

**Introduction to the  
Transportation Planning Grant  
for Fiscal Year 1999-2000**

*December 16, 1999*

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This document can also be found on the OLIS website: <http://www.doa.state.wi.us/olis>

## TRANSPORTATION PLANNING GRANT FOR FY99-00

This document contains a general overview of the \$1 million Transportation Planning Grant for fiscal year 1999-2000 which was appropriated within the 1999 Wisconsin Act 9. This \$1 million is appropriated through federal transportation funding through the Wisconsin Department of Transportation (DOT). The grant will be administered by the Wisconsin Department of Administration (DOA) through the Office of Land Information Services (OLIS). For a complete review of the new statutory language regarding comprehensive planning, please see the Office of Land Information Services website at [www.doa.state.wi.us/olis](http://www.doa.state.wi.us/olis) for a downloadable document entitled: "New Comprehensive Planning Legislation: Statutory Language." Or please call OLIS at 608-267-2707 for a copy.

### GENERAL OVERVIEW OF THE TRANSPORTATION PLANNING GRANT FOR FY99-00

#### ELIGIBILITY

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- All local government units will be eligible. (cities, villages, towns, counties, and regional planning commissions)
- Grants can be used to finance the cost of planning activities related to the transportation element found in Wis. Stats. s. 66.0295 (2)(c). (Please see page 3 for statutory language)
- Requires a commitment from the applicant that they will complete compliance with the comprehensive plan requirements found under Wis. Stats. s. 66.0295.

#### GRANT ADMINISTRATION

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- The \$1 million appropriation for grant for FY99-00 (\$1 million) the funds must be encumbered before July 1, 2000.
- Administrative rules and/or emergency rules will not be developed for this FY99-00 grant cycle in order for Department of Administration to be able to commit these funds within the time required.
- The Wisconsin Department of Administration will be working together with Wisconsin Department of Transportation, Federal Highway Administration and local government representatives to develop and implement this initial grant cycle including additional grant criteria. The Secretaries of the DOT and DOA must provide a written approval of the grants.
- Administrative rules will be developed by Wisconsin Department of Administration and the Wisconsin Land Council for both the FY00-01 transportation planning and general planning grants.

## **BASIC GRANT CRITERIA**

The grant criteria will be developed based on the statutory charge (Wis. Stats. s. 16.9651 and Wis. Stats. s. 66.0295) and through the federal transportation planning funds guidelines since the transportation planning grant funding is through the federal government. **Additional criteria may also be developed with the DOA, DOT and local representatives.** Applications will be evaluated on yet to be determined criteria, which will include:

- Requiring at least a 20% local match (per federal requirements) but not more than a 25% local match (Wis. Statutes requirements).
- Requiring a commitment from the applicant that they will complete compliance with the comprehensive plan requirements found under Wis. Stats. s. 66.0295.
- Demonstrated need.
- Impact on state transportation facilities
- Intergovernmental cooperation
- The local unit of government's ability to fund the rest of the planning process
- Implementation

## **TIMEFRAME**

Although an estimate, the Office of Land Information Services anticipates the following schedule for the Transportation Planning Grant for FY99-00.

<b>FY 99-00 TRANSPORTATION GRANT</b>	<b>TIME PERIOD</b>
Develop grant application procedures and criteria	Now through March 1, 2000
Grant Application Period	March 1 to May 1, 2000
Evaluate applications and obtain Secretaries' approval from DOA and DOT for awards	May 1 to May 15, 2000
Sign contracts and encumber funds.	May 15 to June 15, 2000

## **ADDITIONAL PLANNING GRANT FUNDING (FY00-01)**

In fiscal year 2000-2001, another \$1 million in grants will be available for Transportation Planning related the Comprehensive Plans. In addition to the Transportation Planning Grant funds, general comprehensive planning grants of \$1.5 million will also be available in FY00-01. The total grant funds available in FY00-01 is \$2.5 million. Administrative rules will be developed during the Year 2000 by the Wisconsin Department of Administration and the Wisconsin Land Council for the distribution and evaluation of both grants.

**STATUTORY LANGUAGE RELATING TO THE  
TRANSPORTATION PLANNING GRANTS**

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**Wisconsin Statutes Section 16.9651 Transportation planning grants to local governmental units.**

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

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

**FROM**

**Wisconsin Statutes Section 66.0295 Comprehensive planning.**

**(2) CONTENTS OF A COMPREHENSIVE PLAN.**

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

# THE NEW COMPREHENSIVE PLANNING LEGISLATION

Statutory Language Changes from 1999 Wisconsin Act 9

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*January 6, 2000*

# COMPREHENSIVE PLANNING LEGISLATION

## 1999 WISCONSIN ACT 9

This document contains the statutory changes relating to comprehensive planning within the 1999 Wisconsin Act 9. Governor Thompson signed this Budget Bill into law on October 27, 1999. A group of individuals including various special interest groups, local and state government representatives and planners initiated many of the changes. Through the Biennial Budget Approval Process (the Joint Finance Committee, the Conference Committee and the Governor's vetoes), the comprehensive plan definition language and funding mechanism for a planning grant were revised considerably.

This legislation provides the framework for developing plans, a grant program which will provide communities an incentive to begin efforts now, and a connection to other planning related actions to provide overall consistency with the plan developed by the local community.

The Wisconsin Land Council, in accordance with their previous statutory charge and with the requirements of these new laws, will have added oversight and review. Local governments continue to control their own planning efforts.

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# Comprehensive Plans: Definition, Elements, Consistency Requirements and Procedures for Adoption

## WISCONSIN STATE STATUTES CHAPTER 66: GENERAL MUNICIPALITY LAW

### 66.0295 Comprehensive planning.

#### (1) DEFINITIONS.

In this section:

##### (a) "Comprehensive plan" means:

1. For a county, a development plan that is prepared or amended under s. 59.69 (2) or (3).
2. For a city or a village, or for a town that exercises village powers under s. 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).
3. For a regional planning commission, a master plan that is adopted or amended under s. 66.945 (8), (9) or (10).

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

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

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

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

(c) *Transportation element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit's objectives, policies, goals and programs to state and regional transportation plans. The element shall also identify highways within the local governmental

unit by function and incorporate state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply in the local governmental unit.

