



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0519/4
MS/JTK/PK/PN/ML:kg:km

4

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

~~Eds. Please
retrieve
from
Held~~

Now
only change p13,
line
11.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 121, line 1: before that line insert:
- 3 **"SECTION 1b.** 1.13 of the statutes is created to read:
- 4 **1.13 Land use planning activities.** (1) In this section:
- 5 (a) "Local governmental unit" has the meaning given in s. 1.12 (1) (a).
- 6 (b) "State agency" has the meaning given in s. 1.12 (1) (b).
- 7 (2) Each state agency shall ensure that, consistently with other laws, the
- 8 actions of the agency are designed to further the following goals:
- 9 (a) Promotion of the redevelopment of lands with existing infrastructure and
- 10 public services and the maintenance and rehabilitation of existing residential,
- 11 commercial and industrial structures.

1 (b) Encouragement of neighborhood designs that support a range of
2 transportation choices.

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

5 (d) Protection of economically productive areas, including farmland and
6 forests.

7 (e) Encouragement of land uses, densities and regulations that promote
8 efficient development patterns and relatively low municipal, state governmental
9 and utility costs.

10 (f) Preservation of cultural, historic and archaeological sites.

11 (g) Encouragement of coordination and cooperation among nearby units of
12 government.

13 (h) Building of community identity by maintaining physical separation
14 between urban areas, revitalizing main streets and enforcing design standards.

15 (i) Providing an adequate supply of affordable housing for individuals of all
16 income levels throughout each community.

17 (j) Providing adequate infrastructure and public services and an adequate
18 supply of developable land to meet existing and future market demand for
19 residential, commercial and industrial uses.

20 (k) Promoting the expansion or stabilization of the current economic base and
21 the creation of a range of employment opportunities.

22 (L) Balancing individual property rights with community interests and goals.

23 (m) Planning and development of land uses that create or preserve varied and
24 unique urban and rural communities.

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

5 **2.** Page 121, line 1: delete “**SECTION 1**” and substitute “**SECTION 1w**”.

6 **3.** Page 125, line 1: after that line insert:

7 “**SECTION 12m.** 15.01 (4) of the statutes is amended to read:

8 15.01 (4) “Council” means a part-time body appointed to function on a
9 continuing basis for the study, and recommendation of solutions and policy
10 alternatives, of the problems arising in a specified functional area of state
11 government, except the Wisconsin land council has the powers specified in s. 16.965
12 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee river
13 revitalization council has the powers and duties specified in s. 23.18, the council on
14 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
15 state council on alcohol and other drug abuse has the powers and duties specified in
16 s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has
17 the powers and duties specified in s. 146.36.

18 **SECTION 12n.** 15.01 (4) of the statutes, as affected by 1999 Wisconsin Act
19 (this act), is amended to read:

20 15.01 (4) “Council” means a part-time body appointed to function on a
21 continuing basis for the study, and recommendation of solutions and policy
22 alternatives, of the problems arising in a specified functional area of state
23 government, except the Wisconsin land council has the powers specified in s. 16.965
24 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee river

1 revitalization council has the powers and duties specified in s. 23.18, the council on
2 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
3 state council on alcohol and other drug abuse has the powers and duties specified in
4 s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has
5 the powers and duties specified in s. 146.36.”

6 **4.** Page 155, line 3: delete lines 3 to 18.

7 **5.** Page 156, line 8: after that line insert:

8 “**SECTION 110m.** 16.965 (title), (1) and (2) of the statutes are created to read:

9 **16.965 (title) Planning grants to local governmental units. (1)** In this
10 section:

11 (a) “Local governmental unit” means a county, city, village, town or regional
12 planning commission.

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

18 (c) “Supporting agency” means the department of administration, the
19 department of agriculture, trade and consumer protection, the department of
20 commerce, the department of natural resources, the department of revenue and the
21 board of regents of the University of Wisconsin System.

22 (2) From the appropriation under s. 20.505 (1) (kh), the department may
23 provide grants to local governmental units to be used to finance the cost of planning
24 activities, including contracting for planning consultant services, public planning

1 sessions and other planning outreach and educational activities, or for the purchase
2 of computerized planning data, planning software or the hardware required to
3 utilize that data or software. The department may require any local governmental
4 unit that receives a grant under this section to finance not more than 25% of the cost
5 of the product or service to be funded by the grant from the resources of the local
6 governmental unit. A local governmental unit that desires to receive a grant under
7 this subsection shall file an application with the department. The application shall
8 contain a complete statement of the expenditures proposed to be made for the
9 purposes of the grant. No local governmental unit is eligible to receive a grant under
10 this subsection unless the local governmental unit agrees to utilize the grant to
11 finance planning for all of the purposes specified in s. 66.0295 (2).

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

14 **SECTION 110no.** 16.965 (3) of the statutes is created to read:

15 16.965 (3) Prior to awarding a grant to a local governmental unit under sub.
16 (2), the department shall forward a statement of the expenditures proposed to be
17 made under the grant to the Wisconsin land council for its written approval. The
18 council may approve or disapprove any proposed grant.

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

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

22 16.965 (4) In determining whether to approve a proposed grant, greater
23 precedence shall be accorded to applications of local governmental units that contain
24 one or more of the following elements:

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

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

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

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

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

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

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

16 6. Preservation of cultural, historic and archaeological sites.

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

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

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

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

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

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

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

6 (c) Planning efforts that identify smart growth areas.

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

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

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

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

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

16 16.965 (5) The Wisconsin land council may promulgate rules specifying the
17 methodology whereby precedence will be accorded to applications in awarding
18 grants under sub. (2).

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

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

22 16.965 (6) The department shall assess each supporting agency \$250,000 per
23 year to support planning assistance provided to local governmental units. Each
24 supporting agency shall charge the cost of its assessment to the agency's

1 appropriations for general program operations from general purpose revenue in the
2 amounts specified by the secretary.

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

5 **SECTION 110w.** 16.9651 of the statutes is created to read:

6 **16.9651 Transportation planning grants to local governmental units.**

7 (1) In this section, “local governmental unit” means a county, city, village, town or
8 regional planning commission.

9 (2) From the appropriation under s. 20.505 (1) (z), the department may provide
10 grants to local governmental units to be used to finance the cost of planning activities
11 related to the transportation element, as described in s. 66.0295 (2) (c), of a
12 comprehensive plan, as defined in s. 66.0295 (1) (a), including contracting for
13 planning consultant services, public planning sessions and other planning outreach
14 and educational activities, or for the purchase of computerized planning data,
15 planning software or the hardware required to utilize that data or software. The
16 department may require any local governmental unit that receives a grant under
17 this section to finance not more than 25% of the cost of the product or service to be
18 funded by the grant from the resources of the local governmental unit. Prior to
19 awarding a grant under this section, the department shall forward a detailed
20 statement of the proposed expenditures to be made under the grant to the secretary
21 of transportation and obtain his or her written approval of the proposed
22 expenditures.”.

23 **6.** Page 400, line 5: after that line insert:

24 **“SECTION 294m.** 20.285 (1) (ks) of the statutes is created to read:

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

6 **7.** Page 453, line 11: after that line insert:

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

8 20.505 (1) (kh) *Comprehensive planning grants; state agency support*. The
9 amounts in the schedule to provide comprehensive planning grants to local
10 governmental units under s. 16.965 (2) and to transfer to the appropriation accounts
11 under par. (ki) and s. 20.285 (1) (ks) the amounts in the schedule under those
12 paragraphs. All moneys received from assessments paid by supporting agencies
13 under s. 16.965 (4) shall be credited to this appropriation account.

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

16 **SECTION 523no.** 20.505 (1) (ki) of the statutes is created to read:

17 20.505 (1) (ki) *Comprehensive planning; administrative support*. The amounts
18 in the schedule for administrative support of comprehensive planning assistance
19 under s. 16.965. All moneys transferred from the appropriation account under par.
20 (kh) shall be credited to this appropriation account.

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

23 **8.** Page 454, line 6: delete “*Planning*” and substitute “*Transportation*
24 *planning*”.

1 **9.** Page 454, line 7: after “provide” insert “transportation”.

2 **10.** Page 454, line 8: delete “16.952” and substitute “16.9651”.

3 **11.** Page 544, line 7: after that line insert:

4 “**SECTION 887m.** 36.11 (37) of the statutes is created to read:

5 36.11 (37) **EXTENSION LOCAL PLANNING PROGRAM.** The board shall offer a local
6 planning program through the extension to educate local policymakers about local
7 planning and the grant program under s. 16.965.”

