efficient development patterns that are both contiguous to existing development and at densities which have relatively low municipal, state government and utility costs.

d. Implementation. Planning efforts, including subsequent updates and amendments that include development of implementing ordinances, including but not limited to zoning, subdivision and land division ordinances, will be favored over planning-only efforts.

e. Completion. Planning efforts that promise completion within 30 months of the date on which the grant would be awarded will be favored.

f. Public participation. Planning efforts that provide opportunities for public participation throughout the planning process will be favored.

JTK ✓  
6. *State Agency Activities and Administrative Rules Affecting Land Use.* Enumerate by statute the state land use policy goals specified under 5.b. above and require that all state agency activities and proposed administrative rules affecting land use must be developed to meet these goals. Specify that, to the extent practicable, all state programs that require local units of government to prepare plans would be required to integrate these planning requirements with local comprehensive plans.

JTK 8  
PEN ✓  
7. *Modifications to Planning Grant Program Funded from the Transportation Fund.* Modify the Governor's proposed \$1,000,000 annual local planning grant program funded from transfers from DOT's highway administration and planning federal funds appropriation to DOA by: (a) allowing DOA to require not more than a 25% local match, rather than requiring a 20% match as recommended by the Governor; and (b) specifying that the grants can only be made for purposes related to the transportation element of a comprehensive plan.

JTK  
8. *DOA Staffing for Planning Grant Activities.* Provide \$50,000 PR annually and authorize 1.0 PR position in DOA's Office of Land Information Services in a new annual appropriation funded from the agency planning grant assessments to support the operation of the new planning grant program.

MJL  
9. *UW-Extension Local Planning Educational and Technical Assistance Program.*

Provide \$161,800 PR in 2000-01 funded from the agency planning grant assessments in a new annual appropriation for the University of Wisconsin-Extension and authorize 2.0 PR positions starting in 2000-01 for a University of Wisconsin-Extension local planning educational and technical assistance program. Specify that the program would be aimed at educating local policy makers on planning and the local planning grants program.

MES ✓  
MJL

10. *UW-Extension Initiative to Develop a Model Ordinance for Traditional Neighborhood Development.* Provide \$20,000 PR in 1999-00 funded from the agency planning grant assessments in the newly-created UW-Extension appropriation and require UW-Extension, in consultation with any other UW institution, a landscape architect, independent planners or any other consultant with an expertise in traditional neighborhood planning and development, to develop a model ordinance for traditional neighborhood development. Define traditional neighborhood development to mean a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other. Require UW-Extension to develop the model ordinance by January 1, 2001.

PJK

11. *Approval of Final Plats.* Repeal the current law provision specifying that no approving authority or agency having the power to approve or object to plats shall condition the approval or base the objection on any requirement other than the provisions of Chapter 236 of the statutes, a local ordinance, a local master plan or rules of the Department of Commerce (relating to certain sewer service connections) and the Department of Transportation (relating to highway entrances). Provide instead that if a preliminary or final plat meets the requirements of s. 236.13 of the statutes, all approving authorities must approve the plat and agencies having the power to approve or object to plats shall approve, or certify non-objection to, the plat within the appropriate time frames provided in Chapter 236 of the statutes. Repeal current law provisions that require the approval or review of a plat to be based on consistency with any plan adopted under s. 236.46 or an official map under s. 62.23 and, instead, require the approval or review to be based on consistency with a comprehensive plan or a master plan, if the community does not have a comprehensive plan, effective January 1, 2000.

MES

12. *Smart Growth Dividend Aid Program.* Require DOA and DOR to jointly propose a smart growth dividend aid program in their budget requests for 2001-03 to provide aid beginning in 2005-06. Require the proposal to include provisions that would distribute aid to towns, villages, cities and counties that meet the following requirements: (i) the local government has adopted a comprehensive plan that the Land Council and DOA have determined meets the provisions in paragraph 5; (ii) the local government has implemented the plan in accordance with paragraph 14; and (iii) the population density within the local government's boundaries has increased. Require the proposal to include a provision requiring the Land Council to approve or disapprove grant applications within 60 days of submission.

... 'd sh  
MAKE  
sense

MES ✓

13. *Comprehensive Planning.* Modify the Governor's recommendation regarding comprehensive planning as follows:

a. Replace the definition of the issues and opportunities element with the following:

Background information on the local governmental unit and a statement of overall objectives, policies, goals and programs of the local governmental unit to guide the future development and redevelopment of the local governmental unit over a 20-year planning period. Background information shall include population, household and employment forecasts that the local governmental unit uses in developing its comprehensive plan, and demographic trends, age distribution, educational levels, income levels and employment characteristics that exist within the local governmental unit.

MES  
↓

b. Replace the definition of the housing element with the following:

A compilation of objectives, policies, goals, maps and programs to provide an adequate housing supply that meets existing and forecasted housing demand in the local governmental unit. The element shall assess the age, structural, value and occupancy characteristics of the local governmental unit's housing stock and provide a range of housing choices, recognizing local and regional housing needs for all income levels and for all age groups and special needs. The element shall also identify specific policies and programs that promote the availability of land for the development or redevelopment of low and moderate income housing, and policies and programs to maintain or rehabilitate the local governmental unit's existing housing stock.

22

seems  
redundant

c. Replace the definition of the transportation element with the following:

A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including streets, roads and highways, transit, transportation systems for persons with disabilities, bicycles, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit's objectives, policies, goals and programs to state and regional transportation plans. The element shall identify highways and streets within the local governmental unit by function and incorporate other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area or rural area transportation plans, airport master plans and rail plans, that apply to the local governmental unit.

ch. 990 def. is complete  
no amade

d. Replace the definition for the utilities and community facilities element with the following:

A compilation of objectives, policies, goals, maps and programs to guide the future development of utilities and community facilities in the local governmental unit such as sanitary sewer service, stormwater management, water supply, solid waste disposal, on-site wastewater treatment technologies, recycling facilities, parks, telecommunications facilities, power-generating plants and transmission lines, cemeteries, health care facilities, child care facilities and other public facilities, such as police, fire and rescue facilities, libraries, schools and other governmental facilities. The element shall describe the location, use and capacity of existing public utilities and community facilities that serve the local governmental unit, shall include an approximate timetable that forecasts the need in the local governmental unit to expand or rehabilitate existing utilities and

MES  
↓

facilities or to create new utilities and facilities, and shall assess future needs for government services in the local governmental unit that are related to such utilities and facilities.

e. Replace the definition of the agricultural, natural and cultural resources element with the following:

A compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources, parks, open spaces, historic and cultural resources, community design, recreational resources and other natural resources.

f. Replace the definition of the economic development element with the following:

A compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion of the economic base and quality employment opportunities in the local governmental unit, including an analysis of the labor force and economic base of the local governmental unit. The element shall assess categories or particular types of new businesses and industries that are desired by the local governmental unit. The element shall assess the local governmental unit's strengths and weaknesses with respect to attracting and retaining businesses and industries, and shall designate an adequate number of sites for such businesses and industries. The element shall also evaluate and promote the use of environmentally contaminated sites for commercial or industrial uses. The element shall also identify county, regional and state economic development policies and programs that apply to the local governmental unit.

g. Replace the definition of the intergovernmental cooperation element with the following:

A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental entities. The element 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.

h. Replace the definition of the land use element with the following:

A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit,



MES



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

- i. Replace the definition of the implementation element with the following:

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

MES

14. *Certain Programs and Actions to Be Consistent with Comprehensive Plans.* Require that the following programs and actions be consistent with comprehensive plans, beginning on January 1, 2010:

- a. municipal incorporations;
- b. annexations;
- c. cooperative boundary agreements;
- d. official mapping;
- e. subdivision plat review and/or land division processes;
- f. extraterritorial plat review;
- g. county zoning ordinances;
- h. city and village zoning ordinances;
- i. town zoning ordinances;
- j. the transportation facilities economic assistance program;
- k. farmland preservation planning;
- l. development impact fees;
- m. land acquisition for local parks under the Stewardship Fund;
- n. shoreland zoning ordinances;

must a plan be Am? ?

what does this incl.?