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

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

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

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



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

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

### **(3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.**

Beginning on January 1, 2010, any program or action of a local governmental unit that affects land use shall be consistent with that local governmental unit's comprehensive plan, including all of the following:

- (a) Municipal incorporation procedures under s. 66.012, 66.013 or 66.014.
- (b) Annexation procedures under s. 66.021, 66.024 or 66.025.
- (c) Cooperative boundary agreements entered into under s. 66.023.
- (d) Consolidation of territory under s. 66.02.
- (e) Detachment of territory under s. 66.022.
- (f) Municipal boundary agreements fixed by judgment under s. 66.027.
- (g) Official mapping established or amended under s. 62.23 (6).
- (h) Local subdivision regulation under s. 236.45 or 236.46.
- (i) Extraterritorial plat review within a city's or village's extraterritorial plat approval jurisdiction, as is defined in s. 236.02 (5).
- (j) County zoning ordinances enacted or amended under s. 59.69.
- (k) City or village zoning ordinances enacted or amended under s. 62.23 (7).
- (l) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- (m) An improvement of a transportation facility that is undertaken under s. 84.185.

- (n) Agricultural preservation plans that are prepared or revised under subch. IV of chapter 91.
- (o) Impact fee ordinances that are enacted or amended under s. 66.55.
- (p) Land acquisition for recreational lands and parks under s. 23.09 (20).
- (q) Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or 62.231.
- (r) Construction site erosion control and storm water management zoning under s. 59.693, 61.354 or 62.234.
- (s) Any other ordinance, plan or regulation of a local governmental unit that relates to land use.

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

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

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

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
2. Every local governmental unit that is adjacent to the local governmental unit which is the subject of the plan that is adopted or amended as described in par. (b) (intro.).
3. The Wisconsin land council.
4. After September 1, 2003, the department of administration.

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

1. The public library that serves the area in which the local governmental unit is located.
2. The clerk of all adjacent local governmental units.

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

1. The date, time and place of the hearing.
2. A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.
3. The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
4. Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.

# Comprehensive Planning Grants

## WISCONSIN STATE STATUTES CHAPTER 16: DEPARTMENT OF ADMINISTRATION-- SUBCHAPTER VI STATE PLANNING AND ENERGY

### GENERAL PLANNING GRANT

#### 16.965 Planning grants to local governmental units.

1) In this section:

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

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

(2) From the appropriation under s. 20.505 (1) (cm), the department may provide grants to local governmental units to be used to finance the cost of planning activities, including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. The department shall require any local governmental unit that receives a grant under this section to finance a percentage of the cost of the product or service to be funded by the grant from the resources of the local governmental unit. The department shall determine the percentage of the cost to be funded by a local governmental unit based on the number of applications for grants and the availability of funding to finance grants for the fiscal year in which grants are to be provided. A local governmental unit that desires to receive a grant under this subsection shall file an application with the department. The application shall contain a complete statement of the expenditures proposed to be made for the purposes of the grant. No local governmental unit is eligible to receive a grant under this subsection unless the local governmental unit agrees to utilize the grant to finance planning for all of the purposes specified in s. 66.0295 (2).

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

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

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

(b) Planning efforts that contain a specific description of the means by which all of the following local, comprehensive planning goals will be achieved:

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
2. Encouragement of neighborhood designs that support a range of transportation choices.
3. Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
4. Protection of economically productive areas, including farmland and forests.
5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
6. Preservation of cultural, historic and archaeological sites.
7. Encouragement of coordination and cooperation among nearby units of government.
8. Building of community identity by revitalizing main streets and enforcing design standards.
9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.
12. Balancing individual property rights with community interests and goals.
13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.
14. Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

(c) Planning efforts that identify smart growth areas.

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

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

(f) Planning efforts that provide opportunities for public participation throughout the planning process.

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

## **TRANSPORTATION PLANNING GRANTS**

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

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

**(2)** From the appropriation under s. 20.505 (1) (z), the department may provide grants to local governmental units to be used to finance the cost of planning activities related to the transportation element, as described in s. 66.0295 (2) (c), of a comprehensive plan, as defined in s. 66.0295 (1) (a), including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. The department may require any local governmental unit that receives a grant under this section to finance not more than 25% of the cost of the product or service to be funded by the grant from the resources of the local governmental unit.

Prior to awarding a grant under this section, the department shall forward a detailed statement of the proposed expenditures to be made under the grant to the secretary of transportation and obtain his or her written approval of the proposed expenditures.

## Detailed Grant Funding and Availability

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			6,846,917,000	6,705,146,100
<b>General Executive Functions</b>				
20.505 Administration, department of				
(1) SUPERVISION AND MANAGEMENT; LAND INFORMATION BOARD				
(a) General program operations	GPR	A	9,345,400	9,095,400
(b) Midwest interstate low-level radioactive waste compact; loan from gen. fund	GPR	C	-0-	-0-
<del>(cm) Comprehensive planning grants</del>	<del>GPR</del>	<del>A</del>	<del>-0-</del>	<del>1,500,000</del>
(cn) Comprehensive planning; administrative support	GPR	A	12,500	50,000
(e) Census education assistance	GPR	B	600,000	-0-
(f) Badger state games assistance	GPR	A	50,000	50,000
(fo) Federal resource acquisition support grants	GPR	A	100,000	-0-
(g) Midwest interstate low-level radioactive waste compact; membership & costs	PR	A	60,700	60,700
(ge) High-voltage transmission line annual impact fee distributions	PR	C	-0-	-0-
(gs) High-voltage transmission line environmental impact fee distributions	PR	C	-0-	-0-
(ie) Land information board; general program operations	PR	A	384,400	384,400
(ig) Land information board; technical assistance and education	PR	A	-0-	-0-
(ij) Land information board; aids to counties	PR	C	1,384,000	1,384,000
(ik) Land information board; soil surveys and mapping	PR	A	415,000	415,000
(im) Services to nonstate governmental units	PR	A	1,339,800	1,339,800
(is) Information technology processing svcs to nonstate entities & state schools	PR	C	-0-	-0-
(iu) Plat review	PR	C	347,900	347,900
(j) Gifts and donations	PR	C	-0-	-0-
(ja) Justice information systems	PR	A	3,919,700	1,300,000
(ka) Materials and services to state agencies and certain districts	PR-S	A	5,097,800	5,097,800
(kb) Transportation services	PR-S	A	15,679,400	16,062,200
(kc) Capital planning and building construction services	PR-S	A	10,457,400	10,515,600
(kd) Printing, document sales, mail distribution and record services	PR-S	A	18,471,400	19,001,200
(ke) Telecommunications and data processing services	PR-S	A	37,170,000	37,170,000
(kj) Financial services	PR-S	A	9,994,700	9,228,500
(kL) Information technology processing services to agencies	PR-S	C	49,158,200	49,158,200
(kp) Interagency assistance; justice information systems	PR-S	A	729,800	2,024,100
(kq) Justice information systems development, operation and maintenance	PR-S	A	-0-	1,200,000
(kr) Information technology development and management services	PR-S	A	-0-	-0-
(ks) Wisconsin land council; state agency support	PR-S	C	311,400	311,400
(kt) Soil surveys and mapping; state agency support	PR-S	C	265,200	265,200
(ku) Management assistance grants to counties	PR-S	A	-0-	-0-
(ma) Federal grants and contracts	PR-F	C	43,100	43,100
(mb) Federal energy grants and contracts	PR-F	C	981,300	981,300
(mc) Coastal zone management	PR-F	C	1,143,000	1,143,000
(md) Oil overcharge restitution funds	PR-F	C	6,887,100	6,887,100
(n) Federal aid; local assistance	PR-F	C	-0-	-0-

