

2003 DRAFTING REQUEST

Bill

Received: 09/04/2003

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Rep. Albers**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact: **Mark Patronsky,
Tom Larson of Wis. Realtors
Assoc.**

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to the comprehensive planning, or Smart Growth, law

Instructions:

See attached. Make various changes to the Smart Growth law

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>
/?				_____			S&L
/1	mshovers	kfollett	jfrantze	_____	sbasford	lemery	S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/18/2003	09/30/2003 kfollett 09/30/2003	10/01/2003	_____	10/01/2003	10/01/2003	
/2	mshovers 10/07/2003	kfollett 10/07/2003	rschluet 10/07/2003	_____	sbasford 10/07/2003	sbasford 10/07/2003	

FE Sent For: 10/01/2003, ~~10/01/2003~~

<END>

(1/1")

Old Version

1/2" AT intro.

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redraft request
made this
morning.
To: LRB Drafting

rs

Albers

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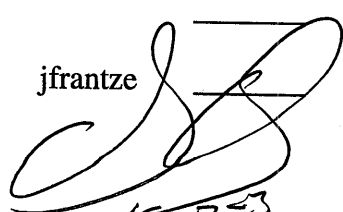
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10-7-03

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	09/18/2003	09/30/2003 kfollett 09/30/2003	10/01/2003	_____	10/01/2003	10/01/2003	

12 MES 10/7/03

FE Sent For:

<END>

w/i" 10/1/03

per Ryan

Rush for hearing

10/8/03

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/?							
/1	mshovers	kfollett	jfrantze		sbasford	↓ <i>per albers office</i>	S&L

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	09/18/2003	09/30/2003 kfollett 09/30/2003	10/01/2003	_____ _____ _____	10/01/2003		

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1/1	mshovers	1/1 k/j 9/30	1/1 10/1	Self 10/1			
1/1 MES 9/18/03							

FE Sent For:

<END>

9/2/03 meeting

Changes to s. 66.1001

Tom Larson
Jerry Deshane
Rep Wood Rep Albers
Mark Patrowsky
fy 4th

remove from s. 66.1001 (3):
eliminate all except:
(g), (h), (i), (k), (l), (o)

AM; (2)(i) so ~~the~~ the list of items included is consistent w/ the elements kept in sub. (3) -- (g), (h), (i), (k), (l) & (o)

~~CR, sub (4)(d) 5~~

if the plan changes the allowable use of land, landowner

AM; sub. (2)(g) 2

If a town designates envir/sensitive areas, PRC must take that into account when developing its envir. element under sub. (2)(e)

Restate that RPC plans are only advisory

★ add ~~of~~ a def of "pol. subd." and

~~add~~ substitute "pol subd." for LCU
in sub. (3) (intro.)

19.965(1)(a)

strike RPC

add or PPC after LCU 19.965(2)

Strike RPC from def of LCU, but add
in RPC separately

Environmental corridors

2

J.A.U.

When inconsistencies exist between
LCU & RPC, ^{comp. plan} a decision maker shall
give greater wt to the LCU's ^{regulator}
comp. plan

★ make sub. (3) (intro) clearer -- ~~of sec laws~~
from Tom Lason
~~State City vs. City of Mequon~~

★ equity existing case law
A reg is "consistent" if it does not contradict
the content of an LCU

Shovers, Marc

From: Larson, Tom [tlarson@wra.org]
Sent: Tuesday, September 02, 2003 4:24 PM
To: 'marc.shovers@legis.state.wi.us'
Subject: FW: Amendments to the Comprehensive Planning Law
Marc,

Below you will find the proposed changes we discussed at today's meeting. If you need anything else or if you have questions, please feel free to contact me. Thanks.

Tom

- 1. Delete "or regional planning commission" in Section 16.965(1)(a). Add "or regional planning commission" after "local governmental units" in Section 16.965(2).
2. Delete "or regional planning commission" in Section 16.9651(1). Add "or regional planning commission" after "local governmental units" in Section 16.9651(2).
3. Delete "or regional planning commission" in Section 66.1001(b).
4. Replace the first sentence in Section 66.1001(3) with the following: "Beginning on January 1, 2010, if a local governmental unit engages in any of the following regulations, those regulations, and any amendments thereto, must be consistent with a comprehensive plan adopted by that local governmental unit under s. 66.1001(4): " [official maps, subdivision regulations, general zoning ordinances, shoreland/wetland zoning].
5. I think it would be helpful to have 66.1001(3) define what consistency means based on the Lake City v. City of Mequon, 207 Wis. 2d 155, 164 (1997) case, maybe something along the lines of "a regulation is consistent if it does not contradict the content of that local governmental unit's comprehensive plan." This may help some of the opponents understand that "consistency" does not mean consistency with regional plans, or some other local governmental unit's plans, etc.
6. Delete the following Subsections: 66.1001(3)(a) [municipal incorporation procedures]; 66.1001(3)(b) [annexation procedures]; 66.1001(3)(c) [cooperative boundary agreements]; 66.1001(3)(d) [consolidation of territory]; 66.1001(3)(e) [detachment of territory]; 66.1001(3)(f) [municipal boundary agreements]; 66.1001(3)(m) [transportation facility]; 66.1001(3)(n) [ag preservation plans]; 66.1001(3)(o) [impact fee ordinances]; 66.1001(3)(p) [land acquisition for recreational lands and parks]; 66.1001(3)(r) [construction site erosion control]; 66.1001(3)(s) [any other ordinance, plan or regulation that relates to land use].

Thomas D. Larson - Director of Land Use and Environmental Affairs
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<<<http://www.wra.org/>>>

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as requiring that any issues addressed in both a master plan and an official map are not "otherwise inconsistent." (Petitioner's brief at 10.) If this requirement is met, Mequon claims that a master plan is consistent with an official map even if the master plan addresses issues not contained in the official map.

¶ 14. We agree with Mequon's interpretation of the plain language of Wis. Stat. § 236.13(1)(c). The word "consistent," according to common and approved usage, means "in agreement, compatible." *The American Heritage Dictionary* 402 (3d ed. 1992).⁹ In other words, "consistent" means "not contradictory." Under a common sense application of this definition to the present case, a master plan is consistent with an official map if they share common elements, meaning that any elements addressed by both the master plan and official map are in agreement.

¶ 15. However, it does not necessarily follow that a master plan is inconsistent with an official map if the master plan contains elements that the official map does not. A master plan, pursuant to Wis. Stat. § 62.23(2), is likely to contain additional elements.¹⁰

⁹The legislature did not define the word "consistent" in Wis. Stat. § 236.13.