Added detachment, consolidation, and agreement by ordinance

- what does this mean?

Agg pres. planning?

- 2 subch. III of ch. 91? relevance btwn impact fee ord + comp. planning?

23.09 (20)

- o. wetland regulations; ?
- p. stormwater management plans and regulations; and ?
- q. all other plans and regulations affecting land use.

15. *Procedures for Adopting Comprehensive Plans and Related Regulations.* Require local governments to comply with the following procedures when adopting a comprehensive plan:

a. Require the governing body of the local government to adopt written procedures designed to provide early and continuous public participation in the preparation and amendment of the comprehensive plan and any regulation relating to the implementation of such plan. Require the procedures to provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, open discussion, communication programs, information services, and consideration of and response to public comments.

b. Provide that planning commissions shall recommend comprehensive plans, elements of plans, amendments to plans and additions to plans by resolution adopted by a majority of the commission's membership. Require the resolution to refer expressly to maps and other descriptive matter intended by the planning commission to form the whole or an element for the recommended plan. Require the resolution to be recorded in the official minutes of the planning commission. Require one copy of the comprehensive plan or amendment to the plan to be transmitted to: (i) each of the affected governing bodies within the jurisdiction, including, but not limited to, the local school district, sewer district and parks commission; (ii) adjacent units of government; (iii) the county in which the local unit of government is located; and (iv) the Wisconsin Land Council, or to DOA after September 1, 2003.

c. Specify that a comprehensive plan or an amendment to the plan that has been recommended by the local planning commission must be adopted as an ordinance by the governing body of the local government to become effective. Prohibit the governing body of the local government from adopting a comprehensive plan that does not contain all of the elements specified under the comprehensive planning provisions. Require ordinances adopting a plan or amendments to a plan to be by majority vote of the entire membership. Require the local unit of government to make the comprehensive plan and related amendments available for purchase to the public at the actual cost associated with photocopying the comprehensive plan, or at a lesser amount. Require the plan to be filed with: (i) the clerk of the local unit of government; (ii) the public library that serves the area in which the local government unit is located; (iii) the regional planning commission in the region where the local government is located; and (iv) the clerks of any adjoining local unit of government.

d. Require the governing body of a local government to hold at least one public hearing prior to adopting a comprehensive plan or an amendment to the plan. Require the governing body to give notice by publication in a newspaper having general circulation within the local unit of government at least 30 days before the public hearing. Authorize the governing body to give notice by publication on a computer-accessible information network or by other appropriate means. Require the form of the notice to include: (i) the date, time and place of the hearing; (ii) a

? what does this mean? The plan has an implementation element already! Why specify this?

what does this mean?

ordinance are filed w/ town clerks

open records law sec 19.35

description of the substance of the proposed plan or related amendment, including maps where appropriate; (iii) a contact person from the local government from whom additional information may be obtained; (iv) the time and place where the proposed plan or related amendment may be inspected by any interested person prior to the hearing; and (v) the location where copies of the proposed plan or related amendment may be obtained or purchased.

MES 16. *Required Adoption of Model Ordinance for Traditional Neighborhood Development.* Require each town, village and city with a population of at least 5,000 to adopt an ordinance for traditional neighborhood development by January 1, 2002, that is substantially similar to the model ordinance to be developed by the University of Wisconsin-Extension. Provide that the ordinance is not required to be mapped.

MES 17. *Plan Commission Memberships.* Modify current law provisions regarding membership on town, village or city plan commissions to permit, rather than require, local officials to serve on such a commission.

v/vague instructions

[Change to Bill: \$3,000,000 PR-REV; \$3,000,000 PR]

P-note needed



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0519/1  
MS&JTK&PK&PN&ML

Kg

LFB:.....Olin - Comprehensive planning, planning grants, model ordinance development, plat approval

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

D-NOTE

INSI  
JTKI

At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 794, line 10: after that line insert:

3 "SECTION 1582s. 60.62 (4) (a) of the statutes is amended to read:

4 60.62 (4) (a) Notwithstanding ss. 61.35 and 62.23 (1) (a), a town with a  
5 population of less than 2,500 that acts under this section may create a "Town Plan  
6 Commission" under s. 62.23 (1) (a) that has 5 members, ~~consisting of the town  
7 chairperson, who shall be its presiding officer, the town engineer, the president of the  
8 park board, another member of the town board and one citizen. If the town plan  
9 commission has only 5 members and the town has no engineer or park board, an  
10 additional citizen member shall be appointed so that the commission has at all times  
11 5 members all of whom shall be appointed by the town board chairperson, who shall~~

1 also select the presiding officer. The town board chairperson may appoint himself  
2 or herself to the commission and may appoint other town elected or appointed  
3 officials to the commission, except that the commission shall always have at least one  
4 citizen member who is not a town official. All other provisions of ss. 61.35 and 62.23  
5 shall apply to a town plan commission that has 5 members.”.

History: 1983 a. 532; 1995 a. 201; 1997 a. 27.

6 ✓ **2.** Page 796, line 2: after that line insert:

7 “SECTION 1589s. 62.23 (1) (a) of the statutes is amended to read:

8 62.23 (1) (a) The council of any city may by ordinance create a “City Plan  
9 Commission,” to consist of ~~the mayor, who shall be its presiding officer, the city~~  
10 ~~engineer, the president of the park board, an alderperson, and 3 citizens.~~ In case the  
11 city has no engineer or no park board, an additional citizen member shall be  
12 appointed so that the board has at all times 7 members. All members of the  
13 commission shall be appointed by the mayor, who shall also choose the presiding  
14 officer. The mayor may appoint himself or herself to the commission and may  
15 appoint other city elected or appointed officials, except that the commission shall  
16 always have at least one citizen member who is not a city official. Citizen members  
17 shall be persons of recognized experience and qualifications. The council may by  
18 ordinance provide that the membership of the commission shall be as provided  
19 thereunder.

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

20 SECTION 1589t. 62.23 (1) (b) of the statutes is repealed.

21 SECTION 1589u. 62.23 (1) (c) of the statutes is repealed.

22 SECTION 1589v. 62.23 (1) (d) of the statutes is amended to read:

23 62.23 (1) (d) The ~~additional citizen members, if any,~~ of the commission shall be  
24 first appointed to hold office for a period ending one year from the succeeding May

Strike  
comma



1 ~~first, and thereafter annually of 3 years. Appointments shall be made by the mayor~~  
 2 ~~during the month of April. Whenever a park board is created, or a city engineer~~  
 3 ~~appointed, the president of such board or such engineer shall succeed to a place on~~  
 4 ~~the commission when the term of an additional citizen member expires for terms that~~  
 5 ~~expire in April or at any other time if a vacancy occurs during the middle of a term.”.~~

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 204; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246.

→ that line

6 ✓ 3. Page 803, line 13: delete the material beginning with ~~(a) Issues~~ and ending  
 7 with ~~every 10 years~~ on page 807, line 19, and substitute: **INS-A** ✓

8 (3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.  
 9 Beginning on January 1, 2010, any action of a local governmental unit that affects  
 10 land use shall be consistent with that local governmental unit’s comprehensive plan,  
 11 including all of the following:

- 12 (a) Municipal incorporation procedures under s. 66.012, 66.013 or 66.014.
- 13 (b) Annexation procedures under s. 66.021, 66.024 or 66.025.
- 14 (c) Cooperative boundary agreements entered into under s. 66.023.
- 15 (d) Consolidation of territory under s. 66.02.
- 16 (e) Detachment of territory under s. 66.022.
- 17 (f) Municipal boundary agreements fixed by judgment under s. 66.027.
- 18 (g) Official mapping established or amended under s. 62.23 (6).
- 19 (h) Local subdivision regulation under s. 236.45 or 236.46.
- 20 (i) Extraterritorial plat review within a city’s or village’s extraterritorial plat
- 21 approval jurisdiction, as ~~that term~~ is defined in s. 236.02 (5). ✓
- 22 (j) County zoning ordinances enacted or amended under s. 59.69.
- 23 (k) City or village zoning ordinances enacted or amended under s. 62.23 (7).
- 24 (L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.