8 **12.** Page 794, line 10: after that line insert:

9 “**SECTION 1582s.** 60.62 (4) (a) of the statutes is amended to read:

10 60.62 (4) (a) Notwithstanding ss. 61.35 and 62.23 (1) (a), a town with a
11 population of less than 2,500 that acts under this section may create a “Town Plan
12 Commission” under s. 62.23 (1) (a) that has 5 members, ~~consisting of the town~~
13 ~~chairperson, who shall be its presiding officer, the town engineer, the president of the~~
14 ~~park board, another member of the town board and one citizen.~~ If the town plan
15 commission has only 5 members and the town has no engineer or park board, an
16 additional citizen member shall be appointed so that the commission has at all times
17 5 members all of whom shall be appointed by the town board chairperson, who shall
18 also select the presiding officer. The town board chairperson may appoint himself
19 or herself to the commission and may appoint other town elected or appointed
20 officials to the commission, except that the commission shall always have at least one
21 citizen member who is not a town official. All other provisions of ss. 61.35 and 62.23
22 shall apply to a town plan commission that has 5 members.

23 **SECTION 1582t.** 60.62 (4) (b) of the statutes is amended to read:

1 60.62 (4) (b) If a town plan commission consists of 7 members and the town
2 board enacts an ordinance or adopts a resolution reducing the size of the commission
3 to 5 members, the commission shall continue to operate with 6 or 7 members until
4 the expiration of the terms of the 2 citizen members, who were appointed under s.
5 62.23 (1) (e) (a), whose terms expire soonest after the effective date of the ordinance
6 or resolution that reduces the size of the commission.

7 **SECTION 1582u.** 60.62 (4) (c) of the statutes is amended to read:

8 60.62 (4) (c) If a town plan commission consists of 5 members and the town
9 board enacts an ordinance or adopts a resolution increasing the size of the
10 commission to 7 members, the town board chairperson shall appoint the 2 new
11 members under s. 62.23 (1) (e) (a).”

12 **13.** Page 796, line 2: after that line insert:

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

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

1 ordinance provide that the membership of the commission shall be as provided
2 thereunder.

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

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

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

6 62.23 (1) (d) ~~The additional citizen members, if any, of the commission shall be~~
7 ~~first appointed to hold office for a period ending one year from the succeeding May~~
8 ~~first, and thereafter annually of 3 years. Appointments shall be made by the mayor~~
9 ~~during the month of April. Whenever a park board is created, or a city engineer~~
10 ~~appointed, the president of such board or such engineer shall succeed to a place on~~
11 ~~the commission when the term of an additional citizen member expires for terms that~~
12 ~~expire in April or at any other time if a vacancy occurs during the middle of a term.”.~~

13 **14.** Page 803, line 13: delete the material beginning with that line and ending
14 with page 807, line 19, and substitute:

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

23 (b) *Housing element.* A compilation of objectives, policies, goals, maps and
24 programs of the local governmental unit to provide an adequate housing supply that

1 meets existing and forecasted housing demand in the local governmental unit. The
2 element shall assess the age, structural, value and occupancy characteristics of the
3 local governmental unit's housing stock. The element shall also identify specific
4 policies and programs that promote the development of housing for residents of the
5 local governmental unit with all income levels and with various needs, policies and
6 programs that promote the availability of land for the development or redevelopment
7 of low-income and moderate-income housing, and policies and programs to
8 maintain or rehabilitate the local governmental unit's existing housing stock.

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

20 (d) *Utilities and community facilities element.* A compilation of objectives,
21 policies, goals, maps and programs to guide the future development of utilities and
22 community facilities in the local governmental unit such as sanitary sewer service,
23 storm water management, water supply, solid waste disposal, on-site wastewater
24 treatment technologies, recycling facilities, parks, telecommunications facilities,
25 power-generating plants and transmission lines, cemeteries, health care facilities,

1 child care facilities and other public facilities, such as police, fire and rescue facilities,
2 libraries, schools and other governmental facilities. The element shall describe the
3 location, use and capacity of existing public utilities and community facilities that
4 serve the local governmental unit, shall include an approximate timetable that
5 forecasts the need in the local governmental unit to expand or rehabilitate existing
6 utilities and facilities or to create new utilities and facilities and shall assess future
7 needs for government services in the local governmental unit that are related to such
8 utilities and facilities.

9 (e) *Agricultural, natural and cultural resources element.* A compilation of
10 objectives, policies, goals, maps and programs for the conservation, and promotion
11 of the effective management, of natural resources such as groundwater, forests,
12 productive agricultural areas, environmentally sensitive areas, threatened and
13 endangered species, stream corridors, surface water, floodplains, wetlands, wildlife
14 habitat, metallic and nonmetallic mineral resources, parks, open spaces, historical
15 and cultural resources, community design, recreational resources and other natural
16 resources.

17 (f) *Economic development element.* A compilation of objectives, policies, goals,
18 maps and programs to promote the stabilization, retention or expansion, of the
19 economic base and quality employment opportunities in the local governmental unit,
20 including an analysis of the labor force and economic base of the local governmental
21 unit. The element shall assess categories or particular types of new businesses and
22 industries that are desired by the local governmental unit. The element shall assess
23 the local governmental unit's strengths and weaknesses with respect to attracting
24 and retaining businesses and industries, and shall designate an adequate number
25 of sites for such businesses and industries. The element shall also evaluate and

1 promote the use of environmentally contaminated sites for commercial or industrial
2 uses. The element shall also identify county, regional and state economic
3 development programs that apply to the local governmental unit.

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

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

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

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

21 **(3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.**
22 Beginning on January 1, 2010, any action of a local governmental unit that affects
23 land use shall be consistent with that local governmental unit's comprehensive plan,
24 including all of the following:

25 (a) Municipal incorporation procedures under s. 66.012, 66.013 or 66.014.

- 1 (b) Annexation procedures under s. 66.021, 66.024 or 66.025.
- 2 (c) Cooperative boundary agreements entered into under s. 66.023.
- 3 (d) Consolidation of territory under s. 66.02.
- 4 (e) Detachment of territory under s. 66.022.
- 5 (f) Municipal boundary agreements fixed by judgment under s. 66.027.
- 6 (g) Official mapping established or amended under s. 62.23 (6).
- 7 (h) Local subdivision regulation under s. 236.45 or 236.46.
- 8 (i) Extraterritorial plat review within a city's or village's extraterritorial plat
9 approval jurisdiction, as is defined in s. 236.02 (5).
- 10 (j) County zoning ordinances enacted or amended under s. 59.69.
- 11 (k) City or village zoning ordinances enacted or amended under s. 62.23 (7).
- 12 (L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- 13 (m) An improvement of a transportation facility that is undertaken under s.
14 84.185.
- 15 (n) Agricultural preservation plans that are prepared or revised under subch.
16 IV of ch. 91.
- 17 (o) Impact fee ordinances that are enacted or amended under s. 66.55.
- 18 (p) Land acquisition for recreational lands and parks under s. 23.09 (20).
- 19 (q) Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or
20 62.231.
- 21 (r) Construction site erosion control and storm water management zoning
22 under s. 59.693, 61.354 or 62.234.
- 23 **(4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS.** A local governmental unit
24 shall comply with all of the following before its comprehensive plan may take effect:

1 (a) The governing body of a local governmental unit shall adopt written
2 procedures that are designed to foster public participation, including open
3 discussion, communication programs, information services and public meetings for
4 which advance notice has been provided, in every stage of the preparation of a
5 comprehensive plan. The written procedures shall provide for wide distribution of
6 proposed, alternative or amended elements of a comprehensive plan and shall
7 provide an opportunity for written comments on the plan to be submitted by
8 members of the public to the governing body and for the governing body to respond
9 to such written comments.

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

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

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

23 3. The Wisconsin land council.

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

1 (c) No recommended comprehensive plan that is adopted or amended under
2 par. (b) may take effect until the plan or amendment is enacted as an ordinance by
3 the local governmental unit. The local governmental unit may not enact an
4 ordinance under this paragraph unless the comprehensive plan contains all of the
5 elements specified in sub. (2). An ordinance may be enacted under this paragraph
6 only by a majority vote of the members-elect, as defined in s. 59.001 (2m), of the
7 governing body. An ordinance that is enacted under this paragraph shall be filed
8 with at least all of the following:

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

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

12 (d) No local governmental unit may enact an ordinance under par. (c) unless
13 the local governmental unit holds at least one public hearing at which the proposed
14 ordinance is discussed. That hearing must be preceded by a class 1 notice under ch.
15 985 that is published at least 30 days before the hearing is held. The local
16 governmental unit may also provide notice of the hearing by any other means it
17 considers appropriate. The class 1 notice shall contain at least the following
18 information:

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

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

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

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

4 **SECTION 1606m.** 66.034 of the statutes is created to read:

5 **66.034 Traditional neighborhood developments.** (1) DEFINITIONS. In this
6 section:

7 (a) “Extension” has the meaning given in s. 36.05 (7).