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1999-00	2000-01
(pz) Indirect cost reimbursements	PR-F	C	161,400	161,400
(r) Vendor/Net fund administration	SEG	A	90,200	90,200
(s) Wisconsin sesquicentennial commission; payment of obligations	SEG	C	-0-	-0-
(v) General program operations - environmental improvement programs; state funds	SEG	A	753,300	753,300
(x) General program operations - clean water fund program; federal funds	SEG-F	C	-0-	-0-
(y) General program operations - safe drinking water loan program; federal funds	SEG-F	C	-0-	-0-
(z) Transportation planning grants to local governmental units	SEG-S	A	1,000,000	1,000,000

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			10,107,900	10,695,400
PROGRAM REVENUE			164,488,000	164,481,900
FEDERAL			(9,215,900)	(9,215,900)
OTHER			(7,851,500)	(5,231,800)
SERVICE			(147,420,600)	(150,034,200)
SEGREGATED FUNDS			1,843,500	1,843,500
FEDERAL			(-0-)	(-0-)
OTHER			(843,500)	(843,500)
SERVICE			(1,000,000)	(1,000,000)
TOTAL-ALL SOURCES			176,439,400	177,020,800
(2) RISK MANAGEMENT				
(a) General fund supplement - risk management claims	GPR	S	-0-	-0-
(k) Risk management costs	PR-S	C	19,900,000	20,400,000
(ki) Risk management administration	PR-S	A	4,627,500	4,627,500

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			-0-	-0-
PROGRAM REVENUE			24,527,500	25,027,500
SERVICE			(24,527,500)	(25,027,500)
TOTAL-ALL SOURCES			24,527,500	25,027,500
(3) COMMITTEES AND INTERSTATE BODIES				
(a) General program operations	GPR	A	359,800	359,800
(b) Women's council operations	GPR	A	87,300	87,300
(c) Criminal penalties study committee	GPR	B	-0-	-0-
(g) Gifts and grants	PR	C	-0-	-0-
(h) Program fees	PR	A	6,100	6,100
(m) Federal aid	PR-F	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			447,100	447,100
PROGRAM REVENUE			6,100	6,100
FEDERAL			(-0-)	(-0-)
OTHER			(6,100)	(6,100)
TOTAL-ALL SOURCES			453,200	453,200

(4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS

(a) Adjudication of tax appeals	GPR	A	586,300	593,000
(b) Adjudication of equalization appeals	GPR	S	-0-	-0-
(c) Claims board; general program operations	GPR	A	46,600	46,600
(d) Claims awards	GPR	S	25,000	25,000
(e) Technical college capacity building program	GPR	A	-0-	5,000,000
(f) Hearings and appeals operations	GPR	A	2,017,500	2,037,700
(fm) National community service board; Wisconsin promise challenge grants	GPR	C	-0-	-0-
(gm) Gifts and grants	PR	C	-0-	-0-
(h) Program services	PR	A	26,000	26,000
(is) Relay service	PR	A	5,007,200	5,007,200
(j) National and community service board; gifts and grants	PR	C	-0-	-0-



## Smart Growth Dividend Aid Program

*Note: No changes or additions were made to the statutes under this provision. This Section (18zo) is part of the Wisconsin Act 9 Budget Bill language which includes the proposal for this program.*

### **Section (18zo) SMART GROWTH DIVIDEND AID PROGRAM.**

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

1. To be eligible to receive aid, a city, village, town or county must have in effect a comprehensive plan, as defined in section 66.0295 (1) (a) of the statutes, as created by this act, that the department of administration and the land council determine meets the provisions specified in section 16.965 (4) of the statutes, as created by this act, and the city, village, town or county must have taken steps to implement the plan.
2. To be eligible to receive aid a city, village, town or county must have in effect zoning ordinances and subdivision regulations, as described in section 66.0295 (3)(h), (j), (k) and (L) of the statutes, as created by this act, that are consistent with the comprehensive plan.

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

(c) The proposal shall specify that a city, village, town or county shall receive one aid credit for each new housing unit that was sold or rented, on lots that are no more than one-quarter acre, in the year before the year in which the grant application is made. The proposal shall also specify that a city, village, town or county shall receive one credit for each new housing unit that was sold at no more than 80% of the median sale price for new homes in the county in which the city, village or town is located or primarily located in the year before the year in which the grant application is made. Grants shall be awarded based on the number of credits that a city, village, town or county receives in the year to which its application relates.

# Model Traditional Neighborhood and Conservation Subdivision Ordinances

## WISCONSIN STATE STATUTES CHAPTER 66: GENERAL MUNICIPALITY LAW

### 66.034 Traditional neighborhood developments and conservation subdivisions.

#### (1) DEFINITIONS. In this section:

- (a) "Conservation subdivision" means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.
- (b) "Extension" has the meaning given in s. 36.05 (7).
- (c) "Traditional neighborhood development" means a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

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

(b) The model ordinances developed under par. (a) shall be presented to the chief clerk of each house of the legislature, and shall be referred immediately by the speaker of the assembly and the presiding officer of the senate to the appropriate standing committee in each house. The model ordinances shall be considered to have been approved by a standing committee if within 14 working days of the referral, the committee does not schedule a meeting for the purpose of reviewing the model ordinance. If the committee schedules a meeting for the purpose of reviewing the model ordinance, the ordinance may not be considered to have been approved unless the committee approves the model ordinance.