1 (m) An improvement of a transportation facility that is undertaken under s.  
2 84.185.

3 (n) Agricultural preservation plans that are prepared or revised under subch.  
4 IV of ch. 91. ✓

5 (o) Impact fee ordinances that are enacted or amended under s. 66.55.

6 (p) Land acquisition for recreational lands and parks under s. 23.09 (20).

7 (q) Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or  
8 62.231. ✓

9 (r) Construction site erosion control and storm water management zoning  
10 under s. 59.693, 61.354 or 62.234.

11 (4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS. A local governmental unit  
12 shall comply with all of the following before its comprehensive plan may take effect:

13 (a) The governing body of a local governmental unit shall adopt written  
14 procedures that are designed to foster public participation, including public  
15 meetings for which advance notice has been provided, in every stage of the  
16 preparation of a comprehensive plan. The written procedures shall provide for wide  
17 distribution of proposed, alternative or amended elements of a comprehensive plan,  
18 shall provide an opportunity for written comments on the plan to be submitted by  
19 members of the public to the governing body and for the governing body to respond  
20 to such written comments.

21 (b) The planning commission or other body of a local governmental unit that  
22 is authorized to prepare or amend a comprehensive plan may recommend the  
23 adoption or amendment of a comprehensive plan only by adopting a resolution by  
24 majority vote. The vote shall be recorded in the official minutes of the planning  
25 commission or other body. The resolution shall refer to maps and other descriptive



1 materials that relate to one or more elements of a comprehensive plan. One copy of  
2 an adopted comprehensive plan, or of an amendment to such a plan, shall be sent to  
3 all of the following:

4 1. Every governmental body that is located in whole or in part within the  
5 boundaries of the local governmental unit.

6 2. Every local governmental unit that is adjacent to the local governmental unit  
7 which is the subject of the plan that is adopted or amended as described in par. (b)  
8 (intro.).

9 3. The Wisconsin land council.

10 4. After September 1, 2003, the department of administration.

11 (c) No recommended comprehensive plan that is adopted or amended under  
12 par. (b) may take effect until the plan or amendment is enacted as an ordinance by  
13 the local governmental unit. The local governmental unit may not enact an  
14 ordinance under this paragraph unless the comprehensive plan contains all of the

*WPO: Don't  
change any  
text here.*

15 elements specified in sub. (2). An ordinance may be enacted under this paragraph  
16 only by a majority vote of the members-elect of the governing body ~~as that text is~~  
17 ~~defined~~ in s. 59.001 (2m). An ordinance that is enacted under this paragraph shall  
18 be filed with at least all of the following:

*STET: leave  
drafter's  
original  
text.*

19 1. The public library and the regional planning commission that serves the area  
20 in which the local governmental unit is located.

21 2. The clerk of any adjacent local governmental unit.

22 (d) No local governmental unit may enact an ordinance under par. (c) unless  
23 the local governmental unit holds at least one public hearing at which the proposed  
24 ordinance is discussed. That hearing must be preceded by a class 1 notice under

25 ~~chapter~~ 985 that is published at least 30 days before the hearing is held. The local

*ch.*



1 governmental unit may also provide notice of the hearing by any other means it  
2 considers appropriate. The class 1 notice shall contain at least the following  
3 information:

4 1. The date, time and place of the hearing.

5 2. A summary, which may include a map, of the proposed comprehensive plan  
6 or amendment to such a plan.

7 3. The name of an individual employed by the local governmental unit who may  
8 provide additional information regarding the proposed ordinance.

9 4. Information relating to where and when the proposed comprehensive plan  
10 or amendment to such a plan may be inspected before the hearing, and how a copy  
of the plan or amendment may be obtained.

MS  
INSERT B

13 4. Page 1398, line 24: after that line insert:

14 "(18) <sup>20</sup> SMART GROWTH DIVIDEND AID PROGRAM. (a) The secretary of  
15 administration shall propose, jointly with the secretary of revenue, a smart growth  
16 dividend aid program in his or her budget request for 2001-2003, with the first  
17 grants to be distributed in 2005-2006. The proposal shall prescribe a method  
18 distributing aid to cities, villages, towns and counties that <sup>fiscal biennium</sup> meet <sup>stat</sup> all of the following  
19 requirements:

20 1. To be eligible to receive aid, a city, village, town or county must have in effect  
21 a comprehensive plan, as defined in section 66.0295 (1) (a) of the statutes, that the  
22 department of administration and the land council determine meets the provisions  
23 specified in ~~XXXXXX~~ section 16.965 (4) of the statutes

INS 11  
JTK-2  
3/1/03

PK  
INS  
PLAT

now stat.

1           2. The population density within the city, village, town or county boundaries  
2 ~~has~~ increased. *must have*

3           (b) The proposal shall include a provision requiring the land council to approve  
4 or disapprove grant applications within 60 days of submission. " .

5           **5.** Page 1438, line 8: after that line insert:

6           "<sup>820</sup>~~(b)~~ Elected members, citizen members of local planning commissions, (a)  
7 An alderperson, village board member or town board member who is elected by his  
8 or her colleagues in April 1999 to serve on a city, village or town planning commission  
9 under section 62.23 (1) (b), 1997 ~~statute~~ *stats.)* may serve on the planning commission  
10 until April 2000.

11           (b) A citizen member of a city, village or town planning commission who is  
12 appointed under section 62.23 (1) (c), 1997 ~~statute~~ *stats.)* may serve on the planning  
13 commission until the expiration of the term to which he or she was appointed."

*constat.*

(END)

*PJK  
INSERT ✓  
AP PLAT  
AP (PJK)*

*INSERT  
JTK-ED ✓*

*PJK  
INSERT ✓  
EF DATE PLAT*

*D-NOTE*

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0519/linsJTK  
JTK...+P=AB

INS  
JTK-1 ✓

✓ Page 121, line 1: before that line insert:

SECTION 1b. 1.13 of the statutes is created to read:

1.13 Land use planning activities. (1) In this section:

(a) "Local governmental unit" has the meaning given ~~in~~<sup>in</sup> s. 1.12 (1) (a).

(b) "State agency" has the meaning given ~~in~~<sup>in</sup> s. 1.12 (1) (b).

(2) Each state agency shall ensure that, consistently with other laws, the actions of the agency are designed to further the following goals:

INS A ← (A)

(3) Each state agency shall ensure that, consistently with other laws, whenever it administers a law under which a local governmental unit prepares a plan, the actions of the local governmental unit under the plan are designed to further the goals specified in sub. (2), to the extent applicable. "

→ INS. A ← (B) ✓

~~(b) "Smart growth area" means an area that will enable the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable, and that will encourage efficient development patterns that are both contiguous to existing development and at densities which have relatively low municipal, state governmental and utility costs.~~

(c) "Supporting agency" means the department of administration, the department of agriculture, trade and consumer protection, the department of commerce, the department of natural resources, the department of revenue and the board of regents of the University of Wisconsin system.

WSA: 1 - (A)

No local governmental unit is eligible to receive a grant under this subsection unless the local governmental unit agrees to utilize the grant to finance planning for all of the purposes specified in s. 66.0295.

**SECTION 110n.** 16.965 (title), (1) and (2) of the statutes, as created by 1999 Wisconsin Act...(this act), are repealed.

**SECTION 110o.** 16.965 (3) of the statutes is created to read:

16.965 (3) Prior to awarding a grant to a local governmental unit under sub. (2), the department shall forward a statement of the expenditures proposed to be made under the grant to the Wisconsin land council for its written approval. The council may approve or disapprove any proposed grant.

**SECTION 110p.** 16.965 (3) of the statutes, as created by 1999 Wisconsin Act...(this act), is repealed.

**SECTION 110q.** 16.965 (4) of the statutes is created to read:

16.965 (4) In determining whether to approve a proposed grant, greater precedence shall be accorded to applications of local governmental units that contain one or more of the following elements:

(a) Planning efforts that address the interests of overlapping or neighboring jurisdictions.