¹⁰An official map may show only streets, highways, historic districts, parkways, parks, playgrounds, the location of railroad rights-of-way, waterways and public transit facilities. Wis. Stat. § 62.23(6)(b). However, under § 62.23(2), a master plan:

[M]ay include, among other things without limitation, because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads and buses, historic districts, and the general location and extent of sewers, water conduits and other public utilities whether

Yet, a master plan is not incompatible with an official map simply because the master plan contains additional elements. So long as any issues addressed in both a master plan and an official map are not contradictory, the master plan is consistent with the official map.

¶ 16. We additionally accept Mequon's interpretation because it gives effect to the words "master plan" in Wis. Stat. § 236.13(1)(c), whereas Lake City's interpretation does not. Under Lake City's interpretation, a plan commission can rely on a master plan only to the limited extent that it reflects issues contained in an official map. Accordingly, the words "master plan" are rendered superfluous, because the master plan serves as nothing more than a conduit to the official map. If the legislature had intended such a result, it need not have included the words "master plan" in the statute; it could have simply included the words "official map."

¶ 17. We further reject Lake City's proffered interpretation because it leads to an illogical result. Under Wis. Stat. § 236.11, a final plat is entitled to approval only if it "conforms substantially. . . to local plans. . . adopted as authorized by law. . ."¹¹ The refer-

privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, the general character, extent and layout of the replanning of blighted districts and slum areas, and a comprehensive zoning plan.

Wis. Stat. § 62.23 (emphasis added).

¹¹When multiple statutes are contained in the same chapter and assist in implementing the chapter's goals and policy, the statutes should be read *in pari materia* and harmonized if possible." *In re Angel Lacey M.*, 184 Wis. 2d 492, 512, 516 N.W.2d



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3204/

MES. K. ...

Thurs pm

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

~~WANTED
SOON
IN 9/18~~

gm

- 1 AN ACT ...; **relating to:** making changes to the comprehensive planning statute
- 2 known as Smart Growth.

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 the current law popularly known as the "Smart Growth" statute, 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.

Beginning on January 1, 2010, under Smart Growth, 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, under Smart Growth, 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.

This bill reduces the number of programs or actions with which a comprehensive plan must be consistent. Under the bill, the only programs or actions which must be consistent with a comprehensive plan are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands.

The bill makes a technical change by deleting the use of the term "local governmental unit" and by replacing the use of that term with "political subdivision or regional planning commission" (RPC). A political subdivision is defined as a city, village, town, or county.

The bill also specifies that for a political subdivision's or RPC's program or action to be consistent with its comprehensive plan the program or action must be compatible with the political subdivision's or RPC's own comprehensive plan, and may contain items that are in addition to the items contained in its comprehensive plan if those additional items are compatible with the plan. This use of "consistent" is based on Wisconsin Supreme Court decision, *Lake City Corp. v. City of Mequon*, 207 Wis. 2d 155, 164–165 (1997).

Finally, the bill reiterates that an RPC's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

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:

- 1 ^x
SECTION 1. 16.965 (1) (a) of the statutes is repealed and recreated to read:
- 2 16.965 (1) (a) "Political subdivision" means a city, village, town, or county.
- 3 ^v
SECTION 2. 16.965 (2) of the statutes is amended to read:
- 4 16.965 (2) From the appropriations under s. 20.505 (1) (cm) and (if), the
- 5 department may provide grants to local governmental units political subdivisions
- 6 and regional planning commissions to be used to finance the cost of planning

1 activities, including contracting for planning consultant services, public planning
 2 sessions and other planning outreach and educational activities, or for the purchase
 3 of computerized planning data, planning software or the hardware required to
 4 utilize that data or software. The department shall require any ~~local governmental~~
 5 unit political subdivision or regional planning commission that receives a grant
 6 under this section to finance a percentage of the cost of the product or service to be
 7 funded by the grant from the resources of the local governmental unit. The
 8 department shall determine the percentage of the cost to be funded by a ~~local~~
 9 governmental unit political subdivision or regional planning commission based on
 10 the number of applications for grants and the availability of funding to finance
 11 grants for the fiscal year in which grants are to be provided. A ~~local governmental~~
 12 unit political subdivision or regional planning commission that desires to receive a
 13 grant under this subsection shall file an application with the department. The
 14 application shall contain a complete statement of the expenditures proposed to be
 15 made for the purposes of the grant. No ~~local governmental unit political subdivision~~
 16 or regional planning commission is eligible to receive a grant under this subsection
 17 unless the ~~local governmental unit political subdivision or regional planning~~
 18 commission agrees to utilize the grant to finance planning for all of the purposes
 19 specified in s. 66.1001 (2).

20 History: 1999 a. 9, 148, 185; 2001 a. 16, 30, 105; 2003 a. 33 s. 2813. ✓

SECTION 3. 16.965 (3) of the statutes is amended to read:

21 16.965 (3) Prior to awarding a grant to a ~~local governmental unit political~~
 22 subdivision or regional planning commission (sub. (2), the department shall forward
 23 a statement of the expenditures proposed to be made under the grant to the
 under ← plain text

1 Wisconsin land council for its written approval. The council may approve or
2 disapprove any proposed grant.

Note: Note: Sub. (3) is repealed eff. 9-1-05 by 1999 Wis. Act 9. Note:

History: 1999 a. 9, 148, 185; 2001 a. 16, 30, 105; 2003 a. 33 s. 2813. ✓

3 **SECTION 4.** 16.965 (4) (intro.) of the statutes is amended to read:

4 16.965 (4) (intro.) In determining whether to approve a proposed grant,
5 preference shall be accorded to applications of ~~local governmental units~~ political
6 subdivisions and regional planning commissions that contain all of the following
7 elements:

History: 1999 a. 9, 148, 185; 2001 a. 16, 30, 105; 2003 a. 33 s. 2813. ✓

8 **SECTION 5.** 16.9651 (1) of the statutes is amended to read:

9 16.9651 (1) In this section, ~~“local governmental unit~~ “political subdivision”
10 means a ~~county, city, village, town, or regional planning commission~~ county.