8 (b) “Traditional neighborhood development” means a compact, mixed-use
9 neighborhood where residential, commercial and civic buildings are within close
10 proximity to each other.

11 (2) MODEL ORDINANCE. Not later than January 1, 2001, the extension, in
12 consultation with any other University of Wisconsin System institution or with a
13 landscape architect, as that term is used in s. 443.02 (5), or with independent
14 planners or any other consultant with expertise in traditional neighborhood
15 planning and development, shall develop a model ordinance for a traditional
16 neighborhood development.

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

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

1 into existence or after the town's population reaches at least 5,000, although the
2 ordinance is not required to be mapped.”.

3 **15.** Page 1102, line 15: after that line insert:

4 “**SECTION 2353m.** 227.01 (1) of the statutes is amended to read:

5 227.01 (1) “Agency” means the Wisconsin land council or a board, commission,
6 committee, department or officer in the state government, except the governor, a
7 district attorney or a military or judicial officer.

8 **SECTION 2353n.** 227.01 (1) of the statutes, as affected by 1999 Wisconsin Act
9 (this act), is amended to read:

10 227.01 (1) “Agency” means ~~the Wisconsin land council~~ or a board, commission,
11 committee, department or officer in the state government, except the governor, a
12 district attorney or a military or judicial officer.”.

13 **16.** Page 1102, line 22: after that line insert:

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

15 **227.113 Incorporation of state land use planning goals.** Each agency
16 shall ensure that, consistently with the laws that it administers, the rules
17 promulgated by the agency are designed to further the goals specified in s. 1.13 (2).”.

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

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

20 236.11 (1) (a) Before submitting a final plat for approval, the subdivider may
21 submit, or the approving authority may require that the subdivider submit, a
22 preliminary plat. It shall be clearly marked “preliminary plat” and shall be in
23 sufficient detail to determine whether the final plat will meet layout requirements.
24 ~~Within~~ Subject to s. 236.13(4m), within 90 days the approving authority, or its agent

1 authorized to approve preliminary plats, shall take action to approve, approve
2 conditionally, or reject the preliminary plat and shall state in writing any conditions
3 of approval or reasons for rejection, unless the time is extended by agreement with
4 the subdivider. Failure of the approving authority or its agent to act within the 90
5 days, or extension thereof, constitutes an approval of the preliminary plat.

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

7 236.11 (1) (b) If the final plat conforms substantially to the preliminary plat
8 as approved, including any conditions of that approval, and to local plans and
9 ordinances adopted as authorized by law, it is entitled to approval. ~~If~~
10 Notwithstanding s. 236.13 (4m), if the final plat is not submitted within 24 months
11 after the last required approval of the preliminary plat, any approving authority may
12 refuse to approve the final plat. The final plat may, if permitted by the approving
13 authority, constitute only that portion of the approved preliminary plat which the
14 subdivider proposes to record at that time.

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

16 236.13 (1) (c) A comprehensive plan under s. 66.0295 or, if the municipality,
17 town or county does not have a comprehensive plan, either of the following:

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

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

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

22 236.13 (4m) If a preliminary or final plat meets the requirements specified in
23 this section and any requirements imposed under this section, an approving
24 authority shall approve the plat, and an agency with the power to approve or object

1 to plats shall approve the plat or certify that it has no objection to the plat, within
2 the time limits specified in ss. 236.11 and 236.12.”.

3 **18.** Page 1398, line 24: after that line insert:

4 “(18zo) SMART GROWTH DIVIDEND AID PROGRAM.

5 (a) The secretary of administration shall propose under section 16.42 of the
6 statutes, jointly with the secretary of revenue, a smart growth dividend aid program
7 in his or her budget request for fiscal biennium 2001–03, with the first grants to be
8 distributed in fiscal year 2005–06. The proposal shall prescribe a method of
9 distributing aid to cities, villages, towns and counties that meet all of the following
10 requirements:

11 1. To be eligible to receive aid, a city, village, town or county must have in effect
12 a comprehensive plan, as defined in section 66.0295 (1) (a) of the statutes, that the
13 department of administration and the land council determine meets the provisions
14 specified in section 16.965 (4) of the statutes, and the city, village, town or county
15 must have taken steps to implement the plan.

16 2. The population density within the city, village, town or county boundaries
17 must have increased.

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

20 **19.** Page 1438, line 8: after that line insert:

21 “(8zo) ELECTED MEMBERS, CITIZEN MEMBERS OF LOCAL PLANNING COMMISSIONS.

22 (a) An alderperson, village board member or town board member who is elected
23 by his or her colleagues in April 1999 to serve on a city, village or town planning

1 commission under section 62.23 (1) (b), 1997 stats., may serve on the planning
2 commission until April 2000.

3 (b) A citizen member of a city, village or town planning commission who is
4 appointed under section 62.23 (1) (c), 1997 stats., may serve on the planning
5 commission until the expiration of the term to which he or she was appointed.”

6 **20.** Page 1466, line 22: after that line insert:

7 “(5zu) APPROVAL OF PLATS. The treatment of sections 236.11 (1) (a) and (b) and
8 236.13 (3) and (4m) of the statutes first applies to all of the following:

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

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

14 (5zv) COMPLIANCE OF PLAT WITH COMPREHENSIVE PLAN. The treatment of section
15 236.13 (1) (c) of the statutes first applies to all of the following:

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

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

21 **21.** Page 1467, line 13: after that line insert:

22 “(6zu) LAND USE PLANNING GRANTS. The repeal of sections 16.965 (title), (1), (2),
23 (4) and (6) and 20.505 (1) (kh) and (ki) of the statutes takes effect on July 1, 2010.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0519/4⁵
MS/JTK/PK/PN/ML:kg:ch

SOON

RMP

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

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 121, line 1: before that line insert:
- 3 "SECTION 1b. 1.13 of the statutes is created to read:
- 4 1.13 Land use planning activities. (1) In this section:
- 5 (a) "Local governmental unit" has the meaning given in s. 1.12 (1) (a).
- 6 (b) "State agency" has the meaning given in s. 1.12 (1) (b).
- 7 (2) Each state agency shall ensure that, consistently with other laws, the
- 8 actions of the agency are designed to further the following goals:
- 9 (a) Promotion of the redevelopment of lands with existing infrastructure and
- 10 public services and the maintenance and rehabilitation of existing residential,
- 11 commercial and industrial structures.

1 (b) Encouragement of neighborhood designs that support a range of
2 transportation choices.

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

5 (d) Protection of economically productive areas, including farmland and
6 forests.

7 (e) Encouragement of land uses, densities and regulations that promote
8 efficient development patterns and relatively low municipal, state governmental
9 and utility costs.

10 (f) Preservation of cultural, historic and archaeological sites.

11 (g) Encouragement of coordination and cooperation among nearby units of
12 government.

13 (h) Building of community identity by maintaining physical separation
14 between urban areas, revitalizing main streets and enforcing design standards.

15 (i) Providing an adequate supply of affordable housing for individuals of all
16 income levels throughout each community.

17 (j) Providing adequate infrastructure and public services and an adequate
18 supply of developable land to meet existing and future market demand for
19 residential, commercial and industrial uses.

20 (k) Promoting the expansion or stabilization of the current economic base and
21 the creation of a range of employment opportunities.

22 (L) Balancing individual property rights with community interests and goals.

23 (m) Planning and development of land uses that create or preserve varied and
24 unique urban and rural communities.

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

5 **2.** Page 121, line 1: delete “SECTION 1” and substitute “SECTION 1w”.

6 **3.** Page 125, line 1: after that line insert:

7 “SECTION 12m. 15.01 (4) of the statutes is amended to read:

8 15.01 (4) “Council” means a part-time body appointed to function on a
9 continuing basis for the study, and recommendation of solutions and policy
10 alternatives, of the problems arising in a specified functional area of state
11 government, except the Wisconsin land council has the powers specified in s. 16.965
12 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee river
13 revitalization council has the powers and duties specified in s. 23.18, the council on
14 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
15 state council on alcohol and other drug abuse has the powers and duties specified in
16 s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has
17 the powers and duties specified in s. 146.36.