(b) Planning efforts that contain a specific description of the means by which ~~one or more of the following goals will be achieved:~~

(a) Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.

*INS A:2 (A)*

- (b) ~~11~~ Encouragement of neighborhood designs that support a range of transportation choices.
- (c) ~~12~~ Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
- (d) ~~13~~ 4. Protection of economically productive areas, including farmland and forests.
- (e) ~~14~~ 5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
- (f) ~~15~~ 6. Preservation of cultural, historic and archaeological sites.
- (g) ~~16~~ 7. Encouragement of coordination and cooperation among nearby units of government.
- (h) ~~17~~ 8. Building of community identity by maintaining physical separation between urban areas, revitalizing main streets and enforcing design standards.
- (i) ~~18~~ 9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
- (j) ~~19~~ 10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
- (k) ~~20~~ 11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities.
- (l) ~~21~~ 12. Balancing individual property rights with community interests and goals.
- (m) ~~22~~ 13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.

*INS A-(B)*

(e) Planning efforts that identify smart growth areas.

*# page 12, line 1: delete "SECTION 10" and substitute*

*"SECTION 10" (C5)+(B)*

*(C5)+(B)*

*(B)*

# Page 125, line 1: after first line insert.

12m  
" Section #. 15.01 (4) of the statutes is amended to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Wisconsin Land Council has the powers Milwaukee river revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has the powers and duties specified in s. 146.36.

History: 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237.

specified  
in  
s.  
16.965  
(3) and (5)  
and the  
powers  
granted  
to  
agencies  
under  
Ch. 227, the

121  
Section # 15.01 (4) of the statutes <sup>as affected by 1999 Wisconsin Act...</sup> is amended to read: <sup>(this act)</sup>

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the ~~Wisconsin Land Council~~ <sup>Wisconsin Land Council has the powers specified in s. 23.18,</sup> the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has the powers and duties specified in s. 146.36.

History: 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237.

Wisconsin Land Council has the powers specified in s. 23.18, (3) and (5) and the powers granted to agencies under ch. 227, the

Strike

*move text on draft*

**BILL**

*# Page 155, line 3: Delete lines 3 to 18 and substitute:*

1 ~~obligated to make its final payment under the contract, and any amount that~~  
2 ~~remains payable to the state under the contract.~~

3 *110m. 16.965 (title), (1) and (2)*  
" SECTION ~~108. 16.952~~ of the statutes ~~is~~ *are* created to read:

4 ~~16.952~~ *16.965 (title)* **Planning grants to local governmental units.** (1) In this section:

5 (a) "local governmental unit" means a county, city, village, town or regional planning  
6 commission.

7 (2) From the appropriation under s. 20.505 (1) *(ks)* the department may provide  
8 grants to local governmental units to be used to finance the cost of planning  
9 activities, including contracting for planning consultant services, public planning  
10 sessions and other planning outreach and educational activities, or for the purchase  
11 of computerized planning data, planning software or the hardware required to  
12 utilize that data or software. The department ~~shall~~ *may* require any local governmental  
13 unit that receives a grant under this section to finance ~~at least 20%~~ *not more than 25%* of the cost of the

14 product or service to be funded by the grant from the resources of the local  
15 governmental unit. *A local governmental unit that desires to receive*  
16 ~~Prior to awarding a grant under this section, the department~~  
~~shall forward a detailed statement of the proposed expenditures to be made under~~  
17 ~~the grant to the secretary of transportation and obtain his or her written approval~~  
18 ~~of the proposed expenditures.~~ *the application shall contain a complete statement of the expenditures proposed to be made for the purposes of the grant.*

19 SECTION 109. 16.956 of the statutes is repealed.

20 SECTION 110. 16.964 (6) of the statutes is created to read:

21 16.964 (6) (a) In this subsection, "tribe" means a federally recognized American  
22 Indian tribe or band in this state.

23 (b) From the appropriation under s. 20.505 (6) (ks), the office shall provide  
24 grants to tribes to fund tribal law enforcement operations. To be eligible for a grant  
25 under this subsection, a tribe must submit an application for a grant to the office that

*wpo: ↑ continues 2 pages beyond.*

*INSB*



Ins B

**SECTION 1b.** 1.13 of the statutes is created to read:

**1.13 Land use planning activities.** (1) In this section:

(a) "Local governmental unit" has the meaning given under s. 1.12 (1) (a).

(b) "State agency" has the meaning given under s. 1.12 (1) (b).

(2) Each state agency shall ensure that, consistently with other laws, the actions of the agency are designed to further the following goals:

(3) Each state agency shall ensure that, consistently with other laws, whenever it administers a law under which a local governmental unit prepares a plan, the actions of the local governmental unit under the plan are designed to further the goals specified in sub. (2), to the extent applicable.

(b) "Smart growth area" means an area that will enable the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable, and that will encourage efficient development patterns that are both contiguous to existing development and at densities which have relatively low municipal, state governmental and utility costs.

(c) "Supporting agency" means the department of administration, the department of agriculture, trade and consumer protection, the department of commerce, the department of natural resources, the department of revenue and the board of regents of the University of Wisconsin system.

end of Ins. B

no

No local governmental unit is eligible to receive a grant under this subsection unless the local governmental unit agrees to utilize the grant to finance planning for all of the purposes specified in s. 66.0295.

no

**SECTION 110n.** 16.965 (title), (1) and (2) of the statutes, as created by 1999 Wisconsin Act... (this act), are repealed.

**SECTION 110k.** 16.965 (3) of the statutes is created to read:

16.965 (3) Prior to awarding a grant to a local governmental unit under sub. (2), the department shall forward a statement of the expenditures proposed to be made under the grant to the Wisconsin land council for its written approval. The council may approve or disapprove any proposed grant.

**SECTION 110p.** 16.965 (3) of the statutes, as created by 1999 Wisconsin Act... (this act), is repealed.

**SECTION 110q.** 16.965 (4) of the statutes is created to read:

no

16.965 (4) In determining whether to approve a proposed grant, greater precedence shall be accorded to applications of local governmental units that contain one or more of the following elements:

(a) Planning efforts that address the interests of overlapping or neighboring jurisdictions.

(b) Planning efforts that contain a specific description of the means by which one or more of the following goals will be achieved:

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.

2. Encouragement of neighborhood designs that support a range of transportation choices.

3. Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.

4. Protection of economically productive areas, including farmland and forests.

5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.

6. Preservation of cultural, historic and archaeological sites.

7. Encouragement of coordination and cooperation among nearby units of government.

8. Building of community identity by maintaining physical separation between urban areas, revitalizing main streets and enforcing design standards.

9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.

10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.

11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities.

12. Balancing individual property rights with community interests and goals.

13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.

(c) Planning efforts that identify smart growth areas.

(d) Planning efforts, including subsequent updates and amendments, that include development of implementing ordinances, including ordinances pertaining to zoning, subdivisions and land division.

(e) Planning efforts for which completion is contemplated within 30 months of the date on which a grant would be awarded.

(f) Planning efforts that provide opportunities for public participation.

**SECTION 110r.** 16.965 (4) of the statutes, as created by 1999 Wisconsin Act... (this act), is repealed.

**SECTION 110s.** 16.965 (5) of the statutes is created to read:

16.965 (5) The Wisconsin land council may promulgate rules specifying the methodology whereby precedence will be accorded to applications in awarding grants under sub. (2).

**SECTION 110t.** 16.965 (5) of the statutes, as created by 1999 Wisconsin Act... (this act), is repealed.

**SECTION 110u.** 16.965 (6) of the statutes is created to read:

16.965 (6) The department shall assess each supporting agency \$250,000 per year to support planning assistance provided to local governmental units. Each supporting agency shall charge the cost of its assessment to the agency's appropriations for general program operations from general purpose revenue in the amounts specified by the secretary.