(3) **CITY, VILLAGE AND TOWN REQUIREMENTS.** (a) Not later than January 1, 2002, every city and village, and every town with a population of at least 12,500 shall enact an ordinance under s. 62.23 (7) that is similar to the model ordinance that is developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b), although the ordinance is not required to be mapped.

(b) A city or village that comes into existence, or town whose population reaches at least 12,500, after January 1, 2002, shall enact an ordinance under s. 62.23 (7) that is similar to the model ordinance that is developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b) not later than the first day of the 12<sup>th</sup> month beginning after the city or village comes into existence or after the town's population reaches at least 12,500, although the ordinance is not required to be mapped.

## **State Agency Involvement in Comprehensive Planning**

### **WISCONSIN STATE STATUTES CHAPTER 1: SOVEREIGNTY AND JURISDICTION OF THE STATE**

#### **1.13 Land use planning activities.**

**(1) In this section:**

- (a) "Local governmental unit" has the meaning given in s. 1.12 (1) (a).**
- (b) "State agency" has the meaning given in s. 1.12 (1) (b).**

**(2) Each state agency, where applicable and consistent with other laws, is encouraged to design its programs, policies, infrastructure and investments of the agency to reflect a balance between the mission of the agency and the following local, comprehensive planning goals:**

- (a) Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.**
- (b) Encouragement of neighborhood designs that support a range of transportation choices.**
- (c) Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.**
- (d) Protection of economically productive areas, including farmland and forests.**
- (e) Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.**
- (f) Preservation of cultural, historic and archaeological sites.**
- (g) Encouragement of coordination and cooperation among nearby units of government.**
- (h) Building of community identity by revitalizing main streets and enforcing design standards.**
- (i) Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.**
- (j) Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.**
- (k) Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.**
- (l) Balancing individual property rights with community interests and goals.**
- (m) Planning and development of land uses that create or preserve varied and unique urban and rural communities.**
- (n) Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.**

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

**WISCONSIN STATE STATUTES CHAPTER 227: ADMINISTRATIVE  
PROCEDURE AND REVIEW— SUBCHAPTER II ADMINISTRATIVE RULES**

**227.113 Incorporation of local, comprehensive planning goals.** Each agency, where applicable and consistent with the laws that it administers, is encouraged to design the rules promulgated by the agency to reflect a balance between the mission of the agency and the goals specified in s. 1.13 (2).

**WISCONSIN STATE STATUTES CHAPTER 236: PLATTING LANDS AND  
RECORDING AND VACATING PLATS— APPROVAL OF PLATS**

*Note: This was the only change made to ch. 236.*

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

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

**WISCONSIN STATE STATUTES CHAPTER 15: STRUCTURE OF THE EXECUTIVE  
BRANCH— SUBCHAPTER I GENERAL PROVISIONS: DEFINITIONS**

*Note: This was the only change made to s. 15.01.*

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

## Local Plan Commissions, County Zoning Agencies and Regional Planning Commissions

### WISCONSIN STATE STATUTES CHAPTER 60: TOWNS— SUBCHAPTER VIII LAND USE AND PLANNING

*Under Wis. Stats. s. 60.62: Zoning authority if exercising village powers.*

**60.62 (4) (a)** Notwithstanding ss. 61.35 and 62.23 (1)(a), a town with a population of less than 2,500 that acts under this section may create a "Town Plan Commission" under s. 62.23 (1) (a) that has 5 members, all of whom shall be appointed by the town board chairperson, who shall also select the presiding officer. The town board chairperson may appoint himself or herself to the commission and may appoint other town elected or appointed officials to the commission, except that the commission shall always have at least one citizen member who is not a town official. All other provisions of ss. 61.35 and 62.23 shall apply to a town plan commission that has 5 members.

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

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

### WISCONSIN STATE STATUTES CHAPTER 62: CITIES— SUBCHAPTER I GENERAL CHARTER LAW

*Under Wis. Stats. s. 62.23: City Planning.*

**62.23 (1) (a)** The council of any city may by ordinance create a "City Plan Commission," to consist of 7 members. All members of the commission shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least 3 citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The council may by ordinance provide that the membership of the commission shall be as provided thereunder.

*repealed: (1)(b) The alderperson member of the commission shall be elected by a majority vote of the council, upon the creation of the commission, and during each April thereafter.*

*repealed: (1)(c) The 3 citizen members shall be appointed by the mayor, upon the creation of the commission, to hold office for periods ending 1, 2 and 3 years, respectively, from the succeeding May 1.*

*Thereafter, annually during April one member of the commission shall be appointed for a term of 3 years.*

(d) The members of the commission shall be appointed to hold office for a period of 3 years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

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

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

**WISCONSIN STATE STATUTES CHAPTER 59: COUNTIES--SUBCHAPTER VII  
LAND USE, INFORMATION, AND REGULATION, ENVIRONMENTAL  
PROTECTION, SURVEYS, PLANNING AND ZONING**

*Under Wis. Stats. s. 59.69: Planning and zoning authority.*

**59.69 (3)(a)** The county zoning agency may direct the preparation of county development plan or parts thereof for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan... The development plan shall contain at least the elements described in s. 66.0295.