18 **SECTION 12n.** 15.01 (4) of the statutes, as affected by 1999 Wisconsin Act
19 (this act), is amended to read:

20 15.01 (4) “Council” means a part-time body appointed to function on a
21 continuing basis for the study, and recommendation of solutions and policy
22 alternatives, of the problems arising in a specified functional area of state
23 government, except the ~~Wisconsin land council has the powers specified in s. 16.965~~
24 ~~(3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee river~~

1 revitalization council has the powers and duties specified in s. 23.18, the council on
2 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
3 state council on alcohol and other drug abuse has the powers and duties specified in
4 s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has
5 the powers and duties specified in s. 146.36.”.

6 **4.** Page 155, line 3: delete lines 3 to 18.

7 **5.** Page 156, line 8: after that line insert:

8 “**SECTION 110m.** 16.965 (title), (1) and (2) of the statutes are created to read:

9 **16.965 (title) Planning grants to local governmental units. (1)** In this
10 section:

11 (a) “Local governmental unit” means a county, city, village, town or regional
12 planning commission.

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

18 (c) “Supporting agency” means the department of administration, the
19 department of agriculture, trade and consumer protection, the department of
20 commerce, the department of natural resources, the department of revenue and the
21 board of regents of the University of Wisconsin System.

22 (2) From the appropriation under s. 20.505 (1) (kh), the department may
23 provide grants to local governmental units to be used to finance the cost of planning
24 activities, including contracting for planning consultant services, public planning

1 sessions and other planning outreach and educational activities, or for the purchase
2 of computerized planning data, planning software or the hardware required to
3 utilize that data or software. The department may require any local governmental
4 unit that receives a grant under this section to finance not more than 25% of the cost
5 of the product or service to be funded by the grant from the resources of the local
6 governmental unit. A local governmental unit that desires to receive a grant under
7 this subsection shall file an application with the department. The application shall
8 contain a complete statement of the expenditures proposed to be made for the
9 purposes of the grant. No local governmental unit is eligible to receive a grant under
10 this subsection unless the local governmental unit agrees to utilize the grant to
11 finance planning for all of the purposes specified in s. 66.0295 (2).

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

14 **SECTION 110no.** 16.965 (3) of the statutes is created to read:

15 16.965 (3) Prior to awarding a grant to a local governmental unit under sub.
16 (2), the department shall forward a statement of the expenditures proposed to be
17 made under the grant to the Wisconsin land council for its written approval. The
18 council may approve or disapprove any proposed grant.

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

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

22 16.965 (4) In determining whether to approve a proposed grant, greater
23 precedence shall be accorded to applications of local governmental units that contain
24 one or more of the following elements:

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

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

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

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

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

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

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

16 6. Preservation of cultural, historic and archaeological sites.

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

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

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

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

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

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

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

6 (c) Planning efforts that identify smart growth areas.

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

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

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

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

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

16 16.965 (5) The Wisconsin land council may promulgate rules specifying the
17 methodology whereby precedence will be accorded to applications in awarding
18 grants under sub. (2).

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

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

22 16.965 (6) The department shall assess each supporting agency \$250,000 per
23 year to support planning assistance provided to local governmental units. Each
24 supporting agency shall charge the cost of its assessment to the agency's

1 appropriations for general program operations from general purpose revenue in the
2 amounts specified by the secretary.

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

5 **SECTION 110w.** 16.9651 of the statutes is created to read:

6 **16.9651 Transportation planning grants to local governmental units.**

7 (1) In this section, "local governmental unit" means a county, city, village, town or
8 regional planning commission.

9 (2) From the appropriation under s. 20.505 (1) (z), the department may provide
10 grants to local governmental units to be used to finance the cost of planning activities
11 related to the transportation element, as described in s. 66.0295 (2) (c), of a
12 comprehensive plan, as defined in s. 66.0295 (1) (a), including contracting for
13 planning consultant services, public planning sessions and other planning outreach
14 and educational activities, or for the purchase of computerized planning data,
15 planning software or the hardware required to utilize that data or software. The
16 department may require any local governmental unit that receives a grant under
17 this section to finance not more than 25% of the cost of the product or service to be
18 funded by the grant from the resources of the local governmental unit. Prior to
19 awarding a grant under this section, the department shall forward a detailed
20 statement of the proposed expenditures to be made under the grant to the secretary
21 of transportation and obtain his or her written approval of the proposed
22 expenditures.".

23 **6.** Page 400, line 5: after that line insert:

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

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

6 **7.** Page 453, line 11: after that line insert:

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

8 20.505 (1) (kh) *Comprehensive planning grants; state agency support*. The
9 amounts in the schedule to provide comprehensive planning grants to local
10 governmental units under s. 16.965 (2) and to transfer to the appropriation accounts
11 under par. (ki) and s. 20.285 (1) (ks) the amounts in the schedule under those
12 paragraphs. All moneys received from assessments paid by supporting agencies
13 under s. 16.965 (4) shall be credited to this appropriation account.

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

16 **SECTION 523no.** 20.505 (1) (ki) of the statutes is created to read:

17 20.505 (1) (ki) *Comprehensive planning; administrative support*. The amounts
18 in the schedule for administrative support of comprehensive planning assistance
19 under s. 16.965. All moneys transferred from the appropriation account under par.
20 (kh) shall be credited to this appropriation account.

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

23 **8.** Page 454, line 6: delete “*Planning*” and substitute “*Transportation*
24 *planning*”.

1 **9.** Page 454, line 7: after “provide” insert “transportation”.

2 **10.** Page 454, line 8: delete “16.952” and substitute “16.9651”.

3 **11.** Page 544, line 7: after that line insert:

4 “**SECTION 887m.** 36.11 (37) of the statutes is created to read:

5 36.11 (37) EXTENSION LOCAL PLANNING PROGRAM. The board shall offer a local
6 planning program through the extension to educate local policymakers about local
7 planning and the grant program under s. 16.965.”.

8 **12.** Page 794, line 10: after that line insert:

9 “**SECTION 1582s.** 60.62 (4) (a) of the statutes is amended to read:

10 60.62 (4) (a) Notwithstanding ss. 61.35 and 62.23 (1) (a), a town with a
11 population of less than 2,500 that acts under this section may create a “Town Plan
12 Commission” under s. 62.23 (1) (a) that has 5 members, ~~consisting of the town~~
13 ~~chairperson, who shall be its presiding officer, the town engineer, the president of the~~
14 ~~park board, another member of the town board and one citizen. If the town plan~~
15 ~~commission has only 5 members and the town has no engineer or park board, an~~
16 ~~additional citizen member shall be appointed so that the commission has at all times~~
17 ~~5 members all of whom shall be appointed by the town board chairperson, who shall~~
18 ~~also select the presiding officer. The town board chairperson may appoint himself~~
19 ~~or herself to the commission and may appoint other town elected or appointed~~
20 ~~officials to the commission, except that the commission shall always have at least one~~
21 ~~citizen member who is not a town official.~~ All other provisions of ss. 61.35 and 62.23
22 shall apply to a town plan commission that has 5 members.

23 **SECTION 1582t.** 60.62 (4) (b) of the statutes is amended to read:

1 60.62 (4) (b) If a town plan commission consists of 7 members and the town
2 board enacts an ordinance or adopts a resolution reducing the size of the commission
3 to 5 members, the commission shall continue to operate with 6 or 7 members until
4 the expiration of the terms of the 2 citizen members, who were appointed under s.
5 62.23 (1) ~~(e)~~ (a), whose terms expire soonest after the effective date of the ordinance
6 or resolution that reduces the size of the commission.

7 **SECTION 1582u.** 60.62 (4) (c) of the statutes is amended to read:

8 60.62 (4) (c) If a town plan commission consists of 5 members and the town
9 board enacts an ordinance or adopts a resolution increasing the size of the
10 commission to 7 members, the town board chairperson shall appoint the 2 new
11 members under s. 62.23 (1) ~~(e)~~ (a).”

12 **13.** Page 796, line 2: after that line insert:

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

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

1 ordinance provide that the membership of the commission shall be as provided
2 thereunder.

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

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

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

6 62.23 (1) (d) ~~The additional citizen members, if any, of the commission shall be~~
7 ~~first appointed to hold office for a period ending one year from the succeeding May~~
8 ~~first, and thereafter annually of 3 years. Appointments shall be made by the mayor~~
9 ~~during the month of April. Whenever a park board is created, or a city engineer~~
10 ~~appointed, the president of such board or such engineer shall succeed to a place on~~
11 ~~the commission when the term of an additional citizen member expires for terms that~~
12 ~~expire in April or at any other time if a vacancy occurs during the middle of a term.”.~~

13 **14.** Page 803, line 13: delete the material beginning with that line and ending
14 with page 807, line 19, and substitute:

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

23 (b) *Housing element.* A compilation of objectives, policies, goals, maps and
24 programs of the local governmental unit to provide an adequate housing supply that

1 meets existing and forecasted housing demand in the local governmental unit. The
2 element shall assess the age, structural, value and occupancy characteristics of the
3 local governmental unit's housing stock. The element shall also identify specific
4 policies and programs that promote the development of housing for residents of the
5 local governmental unit with all income levels and with various needs, policies and
6 programs that promote the availability of land for the development or redevelopment
7 of low-income and moderate-income housing, and policies and programs to
8 maintain or rehabilitate the local governmental unit's existing housing stock.