**SECTION 110v.** 16.965 (6) of the statutes, as created by 1999 Wisconsin Act... (this act), is repealed.

Id. 0295

110w  
16.9651

SECTION 1. ~~16.952~~ of the statutes is created to read:

~~16.952~~ <sup>Transportation planning</sup> ~~Planning grants to local governmental units.~~ (1) In this section,

"local governmental unit" means a county, city, village, town or regional planning commission.

(2) From the appropriation under s. 20.505 (1) (z), the department may provide grants to local governmental units to be used to finance the cost of planning activities, <sup>the transportation element, as described in s. 66.0295 (2) (c), of</sup> including contracting for <sup>related to a comprehensive plan, as defined in s. 66.0295 (1) (a), or</sup> planning sessions and other planning outreach and educational activities, or for the purchase

of computerized planning data, planning software or the hardware required to utilize that data or software. The department ~~shall~~ <sup>may</sup> require any local governmental

unit that receives a grant under this section to finance ~~at least 20%~~ <sup>not more than 25%</sup> of the cost of the product or service to be funded by the grant from the resources of the local governmental unit. Prior to awarding a grant under this section, the department shall forward a detailed statement of the proposed expenditures to be made under the grant to the secretary of transportation and obtain his or her written approval of the proposed expenditures. "

~~SECTION 2. 20.395 (3) (ix) of the statutes is amended to read:~~

~~20.395 (3) (ix) Administration and planning, federal funds. All moneys received from the federal government for the administration and planning of departmental programs under subs. (1) to (3) and to credit to the appropriation account under s. 20.505 (1) (z) the amounts appropriated under s. 20.505 (1) (z).~~

~~SECTION 3. 20.505 (1) (z) of the statutes is created to read:~~

~~20.505 (1) (z) Planning grants to local governmental units. From the transportation fund, the amounts in the schedule to provide planning grants to local governmental units under s. 16.952. All moneys received from the federal~~

INS  
MJL-1  
(attached)

# Page 453, line 11: after first line insert:

" SECTION 523m. 20.505 (1) (kh) of the statutes is created to read:

20.505 (1) (kh) *Comprehensive planning grants; state agency support.* The amounts in the schedule to provide comprehensive planning grants to local governmental units under s. 16.965 (2) and to transfer to the appropriation accounts under par. (ki) and s. 20.285 (1) (ks) the amounts in the schedule under those paragraphs. All moneys received from assessments paid by supporting agencies under s. 16.965 (4) shall be credited to this appropriation account.

SECTION 523n. 20.505 (1) (kh) of the statutes, as created by 1999 Wisconsin Act... (this act), is repealed.

SECTION 523o. 20.505 (1) (ki) of the statutes is created to read:

20.505 (1) (ki) *Comprehensive planning; administrative support.* The amounts in the schedule for administrative support of comprehensive planning assistance under s. 16.965. All moneys transferred from the appropriation account under par. (kh) shall be credited to this appropriation account.

SECTION 523p. 20.505 (1) (ki) of the statutes, as created by 1999 Wisconsin Act... (this act), is repealed.

# Page 454, line 6: delete "Planning" and substitute "Transportation planning".  
# Page 454, line 7: after "provide" insert "transportation".

SECTION 2355m. 227.113 of the statutes is created to read:

**227.113 Incorporation of state land use planning goals.** Each agency shall ensure that, consistently with the laws it administers, the rules promulgated by the agency are designed to further the goals specified in s. 1.13 (2)

# Page 454, line 8: delete "16.952" and substitute "16.965".

INS MJL  
(attached)

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB  
MJL.....

INS MJL-1

1 ✓ 1. Page 400, line 5: after that line insert:

2 "SECTION 294m. 20.285 (1) (ks) of the statutes is created to read:

3 20.285 (1) (ks) *Extension local planning program*. The amounts in the schedule  
4 for the University of Wisconsin-Extension local planning program under s. 36.11  
5 (37) and for development of a model ordinance for traditional neighborhood  
6 development under s. 66.034. All moneys transferred from s. 20.505 (1) (kh) shall  
7 be credited to this appropriation account."

8 ✓ 2. Page 544, line 7: after that line insert:

9 "SECTION 887m. 36.11 (37) of the statutes is created to read:

10 36.11 (37) EXTENSION LOCAL PLANNING PROGRAM. The board shall offer a local  
11 planning program through the extension to educate local policy makers about local  
12 planning and ~~the~~ the grant program under <sup>A.16.965</sup> ~~the~~ ".....".

INS MJL-2 ✓

MES  
INS  
PIL  
A

MES

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

2 (a) "Comprehensive plan" means:

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

4 (2) or (3).

5 2. For a city or a village, or for a town that exercises village powers under s.  
6 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3), or for  
7 a town that does not exercise village powers, a plan that is adopted or amended as  
8 described in s. 60.622.

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

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

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

15 (a) *Issues and opportunities element.* Background information on the local  
16 governmental unit and a statement of <sup>overall</sup> objectives, policies, goals and programs of the  
17 local governmental unit to guide the future ~~growth~~ development of the local  
18 governmental unit over a 20-year planning period. Background information shall  
19 include population, household and employment forecasts that the local  
20 governmental unit uses in developing its <sup>comprehensive</sup> plan, and demographic trends, age  
21 distribution, educational levels, income levels and employment characteristics that  
22 exist within the local governmental unit. The statement may also include similar  
23 elements related to federal and state programs and background information on  
24 nearby local governmental units that affect the local governmental unit.

↓



TNS MFS  
A p. 2 of 5

, maps

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

→ policies and programs that promote the availability of land  
 for the development or redevelopment of low and moderate-income  
 housing

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

maps  
 the

low-income

function incorporate other

22 (d) *Utilities and community facilities element.* A statement of  
 23 objectives, policies, goals and programs to guide the future development of utilities  
 24 and community facilities in the local governmental unit such as sanitary sewer  
 25 service, storm water management, water supply, solid waste disposal, on-site

, maps



INS. A p. 3 of 5

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

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

19 (f) *Economic development element.* A ~~map and a~~  
 20 policies, goals <sup>maps</sup> and programs to promote the stabilization, retention or expansion, of  
 21 the economic base and quality employment opportunities in the local governmental  
 22 unit, including an analysis of the labor force and economic base of the local  
 23 governmental unit. The statement shall assess categories or particular types of new  
 24 businesses and industries that are desired by the local governmental unit. The  
 25 statement shall assess the local governmental unit's strengths and weaknesses with



Ind A p. 4065

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

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

17 (h) *Land-use element.* A ~~map and~~ statement of objectives, policies, goals<sup>, maps</sup> and  
18 programs to guide the future development and redevelopment of public and private  
19 property. The statement shall contain a listing of the amount, type, intensity and net  
20 density of existing uses of land in the local governmental unit, such as agricultural,  
21 residential, commercial, industrial and other public and private uses. The statement  
22 shall analyze trends in the supply, demand and price of land, opportunities for  
23 redevelopment and existing and potential land-use conflicts. The statement shall  
24 contain projections, based on the background information specified in par. (a), for 20  
25 years with detailed maps, in 5-year increments, of future residential, agricultural,

ME  
MDA  
P. 5 095

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

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

end  
of  
§ 13. A.

~~INS. A continues on 60519~~

23 ~~(3) COMPREHENSIVE PLAN TIMING.~~ Subject to sub. (4), every local governmental  
24 unit shall have in effect a comprehensive plan not later than January 1 of the year  
25 specified in this subsection:

wpo:  
Back to original  
draft.

INSERT <sup>MES</sup> B p. 1 of 2

1 of revenue shall reduce the amount of the shared revenue payments to the city,  
2 village, town or county under subch. I of ch. 79 in the following year by an amount  
3 equal to 5% of the amount received by the city, village, town or county in the current  
4 year.

5 SECTION <sup>1606M</sup> 66.034 of the statutes is created to read:

6 **66.034 Traditional neighborhood developments.** (1) DEFINITIONS. In this  
7 section:

8 (a) "Extension" has the meaning given in s. 36.05 (7).