History: 1999 a. 9; 2001 a. 30. ✓

11 **SECTION 6.** 16.9651 (2) of the statutes is amended to read:

12 16.9651 (2) From the appropriation under s. 20.505 (1) (z), the department may
13 provide grants to ~~local governmental units~~ political subdivisions and regional
14 planning commissions to be used to finance the cost of planning activities related to
15 the transportation element, as described in s. 66.1001 (2) (c), of a comprehensive
16 plan, as defined in s. 66.1001 (1) (a), including contracting for planning consultant
17 services, public planning sessions, and other planning outreach and educational
18 activities, or for the purchase of computerized planning data, planning software, or
19 the hardware required to utilize that data or software. The department may require
20 any ~~local governmental unit~~ political subdivision or regional planning commission
21 that receives a grant under this section to finance not more than 25% of the cost of
22 the product or service to be funded by the grant from the resources of the ~~local~~
23 governmental unit political subdivision or regional planning commission. Prior to

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

5 History: 1999 a. 9; 2001 a. 30.

5 **SECTION 7.** 66.1001 (1) (b) of the statutes is amended to read:

6 66.1001 (1) (b) ~~“Local governmental unit”~~ “Political subdivision” means a city,
7 village, town, or county or regional planning commission that may adopt, prepare or
8 amend a comprehensive plan.

9 History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

9 **SECTION 8.** 66.1001 (2) (a) of the statutes is amended to read:

10 66.1001 (2) (a) *Issues and opportunities element.* Background information on
11 the ~~local governmental unit~~ political subdivision or regional planning commission
12 and a statement of overall objectives, policies, goals and programs of the local
13 ~~governmental unit~~ political subdivision or regional planning commission to guide
14 the future development and redevelopment of the ~~local governmental unit~~ political
15 subdivision or regional planning commission over a 20-year planning period.
16 Background information shall include population, household and employment
17 forecasts that the ~~local governmental unit~~ political subdivision or regional planning
18 commission uses in developing its comprehensive plan, and demographic trends, age
19 distribution, educational levels, income levels and employment characteristics that
20 exist within the ~~local governmental unit~~ political subdivision or regional planning
21 commission.

22 History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

22 **SECTION 9.** 66.1001 (2) (b) of the statutes is amended to read:

23 66.1001 (2) (b) *Housing element.* A compilation of objectives, policies, goals,
24 maps and programs of the ~~local governmental unit~~ political subdivision or regional

1 planning commission to provide an adequate housing supply that meets existing and
2 forecasted housing demand in the ~~local governmental unit~~ political subdivision or
3 regional planning commission. The element shall assess the age, structural, value
4 and occupancy characteristics of the ~~local governmental unit's~~ political subdivision's
5 or regional planning commission's housing stock. The element shall also identify
6 specific policies and programs that promote the development of housing for residents
7 of the ~~local governmental unit~~ political subdivision or regional planning commission
8 and provide a range of housing choices that meet the needs of persons of all income
9 levels and of all age groups and persons with special needs, policies and programs
10 that promote the availability of land for the development or redevelopment of
11 low-income and moderate-income housing, and policies and programs to maintain
12 or rehabilitate the ~~local governmental unit's~~ political subdivision's or regional
13 planning commission's existing housing stock.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

14 **SECTION 10.** 66.1001 (2) (c) of the statutes is amended to read:

15 66.1001 (2) (c) *Transportation element.* A compilation of objectives, policies,
16 goals, maps and programs to guide the future development of the various modes of
17 transportation, including highways, transit, transportation systems for persons
18 with disabilities, bicycles, electric personal assistive mobility devices, walking,
19 railroads, air transportation, trucking and water transportation. The element shall
20 compare the ~~local governmental unit's~~ political subdivision's or regional planning
21 commission's objectives, policies, goals and programs to state and regional
22 transportation plans. The element shall also identify highways within the ~~local~~
23 ~~governmental unit~~ political subdivision or regional planning commission by function
24 and incorporate state, regional and other applicable transportation plans, including

1 transportation corridor plans, county highway functional and jurisdictional studies,
2 urban area and rural area transportation plans, airport master plans and rail plans
3 that apply in the ~~local governmental unit~~ political subdivision or regional planning
4 commission.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

5 **SECTION 11.** 66.1001 (2) (d) of the statutes is amended to read:

6 66.1001 (2) (d) *Utilities and community facilities element.* A compilation of
7 objectives, policies, goals, maps and programs to guide the future development of
8 utilities and community facilities in the ~~local governmental unit~~ political subdivision
9 or regional planning commission such as sanitary sewer service, storm water
10 management, water supply, solid waste disposal, on-site wastewater treatment
11 technologies, recycling facilities, parks, telecommunications facilities,
12 power-generating plants and transmission lines, cemeteries, health care facilities,
13 child care facilities and other public facilities, such as police, fire and rescue facilities,
14 libraries, schools and other governmental facilities. The element shall describe the
15 location, use and capacity of existing public utilities and community facilities that
16 serve the ~~local governmental unit~~ political subdivision or regional planning
17 commission, shall include an approximate timetable that forecasts the need in the
18 ~~local governmental unit~~ political subdivision or regional planning commission to
19 expand or rehabilitate existing utilities and facilities or to create new utilities and
20 facilities and shall assess future needs for government services in the ~~local~~
21 ~~governmental unit~~ political subdivision or regional planning commission that are
22 related to such utilities and facilities.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

23 **SECTION 12.** 66.1001 (2) (f) of the statutes is amended to read:

1 66.1001 (2) (f) *Economic development element.* A compilation of objectives,
2 policies, goals, maps and programs to promote the stabilization, retention or
3 expansion, of the economic base and quality employment opportunities in the ~~local~~
4 ~~governmental unit~~ political subdivision or regional planning commission, including
5 an analysis of the labor force and economic base of the ~~local governmental unit~~
6 political subdivision or regional planning commission. The element shall assess
7 categories or particular types of new businesses and industries that are desired by
8 the ~~local governmental unit~~ political subdivision or regional planning commission.
9 The element shall assess the ~~local governmental unit's~~ political subdivision's or
10 regional planning commission's strengths and weaknesses with respect to attracting
11 and retaining businesses and industries, and shall designate an adequate number
12 of sites for such businesses and industries. The element shall also evaluate and
13 promote the use of environmentally contaminated sites for commercial or industrial
14 uses. The element shall also identify county, regional and state economic
15 development programs that apply to the ~~local governmental unit~~ political
16 subdivision or regional planning commission.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

17 **SECTION 13.** 66.1001 (2) (g) of the statutes is amended to read:

18 66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of
19 objectives, policies, goals, maps and programs for joint planning and decision making
20 with other jurisdictions, including school districts and adjacent ~~local governmental~~
21 ~~units~~ political subdivisions or regional planning commissions, for siting and building
22 public facilities and sharing public services. The element shall analyze the
23 relationship of the ^{check}~~local governmental unit~~ political subdivision or regional planning
24 commission to school districts and adjacent ~~local governmental units~~ political