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

**WISCONSIN STATE STATUTES CHAPTER 66: GENERAL MUNICIPALITY LAW**

*Under Wis. Stats. s. 66.945: Creation, organization, powers and duties of regional planning commissions:*

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

*Note: No amendments or changes were made to s. 66.945(8)(b).*

**66.945 (9) PREPARATION OF MASTER PLAN FOR REGION.**

The regional planning commission shall have the function and duty of making and adopting a master plan for the physical development of the region. The master plan, with the accompanying maps, plans, charts, programs and descriptive and explanatory matter, shall show the commission's recommendations for such physical development and shall contain at

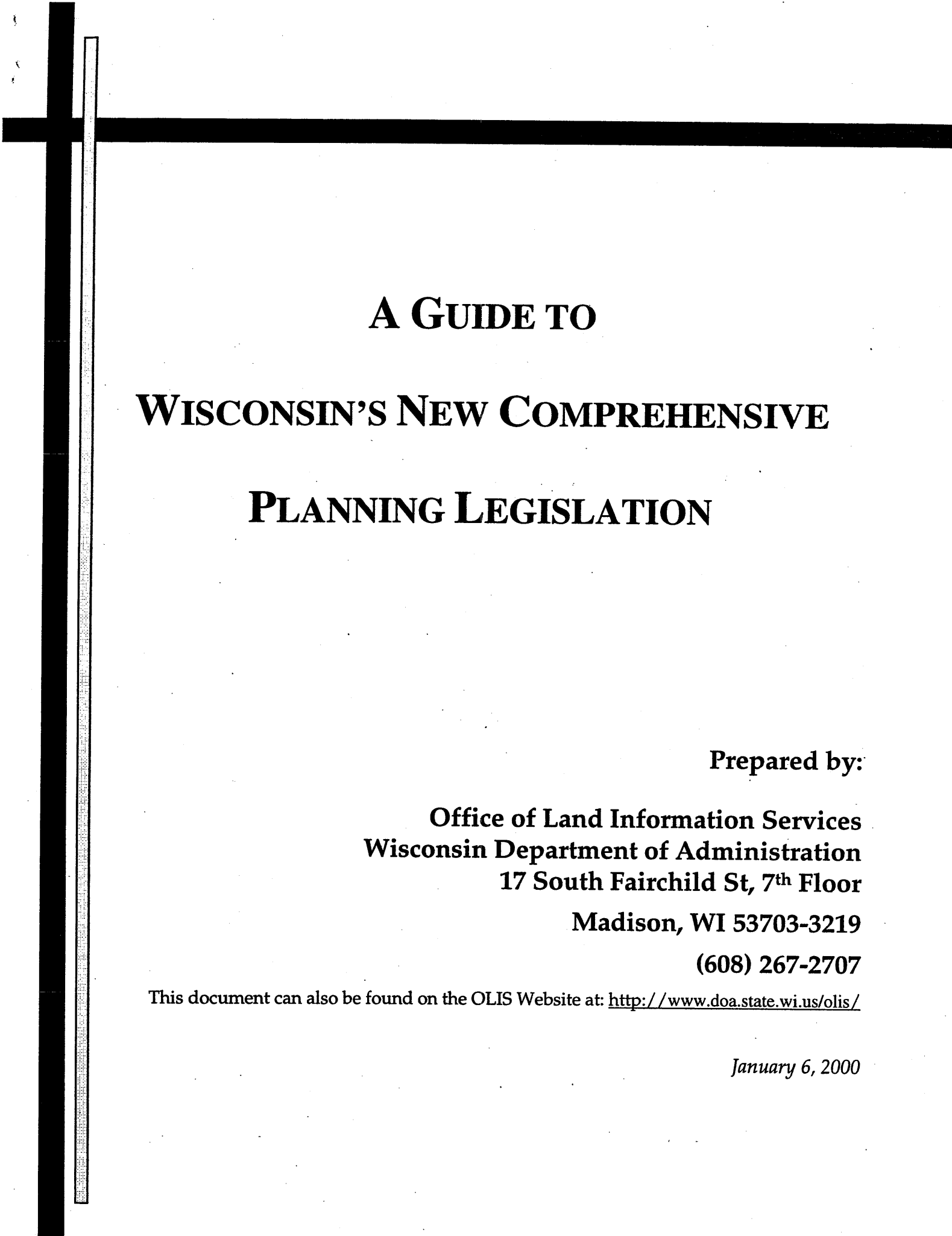
least the elements described in s. 66.0295. The regional planning commission may amend, extend or add to the master plan or carry any part or subject matter into greater detail.

**66.945 (10) ADOPTION OF MASTER PLAN FOR REGION.**

The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the region which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development. The regional planning commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may by resolution adopt a part or parts thereof, any such part to correspond with one or more of the elements specified in s. 66.0295. The resolution shall refer expressly to the maps, plats, charts, programs and descriptive and explanatory matter, and other matters intended by the regional planning commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the chairperson of the regional planning commission and a copy of the plan or part thereof shall be certified to the legislative bodies of the local governmental units within the region. The purpose and effect of adoption of the master plan shall be solely to aid the regional planning commission and the local governments and local government officials comprising the region in the performance of their functions and duties.

*Note: No amendments or changes were made to sections and subsections of 66.945(11) or (12).*





**A GUIDE TO  
WISCONSIN'S NEW COMPREHENSIVE  
PLANNING LEGISLATION**

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*January 6, 2000*

# A Guide to the New Comprehensive Planning Legislation

## *Introduction*

The most complete planning legislation in Wisconsin's history has been included in the 1999-2001 state biennial budget. As a result, the Office of Land Information Services of the Department of Administration has received many requests for clarification on the new legislation. This guide has been prepared to assist in the understanding the new comprehensive planning language which is often referred to as the "smart growth" legislation. The guide provides answers to many of the frequently asked questions. Because the new statutory language contains a number of requirements for further development of this new planning legislation by the Wisconsin Land Council and the Department of Administration, many issues will be addressed in the upcoming months through various public processes.

A complete, cohesive set of the statutory language changes relating to comprehensive planning can be found within a companion document entitled, The New Comprehensive Planning Legislation: Statutory Language. This document can be obtained by downloading it from the front page of the Office of Land Information Services website at <http://www.doa.state.wi.us/olis/> or by contacting the Office of Land Information Services at (608) 267-2707 for a copy. This document has been referenced throughout this guide.

## *How did this legislation evolve?*

Wisconsin's planning laws have long been considered outdated and inconsistent with the needs of the Wisconsin communities. Discussion and debate regarding land use related issues had ensued for a number of years with very little legislative outcome. A group of individuals including various special interest groups, local and state government representatives, and planners developed various parts of this initiative which were included through Governor Thompson's proposed 1999-2001 Biennial Budget. Through the Budget Process (the Joint Finance Committee, the Conference Committee and the Governor's vetoes), the comprehensive plan definition language and funding mechanism for planning grants were revised considerably and additional planning language was included. Governor Thompson signed 1999 Wisconsin Act 9 into law on October 27, 1999.