9 (b) "Traditional neighborhood development" means a compact, mixed-use  
10 neighborhood where residential, commercial and civic buildings are within close  
11 proximity to each other and are equally accessible to pedestrian, bicycle, automobile  
12 and mass transit linkages.

13 (2) MODEL ORDINANCE. (a) Not later than January 1, 2001, the extension, in  
14 consultation with any other University of Wisconsin department with which it would  
15 like to consult or with a landscape architect, as that term is used in s. 443.02 (5), shall  
16 develop a model ordinance for a traditional neighborhood development and shall  
17 distribute the model ordinance to all city and village clerks, to all town clerks whose  
18 town has a population of at least 5,000 and to any other interested person.

19 (b) The model ordinance shall contain at least all of the following elements:

20 1. A general description of the characteristics of a traditional neighborhood  
21 development, including the principle that such a development shall contain a  
22 mixture of single-family homes, apartments, shops and offices that are set upon  
23 modest lots with shallow building setbacks that are accessible to pedestrians by  
24 sidewalks and short blocks and to automobiles by narrow streets, alleys and  
25 on-street parking.

System institution or



MES  
INSERT B  
p. 2 of 2

1           2. The building, zoning and subdivision codes that apply to a traditional  
2 neighborhood development.

3           **(3) CITY, VILLAGE AND TOWN REQUIREMENTS.** (a) Not later than January 1, 2002,  
4 every city and village, and every town with a population of at least 5,000 shall enact  
5 an ordinance under s. 62.23 (7) that is substantially similar to the model ordinance  
6 that is developed under sub. (2), although the ordinance is not required to be mapped.

7           (b) A city or village that comes into existence, or town whose population reaches  
8 at least 5,000, after January 1, 2002, shall enact an ordinance under s. 62.23 (7) that  
9 is substantially similar to the model ordinance that is developed under sub. (2) not  
10 later than the first day of the 12th month beginning after the city or village comes  
11 into existence or after the town's population reaches at least 5,000, although the  
12 ordinance is not required to be mapped.))

end  
of  
INSERT B

13           ~~SECTION 15. 66.46 (3) (intro.) of the statutes is amended to read:~~

14           ~~66.46 (3) POWERS OF CITIES. (intro.) In addition to any other powers conferred  
15 by law and subject to a city's comprehensive plan, as described under ss. 62.23 (2) and  
16 (3) (b) and defined under s. 66.0295 (1) (a) 2., a city may exercise any powers  
17 necessary and convenient to carry out the purposes of this section, including the  
18 power to:~~

19           ~~SECTION 16. 66.945 (2) (d) of the statutes is created to read:~~

20           ~~66.945 (2) (d) 1. To comply with the requirements of s. 66.0295 (4) (a), a county  
21 that is not in a regional planning commission on the effective date of this subdivision  
22 . . . . [revisor inserts date], may join a regional planning commission that is in  
23 existence on the effective date of this subdivision . . . . [revisor inserts date], if the  
24 county's board adopts a resolution declaring its intention to join an existing regional  
25 planning commission. A county that joins an existing regional planning commission~~

✓ Page 1102, line 15: after text line insert:

INS  
JTK-2  
P1083 ✓

Section # 227.01 (1) of the statutes is amended to read:

2353m

the Wisconsin Land Council or

227.01 (1) "Agency" means a board, commission, committee, department or officer in the state government, except the governor, a district attorney or a military or judicial officer.

History: 1985 a. 182; 1987 a. 27, 119, 395, 399, 403; 1989 a. 31, 56, 335, 341; 1991 a. 39, 254, 269, 309, 315; 1993 a. 16, 123, 237, 349, 364, 419, 442, 481, 491; 1995 a. 27, 215, 227, 289, 363; 1997 a. 27, 35, 231, 237.

2353m

FNS JTL-2  
p 2003

2353n

Section #. 227.01 (1) of the statutes is amended to read: *as affected by 1999 Wisconsin Act.... (this act)*

*strike*

227.01 (1) "Agency" means *the Wisconsin land council or* a board, commission, committee, department or officer in the state government, except the governor, a district attorney or a military or judicial officer. "

~~History: 1985 a. 182, 1987 a. 27, 119, 395, 399, 403; 1989 a. 31, 56, 335, 341; 1991 a. 39, 254, 269, 309, 315; 1993 a. 16, 123, 237, 349, 364, 419, 442, 481, 491; 1995 a. 27, 215, 227, 289, 363; 1997 a. 27, 35, 231, 237.~~



INS,  
JTK-2  
P. 3063

~~SECTION 523m. 20.505 (1) (kh) of the statutes is created to read:~~

~~20.505 (1) (kh) *Comprehensive planning grants; state agency support.* The amounts in the schedule to provide comprehensive planning grants to local governmental units under s. 16.965 (2) and to transfer to the appropriation accounts under par. (ki) and s. 20.285 (1) (ks) the amounts in the schedule under those paragraphs. All moneys received from assessments paid by supporting agencies under s. 16.965 (4) shall be credited to this appropriation account.~~

~~SECTION 523n. 20.505 (1) (kh) of the statutes, as created by 1999 Wisconsin Act...(this act), is repealed.~~

~~SECTION 523o. 20.505 (1) (ki) of the statutes is created to read:~~

~~20.505 (1) (ki) *Comprehensive planning; administrative support.* The amounts in the schedule for administrative support of comprehensive planning assistance under s. 16.965. All moneys transferred from the appropriation account under par. (kh) shall be credited to this appropriation account.~~

~~SECTION 523p. 20.505 (1) (ki) of the statutes, as created by 1999 Wisconsin Act...(this act), is repealed.~~

✓ #Page 1102, line 22: after that line insert:

" SECTION 2355m. 227.113 of the statutes is created to read:

**227.113 Incorporation of state land use planning goals.** Each agency shall ensure that, consistently with the laws <sup>that</sup> it administers, the rules promulgated by the agency are designed to further the goals specified in s. 1.13 (2) <sup>"</sup>.

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0519/lins  
PJK.....

INSERT PLAT

1           **1.** Page 1117, line 1: after that line insert:

2           **"SECTION 2398c.** 236.11 (1) (a) of the statutes is amended to read:

3           236.11 (1) (a) Before submitting a final plat for approval, the subdivider may  
4 submit, or the approving authority may require that the subdivider submit, a  
5 preliminary plat. It shall be clearly marked "preliminary plat" and shall be in  
6 sufficient detail to determine whether the final plat will meet layout requirements.  
7 ~~Within~~ Subject to s. 236.13 (4m), within 90 days the approving authority, or its agent  
8 authorized to approve preliminary plats, shall take action to approve, approve  
9 conditionally, or reject the preliminary plat and shall state in writing any conditions  
10 of approval or reasons for rejection, unless the time is extended by agreement with  
11 the subdivider. Failure of the approving authority or its agent to act within the 90  
12 days, or extension thereof, constitutes an approval of the preliminary plat.

13 History: 1979 c. 248; 1997 a. 332.

13           **SECTION 2398d.** 236.11 (1) (b) of the statutes is amended to read:

14           236.11 (1) (b) If the final plat conforms substantially to the preliminary plat  
15 as approved, including any conditions of that approval, and to local plans and  
16 ordinances adopted as authorized by law, it is entitled to approval. ~~If~~  
17 Notwithstanding s. 236.13 (4m), if the final plat is not submitted within 24 months  
18 after the last required approval of the preliminary plat, any approving authority may  
19 refuse to approve the final plat. The final plat may, if permitted by the approving  
20 authority, constitute only that portion of the approved preliminary plat which the  
21 subdivider proposes to record at that time.

22 History: 1979 c. 248; 1997 a. 332.

22           **SECTION 2398g.** 236.13 (1) (c) of the statutes is repealed and recreated to read:

1           236.13 (1) (c) A comprehensive plan under s. 66.0295 or, if the municipality,  
2 town or county does not have a comprehensive plan, either of the following:

- 3           1. With respect to a municipality or town, a master plan under s. 62.23.
- 4           2. With respect to a county, a development plan under s. 59.69.