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

20 (d) *Utilities and community facilities element.* A compilation of objectives,
21 policies, goals, maps and programs to guide the future development of utilities and
22 community facilities in the local governmental unit such as sanitary sewer service,
23 storm water management, water supply, solid waste disposal, on-site wastewater
24 treatment technologies, recycling facilities, parks, telecommunications facilities,
25 power-generating plants and transmission lines, cemeteries, health care facilities,

1 child care facilities and other public facilities, such as police, fire and rescue facilities,
2 libraries, schools and other governmental facilities. The element shall describe the
3 location, use and capacity of existing public utilities and community facilities that
4 serve the local governmental unit, shall include an approximate timetable that
5 forecasts the need in the local governmental unit to expand or rehabilitate existing
6 utilities and facilities or to create new utilities and facilities and shall assess future
7 needs for government services in the local governmental unit that are related to such
8 utilities and facilities.

9 (e) *Agricultural, natural and cultural resources element.* A compilation of
10 objectives, policies, goals, maps and programs for the conservation, and promotion
11 of the effective management, of natural resources such as groundwater, forests,
12 productive agricultural areas, environmentally sensitive areas, threatened and
13 endangered species, stream corridors, surface water, floodplains, wetlands, wildlife
14 habitat, metallic and nonmetallic mineral resources, parks, open spaces, historical
15 and cultural resources, community design, recreational resources and other natural
16 resources.

17 (f) *Economic development element.* A compilation of objectives, policies, goals,
18 maps and programs to promote the stabilization, retention or expansion, of the
19 economic base and quality employment opportunities in the local governmental unit,
20 including an analysis of the labor force and economic base of the local governmental
21 unit. The element shall assess categories or particular types of new businesses and
22 industries that are desired by the local governmental unit. The element shall assess
23 the local governmental unit's strengths and weaknesses with respect to attracting
24 and retaining businesses and industries, and shall designate an adequate number
25 of sites for such businesses and industries. The element shall also evaluate and

1 promote the use of environmentally contaminated sites for commercial or industrial
2 uses. The element shall also identify county, regional and state economic
3 development programs that apply to the local governmental unit.

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

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

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

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

21 (3) **ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.**
22 Beginning on January 1, 2010, any action of a local governmental unit that affects
23 land use shall be consistent with that local governmental unit's comprehensive plan,
24 including all of the following:

25 (a) Municipal incorporation procedures under s. 66.012, 66.013 or 66.014.

- 1 (b) Annexation procedures under s. 66.021, 66.024 or 66.025.
- 2 (c) Cooperative boundary agreements entered into under s. 66.023.
- 3 (d) Consolidation of territory under s. 66.02.
- 4 (e) Detachment of territory under s. 66.022.
- 5 (f) Municipal boundary agreements fixed by judgment under s. 66.027.
- 6 (g) Official mapping established or amended under s. 62.23 (6).
- 7 (h) Local subdivision regulation under s. 236.45 or 236.46.
- 8 (i) Extraterritorial plat review within a city's or village's extraterritorial plat
- 9 approval jurisdiction, as is defined in s. 236.02 (5).
- 10 (j) County zoning ordinances enacted or amended under s. 59.69.
- 11 (k) City or village zoning ordinances enacted or amended under s. 62.23 (7).
- 12 (L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- 13 (m) An improvement of a transportation facility that is undertaken under s.
- 14 84.185.
- 15 (n) Agricultural preservation plans that are prepared or revised under subch.
- 16 IV of ch. 91.
- 17 (o) Impact fee ordinances that are enacted or amended under s. 66.55.
- 18 (p) Land acquisition for recreational lands and parks under s. 23.09 (20).
- 19 (q) Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or
- 20 62.231.
- 21 (r) Construction site erosion control and storm water management zoning
- 22 under s. 59.693, 61.354 or 62.234.

23 (4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS. A local governmental unit

24 shall comply with all of the following before its comprehensive plan may take effect:

1 (a) The governing body of a local governmental unit shall adopt written
2 procedures that are designed to foster public participation, including open
3 discussion, communication programs, information services and public meetings for
4 which advance notice has been provided, in every stage of the preparation of a
5 comprehensive plan. The written procedures shall provide for wide distribution of
6 proposed, alternative or amended elements of a comprehensive plan and shall
7 provide an opportunity for written comments on the plan to be submitted by
8 members of the public to the governing body and for the governing body to respond
9 to such written comments.

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

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

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

23 3. The Wisconsin land council.

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

1 (c) No recommended comprehensive plan that is adopted or amended under
2 par. (b) may take effect until the plan or amendment is enacted as an ordinance by
3 the local governmental unit. The local governmental unit may not enact an
4 ordinance under this paragraph unless the comprehensive plan contains all of the
5 elements specified in sub. (2). An ordinance may be enacted under this paragraph
6 only by a majority vote of the members-elect, as defined in s. 59.001 (2m), of the
7 governing body. An ordinance that is enacted under this paragraph shall be filed
8 with at least all of the following:

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

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

12 (d) No local governmental unit may enact an ordinance under par. (c) unless
13 the local governmental unit holds at least one public hearing at which the proposed
14 ordinance is discussed. That hearing must be preceded by a class 1 notice under ch.
15 985 that is published at least 30 days before the hearing is held. The local
16 governmental unit may also provide notice of the hearing by any other means it
17 considers appropriate. The class 1 notice shall contain at least the following
18 information:

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

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

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

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

4 **SECTION 1606m.** 66.034 of the statutes is created to read:

5 **66.034 Traditional neighborhood developments. (1) DEFINITIONS.** In this
6 section:

7 (a) “Extension” has the meaning given in s. 36.05 (7).

8 (b) “Traditional neighborhood development” means a compact, mixed-use
9 neighborhood where residential, commercial and civic buildings are within close
10 proximity to each other.

11 **(2) MODEL ORDINANCE.** Not later than January 1, 2001, the extension, in
12 consultation with any other University of Wisconsin System institution or with a
13 landscape architect, as that term is used in s. 443.02 (5), or with independent
14 planners or any other consultant with expertise in traditional neighborhood
15 planning and development, shall develop a model ordinance for a traditional
16 neighborhood development.

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

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

1 into existence or after the town's population reaches at least 5,000, although the
2 ordinance is not required to be mapped.”.

3 **15.** Page 1102, line 15: after that line insert:

4 “SECTION 2353m. 227.01 (1) of the statutes is amended to read:

5 227.01 (1) “Agency” means the Wisconsin land council or a board, commission,
6 committee, department or officer in the state government, except the governor, a
7 district attorney or a military or judicial officer.

8 **SECTION 2353n.** 227.01 (1) of the statutes, as affected by 1999 Wisconsin Act
9 (this act), is amended to read:

10 227.01 (1) “Agency” means ~~the Wisconsin land council~~ or a board, commission,
11 committee, department or officer in the state government, except the governor, a
12 district attorney or a military or judicial officer.”.

13 **16.** Page 1102, line 22: after that line insert:

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

15 **227.113 Incorporation of state land use planning goals.** Each agency
16 shall ensure that, consistently with the laws that it administers, the rules
17 promulgated by the agency are designed to further the goals specified in s. 1.13 (2).”.

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

19 “SECTION 2398c. 236.11 (1) (a) of the statutes is amended to read:

20 236.11 (1) (a) Before submitting a final plat for approval, the subdivider may
21 submit, or the approving authority may require that the subdivider submit, a
22 preliminary plat. It shall be clearly marked “preliminary plat” and shall be in
23 sufficient detail to determine whether the final plat will meet layout requirements.
24 ~~Within~~ Subject to s. 236.13 (4m), within 90 days the approving authority, or its agent

1 authorized to approve preliminary plats, shall take action to approve, approve
2 conditionally, or reject the preliminary plat and shall state in writing any conditions
3 of approval or reasons for rejection, unless the time is extended by agreement with
4 the subdivider. Failure of the approving authority or its agent to act within the 90
5 days, or extension thereof, constitutes an approval of the preliminary plat.