## *What does the legislation contain?*

The new legislation provides the framework for developing comprehensive plans, a grant program which will provide communities an incentive to further advance the local efforts in their comprehensive planning process, and a connection to other planning related actions to help provide overall consistency with the plan developed by the local community. The Wisconsin Land Council, in accordance with its existing statutory charge and the requirements of these new laws, will have added oversight and review.

## *How will my local government be impacted?*

Local governments continue to control their own planning and land use decision-making efforts. The new planning legislation provides local governmental units with the framework necessary to develop comprehensive plans and to assist the community in making informed land use decisions. Comprehensive plans help to provide a rational basis for land use decision making.

“Old law” plans will remain viable until January 1, 2010. According to the new provisions, any new plans or plan updates may be developed under the “old laws.” However, by January 1, 2010, all communities which make land use decisions will need to base those decisions on an adopted comprehensive plan derived from the new statutory language. For some communities, these requirements will be a new way of conducting land use decision-making.

Highlights of the new legislation are described in the next sections below. For the specific statutory language, please see The New Comprehensive Planning Legislation: Statutory Language document mentioned above. Each section of this guide has been referenced with the appropriate statutory section. Frequently asked questions are also noted to provide additional guidance.

## Comprehensive Planning (Wis. Statutes §66.0295)

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The purpose of this legislation is to provide local governments with a framework for developing a comprehensive plan. By developing a comprehensive plan and using it as a basis for land use decision-making, a community will improve its ability to guide future development. Comprehensive plans are not mandated by this legislation. The legislation also does not dictate any local land use policy; however, it encourages communities to examine their community in a broad view in order to understand its citizens' future needs and wishes.

**Definition:** The existing statutory references to "*master plans*" and "*county development plans*" have remained in the statutes. However, the new definition states that a "comprehensive plan" now equates to "*master plans*" for cities, villages, towns with village powers, and regional planning commissions, and also to the "*county development plans*" for counties.

**Contents Of A Comprehensive Plan:** The statutes now state that a comprehensive plan shall contain nine elements including: an issues and opportunities element; a housing element; a transportation element; a utilities and community facilities element; a natural and cultural resources element; an economic development element; an intergovernmental cooperation element; a land use element; and an implementation element. Various information and data within each element have been identified; however, the level of detail necessary to satisfy each element is not clearly defined.

The Office of Land Information Services will be developing guidelines to assist local communities in determining how to meet the nine elements.

**Consistency Requirements:** By January 1, 2010, all local governments' land use related actions regarding any ordinance, plan or regulation will be required to be consistent with its adopted comprehensive plan. For example, if a community wants to approve a proposed zoning change or subdivision plat, the community will be required to base that approval on its adopted comprehensive plan according to the new statutory requirements. If a community fails to base its land use decisions upon its adopted comprehensive plan, those decisions may not be considered legally defensible under the statutes. (See Wis. Stats. §66.0295(3), or Pages 4-5 of The New Comprehensive Planning Legislation: Statutory Language document for further details.)

**Procedures For Adopting Comprehensive Plans:** Before a comprehensive plan can take effect, local governments must adopt the plan by following a number of procedures outlined in the new legislation. These new procedures include required efforts for public participation, plan distribution, and a required public hearing. (For specific details, please refer to Wis. Stats. § 66.0295(4) or Page 2-6 of The New Comprehensive Planning Legislation: Statutory Language document.)

**QUESTION:** Our community already has a plan developed in 1997. Will our plan be "grandfathered" in? Are we required to revise the plan to meet these new requirements?

**ANSWER:** The legislation did not address "grandfathering" of existing plans. By the January 1, 2010, your plan must be revised and adopted under the new comprehensive plan provisions in order for your community to make valid land use decisions. The legislation states that a comprehensive plan should be updated no less than every ten years. Your community in its next update should refer to the new requirements. Each community should examine its plan to begin to identify those items not included that are now required through this legislation.

**QUESTION:** Our community is in the process of completing a plan. Do we now have to comply with these new requirements while in the middle of the process?

**ANSWER:** It is not necessary at this time. However, as noted above, by January 1, 2010, your plan must be revised to meet the new provisions according to Wisconsin Statutes §66.0295 in order to lawfully make your land use decisions based on the comprehensive plan.

**QUESTION:** Our community doesn't have a plan, but we do have a zoning map. Are we required to have a plan?

**ANSWER:** Yes; by January 1, 2010, your community must base all its land use decisions on an adopted comprehensive plan according to Wisconsin Statutes §66.0295. The Office of Land Information Services urges all communities to begin preparing for the development of a comprehensive plan under the new statutory guidelines.

**QUESTION:** To what extent will each of the nine elements noted in the legislation need to be met? For example, under the *Utilities and Community Facilities Element*, it requires information to "guide the future development of utilities" including libraries and recycling facilities. What if my community doesn't have all of these types of facilities?

**ANSWER:** All nine elements must be addressed, however the items enumerated within each element are descriptions of the potential items a local government should plan for, or which are relevant to a local government. Certainly, any potential or planned development of these public facilities should be addressed in the comprehensive plan. Each Wisconsin community has its own unique character, existing land use regulations and its own vision for the future. The Office of Land Information Services will be developing guidelines to assist local communities in determining how to meet the nine elements.

**QUESTION:** Our local plan commission has formally approved the community plan and has made amendments to the plan. With the new laws, who has approval authority over a comprehensive plan and plan amendments?

**ANSWER:** The plan will not take effect until it is adopted by ordinance. The new laws require that the community's plan commission recommend by vote the adoption of the comprehensive plan to the governing elected officials. The governing officials must adopt the comprehensive plan or any amendments by ordinance, by majority vote. A public hearing is also required prior to adoption of a plan or any plan amendments. (For specific details, please refer to Wis. Stats. § 66.0295(4) or Page 2-6 of The New Comprehensive Planning Legislation: Statutory Language document.)

**QUESTION:** Will we need to publish the entire plan within the newspaper for the public hearing as part of these new plan adoption requirements?

**ANSWER:** No. The new statutory language indicates that a "summary" of the proposed comprehensive plan or amendment to such a plan is required in the class 1 notice. This summary "may include a map."