1 subdivisions or regional planning commissions, and to the region, the state and other
2 governmental ~~unit~~ units. The element shall incorporate any plans or agreements to
3 which the ~~local governmental unit~~ political subdivision or regional planning
4 commission is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
5 identify existing or potential conflicts between the ~~local governmental unit~~ political
6 subdivision or regional planning commission and other governmental units that are
7 specified in this paragraph and describe processes to resolve such conflicts.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

8 **SECTION 14.** 66.1001 (2) (h) of the statutes is amended to read:

9 66.1001 (2) (h) *Land-use element.* A compilation of objectives, policies, goals,
10 maps and programs to guide the future development and redevelopment of public
11 and private property. The element shall contain a listing of the amount, type,
12 intensity and net density of existing uses of land in the ~~local governmental unit~~
13 political subdivision or regional planning commission, such as agricultural,
14 residential, commercial, industrial and other public and private uses. The element
15 shall analyze trends in the supply, demand and price of land, opportunities for
16 redevelopment and existing and potential land-use conflicts. The element shall
17 contain projections, based on the background information specified in par. (a), for 20
18 years, in 5-year increments, of future residential, agricultural, commercial and
19 industrial land uses including the assumptions of net densities or other spatial
20 assumptions upon which the projections are based. The element shall also include
21 a series of maps that shows current land uses and future land uses that indicate
22 productive agricultural soils, natural limitations for building site development,
23 floodplains, wetlands and other environmentally sensitive lands, the boundaries of
24 areas to which services of public utilities and community facilities, as those terms are

1 used in par. (d), will be provided in the future, consistent with the timetable described
2 in par. (d), and the general location of future land uses by net density or other
3 classifications.

4 History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

4 **SECTION 15.** 66.1001 (2) (i) of the statutes is amended to read:

5 66.1001 (2) (i) *Implementation element.* A compilation of programs and specific
6 actions to be completed in a stated sequence, including proposed changes to any
7 applicable zoning ordinances, official maps, ~~sign regulations, erosion and storm~~
8 ~~water control ordinances, historic preservation ordinances, site plan regulations,~~
9 ~~design review ordinances, building codes, mechanical codes, housing codes, sanitary~~
10 ~~codes or subdivision ordinances,~~ to implement the objectives, policies, plans and
11 programs contained in ~~par. (a) to par. (h)~~. The element shall describe how each of
12 the elements of the comprehensive plan will be integrated and made consistent with
13 the other elements of the comprehensive plan, and shall include a mechanism to
14 measure the ~~local governmental unit's~~ political subdivision's or regional planning
15 commission's progress toward achieving all aspects of the comprehensive plan. The
16 element shall include a process for updating the comprehensive plan. A
17 comprehensive plan under this subsection shall be updated no less than once every
18 10 years.

19 History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

19 **SECTION 16.** 66.1001 (3) (intro.) of the statutes is amended to read:

20 66.1001 (3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE
21 PLANS. (intro.) Beginning on January 1, 2010, any program or action of a ~~local~~
22 ~~governmental unit~~ political subdivision or regional planning commission that affects
23 ~~land use~~ any of the following items shall be consistent with that ~~local governmental~~
24 ~~unit's~~ political subdivision's or regional planning commission's comprehensive plan,

1 including all of the following under this section. To be consistent, as that term is used
 2 in this subsection, a political subdivision's or regional planning commission's
 3 program or action must be compatible with its own comprehensive plan, and may
 4 contain items that are in addition to the items contained in its comprehensive plan
 5 if those additional items are compatible with the plan. The items with which any
 6 program or action of a political subdivision or regional planning commission must be
 7 consistent as described in this subsection are all of the following:

8 History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

8 **SECTION 17.** 66.1001 (3) (a) to (f) of the statutes are repealed.

9 **SECTION 18.** 66.1001 (3) (i) of the statutes is repealed.

10 **SECTION 19.** 66.1001 (3) (m) to (p) of the statutes are repealed.

11 **SECTION 20.** 66.1001 (3) (r) of the statutes is repealed.

12 **SECTION 21.** 66.1001 (3) (s) of the statutes is repealed.

13 **SECTION 22.** 66.1001 (4) (intro.) of the statutes is amended to read:

14 66.1001 (4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS. (intro.) A local
 15 governmental unit political subdivision or regional planning commission shall
 16 comply with all of the following before its comprehensive plan may take effect:

17 History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

17 **SECTION 23.** 66.1001 (4) (a) of the statutes is amended to read:

18 66.1001 (4) (a) The governing body of a ~~local governmental unit~~ political
 19 subdivision or regional planning commission shall adopt written procedures that are
 20 designed to foster public participation, including open discussion, communication
 21 programs, information services and public meetings for which advance notice has
 22 been provided, in every stage of the preparation of a comprehensive plan. The
 23 written procedures shall provide for wide distribution of proposed, alternative or
 24 amended elements of a comprehensive plan and shall provide an opportunity for

1 written comments on the plan to be submitted by members of the public to the
2 governing body and for the governing body to respond to such written comments.

3 **History:** 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

3 **SECTION 24.** 66.1001 (4) (b) (intro.) of the statutes is amended to read:

4 66.1001 (4) (b) (intro.) The plan commission or other body of a ~~local~~
5 ~~governmental unit~~ political subdivision or regional planning commission that is
6 authorized to prepare or amend a comprehensive plan may recommend the adoption
7 or amendment of a comprehensive plan only by adopting a resolution by a majority
8 vote of the entire commission. The vote shall be recorded in the official minutes of
9 the plan commission or other body. The resolution shall refer to maps and other
10 descriptive materials that relate to one or more elements of a comprehensive plan.
11 One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall
12 be sent to all of the following:

13 **History:** 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

13 **SECTION 25.** 66.1001 (4) (b) 1. of the statutes is amended to read:

14 66.1001 (4) (b) 1. Every governmental body that is located in whole or in part
15 within the boundaries of the ~~local governmental unit~~ political subdivision or regional
16 planning commission.

17 **History:** 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

17 **SECTION 26.** 66.1001 (4) (b) 2. of the statutes is amended to read:

18 66.1001 (4) (b) 2. The clerk of every ~~local governmental unit~~ political
19 subdivision or regional planning commission that is adjacent to the ~~local~~
20 ~~governmental unit~~ political subdivision or regional planning commission that is the
21 subject of the plan that is adopted or amended as described in par. (b) (intro.).

22 **History:** 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

22 **SECTION 27.** 66.1001 (4) (b) 6. of the statutes is amended to read:

1 66.1001 (4) (b) 6. The public library that serves the area in which the local
2 ~~governmental unit~~ political subdivision or regional planning commission is located.

