

2003 DRAFTING REQUEST

Senate Amendment (SA-SB110)

Received: 04/09/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Alan Lasee (608) 266-3512

By/Representing: Shari

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: **Munis - zoning**
Counties - zoning

Extra Copies:

Submit via email: YES

Requester's email: **Sen.Lasee@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Expanding town authority to create an official map; status of official town map

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mshovers 04/10/2003	kgilfoy 04/10/2003	jfrantze 04/11/2003	_____	sbasford 04/11/2003	sbasford 04/11/2003	

FE Sent For:

<END>

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1?	mshovers	1-4/10 King	4/11	4/11			
11 MES							

FE Sent For:

<END>

March 27, 2003

TO: Marc

FR: SHARI

Alan wants an amendment for 1589 identical to the amendment for 1587 and 1588. Also the WTA request the attached amendment.

Any questions please call me at 266-3512.

Thanks!



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1589/1
MES:wj:pg

2003 BILL

WTA requests these amendments

see p. 3 for amendment to include "comprehensive plan" on line 14 + on line 23

1 **AN ACT to renumber and amend 59.69 (3) (b); to amend 59.69 (1) and 59.69**
2 **(3) (e); and to create 59.69 (3) (b) 1. to 3. and 60.23 (32) of the statutes; relating**
3 **to: expanding town authority to create an official map and the status of an**
4 **official town map.**

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.

Current law requires that the county development plan include the master plan and official map of a city or village in the county, and that a city or village master plan and official map control in the city's or village's extraterritorial zoning jurisdiction over a county development plan that affects that same area. A city's or village's 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 one and a half miles of a fourth class city or a village.

Current law allows a town to adopt an official map under certain situations if the town is located in a county that has not enacted a county zoning ordinance.

BILL

This bill authorizes a town to adopt an official map at any time, and requires that a county development plan include the official map of any town in the county that has adopted a comprehensive plan, which is defined under current law as a plan that must contain planning elements including the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; and land use. Also under the bill, a city's or village's master plan and official map control in the city's or village's extraterritorial zoning jurisdiction only if an official town map is not part of the county development plan.

For further information see the *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. 59.69 (1) of the statutes is amended to read:

59.69 (1) PURPOSE. It is the purpose of this section to promote the public health, safety, convenience, and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to ensure adequate highway, utility, health, educational, and recreational facilities; to recognize the needs of agriculture, forestry, industry, and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to preserve wetlands; to conserve soil, water, and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds. To accomplish this purpose, the board may plan for the physical development and zoning of territory within the county as set forth in this section and shall incorporate therein the master plan adopted under

BILL

1 s. 62.23 (2) or (3) ~~and~~, the official map of any city or village in the county adopted
2 under s. 62.23 (6), and the official map, as adopted under s. 60.23 (32), of any town
3 in the county that has adopted a comprehensive plan, as defined in s. 66.1001 (1) (a)
4 2.

5 SECTION 2. 59.69 (3) (b) of the statutes is renumbered 59.69 (3) (b) (intro.) and
6 amended to read:

7 59.69 (3) (b) (intro.) The development plan shall include ~~the master plan, if any,~~
8 ~~of any city or village, that was adopted under s. 62.23 (2) or (3) and the official map,~~
9 ~~if any, of such city or village, that was adopted under s. 62.23 (6) in the county,~~
10 without change, without change, all of the following:

11 SECTION 3. 59.69 (3) (b) 1. to 3. of the statutes are created to read:

12 59.69 (3) (b) 1. The master plan, if any, of any city or village, that was adopted
13 under s. 62.23 (2) or (3).

add 14 3 * The official map, if any, of a city or village described under subd. 1., that was
15 adopted under s. 62.23 (6) in the county.

16 4 * The official map, as adopted under s. 60.23 (32), of any town in the county
17 that has adopted a comprehensive plan, as defined in s. 66.1001 (1) (a) 2.

18 SECTION 4. 59.69 (3) (e) of the statutes is amended to read:

19 59.69 (3) (e) A master plan adopted by a city or village under s. 62.23 (2) and
20 (3) and an official map that is established by a city or village under s. 62.23 (6) shall
21 control in unincorporated territory in a county affected thereby, whether or not such
22 action occurs before the adoption of a development plan, except that if the county
add 23 development plan includes an official town map as described under par. (b) the town
24 map shall control in its territory.