The new requirements also state that the local governmental unit must provide in the class 1 notice the date/time/place of the hearing, a contact person, a place the proposed comprehensive plan or amendments can be reviewed prior to the hearing and how a copy can be obtained.

## Comprehensive Planning Grants (Wis. Statutes §16.965 and 16.9651)

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Three funding opportunities were developed under the biennial budget. Out of the three opportunities, two grant programs were created to assist local communities in financing the cost of developing a comprehensive plan—a general planning grant and a transportation planning grant. Counties, cities, villages, towns and regional planning commissions are eligible for both of these grant programs. Both of these grant programs will be matching grants administered by the Department of Administration through the Office of Land Information Services. The third funding opportunity is the yet-to-be proposed “Smart Growth Dividend Aid Program” which is described on page 9.

**General Planning Grant Program:** This grant program is for the development of comprehensive plans under Wis. Stats. §66.0295. The program consists of \$1.5 million and will be available after July 1, 2000. The statutes outline several items that set precedence between applicants. However, the statutes specify that priority must be given to applications that meet all of the following elements:

- Identify and address the interests of overlapping or neighboring jurisdictions.
- Describe the means by which all of the following local, comprehensive planning goals will be achieved:
  1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
  2. Encouragement of neighborhood designs that support a range of transportation choices.
  3. Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
  4. Protection of economically productive areas, including farmland and forests.
  5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
  6. Preservation of cultural, historic and archaeological sites.
  7. Encouragement of coordination and cooperation among nearby units of government.
  8. Building of community identity by revitalizing main streets and enforcing design standards.
  9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
  10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
  11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.
  12. Balancing individual property rights with community interests and goals.
  13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.
  14. Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

- Identify "smart growth areas." Smart growth areas are defined under this grant section as "an area that will enable the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable, or that will encourage efficient development patterns that are both contiguous to existing development and at densities which have relatively low municipal, state governmental and utility costs."
- Include the development of implementing ordinances (ie: zoning ordinances, subdivision ordinances, etc).
- Include plan completion within 30 months of grant award.
- Provide opportunities for public participation throughout the planning process.

The Wisconsin Land Council will be developing administrative rules to further identify the grant selection methodology and approvals process.

Transportation Planning Grant Program: This grant program, funded by federal transportation funds, is for the development of the transportation element of a comprehensive plan as specified in Wis. Stats. §66.0295. Local governments will not be required to fund more than 25% of the transportation element portion of the comprehensive plan. \$1.0 million is available in fiscal year 1999-2000 and another \$1.0 million will be available in fiscal year 2000-2001.

Currently, the Office of Land Information Services is developing criteria for the disbursement of these grants in cooperation with the Wisconsin Department of Transportation. The Wisconsin Departments of Administration and Transportation secretaries will have approval of the proposed grants. Initial criteria will be developed to disperse fiscal year 1999-2000 Transportation Planning Grant Program funds. For future funding cycles, administrative rules will be developed to further outline the application requirements, eligibility criteria and selection process for both grant programs.

**QUESTION:** When will the grant application processes begin?

**ANSWER:** For the fiscal year 1999-2000 transportation grant funds, the application process is March 1 to May 1, 2000 with selection in June 2000. Criteria are being developed by the Departments of Administration and Transportation for this grant. For further information on this initial grant cycle, please see the document entitled "Introduction to the Transportation Planning Grant for Fiscal Year 1999-2000" found on the OLIS website at [www.doa.state.wi.us/olis](http://www.doa.state.wi.us/olis) or by calling 608-267-2707 to obtain a copy.

For fiscal year 2000-2001 and future fiscal years, the application process for the general comprehensive planning grant and transportation grant will begin once administrative rules have been developed by the Wisconsin Land Council and the Department of Administration.

More information will be made available through a number of training programs and the administrative rule process during the year 2000 through the Office of Land Information Services.



**QUESTION:** Our community is currently involved in developing a plan. Can my community apply now for a grant or submit materials for consideration?

**ANSWER:** At this time, the grants are not yet available. More information will be furnished to local communities through the Office of Land Information Services when available.

**QUESTION:** Our community will be developing a transportation corridor plan for a state highway. Will we be able to apply for a transportation planning grant?

**ANSWER:** If the corridor plan is part of the development of the transportation element of a comprehensive plan for the entire community, it will most likely be an eligible project. The transportation grant will require a commitment from the applicant that they will complete compliance with the comprehensive plan requirements found under Wis. Stats. s. 66.0295.

**QUESTION:** What is the implication of the 14 goals listed in the general planning grant program? How can my community apply for a grant without knowing if it agrees with these goals yet?

**ANSWER:** The fourteen goals listed are only one of the criteria the Wisconsin Land Council will utilize in awarding grant funding to local units. Funding priority will be given to those applicants who describe the means by which the local government will accomplish the goals. They are not intended to replace the goals the local community develops through the local planning process. This legislation does not dictate local land use policy; however, if you apply for a grant from the state, the local government must indicate how it intends to work toward these goals which were approved through the 1999-2001 Budget Bill.

## Smart Growth Dividend Aid Program (Wisconsin Act 9, Section 18zo)

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The new legislation established the development of this program to be proposed within the next budget biennium for years 2001-2003. The first funds will be available in fiscal year 2005-2006 to cities, villages, towns and counties that meet the following eligibility criteria:

- A community must have an adopted and implemented comprehensive plan which the Department of Administration and Wisconsin Land Council determine meets the statutes (Wis. Stats. § 66.0295).
- A community must also have in effect zoning ordinances and subdivision regulations that are consistent with its comprehensive plan.

The Department of Administration and the Department of Revenue will be jointly developing a proposal for the distribution of aid based on the number of credits a community receives. One credit will be given to applicants for each new housing unit sold/rented on lots sized at one-quarter of an acre or less and one credit will be given for each new housing unit sold at no more than 80% of the median sale price for new homes in the primary county of the community. The Wisconsin Land Council will have approval authority of all grant applications.

If a community intends to apply for aid through the proposed Smart Growth Dividend Aid Program, a community will need to have in place a comprehensive plan which meets the new legislation. The Office of Land Information Services and the Wisconsin Land Council will be developing tools to assist local communities in their efforts.

**QUESTION:** Does this mean my local community must develop housing to meet these requirements of the aid program by year 2004 to apply in year 2005?

