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Comprehensive Planning

(LFB Budget Summary Document: Page 241)

No Issue Papers Have Been Prepared

(Gov) Agency: General Provisions - Comprehensive Planning

Recommendations:

Paper No. No Issue Papers Were Prepared: **Delay action until Wed or Thurs**

Comments: We are working on a little land use motion and need a little more time to get the votes. So, please delay action on this issue and on the DOA - Land Information Item #2, for which no FB papers was prepared.

FB didn't prepare any papers for this section. Since this is a gov/bill agency, the gov's provisions on comprehensive planning will be approved (see page 241 of LFB Budget Summary Document for description of statutory language the governor included).

Burke Motion:

prepared by: Barry

COMPREHENSIVE PLANNING

Planning Grants for Comprehensive Planning Activities

Motion:

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

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 Specify that this appropriation, DOA's authority to assess agencies and the associated grant program would be repealed, effective July 1, 2010.

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

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

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

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

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

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

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

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

range of employment opportunities.

- Balancing individual property rights with community interests and goals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

| MO# | | | |
|-----------|---|---|---|
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| JAUCH | Y | N | A |
| MOORE | Y | N | A |
| SHIBILSKI | Y | N | A |
| PLACHE | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |
| GARD | Y | N | A |
| PORTER | Y | N | A |
| KAUFERT | Y | N | A |
| ALBERS | Y | N | A |
| DUFF | Y | N | A |
| WARD | Y | N | A |
| HUBER | Y | N | A |
| RILEY | Y | N | A |

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