25 SECTION 5. 60.23 (32) of the statutes is created to read:

note see 66.1001 (c)(a) 2



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa044041
NES King

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,

TO 2003 SENATE BILL ~~LRB 1589~~ 110

Rowe

SOON
IN 4/10

D-NOTE
DO

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

2 ✓ 1. Page 3, line 11: delete "1. to 3." and substitute "1. to 4."

3 ✓ 2. Page 3, line 17: after that line insert:

4. The comprehensive plan of a town described under subd. 3., that was
adopted under s. 62.23 (2) or (3)."

text: treat

6 (END)

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

LRBa0440/rdn

MES...: King

Senator Lasee:

Please review this amendment to ensure that it meets your intent. I did not include in this amendment a provision that is similar to amendments a0259/1, which was drafted to -1587/1, or a0260/1, which was drafted to -1588. Those 2 bills place restrictions on a city's or village's ability to annex town territory, and the amendments add a further restriction by requiring that the annexations by making the annexations subject to boundary agreements under s. 66.0307 (7).

~~This bill, A1589/1~~ ^{Senate Bill 110} relates to expanding town authority to create an official map and the status of town maps. There is no connection in this bill to annexation or boundary agreements because counties cannot annex town territory. If you want to add the provisions of -1587/1 or -1588/1 to this bill, the provisions of a0259/1 or a0260/1 could be added in, but as drafted I can't think of any way that either of those amendments could be added to this bill, ~~A1589/1~~. → (Senate Bill 110) (CS)

Also, I did not add a reference to comprehensive plans in bill ~~section 4 of A1589/1~~ section 4 of ~~A1589/1~~, the amendment of s. 59.69 (3) (e), as requested by the Towns Association because this reference is not needed. Under the bill, a county development plan is required to include the official town map of a town that has adopted a comprehensive plan, as defined in s. 66.1001 (1) (a) 2. and this amendment requires a county development plan to include the comprehensive plan of towns whose official maps are also part of the development plan. The bill also states that if a county's development plan includes a town's official map, the town map controls in its territory.

The only way that a county development plan would include a town's comprehensive plan is if that town has adopted an official map as described in s. 59.69 (3) (b) 3. of the bill, and the bill already states that if the development plan includes the town's official map, the town map controls in town territory. Therefore, there is no reason to add the reference to comprehensive plans in bill ~~section 4 of A1589/1~~ section 4 of ~~A1589/1~~.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0440/1dn
MES:kmg:jf

April 11, 2003

Senator Lasee:

Please review this amendment to ensure that it meets your intent. I did not include in this amendment a provision that is similar to amendments a0259/1, which was drafted to -1587/1, or a0260/1, which was drafted to -1588. Those 2 bills place restrictions on a city's or village's ability to annex town territory, and the amendments add a further restriction by making the annexations subject to boundary agreements under s. 66.0307 (7).

Senate Bill 110 relates to expanding town authority to create an official map and the status of town maps. There is no connection in this bill to annexation or boundary agreements because counties cannot annex town territory. If you want to add the provisions of -1587/1 or -1588/1 to this bill, the provisions of a0259/1 or a0260/1 could be added in, but as drafted I can't think of any way that either of those amendments could be added to this bill (Senate Bill 110).

Also, I did not add a reference to comprehensive plans in bill SECTION 4, the amendment of s. 59.69 (3) (e), as requested by the Towns Association because this reference is not needed. Under the bill, a county development plan is required to include the official town map of a town that has adopted a comprehensive plan, as defined in s. 66.1001 (1) (a) 2. and this amendment requires a county development plan to include the comprehensive plan of towns whose official maps are also part of the development plan. The bill also states that, if a county's development plan includes a town's official map, the town map controls in its territory.

The only way that a county development plan would include a town's comprehensive plan is if that town has adopted an official map as described in s. 59.69 (3) (b) 3. of the bill, and the bill already states that if the development plan includes the town's official map the town map controls in town territory. Therefore, there is no reason to add the reference to comprehensive plans in bill SECTION 4.

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