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

7 236.11 (1) (b) If the final plat conforms substantially to the preliminary plat
8 as approved, including any conditions of that approval, and to local plans and
9 ordinances adopted as authorized by law, it is entitled to approval. If
10 Notwithstanding s. 236.13 (4m), if the final plat is not submitted within 24 months
11 after the last required approval of the preliminary plat, any approving authority may
12 refuse to approve the final plat. The final plat may, if permitted by the approving
13 authority, constitute only that portion of the approved preliminary plat which the
14 subdivider proposes to record at that time.

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

16 236.13 (1) (c) A comprehensive plan under s. 66.0295 or, if the municipality,
17 town or county does not have a comprehensive plan, either of the following:

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

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

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

22 236.13 (4m) If a preliminary or final plat meets the requirements specified in
23 this section and any requirements imposed under this section, an approving
24 authority shall approve the plat, and an agency with the power to approve or object

1 to plats shall approve the plat or certify that it has no objection to the plat, within
2 the time limits specified in ss. 236.11 and 236.12.”

3 **18.** Page 1398, line 24: after that line insert:

4 “(18zo) SMART GROWTH DIVIDEND AID PROGRAM,

5 *Notwithstanding section 16.42(1) of the statutes,*

6 (a) The secretary of administration shall propose under section 16.42 of the
7 statutes, jointly with the secretary of revenue, a smart growth dividend aid program
8 in his or her budget request for fiscal biennium 2001–03, with the first grants to be
9 distributed in fiscal year 2005–06. The proposal shall prescribe a method of
10 distributing aid to cities, villages, towns and counties that meet all of the following
11 requirements:

12 1. To be eligible to receive aid, a city, village, town or county must have in effect
13 a comprehensive plan, as defined in section 66.0295 (1) (a) of the statutes, that the
14 department of administration and the land council determine meets the provisions
15 specified in section 16.965 (4) of the statutes, and the city, village, town or county
16 must have taken steps to implement the plan.

17 2. The population density within the city, village, town or county boundaries
18 must have increased.

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

21 **19.** Page 1438, line 8: after that line insert:

22 “(8zo) ELECTED MEMBERS, CITIZEN MEMBERS OF LOCAL PLANNING COMMISSIONS.

23 *Notwithstanding section 62.23(1)(c), 1997 stats.,*
(a) An alderperson, village board member or town board member who is elected
by his or her colleagues in April 1999 to serve on a city, village or town planning

1 commission under section 62.23 (1) (b), 1997 stats., may serve on the planning
2 commission until April 2000.

3 (b) A citizen member of a city, village or town planning commission who is
4 appointed under section 62.23 (1) (c), 1997 stats., may serve on the planning
5 commission until the expiration of the term to which he or she was appointed.”.

6 **20.** Page 1466, line 22: after that line insert:

7 “(5zu) APPROVAL OF PLATS. The treatment of sections 236.11 (1) (a) and (b) and
8 236.13 (3) and (4m) of the statutes first applies to all of the following:

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

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

14 (5zv) COMPLIANCE OF PLAT WITH COMPREHENSIVE PLAN. The treatment of section
15 236.13 (1) (c) of the statutes first applies to all of the following:

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

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

21 **21.** Page 1467, line 13: after that line insert:

22 “(6zu) LAND USE PLANNING GRANTS. The repeal of sections 16.965 (title), (1), (2),
23 (4) and (6) and 20.505 (1) (kh) and (ki) of the statutes takes effect on July 1, 2010.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0519/5
MS/JTK/PK/PN/ML:kg:jf

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

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 121, line 1: before that line insert:

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

4 **1.13 Land use planning activities. (1)** In this section:

5 (a) “Local governmental unit” has the meaning given in s. 1.12 (1) (a).

6 (b) “State agency” has the meaning given in s. 1.12 (1) (b).

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

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

1 (b) Encouragement of neighborhood designs that support a range of
2 transportation choices.

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

5 (d) Protection of economically productive areas, including farmland and
6 forests.

7 (e) Encouragement of land uses, densities and regulations that promote
8 efficient development patterns and relatively low municipal, state governmental
9 and utility costs.

10 (f) Preservation of cultural, historic and archaeological sites.

11 (g) Encouragement of coordination and cooperation among nearby units of
12 government.

13 (h) Building of community identity by maintaining physical separation
14 between urban areas, revitalizing main streets and enforcing design standards.

15 (i) Providing an adequate supply of affordable housing for individuals of all
16 income levels throughout each community.

17 (j) Providing adequate infrastructure and public services and an adequate
18 supply of developable land to meet existing and future market demand for
19 residential, commercial and industrial uses.

20 (k) Promoting the expansion or stabilization of the current economic base and
21 the creation of a range of employment opportunities.

22 (L) Balancing individual property rights with community interests and goals.

23 (m) Planning and development of land uses that create or preserve varied and
24 unique urban and rural communities.

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

5 **2.** Page 121, line 1: delete “**SECTION 1**” and substitute “**SECTION 1w**”.

6 **3.** Page 125, line 1: after that line insert:

7 “**SECTION 12m.** 15.01 (4) of the statutes is amended to read:

8 15.01 (4) “Council” means a part-time body appointed to function on a
9 continuing basis for the study, and recommendation of solutions and policy
10 alternatives, of the problems arising in a specified functional area of state
11 government, except the Wisconsin land council has the powers specified in s. 16.965
12 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee river
13 revitalization council has the powers and duties specified in s. 23.18, the council on
14 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
15 state council on alcohol and other drug abuse has the powers and duties specified in
16 s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has
17 the powers and duties specified in s. 146.36.

18 **SECTION 12n.** 15.01 (4) of the statutes, as affected by 1999 Wisconsin Act
19 (this act), is amended to read:

20 15.01 (4) “Council” means a part-time body appointed to function on a
21 continuing basis for the study, and recommendation of solutions and policy
22 alternatives, of the problems arising in a specified functional area of state
23 government, except the ~~Wisconsin land council has the powers specified in s. 16.965~~
24 ~~(3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee river~~

1 revitalization council has the powers and duties specified in s. 23.18, the council on
2 physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the
3 state council on alcohol and other drug abuse has the powers and duties specified in
4 s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has
5 the powers and dutics specified in s. 146.36.”.

6 **4.** Page 155, line 3: delete lines 3 to 18.

7 **5.** Page 156, line 8: after that line insert:

8 **“SECTION 110m.** 16.965 (title), (1) and (2) of the statutes are created to read:

9 **16.965 (title) Planning grants to local governmental units. (1)** In this
10 section:

11 (a) “Local governmental unit” means a county, city, village, town or regional
12 planning commission.

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

18 (c) “Supporting agency” means the department of administration, the
19 department of agriculture, trade and consumer protection, the department of
20 commerce, the department of natural resources, the department of revenue and the
21 board of regents of the University of Wisconsin System.

22 **(2)** From the appropriation under s. 20.505 (1) (kh), the department may
23 provide grants to local governmental units to be used to finance the cost of planning
24 activities, including contracting for planning consultant services, public planning

1 sessions and other planning outreach and educational activities, or for the purchase
2 of computerized planning data, planning software or the hardware required to
3 utilize that data or software. The department may require any local governmental
4 unit that receives a grant under this section to finance not more than 25% of the cost
5 of the product or service to be funded by the grant from the resources of the local
6 governmental unit. A local governmental unit that desires to receive a grant under
7 this subsection shall file an application with the department. The application shall
8 contain a complete statement of the expenditures proposed to be made for the
9 purposes of the grant. No local governmental unit is eligible to receive a grant under
10 this subsection unless the local governmental unit agrees to utilize the grant to
11 finance planning for all of the purposes specified in s. 66.0295 (2).

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

14 **SECTION 110no.** 16.965 (3) of the statutes is created to read:

15 16.965 (3) Prior to awarding a grant to a local governmental unit under sub.
16 (2), the department shall forward a statement of the expenditures proposed to be
17 made under the grant to the Wisconsin land council for its written approval. The
18 council may approve or disapprove any proposed grant.

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

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

22 16.965 (4) In determining whether to approve a proposed grant, greater
23 precedence shall be accorded to applications of local governmental units that contain
24 one or more of the following elements:

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

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

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

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

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

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

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

16 6. Preservation of cultural, historic and archaeological sites.

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

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

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

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

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

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

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

6 (c) Planning efforts that identify smart growth areas.

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

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

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

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

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

16 16.965 (5) The Wisconsin land council may promulgate rules specifying the
17 methodology whereby precedence will be accorded to applications in awarding
18 grants under sub. (2).

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

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

22 16.965 (6) The department shall assess each supporting agency \$250,000 per
23 year to support planning assistance provided to local governmental units. Each
24 supporting agency shall charge the cost of its assessment to the agency's

1 appropriations for general program operations from general purpose revenue in the
2 amounts specified by the secretary.