3 [✓]
History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

3 **SECTION 28.** 66.1001 (4) (c) of the statutes is amended to read:

4 66.1001 (4) (c) No comprehensive plan that is recommended for adoption or
5 amendment under par. (b) may take effect until the ~~local governmental unit~~ political
6 subdivision or regional planning commission enacts an ordinance or adopts a
7 resolution that adopts the plan or amendment. The ^{check}~~local governmental unit~~ political
8 subdivision or regional planning commission may not enact an ordinance or adopt
9 a resolution under this paragraph unless the comprehensive plan contains all of the
10 elements specified in sub. (2). An ordinance may be enacted or a resolution may be
11 adopted under this paragraph only by a majority vote of the members-elect, as
12 defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted or a
13 resolution that is adopted under this paragraph, and the plan to which it relates,
14 shall be filed with at least all of the entities specified under par. (b).

15 [✓]
History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

15 **SECTION 29.** 66.1001 (4) (d) (intro.) of the statutes is amended to read:

16 66.1001 (4) (d) (intro.) No ~~local governmental unit~~ political subdivision or
17 regional planning commission may enact an ordinance or adopt a resolution under
18 par. (c) unless the ~~local governmental unit~~ political subdivision or regional planning
19 commission holds at least one public hearing at which the proposed ordinance or
20 resolution is discussed. That hearing must be preceded by a class 1 notice under ch.
21 985 that is published at least 30 days before the hearing is held. The ~~local~~
22 ~~governmental unit~~ political subdivision or regional planning commission may also

SECTION 29

1 provide notice of the hearing by any other means it considers appropriate. The class
2 1 notice shall contain at least the following information:

3 History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

SECTION 30. 66.1001 (4) (d) 3. of the statutes is amended to read:

4 66.1001 (4) (d) 3. The name of an individual employed by the ~~local~~
5 ~~governmental unit~~ political subdivision or regional planning commission who may
6 provide additional information regarding the proposed ordinance or resolution.

7 History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33.

SECTION 31. 66.¹⁰⁰¹~~(105)~~ (5) of the statutes is created to read:

8 66.¹⁰⁰¹~~(105)~~ (5) APPLICABILITY OF A REGIONAL PLANNING COMMISSION'S PLAN. A
9 regional planning commission's comprehensive plan is only advisory in its
10 applicability to a political subdivision and a political subdivision's comprehensive
11 plan.

12 (END)

Shovers, Marc

From: Gruber, Ryan
Sent: Monday, October 06, 2003 9:34 AM
To: Shovers, Marc
Subject: Albers - Changes to LRB 3204/1

Marc,

After consulting with interested parties, here are the changes that we would like made to 3204/1. There is a chance that one more change will be coming over later this morning regarding a RPC's role as a metropolitan planning organization but I wanted to give you a head start on these. The jacket is on its way back over right now. I will let you know on the MPO change as soon as I do. When all changes are made, please send the /2 back with the jacket ASAP. Thanks for your help!

- Ryan

Section 1 - Change "Political subdivision" back to "local governmental unit."

Section 5 -- Change "political subdivision" back to "local governmental unit."

Section 7 -- Change "political subdivision" back to "local governmental unit."

Sections 8-15 -- Change "political subdivision" back to "local governmental unit" and delete "or regional planning commission"

Section 15 -- Undo changes to line 12 back to "pars. (a) to par. (h)."

Section 16 - Delete this entire section and replace with "Beginning on January 1, 2010, if a local governmental unit engages in any of the following regulations, those regulations shall be consistent with that local governmental unit's comprehensive plan:"

Section 22 - Change "political subdivision" back to "local governmental unit"

Section 23 -- Change "political subdivision" back to "local governmental unit"

Section 24 -- Change "political subdivision" back to "local governmental unit"

Section 25 - Change "political subdivision or regional planning commission" to "local governmental unit."

Section 26 - Change "political subdivision or regional planning commission" to "local governmental unit."

Section 27 -- Change "political subdivision or regional planning commission" to "local governmental unit."

Section 28 - Change "political subdivision or regional planning commission" to "local governmental unit enacts an ordinance or regional planning commission adopts a resolution" . (lines 2-3 and lines 4-5) Delete "or adopts a resolution" (lines 3-4).

Section 29 -- Change "political subdivision or regional planning commission" to "local governmental unit enacts an ordinance or regional planning commission adopts a resolution." (lines 13-14) Change "political subdivision" to "local governmental unit." (lines 15 and 19) Delete "or adopt a resolution" (line 14)

Section 30 -- Change "political subdivision" to "local governmental unit." (line 23-24)

→ The changes, as drafted, were cleared w/Ryan

Shovers, Marc

From: Gruber, Ryan
Sent: Monday, October 06, 2003 11:37 AM
To: Shovers, Marc
Subject: NEW change to Section 16 of LRB 3204/1

*the change, as drafted,
was cleared w/
Ryan*

Here's new language for Section 16 beyond what I sent this morning.

Section 16 - Delete this entire section and replace with "Beginning on January 1, 2010, if a local governmental unit engages in any of the following regulations, those regulations, and any amendments thereto, must be consistent with a comprehensive plan adopted by that local governmental unit under s. 66.1001(4)."

Ryan Gruber

Research Assistant
Clerk, Assembly Committee on Property
Rights and Land Management
Office of Rep. Sheryl Albers
1-877-947-0050 (in Wisconsin)
1-608-266-8531
1-608-282-3650 (fax)
ryan.gruber@legis.state.wi.us

Memo

To: Senator Representative

Albers

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.

LRB Number: LRB

- 3204

Version: " / 1 "

Old Version

Fiscal Estimate Prepared By: (agency abbr.)