**ANSWER:** Only if your community is interested in applying for this financial aid. This program is a voluntary program designed to provide financial incentives to develop housing according to the criteria listed above.

**QUESTION:** What does this have to do with "smart growth areas?"

**ANSWER:** "Smart growth areas" are noted within the planning grant, but have not been linked with the development of this program. The Smart Growth Dividend Aid Program has not yet been developed.

## Traditional Neighborhood Development And Conservation Subdivision Ordinances (Wis. Statutes § 66.034)

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The new legislation requires that every city and village and every town with a population of 12,500 adopt ordinances for Traditional Neighborhood Development and Conservation Subdivisions that are similar to one developed by the University of Wisconsin-Extension and approved by a standing committee in each legislative house. The date required for the adoption of the ordinances is January 1, 2002.

A Traditional Neighborhood Development is defined in the statutes as "a compact, mixed use neighborhood where residential, commercial and civic buildings are within close proximity to each other." A Conservation Subdivision is defined in the statutes as "a housing development in a rural setting that is characterized by compact lots and common open space, where the natural features of land are maintained to the greatest extent possible."

Local governmental units are not required to map these areas within their zoning maps, but will have to adopt the ordinances within their zoning ordinance.

**QUESTION:** How can we obtain a copy of these ordinances?

**ANSWER:** The ordinances have not yet been developed by the University of Wisconsin-Extension. In addition, the standing committees of the legislature must also have the opportunity to approve the ordinances.

**QUESTION:** My village has 437 residents; are we required to adopt these ordinances?

**ANSWER:** Yes, every city and village is required to adopt similar ordinances to the one that will eventually be approved by the legislature.

**QUESTION:** My unincorporated town has 3,400 residents; are we required to adopt these ordinances?

**ANSWER:** No, only towns with a population 12,500 and over must adopt these ordinances.

**QUESTION:** Once we adopt these ordinances, will developers be able to propose a development under these ordinances?

**ANSWER:** Yes, however, just like any other zoning proposal, the development will have to enter the local approvals process.

## State Agency Involvement

### In Comprehensive Planning (Wis. Statutes §1.13, §227.113, §236.13)

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**Wis. Statutes §1.13 and 227.113:** Through the new legislation, each state agency is encouraged to design its programs, policies, infrastructure, investments and administrative rules to “reflect a balance between the mission of the agency and the local comprehensive planning goals.”

The goals are listed in Wis. Statutes §1.13 along with the provision that the agencies must ensure that when a local government prepares a plan for their agency, the actions under their plan will be designed to further the goals to the extent practical. These goals are identical to those outlined within the comprehensive grant program which are listed on page 5 of this document.

The Wisconsin Land Council anticipates continuing its efforts to examine ways in which state agencies can further the efforts of these sections of the legislation.

**Wis. Statutes §236.13:** These statutes relate to the approval of subdivision plats. Essentially this change states that if a community does not have a comprehensive plan under the new guidelines found in §66.0295, then master plans under §62.23 and county development plans under §59.69 should be used in approving plats.

## LOCAL PLAN COMMISSION COMPOSITION (Wis. Statutes §60.62 and 62.23)

The new planning legislation changes the composition of local plan commissions. This legislation is intended to reduce the risk of a partisan land use decision-making process by limiting the dual roles of an elected official and a plan commission member.

Towns (Under A Population Of 2,500): The membership of a town plan commission for a town of less than 2,500 population has been amended to consist of five members, all of whom shall be appointed by the Town Chair including the presiding officer. The Town Chair may appoint himself or herself to the commission as well as other town elected or appointment officials, but there shall always be at least one citizen member who is not a town official. (See Wis. Stats. §60.62(4) and page 16 of the Statutory Language document for further details.)

Cities, Villages And Towns (With Village Powers): A plan commission shall have 7 members appointed by the chief elected official who shall choose the presiding officer. Other city officials can be appointed but there must always be at least three citizen members who are not city officials.

However, a city council, by adoption of an ordinance, may select its own membership structure and requirements, essentially opting out of the new requirements. Members on the city plan commission hold terms of three years, appointed during April or interim appointments when vacancies occur. The legislation also spells out the general membership terms of the new members. (See Wis. Stats. §62.23 and page 16 of the Statutory Language document for further details.)

**QUESTION:** Has the role of the local plan commissions changed in terms of the preparation and adoption of the comprehensive plan?

**ANSWER:** Under the new provisions, the plan commission is authorized to prepare and amend a comprehensive plan and recommend its adoption, by resolution by majority vote of the plan commission, that the governing body adopt the comprehensive plan. The plan commission does not have the authority to adopt the plan or related amendments to a plan on behalf of the governing body.

**County Zoning Agencies (Wis. Stats. §59.69 (3))  
and Regional Planning Commissions (Wis. Stats. §66.945)**

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**County Zoning Agencies:** The new planning legislation was modified to indicate that Counties "may direct the preparation of a county development plan." Previously, the statutes noted that the County "shall direct the preparation of a county development plan." The intent of the statutory change is to standardize the requirements that all local governments will be consistent in their land use related activities by January 1, 2010.

**Regional Planning Commissions:** The statutes relating to Regional Planning Commissions were modified to clearly identify the basis for RPC master plans for a region, which must correlate to the new provisions of the comprehensive plan found in Wis. Stats. §66.0295.

**QUESTION:** How does the new planning legislation impact the Counties' or Regional Planning Commissions' existing plans or current planning processes?

**ANSWER:** The new legislation will not impact existing plans or current planning processes. Although the legislation does not clearly address this issue, it is the department's interpretation that the implementation of the existing plans or any ongoing planning efforts will not be affected by this legislation.

As mentioned in a previous question, local government units will need to prepare, adopt and/or amend its plans to meet the new guidelines found in Wis. Stats. §66.0295 prior to January 1, 2010 if the units engage in land use related activities. These land use activities and actions must be consistent with the unit's adopted comprehensive plan.

If a community will be developing a comprehensive plan or updating an existing plan, the Office of Land Information Services encourages the communities to refer to the new plan guidelines found in Wis. Stats. §66.0295. If a community intends to apply for a planning grant or for future credits for the proposed Smart Growth Dividend Aid Program, the new comprehensive plan guidelines will be required for plans. The Office of Land Information Services and the Wisconsin Land Council will be developing tools to assist local communities in their efforts.