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

5 **SECTION 110w.** 16.9651 of the statutes is created to read:

6 **16.9651 Transportation planning grants to local governmental units.**

7 (1) In this section, "local governmental unit" means a county, city, village, town or
8 regional planning commission.

9 (2) From the appropriation under s. 20.505 (1)(z), the department may provide
10 grants to local governmental units to be used to finance the cost of planning activities
11 related to the transportation element, as described in s. 66.0295 (2) (c), of a
12 comprehensive plan, as defined in s. 66.0295 (1) (a), including contracting for
13 planning consultant services, public planning sessions and other planning outreach
14 and educational activities, or for the purchase of computerized planning data,
15 planning software or the hardware required to utilize that data or software. The
16 department may require any local governmental unit that receives a grant under
17 this section to finance not more than 25% of the cost of the product or service to be
18 funded by the grant from the resources of the local governmental unit. Prior to
19 awarding a grant under this section, the department shall forward a detailed
20 statement of the proposed expenditures to be made under the grant to the secretary
21 of transportation and obtain his or her written approval of the proposed
22 expenditures."

23 **6.** Page 400, line 5: after that line insert:

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

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

6 **7.** Page 453, line 11: after that line insert:

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

8 20.505 (1) (kh) *Comprehensive planning grants; state agency support*. The
9 amounts in the schedule to provide comprehensive planning grants to local
10 governmental units under s. 16.965 (2) and to transfer to the appropriation accounts
11 under par. (ki) and s. 20.285 (1) (ks) the amounts in the schedule under those
12 paragraphs. All moneys received from assessments paid by supporting agencies
13 under s. 16.965 (4) shall be credited to this appropriation account.

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

16 **SECTION 523no.** 20.505 (1) (ki) of the statutes is created to read:

17 20.505 (1) (ki) *Comprehensive planning; administrative support*. The amounts
18 in the schedule for administrative support of comprehensive planning assistance
19 under s. 16.965. All moneys transferred from the appropriation account under par.
20 (kh) shall be credited to this appropriation account.

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

23 **8.** Page 454, line 6: delete “*Planning*” and substitute “*Transportation*
24 *planning*”.

1 **9.** Page 454, line 7: after “provide” insert “transportation”.

2 **10.** Page 454, line 8: delete “16.952” and substitute “16.9651”.

3 **11.** Page 544, line 7: after that line insert:

4 “**SECTION 887m.** 36.11 (37) of the statutes is created to read:

5 36.11 (37) EXTENSION LOCAL PLANNING PROGRAM. The board shall offer a local
6 planning program through the extension to educate local policymakers about local
7 planning and the grant program under s. 16.965.”.

8 **12.** Page 794, line 10: after that line insert:

9 “**SECTION 1582s.** 60.62 (4) (a) of the statutes is amended to read:

10 60.62 (4) (a) Notwithstanding ss. 61.35 and 62.23 (1) (a), a town with a
11 population of less than 2,500 that acts under this section may create a “Town Plan
12 Commission” under s. 62.23 (1) (a) that has 5 members, ~~consisting of the town~~
13 ~~chairperson, who shall be its presiding officer, the town engineer, the president of the~~
14 ~~park board, another member of the town board and one citizen. If the town plan~~
15 ~~commission has only 5 members and the town has no engineer or park board, an~~
16 ~~additional citizen member shall be appointed so that the commission has at all times~~
17 5 members all of whom shall be appointed by the town board chairperson, who shall
18 also select the presiding officer. The town board chairperson may appoint himself
19 or herself to the commission and may appoint other town elected or appointed
20 officials to the commission, except that the commission shall always have at least one
21 citizen member who is not a town official. All other provisions of ss. 61.35 and 62.23
22 shall apply to a town plan commission that has 5 members.

23 **SECTION 1582t.** 60.62 (4) (b) of the statutes is amended to read:

1 60.62 (4) (b) If a town plan commission consists of 7 members and the town
2 board enacts an ordinance or adopts a resolution reducing the size of the commission
3 to 5 members, the commission shall continue to operate with 6 or 7 members until
4 the expiration of the terms of the 2 citizen members, who were appointed under s.
5 62.23 (1) (e) (a), whose terms expire soonest after the effective date of the ordinance
6 or resolution that reduces the size of the commission.

7 **SECTION 1582u.** 60.62 (4) (c) of the statutes is amended to read:

8 60.62 (4) (c) If a town plan commission consists of 5 members and the town
9 board enacts an ordinance or adopts a resolution increasing the size of the
10 commission to 7 members, the town board chairperson shall appoint the 2 new
11 members under s. 62.23 (1) (e) (a).”

12 **13.** Page 796, line 2: after that line insert:

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

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

1 ordinance provide that the membership of the commission shall be as provided
2 thereunder.

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

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

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

6 62.23 (1) (d) ~~The additional citizen members, if any, of the commission shall be~~
7 ~~first appointed to hold office for a period ending one year from the succeeding May~~
8 ~~first, and thereafter annually of 3 years. Appointments shall be made by the mayor~~
9 ~~during the month of April. Whenever a park board is created, or a city engineer~~
10 ~~appointed, the president of such board or such engineer shall succeed to a place on~~
11 ~~the commission when the term of an additional citizen member expires for terms that~~
12 ~~expire in April or at any other time if a vacancy occurs during the middle of a term.”.~~

13 **14.** Page 803, line 13: delete the material beginning with that line and ending
14 with page 807, line 19, and substitute:

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

23 (b) *Housing element.* A compilation of objectives, policies, goals, maps and
24 programs of the local governmental unit to provide an adequate housing supply that

1 meets existing and forecasted housing demand in the local governmental unit. The
2 element shall assess the age, structural, value and occupancy characteristics of the
3 local governmental unit's housing stock. The element shall also identify specific
4 policies and programs that promote the development of housing for residents of the
5 local governmental unit with all income levels and with various needs, policies and
6 programs that promote the availability of land for the development or redevelopment
7 of low-income and moderate-income housing, and policies and programs to
8 maintain or rehabilitate the local governmental unit's existing housing stock.

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

20 (d) *Utilities and community facilities element.* A compilation of objectives,
21 policies, goals, maps and programs to guide the future development of utilities and
22 community facilities in the local governmental unit such as sanitary sewer service,
23 storm water management, water supply, solid waste disposal, on-site wastewater
24 treatment technologies, recycling facilities, parks, telecommunications facilities,
25 power-generating plants and transmission lines, cemeteries, health care facilities,

1 child care facilities and other public facilities, such as police, fire and rescue facilities,
2 libraries, schools and other governmental facilities. The element shall describe the
3 location, use and capacity of existing public utilities and community facilities that
4 serve the local governmental unit, shall include an approximate timetable that
5 forecasts the need in the local governmental unit to expand or rehabilitate existing
6 utilities and facilities or to create new utilities and facilities and shall assess future
7 needs for government services in the local governmental unit that are related to such
8 utilities and facilities.

9 (e) *Agricultural, natural and cultural resources element.* A compilation of
10 objectives, policies, goals, maps and programs for the conservation, and promotion
11 of the effective management, of natural resources such as groundwater, forests,
12 productive agricultural areas, environmentally sensitive areas, threatened and
13 endangered species, stream corridors, surface water, floodplains, wetlands, wildlife
14 habitat, metallic and nonmetallic mineral resources, parks, open spaces, historical
15 and cultural resources, community design, recreational resources and other natural
16 resources.

17 (f) *Economic development element.* A compilation of objectives, policies, goals,
18 maps and programs to promote the stabilization, retention or expansion, of the
19 economic base and quality employment opportunities in the local governmental unit,
20 including an analysis of the labor force and economic base of the local governmental
21 unit. The element shall assess categories or particular types of new businesses and
22 industries that are desired by the local governmental unit. The element shall assess
23 the local governmental unit's strengths and weaknesses with respect to attracting
24 and retaining businesses and industries, and shall designate an adequate number
25 of sites for such businesses and industries. The element shall also evaluate and

1 promote the use of environmentally contaminated sites for commercial or industrial
2 uses. The element shall also identify county, regional and state economic
3 development programs that apply to the local governmental unit.

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

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

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

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

21 **(3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.**
22 Beginning on January 1, 2010, any action of a local governmental unit that affects
23 land use shall be consistent with that local governmental unit's comprehensive plan,
24 including all of the following:

25 (a) Municipal incorporation procedures under s. 66.012, 66.013 or 66.014.