DOR

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: **10 / 10 / 2003**

* * * * *

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 _____

Barman, Mike

From: Barman, Mike
Sent: Friday, October 10, 2003 4:07 PM
To: Rep.Albers
Subject: LRB 03-3204/1 (FE by DOR - attached - for your review)



FE_Albers.pdf

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

Fiscal Estimate - 2003 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 03-3204/1	Introduction Number
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Subject Changes to the comprehensive planning, or Smart Growth, law

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs
 - 2. Decrease Costs
- 3. Increase Revenue
- 4. Decrease Revenue
- 5. Types of Local Government Units Affected
 - Towns
 - Villages
 - Cities
 - Counties
 - Others
 - School Districts
 - WTCS Districts
 - Regional planning commissions

Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	Affected Ch. 20 Appropriations
--	---------------------------------------

Agency/Prepared By DOR/ Daniel Huegel (608) 266-5705	Authorized Signature Dennis Collier (608) 266-5773	Date 10/10/2003
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Fiscal Estimate Narratives

DOR 10/10/2003

LRB Number 03-3204/1	Introduction Number	Estimate Type	Original
Subject			
Changes to the comprehensive planning, or Smart Growth, law			

Assumptions Used in Arriving at Fiscal Estimate

Under current law, beginning on January 1, 2010, any program or action by a town, village, city, county, or regional planning commission that affects land use must be consistent with that unit's comprehensive plan. Among the actions or programs that must be consistent with the comprehensive plan are: (1) municipal incorporation procedures; (2) annexation procedures; (3) cooperative boundary agreements; (4) consolidation or detachment of territory; (5) official mapping; (7) local subdivision regulation; (8) extraterritorial plat review; (9) county or municipal zoning ordinances, including zoning of shorelands or wetlands in shorelands, and including zoning for site erosion control and storm water management; (10) improvement of transportation facilities; (11) agricultural preservation plans; (12) impact fee ordinances; (13) acquisition of land for recreation or parks; and (14) any other plan or regulation that relates to land use.

The bill reduces the number of actions by a town, village, city, county, or regional planning commission that must be consistent with that unit's comprehensive plan to the following: (1) official mapping; (2) local subdivision regulation; and (3) county or municipal zoning ordinances, including zoning of shorelands or wetlands in shorelands.

By reducing the number of actions that must be consistent with a unit's comprehensive plan, it is possible that some local governments may not need to develop their own comprehensive plans. This could lead to a reduction in planning costs. The Department is unable to estimate how many governmental units would be so affected, and therefore is unable to estimate the reduction in planning costs this bill could engender.

Long-Range Fiscal Implications

Fiscal Estimate - 2003 Session

Original Updated Corrected Supplemental

LRB Number 03-3204/1	Introduction Number	
Subject Changes to the comprehensive planning, or Smart Growth, law		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Affected Ch. 20 Appropriations		
Agency/Prepared By	Authorized Signature	Date
DOA/ Dick Wagner (608) 266-0653	Martha Kerner (608) 266-1359	10/24/2003

Copy sent to Rep. Albers 10-27-03
PE is for old "1/1" version
Draft is now "1/2" AB-608

Fiscal Estimate Narratives

DOA 10/27/2003

LRB Number 03-3204/1	Introduction Number	Estimate Type Original
Subject Changes to the comprehensive planning, or Smart Growth, law		

Assumptions Used in Arriving at Fiscal Estimate

No data exists on the potential effect of the changes.

Long-Range Fiscal Implications

Unknown.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-32042

MES:kjf:WA

2
RMB

2003 BILL

NOW

WPM

1 AN ACT *to repeal* 66.1001 (3) (a) to (f), 66.1001 (3) (i), 66.1001 (3) (m) to (p),
2 66.1001 (3) (r) and 66.1001 (3) (s); *to amend* 16.965 (2), 16.965 (3), 16.965 (4)
3 (intro.), 16.9651 (1), 16.9651 (2), 66.1001 (1) (b), 66.1001 (2) (a), 66.1001 (2) (b),
4 66.1001 (2) (c), 66.1001 (2) (d), 66.1001 (2) (f), 66.1001 (2) (g), 66.1001 (2) (h),
5 66.1001 (2) (i), 66.1001 (3) (intro.), 66.1001 (4) (intro.), 66.1001 (4) (a), 66.1001
6 (4) (b) (intro.), 66.1001 (4) (b) 1., 66.1001 (4) (b) 2., 66.1001 (4) (b) 6., 66.1001 (4)
7 (c), 66.1001 (4) (d) (intro.) and 66.1001 (4) (d) 3.; *to repeal and recreate* 16.965
8 (1) (a); and *to create* 66.1001 (5) of the statutes; **relating to:** making changes
9 to the comprehensive planning statute known as Smart Growth.

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.

BILL

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 the current law popularly known as the "Smart Growth" statute, 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.

Beginning on January 1, 2010, under Smart Growth, 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, under Smart Growth, 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.

This bill reduces the number of programs or actions with which a comprehensive plan must be consistent. Under the bill, the only ~~programs or~~ actions which must be consistent with a comprehensive plan are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands.

~~The bill makes a technical change by deleting the use of the term "local governmental unit" and by replacing the use of that term with "political subdivision or regional planning commission" (RPC). A political subdivision is defined as a city, village, town, or county.~~

~~The bill also specifies that for a political subdivision's or RPC's program or action to be consistent with its comprehensive plan the program or action must be compatible with the political subdivision's or RPC's own comprehensive plan, and may contain items that are in addition to the items contained in its comprehensive plan if those additional items are compatible with the plan. This use of "consistent" is based on Wisconsin Supreme Court decision, *Lake City Corp. v. City of Mequon*, 207 Wis. 2d 155, 164-165 (1997).~~

~~Finally,~~ ^{also} the bill reiterates that an RPC's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

(a city, village, town, or county),

BILL

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:

1 **SECTION 1.** 16.965 (1) (a) of the statutes is repealed and recreated to read:

2 16.965 (1) (a) "Political subdivision" means a city, village, town, or county.

3 **SECTION 2.** 16.965 (2) of the statutes is amended to read:

4 16.965 (2) From the appropriations under s. 20.505 (1) (cm) and (if), the
5 department may provide grants to ~~local governmental units~~ political subdivisions
6 and regional planning commissions to be used to finance the cost of planning
7 activities, including contracting for planning consultant services, public planning
8 sessions and other planning outreach and educational activities, or for the purchase
9 of computerized planning data, planning software or the hardware required to
10 utilize that data or software. The department shall require any ~~local governmental~~
11 ~~unit~~ political subdivision or regional planning commission that receives a grant
12 under this section to finance a percentage of the cost of the product or service to be
13 funded by the grant from the resources of the local governmental unit. The
14 department shall determine the percentage of the cost to be funded by a ~~local~~
15 ~~governmental unit~~ political subdivision or regional planning commission based on
16 the number of applications for grants and the availability of funding to finance
17 grants for the fiscal year in which grants are to be provided. A ~~local governmental~~
18 ~~unit~~ political subdivision or regional planning commission that desires to receive a
19 grant under this subsection shall file an application with the department. The
20 application shall contain a complete statement of the expenditures proposed to be
21 made for the purposes of the grant. No ~~local governmental unit~~ political subdivision

BILL**SECTION 2**

1 ~~or regional planning commission~~ is eligible to receive a grant under this subsection
2 unless the ~~local governmental unit~~ political subdivision or regional planning
3 commission agrees to utilize the grant to finance planning for all of the purposes
4 specified in s. 66.1001 (2).