5           **SECTION 2398j.** 236.13 (3) of the statutes is repealed.

6           **SECTION 2398m.** 236.13 (4m) of the statutes is created to read:

7           236.13 (4m) If a preliminary or final plat meets the requirements specified in  
8 this section and any requirements imposed under this section, an approving  
9 authority shall approve the plat, and an agency with the power to approve or object  
10 to plats shall approve the plat or certify that it has no objection to the plat, within  
11 the time limits specified in ss. 236.11 and 236.12.”

(END OF INSERT PLAT)

INSERT IN AP PLAT ✓

12           **2.** Page 1466, line 22: after that line insert:

13           ~~(5)~~ <sup>ZU</sup> APPROVAL OF PLATS. The treatment of sections 236.11 (1) (a) and (b) and ✓ ✓  
14 236.13 (3) and (4m) of the statutes first applies to all of the following:

15           (a) A preliminary plat submitted on the effective date of this paragraph.

16           (b) A final plat submitted on the effective date of this paragraph if no  
17 preliminary plat was submitted, a preliminary plat was submitted but not approved  
18 or the final plat was submitted more than 24 months after the last required approval  
19 of any preliminary plat submitted and approved.

20           ~~(6)~~ <sup>5ZV</sup> COMPLIANCE OF PLAT WITH COMPREHENSIVE PLAN. The treatment of section  
21 236.13 (1) (c) of the statutes first applies to all of the following:

22           (a) A preliminary plat submitted on the effective date of this paragraph.

*init.  
app.  
11/11*

1 (b) A final plat submitted on the effective date of this paragraph if no  
 2 preliminary plat was submitted, a preliminary plat was submitted but not approved  
 3 or the final plat was submitted more than 24 months after the last required approval  
 4 of any preliminary plat submitted and approved.”.

(END OF INSERT IN AP PLAT)

INSERT EF DATE PLAT

5 “~~(2)~~<sup>Z0</sup> COMPLIANCE OF PLAT WITH COMPREHENSIVE PLAN. The treatment of section  
 6 236.13 (1) (c) <sup>✓</sup> of the statutes and SECTION 9358 (5) <sup>✓</sup> of this act take effect on January  
 7 1, 2000.” ZY

(END OF INSERT EF DATE PLAT)

*✓# Page 1479, line 13: after that line insert:*

1999

FNS JTK-ED

LRB 051911

Nonstat File Sequence: **FFF**

**EFFECTIVE DATE**

- # Page 1467, line 13: after that JTK : : :  
line insert:
1. In the component bar: For the action phrase, execute: ... **create** → **action**: → \*NS: → **effdate**  
For the text, execute: ..... **create** → **text**: → \*NS: → **effdateA**
  2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in  
"\_\_\_" or "( )" only if a "frozen" number is needed.

**SECTION #** \_\_\_\_\_ . **Effective date.**

( #1 ) ( ) ..... This act takes effect  
on .....

1. In the component bar: For the action phrase, execute: .. **create** → **action**: → \*NS: → **effdateE**  
For the text, execute: ..... **create** → **text**: → \*NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in  
"\_\_\_" or "( )" only if a "frozen" number is needed.

**SECTION #** 624 . **Effective dates;** .....

..... This act takes effect on the day after publication, except as follows:

(#1) (6) LAND USE PLANNING GRANTS The repeal treatment of  
sections 16.965 (Title) (1), (2), (4) and (6) and 20.505 (1) (Kh) and (Ki)  
of the statutes takes effect on July 1, 2010.

1. In the component bar: For the budget action phrase, execute: .. **create** → **action**: → \*NS: → **94XX**  
For the text, execute: ..... **create** → **text**: → \*NS: → **effdate**
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the  
budget, fill in the **9400** department code; and fill in "( )" only if a "frozen" number is needed.

**SECTION 94** \_\_\_\_\_ . **Effective dates;** .....

(#1) (6) WISCONSIN LAND COUNCIL ..... The treatment of  
sections 15.01 (4) (by SECTION 12n) and 227.01 (1) (by SECTION 2353h)  
and the repeal of section 16.965 (3) and (5) of the statutes  
of the statutes takes effect on September 1, 2003.

end of insert

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

LRBb0519/1dn

MS&JTK&PK&PN&ML:.....



Please review this amendment very carefully. A number of the instructions in motion # 1110 were unclear and in some cases I had to guess at the intent of Joint Finance. Other instructions were so unclear that I could not draft them because I do not understand what is wanted. Please note the following:

Instruction item 13 b., the housing element, states that the “element shall . . . provide a range of housing choices . . .” I don’t think that an *element* can provide a range of choices. Please review s. 66.0295 (2) (b); I think it accurately reflects the intent of the motion.

Instruction 13 c., the transportation element refers to “streets, roads and highways”; because of the definition of “highways” in ch. 990, I did not include streets and roads.

Instruction 13 e., the agricultural, natural and cultural resources element includes the phrase “community design<sup>m</sup>”. I did not include this because I have no idea what it means.

In item 12 of the instructions, the DOA/DOR “smart growth dividend aid program” proposal is to include a provision that “would distribute aid to towns, villages, cities and counties that meet the following requirements: . . . (ii) the local government has implemented the plan in accordance with paragraph 14.” I don’t understand what this provision means, or how to draft it. The substance of “paragraph 14” of the motion appears in s. 66.0294 (3), and it requires that beginning on January 1, 2010, certain specified actions of a political subdivision that affect land use be consistent with a political subdivision’s comprehensive plan. It seems circular to require that to get “smart growth dividend aid”, beginning in 2005–2006, a local governmental unit must implement a comprehensive plan in accordance with certain land use actions that must, beginning on January 1, 2010, be consistent with the same land use plan.

Item (iii) in instruction item 12 requires that, to get “smart growth dividend aid”, “the population density within the local government’s boundaries” must have increased. This is very vague. As drafted according to the instructions in the motion, if the population density ~~has~~ increased between 1870 and 2005, but ~~may have~~ diminished between 1995 and 2005, a unit of government would ~~have met~~ this standard. Is this what was intended? *meet*

I have a number of questions regarding instruction 14, *Certain Programs and Actions to Be Consistent with Comprehensive Plans.* I’m not sure what item 14 e.,

“subdivision plat review and/or land division processes” refers to; please see s. 66.0294 (3) (h). I’m not sure what item 14 f. refers to; please s. 66.0294 (3) (i). I added “detachment”, “consolidation” and “boundary agreement by court order” in s. 66.0294 (3) (d), (e) and (f); are these OK? Instruction 14 k. refers to “farmland preservation planning, which does not appear in the statutes. Do you mean agricultural preservation plans under subch. IV of ch. 91? See s. 66.0294 (3) (n).

Assuming instruction 14 l., “development impact fees” refers to s. 66.55 <sup>ordinances enacted under</sup> ~~ordinances~~, I don’t understand the connection between impact fees under s. 66.55 and comprehensive planning. They deal with different issues that seem unrelated. You may want to consider removing s. 66.0294 (3) (o) from the amendment. I’m not sure what instructions 14 o. and p., “wetland regulations” and “stormwater management plans and regulations” refer to; please see s 66.0294 (3) (q) and (r).

I have a number of questions regarding instruction 15, which deals with *Procedures for Adopting Comprehensive Plans and Related Regulations*. Instruction 15 a. seems unclear and <sup>confusing to me</sup> ~~to me~~. For example, it requires a local governmental unit to develop written procedures to provide public participation relating to “any regulation relating to the implementation of such plan.” The plan already has an implementation element in s. 66.0294 (2) (i), so I’m not sure what this instruction means. Please review s. 66.0294 (4) (a). carefully.

Instruction 15 b. requires that the planning commission take action only by a majority vote. See s. 66.0294 (4) (b) Why must the statutes specify such a thing? Is there a concern that in the absence of such a provision, a planning commission may adopt a comprehensive plan on a 2 to 5 vote? <sup>You may wish to consider deleting</sup> ~~I think that it may be safe to delete~~ this provision from the statutes.