- 1 (b) Annexation procedures under s. 66.021, 66.024 or 66.025.
- 2 (c) Cooperative boundary agreements entered into under s. 66.023.
- 3 (d) Consolidation of territory under s. 66.02.
- 4 (e) Detachment of territory under s. 66.022.
- 5 (f) Municipal boundary agreements fixed by judgment under s. 66.027.
- 6 (g) Official mapping established or amended under s. 62.23 (6).
- 7 (h) Local subdivision regulation under s. 236.45 or 236.46.
- 8 (i) Extraterritorial plat review within a city's or village's extraterritorial plat
9 approval jurisdiction, as is defined in s. 236.02 (5).
- 10 (j) County zoning ordinances enacted or amended under s. 59.69.
- 11 (k) City or village zoning ordinances enacted or amended under s. 62.23 (7).
- 12 (L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- 13 (m) An improvement of a transportation facility that is undertaken under s.
14 84.185.
- 15 (n) Agricultural preservation plans that are prepared or revised under subch.
16 IV of ch. 91.
- 17 (o) Impact fee ordinances that are enacted or amended under s. 66.55.
- 18 (p) Land acquisition for recreational lands and parks under s. 23.09 (20).
- 19 (q) Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or
20 62.231.
- 21 (r) Construction site erosion control and storm water management zoning
22 under s. 59.693, 61.354 or 62.234.
- 23 (4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS. A local governmental unit
24 shall comply with all of the following before its comprehensive plan may take effect:

1 (a) The governing body of a local governmental unit shall adopt written
2 procedures that are designed to foster public participation, including open
3 discussion, communication programs, information services and public meetings for
4 which advance notice has been provided, in every stage of the preparation of a
5 comprehensive plan. The written procedures shall provide for wide distribution of
6 proposed, alternative or amended elements of a comprehensive plan and shall
7 provide an opportunity for written comments on the plan to be submitted by
8 members of the public to the governing body and for the governing body to respond
9 to such written comments.

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

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

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

23 3. The Wisconsin land council.

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

1 (c) No recommended comprehensive plan that is adopted or amended under
2 par. (b) may take effect until the plan or amendment is enacted as an ordinance by
3 the local governmental unit. The local governmental unit may not enact an
4 ordinance under this paragraph unless the comprehensive plan contains all of the
5 elements specified in sub. (2). An ordinance may be enacted under this paragraph
6 only by a majority vote of the members-elect, as defined in s. 59.001 (2m), of the
7 governing body. An ordinance that is enacted under this paragraph shall be filed
8 with at least all of the following:

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

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

12 (d) No local governmental unit may enact an ordinance under par. (c) unless
13 the local governmental unit holds at least one public hearing at which the proposed
14 ordinance is discussed. That hearing must be preceded by a class 1 notice under ch.
15 985 that is published at least 30 days before the hearing is held. The local
16 governmental unit may also provide notice of the hearing by any other means it
17 considers appropriate. The class 1 notice shall contain at least the following
18 information:

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

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

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

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

4 **SECTION 1606m.** 66.034 of the statutes is created to read:

5 **66.034 Traditional neighborhood developments. (1) DEFINITIONS.** In this
6 section:

7 (a) “Extension” has the meaning given in s. 36.05 (7).

8 (b) “Traditional neighborhood development” means a compact, mixed-use
9 neighborhood where residential, commercial and civic buildings are within close
10 proximity to each other.

11 **(2) MODEL ORDINANCE.** Not later than January 1, 2001, the extension, in
12 consultation with any other University of Wisconsin System institution or with a
13 landscape architect, as that term is used in s. 443.02 (5), or with independent
14 planners or any other consultant with expertise in traditional neighborhood
15 planning and development, shall develop a model ordinance for a traditional
16 neighborhood development.

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

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

1 into existence or after the town's population reaches at least 5,000, although the
2 ordinance is not required to be mapped.”

3 **15.** Page 1102, line 15: after that line insert:

4 **“SECTION 2353m.** 227.01 (1) of the statutes is amended to read:

5 227.01 (1) “Agency” means the Wisconsin land council or a board, commission,
6 committee, department or officer in the state government, except the governor, a
7 district attorney or a military or judicial officer.

8 **SECTION 2353n.** 227.01 (1) of the statutes, as affected by 1999 Wisconsin Act
9 (this act), is amended to read:

10 227.01 (1) “Agency” means ~~the Wisconsin land council~~ or a board, commission,
11 committee, department or officer in the state government, except the governor, a
12 district attorney or a military or judicial officer.”

13 **16.** Page 1102, line 22: after that line insert:

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

15 **227.113 Incorporation of state land use planning goals.** Each agency
16 shall ensure that, consistently with the laws that it administers, the rules
17 promulgated by the agency are designed to further the goals specified in s. 1.13 (2).”

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

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

20 236.11 (1) (a) Before submitting a final plat for approval, the subdivider may
21 submit, or the approving authority may require that the subdivider submit, a
22 preliminary plat. It shall be clearly marked “preliminary plat” and shall be in
23 sufficient detail to determine whether the final plat will meet layout requirements.
24 ~~Within~~ Subject to s. 236.13 (4m), within 90 days the approving authority, or its agent

1 authorized to approve preliminary plats, shall take action to approve, approve
2 conditionally, or reject the preliminary plat and shall state in writing any conditions
3 of approval or reasons for rejection, unless the time is extended by agreement with
4 the subdivider. Failure of the approving authority or its agent to act within the 90
5 days, or extension thereof, constitutes an approval of the preliminary plat.

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

7 236.11 (1) (b) If the final plat conforms substantially to the preliminary plat
8 as approved, including any conditions of that approval, and to local plans and
9 ordinances adopted as authorized by law, it is entitled to approval. ~~If~~
10 Notwithstanding s. 236.13 (4m), if the final plat is not submitted within 24 months
11 after the last required approval of the preliminary plat, any approving authority may
12 refuse to approve the final plat. The final plat may, if permitted by the approving
13 authority, constitute only that portion of the approved preliminary plat which the
14 subdivider proposes to record at that time.

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

16 236.13 (1) (c) A comprehensive plan under s. 66.0295 or, if the municipality,
17 town or county does not have a comprehensive plan, either of the following:

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

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

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

22 236.13 (4m) If a preliminary or final plat meets the requirements specified in
23 this section and any requirements imposed under this section, an approving
24 authority shall approve the plat, and an agency with the power to approve or object

1 to plats shall approve the plat or certify that it has no objection to the plat, within
2 the time limits specified in ss. 236.11 and 236.12.”.

3 **18.** Page 1398, line 24: after that line insert:

4 “(18zo) SMART GROWTH DIVIDEND AID PROGRAM.

5 (a) Notwithstanding section 16.42 (1) of the statutes, the secretary of
6 administration shall propose under section 16.42 of the statutes, jointly with the
7 secretary of revenue, a smart growth dividend aid program in his or her budget
8 request for fiscal biennium 2001–03, with the first grants to be distributed in fiscal
9 year 2005–06. The proposal shall prescribe a method of distributing aid to cities,
10 villages, towns and counties that meet all of the following requirements:

11 1. To be eligible to receive aid, a city, village, town or county must have in effect
12 a comprehensive plan, as defined in section 66.0295 (1) (a) of the statutes, as created
13 by this act, that the department of administration and the land council determine
14 meets the provisions specified in section 16.965 (4) of the statutes, as created by this
15 act, and the city, village, town or county must have taken steps to implement the
16 plan.

17 2. The population density within the city, village, town or county boundaries
18 must have increased.

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

21 **19.** Page 1438, line 8: after that line insert:

22 “(8zo) ELECTED MEMBERS, CITIZEN MEMBERS OF LOCAL PLANNING COMMISSIONS.

23 (a) Notwithstanding section 62.23 (1) (c), 1997 stats., an alderperson, village
24 board member or town board member who is elected by his or her colleagues in April

1 1999 to serve on a city, village or town planning commission under section 62.23 (1)
2 (b), 1997 stats., may serve on the planning commission until April 2000.

3 (b) A citizen member of a city, village or town planning commission who is
4 appointed under section 62.23 (1) (c), 1997 stats., may serve on the planning
5 commission until the expiration of the term to which he or she was appointed.”

6 **20.** Page 1466, line 22: after that line insert:

7 “(5zu) APPROVAL OF PLATS. The treatment of sections 236.11 (1) (a) and (b) and
8 236.13 (3) and (4m) of the statutes first applies to all of the following:

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

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

14 (5zv) COMPLIANCE OF PLAT WITH COMPREHENSIVE PLAN. The treatment of section
15 236.13 (1) (c) of the statutes first applies to all of the following:

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

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

21 **21.** Page 1467, line 13: after that line insert:

22 “(6zu) LAND USE PLANNING GRANTS. The repeal of sections 16.965 (title), (1), (2),
23 (4) and (6) and 20.505 (1) (kh) and (ki) of the statutes takes effect on July 1, 2010.