5 **SECTION 3.** 16.965 (3) of the statutes is amended to read:

6 16.965 (3) Prior to awarding a grant to a ~~local governmental unit~~ political
7 subdivision or regional planning commission under sub. (2), the department shall
8 forward a statement of the expenditures proposed to be made under the grant to the
9 Wisconsin land council for its written approval. The council may approve or
10 disapprove any proposed grant.

11 **SECTION 4.** 16.965 (4) (intro.) of the statutes is amended to read:

12 16.965 (4) (intro.) In determining whether to approve a proposed grant,
13 preference shall be accorded to applications of ~~local governmental units~~ political
14 subdivisions and regional planning commissions that contain all of the following
15 elements:

16 **SECTION 5.** 16.9651 (1) of the statutes is amended to read:

17 16.9651 (1) In this section, "~~local governmental unit~~ political subdivision"
18 means a ~~county, city, village, town, or regional planning commission~~ county.

19 **SECTION 6.** 16.9651 (2) of the statutes is amended to read:

20 16.9651 (2) From the appropriation under s. 20.505 (1) (z), the department may
21 provide grants to ~~local governmental units~~ political subdivisions and regional
22 planning commissions to be used to finance the cost of planning activities related to
23 the transportation element, as described in s. 66.1001 (2) (c), of a comprehensive
24 plan, as defined in s. 66.1001 (1) (a), including contracting for planning consultant
25 services, public planning sessions, and other planning outreach and educational

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1 activities, or for the purchase of computerized planning data, planning software, or
 2 the hardware required to utilize that data or software. The department may require
 3 any local governmental unit political subdivision or regional planning commission
 4 that receives a grant under this section to finance not more than 25% of the cost of
 5 the product or service to be funded by the grant from the resources of the local
 6 governmental unit political subdivision or regional planning commission. Prior to
 7 awarding a grant under this section, the department shall forward a detailed
 8 statement of the proposed expenditures to be made under the grant to the secretary
 9 of transportation and obtain his or her written approval of the proposed
 10 expenditures.

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11 SECTION 66.1001 (1) (b) of the statutes is amended to read:

12 66.1001 (1) (b) ^C "Local governmental unit" ^(c) "Political subdivision" means a city,
 13 village, town, ^(c) county ^{or regional planning commission} that may adopt, prepare, or
 14 amend a comprehensive plan.

15 SECTION 8. 66.1001 (2) (a) of the statutes is amended to read:

16 66.1001 (2) (a) *Issues and opportunities element.* Background information on
 17 the local governmental unit political subdivision or regional planning commission
 18 and a statement of overall objectives, policies, goals and programs of the local
 19 governmental unit political subdivision or regional planning commission to guide
 20 the future development and redevelopment of the local governmental unit political
 21 subdivision or regional planning commission over a 20-year planning period.
 22 Background information shall include population, household and employment
 23 forecasts that the local governmental unit political subdivision or regional planning
 24 commission uses in developing its comprehensive plan, and demographic trends, age
 25 distribution, educational levels, income levels and employment characteristics that

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1 exist within the ~~local governmental unit~~ political subdivision or regional planning
2 commission.

3 **SECTION 9.** 66.1001 (2) (b) of the statutes is amended to read:

4 66.1001 (2) (b) *Housing element.* A compilation of objectives, policies, goals,
5 maps and programs of the ~~local governmental unit~~ political subdivision or regional
6 planning commission to provide an adequate housing supply that meets existing and
7 forecasted housing demand in the ~~local governmental unit~~ political subdivision or
8 regional planning commission. The element shall assess the age, structural, value
9 and occupancy characteristics of the ~~local governmental unit's~~ political subdivision's
10 or regional planning commission's housing stock. The element shall also identify
11 specific policies and programs that promote the development of housing for residents
12 of the ~~local governmental unit~~ political subdivision or regional planning commission
13 and provide a range of housing choices that meet the needs of persons of all income
14 levels and of all age groups and persons with special needs, policies and programs
15 that promote the availability of land for the development or redevelopment of
16 low-income and moderate-income housing, and policies and programs to maintain
17 or rehabilitate the ~~local governmental unit's~~ political subdivision's or regional
18 planning commission's existing housing stock.

19 **SECTION 10.** 66.1001 (2) (c) of the statutes is amended to read:

20 66.1001 (2) (c) *Transportation element.* A compilation of objectives, policies,
21 goals, maps and programs to guide the future development of the various modes of
22 transportation, including highways, transit, transportation systems for persons
23 with disabilities, bicycles, electric personal assistive mobility devices, walking,
24 railroads, air transportation, trucking and water transportation. The element shall
25 compare the ~~local governmental unit's~~ political subdivision's or regional planning

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1 commission's objectives, policies, goals and programs to state and regional
2 transportation plans. The element shall also identify highways within the local
3 governmental unit political subdivision or regional planning commission by function
4 and incorporate state, regional and other applicable transportation plans, including
5 transportation corridor plans, county highway functional and jurisdictional studies,
6 urban area and rural area transportation plans, airport master plans and rail plans
7 that apply in the local governmental unit political subdivision or regional planning
8 commission.

9 **SECTION 11.** 66.1001 (2) (d) of the statutes is amended to read:

10 66.1001 (2) (d) *Utilities and community facilities element.* A compilation of
11 objectives, policies, goals, maps and programs to guide the future development of
12 utilities and community facilities in the local governmental unit political subdivision
13 or regional planning commission such as sanitary sewer service, storm water
14 management, water supply, solid waste disposal, on-site wastewater treatment
15 technologies, recycling facilities, parks, telecommunications facilities,
16 power-generating plants and transmission lines, cemeteries, health care facilities,
17 child care facilities and other public facilities, such as police, fire and rescue facilities,
18 libraries, schools and other governmental facilities. The element shall describe the
19 location, use and capacity of existing public utilities and community facilities that
20 serve the local governmental unit political subdivision or regional planning
21 commission, shall include an approximate timetable that forecasts the need in the
22 local governmental unit political subdivision or regional planning commission to
23 expand or rehabilitate existing utilities and facilities or to create new utilities and
24 facilities and shall assess future needs for government services in the local

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SECTION 11

1 ~~governmental unit political subdivision or regional planning commission~~ that are
2 related to such utilities and facilities.

