2001 ASSEMBLY BILL 866

February 26, 2002 – Introduced by Representatives BERCEAU, URBAN and MILLER, cosponsored by Senators BURKE and RISSER. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to create* 66.1001 (5) of the statutes; **relating to:** the applicability of city

2

and village comprehensive plans in unincorporated territory.

Analysis by the Legislative Reference Bureau

Under current law, a county board may engage in zoning and land use planning by creating a county planning agency or by designating a previously constituted county committee or commission as the county planning agency. If a county board creates or designates such an agency, the agency is required to direct the preparation of a county development plan for the physical development of the towns within the county and for the cities and villages within the county whose governing bodies agree to have their areas included in the county plan.

Also under current law, a city or village, or certain towns that exercise village powers, may create a city, village, or town plan commission to engage in zoning and land use planning. If a city, village, or town creates such a commission, the commission is required to adopt a master plan for the physical development of the city, village, or town, including in some instances, in the case of a city or village, unincorporated areas outside of the city or village which are related to the city's or village's development.

Under current law, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; and land use.

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Beginning on January 1, 2010, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies include zoning ordinances, municipal incorporation procedures, annexation procedures, agricultural preservation plans, and impact fee ordinances. Also beginning on January 1, 2010, if a local governmental unit engages in any program or action that affects land use, the comprehensive plan must contain at least all of the required planning elements.

Current law authorizes cities and villages to exercise zoning authority within their extraterritorial zoning jurisdiction. Extraterritorial zoning jurisdiction consists of unincorporated areas (town or county territory) within three miles of the corporate limits of a first, second, or third class city or within 1.5 miles of a fourth class city or a village.

Under this bill, beginning on January 1, 2010, a comprehensive plan of a city or village that affects the city's or village's extraterritorial zoning jurisdiction shall control over a town or county comprehensive plan that affects that same area. This provision is similar to a current law provision that states that a city or village master plan and official map controls in the city's or village's extraterritorial zoning jurisdiction over a county development plan that affects that same area.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.1001 (5) of the statutes is created to read:

2 66.1001 (5) EXTRATERRITORIAL ZONING JURISDICTION. Beginning on January 1,

3 2010, a city or village comprehensive plan shall control over a town or county

4 comprehensive plan in the city's or village's extraterritorial zoning jurisdiction, as

5 that term is used in s. 62.23 (7a) (a).

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(END)