Similarly, instruction 15 c. <sup>italicize</sup> seems to be unnecessarily specific. For example, the instruction requires a local governmental unit to make a comprehensive plan, which must be enacted as an ordinance to be effective, to be made “available for purchase to the public at the actual cost . . . or at a lesser amount” and requires the plan to be filed with the local clerk. It is unnecessary for the statutes to specify the content of these instructions. <sup>I believe that</sup> ~~the~~ open records law under s. 19.35 applies to comprehensive plans, and municipal and county clerks are already required to keep a full record of the proceedings of local governmental units and record ordinances in a book. For example, see ss. 59.14, 59.23 (2) (a) and (b), 60.33 (1), (2), (6) and (7), 61.25 (3), 62.09 (11) and 62.11 (4). ✓

Instruction item 17, regarding *Plan Commission Memberships* is very vague. Please review ss. 60.62 (4) (a) and 62.23 (1), and nonstatutory bill section 9158 (7m).

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

D-note cont

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

LRBb0519/1dnJTK  
JTK.....

1. Under current state law, permanent advisory bodies are called councils and part-time policy-making bodies are called boards. Because councils have no powers, they have no rule-making powers. When the Wisconsin land council was created, we called it a "council" rather than a board because currently, it has no powers. Because this draft, in proposed s. 16.965 (3) and (5), vests the council with powers, it becomes a board under current law. Notwithstanding, this draft does not change the name of the council, but rather amends the definition of "council" and the administrative procedure act to transform this particular council into a board. A preferable procedure would be to rename the group to conform to the nomenclature used generally for statutory bodies.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

D-note,  
con it



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

LRB  
PJK.....

Rick Olin:

Notice the initial applicability provision that <sup>apply</sup> ~~applies~~ to plat approvals. I drafted <sup>them</sup> ~~it~~ in this manner because of s. 236.13 (1) (b). Any final plat submitted within 24 months after the last required approval of a preliminary plat is entitled to approval. A preliminary plat could be approved before the effective date and a final plat that conforms to it could be submitted after the effective date but within 24 months after the approval of the preliminary plat. That final plat would be entitled to approval even if it would not otherwise be approved under the amended statutes. The initial applicability could be changed to require all final plats submitted on or after the effective date to be subject to the new provisions, notwithstanding s. 236.13 (1) (b).

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: Pam.Kahler@legis.state.wi.us

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

LRBb0519/1dn  
MS/JTK/PK:kg:ch

June 13, 1999

Please review this amendment very carefully. A number of the instructions in motion # 1110 were unclear and in some cases I had to guess at the intent of Joint Finance. Other instructions were so unclear that I could not draft them because I do not understand what is wanted. Please note the following:

Instruction item 13 b., the housing element, states that the "element shall . . . provide a range of housing choices . . ." I don't think that an *element* can provide a range of choices. Please review s. 66.0295 (2) (b); I think it accurately reflects the intent of the motion.

Instruction 13 c., the transportation element refers to "streets, roads and highways"; because of the definition of "highways" in ch. 990, I did not include streets and roads.

Instruction 13 e., the agricultural, natural and cultural resources element includes the phrase "community design". I did not include this because I have no idea what it means.

In item 12 of the instructions, the DOA/DOR "smart growth dividend aid program" proposal is to include a provision that "would distribute aid to towns, villages, cities and counties that meet the following requirements: . . . (ii) the local government has implemented the plan in accordance with paragraph 14." I don't understand what this provision means, or how to draft it. The substance of "paragraph 14" of the motion appears in s. 66.0294 (3), and it requires that beginning on January 1, 2010, certain specified actions of a political subdivision that affect land use be consistent with a political subdivision's comprehensive plan. It seems circular to require that to get "smart growth dividend aid", beginning in 2005-2006, a local governmental unit must implement a comprehensive plan in accordance with certain land use actions that must, beginning on January 1, 2010, be consistent with the same land use plan.

Item (iii) in instruction item 12 requires that, to get "smart growth dividend aid", "the population density within the local government's boundaries" must have increased. This is very vague. As drafted according to the instructions in the motion, if the population density increased between 1870 and 2005, but diminished between 1995 and 2005, a unit of government would meet this standard. Is this what was intended?

I have a number of questions regarding instruction 14, *Certain Programs and Actions to Be Consistent with Comprehensive Plans.* I'm not sure what item 14 e.,

“subdivision plat review and/or land division processes” refers to; please see s. 66.0294 (3) (h). I’m not sure what item 14 f. refers to; please s. 66.0294 (3) (i). I added “detachment”, “consolidation” and “boundary agreement by court order” in s. 66.0294 (3) (d), (e) and (f); are these OK? Instruction 14 k. refers to “farmland preservation planning, which does not appear in the statutes. Do you mean agricultural preservation plans under subch. IV of ch. 91? See s. 66.0294 (3) (n).

Assuming instruction 14 l., “development impact fees” refers to ordinances enacted under s. 66.55, I don’t understand the connection between impact fees under s. 66.55 and comprehensive planning. They deal with different issues that seem unrelated. You may want to consider removing s. 66.0294 (3) (o) from the amendment. I’m not sure what instructions 14 o. and p., “wetland regulations” and “stormwater management plans and regulations” refer to; please see s. 66.0294 (3) (q) and (r).

I have a number of questions regarding instruction 15, which deals with *Procedures for Adopting Comprehensive Plans and Related Regulations*. Instruction 15 a. seems unclear and is confusing. For example, it requires a local governmental unit to develop written procedures to provide public participation relating to “any regulation relating to the implementation of such plan.” The plan already has an implementation element in s. 66.0294 (2) (i), so I’m not sure what this instruction means. Please review s. 66.0294 (4) (a) carefully.

Instruction 15 b. requires that the planning commission take action only by a majority vote. See s. 66.0294 (4) (b). Why must the statutes specify such a thing? Is there a concern that in the absence of such a provision, a planning commission may adopt a comprehensive plan on a 2 to 5 vote? You may wish to consider deleting this provision from the statutes.

Similarly, instruction 15 c. seems to be unnecessarily specific. For example, the instruction requires a local governmental unit to make a comprehensive plan, which must be enacted as an *ordinance* to be effective, to be made “available for purchase to the public at the actual cost . . . or at a lesser amount” and requires the plan to be filed with the local clerk. It is unnecessary for the statutes to specify the content of these instructions. The open records law under s. 19.35 applies to comprehensive plans, and municipal and county clerks are already required to keep a full record of the proceedings of local governmental units and record ordinances in a book. For example, see ss. 59.14, 59.23 (2) (a) and (b), 60.33 (1), (2), (6) and (7), 61. 25 (3), 62.09 (11) and 62.11 (4).

Instruction item 17, regarding *Plan Commission Memberships* is very vague. Please review ss. 60.62 (4) (a) and 62.23 (1), and nonstatutory bill **SECTION 9158** (7m).

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

Under current state law, permanent advisory bodies are called councils and part-time policy-making bodies are called boards. Because councils have no powers, they have no rule-making powers. When the Wisconsin land council was created, we called it a "council" rather than a board because currently, it has no powers. Because this draft, in proposed s. 16.965 (3) and (5), vests the council with powers, it becomes a board under current law. Notwithstanding, this draft does not change the name of the council, but rather amends the definition of "council" and the administrative procedure act to transform this particular council into a board. A preferable procedure would be to rename the group to conform to the nomenclature used generally for statutory bodies.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

Rick Olin:

Notice the initial applicability provisions that apply to plat approvals. I drafted them in this manner because of s. 236.13 (1) (b). Any final plat submitted within 24 months after the last required approval of a preliminary plat is entitled to approval. A preliminary plat could be approved before the effective date and a final plat that conforms to it could be submitted after the effective date but within 24 months after the approval of the preliminary plat. That final plat would be entitled to approval even if it would not otherwise be approved under the amended statutes. The initial applicability could be changed to require all final plats submitted on or after the effective date to be subject to the new provisions, notwithstanding s. 236.13 (1) (b).

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: Pam.Kahler@legis.state.wi.us