3 **SECTION 12.** 66.1001 (2) (f) of the statutes is amended to read:

4 66.1001 (2) (f) *Economic development element.* A compilation of objectives,
5 policies, goals, maps and programs to promote the stabilization, retention or
6 expansion, of the economic base and quality employment opportunities in the local
7 ~~governmental unit political subdivision or regional planning commission~~, including
8 an analysis of the labor force and economic base of the local ~~governmental unit~~
9 ~~political subdivision or regional planning commission~~. The element shall assess
10 categories or particular types of new businesses and industries that are desired by
11 the local ~~governmental unit political subdivision or regional planning commission~~.
12 The element shall assess the local ~~governmental unit's~~ political subdivision's or
13 regional planning commission's strengths and weaknesses with respect to attracting
14 and retaining businesses and industries, and shall designate an adequate number
15 of sites for such businesses and industries. The element shall also evaluate and
16 promote the use of environmentally contaminated sites for commercial or industrial
17 uses. The element shall also identify county, regional and state economic
18 development programs that apply to the local ~~governmental unit~~ political
19 subdivision or regional planning commission.

20 **SECTION 13.** 66.1001 (2) (g) of the statutes is amended to read:

21 66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of
22 objectives, policies, goals, maps and programs for joint planning and decision making
23 with other jurisdictions, including school districts and adjacent local ~~governmental~~
24 ~~units~~ political subdivisions or regional planning commissions, for siting and building
25 public facilities and sharing public services. The element shall analyze the

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1 relationship of the ~~local governmental unit~~ political subdivision or regional planning
2 commission to school districts and adjacent ~~local governmental units~~ political
3 subdivisions or regional planning commissions, and to the region, the state and other
4 governmental ~~unit~~ units. The element shall incorporate any plans or agreements to
5 which the ~~local governmental unit~~ political subdivision or regional planning
6 commission is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
7 identify existing or potential conflicts between the ~~local governmental unit~~ political
8 subdivision or regional planning commission and other governmental units that are
9 specified in this paragraph and describe processes to resolve such conflicts.

10 **SECTION 14.** 66.1001 (2) (h) of the statutes is amended to read:

11 66.1001 (2) (h) *Land-use element.* A compilation of objectives, policies, goals,
12 maps and programs to guide the future development and redevelopment of public
13 and private property. The element shall contain a listing of the amount, type,
14 intensity and net density of existing uses of land in the ~~local governmental unit~~
15 political subdivision or regional planning commission, such as agricultural,
16 residential, commercial, industrial and other public and private uses. The element
17 shall analyze trends in the supply, demand and price of land, opportunities for
18 redevelopment and existing and potential land-use conflicts. The element shall
19 contain projections, based on the background information specified in par. (a), for 20
20 years, in 5-year increments, of future residential, agricultural, commercial and
21 industrial land uses including the assumptions of net densities or other spatial
22 assumptions upon which the projections are based. The element shall also include
23 a series of maps that shows current land uses and future land uses that indicate
24 productive agricultural soils, natural limitations for building site development,
25 floodplains, wetlands and other environmentally sensitive lands, the boundaries of

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1 areas to which services of public utilities and community facilities, as those terms are
 2 used in par. (d), will be provided in the future, consistent with the timetable described
 3 in par. (d), and the general location of future land uses by net density or other
 4 classifications.

5 ~~SECTION 15.~~ 66.1001 (2) (i) of the statutes is amended to read:

6 66.1001 (2) (i) *Implementation element.* A compilation of programs and specific
 7 actions to be completed in a stated sequence, including proposed changes to any
 8 applicable zoning ordinances, official maps, ~~sign regulations, erosion and storm~~
 9 ~~water control ordinances, historic preservation ordinances, site plan regulations,~~
 10 ~~design review ordinances, building codes, mechanical codes, housing codes, sanitary~~
 11 ~~codes or subdivision ordinances,~~ to implement the objectives, policies, plans and
 12 programs contained in plain ~~pars. (a) to par. (h).~~ The element shall describe how each of
 13 the elements of the comprehensive plan will be integrated and made consistent with
 14 the other elements of the comprehensive plan, and shall include a mechanism to
 15 measure the plain ~~local governmental unit's political subdivision's or regional planning~~
 16 ~~commission's~~ progress toward achieving all aspects of the comprehensive plan. The
 17 element shall include a process for updating the comprehensive plan. A
 18 comprehensive plan under this subsection shall be updated no less than once every
 19 10 years.

20 ~~SECTION 16.~~ 66.1001 (3) (intro.) of the statutes is amended to read:

21 66.1001 (3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE
 22 PLANS. (intro.) Beginning on January 1, 2010, ~~any program or action of a local~~ if
 23 ~~governmental unit political subdivision or regional planning commission that affects~~ plain
 24 ~~land use any of the following items~~ engages in actions, these actions shall be consistent with that plain
 25 ~~unit's political subdivision's or regional planning commission's~~ comprehensive plan;

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1 including all of the following ~~under this section. To be consistent, as that term is used~~
 2 ~~in this subsection, a political subdivision's or regional planning commission's~~
 3 ~~program or action must be compatible with its own comprehensive plan, and may~~
 4 ~~contain items that are in addition to the items contained in its comprehensive plan~~
 5 ~~if those additional items are compatible with the plan. The items with which any~~
 6 ~~program or action of a political subdivision or regional planning commission must be~~
 7 ~~consistent as described in this subsection are all of the following:~~

8 ~~SECTION 17.~~ 66.1001 (3) (a) to (f) of the statutes are repealed.

9 ~~SECTION 18.~~ 66.1001 (3) (i) of the statutes is repealed.

10 ~~SECTION 19.~~ 66.1001 (3) (m) to (p) of the statutes are repealed.

11 ~~SECTION 20.~~ 66.1001 (3) (r) of the statutes is repealed.

12 ~~SECTION 21.~~ 66.1001 (3) (s) of the statutes is repealed.

13 ~~SECTION 22.~~ 66.1001 (4) (intro.) of the statutes is amended to read:

14 ~~66.1001 (4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS. (intro.) A local~~
 15 ~~governmental unit political subdivision or regional planning commission shall~~
 16 ~~comply with all of the following before its comprehensive plan may take effect:~~

17 ~~SECTION 23.~~ 66.1001 (4) (a) of the statutes is amended to read:

18 ~~66.1001 (4) (a) The governing body of a local governmental unit political~~
 19 ~~subdivision or regional planning commission shall adopt written procedures that are~~
 20 ~~designed to foster public participation, including open discussion, communication~~
 21 ~~programs, information services and public meetings for which advance notice has~~
 22 ~~been provided, in every stage of the preparation of a comprehensive plan. The~~
 23 ~~written procedures shall provide for wide distribution of proposed, alternative or~~
 24 ~~amended elements of a comprehensive plan and shall provide an opportunity for~~

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1 written comments on the plan to be submitted by members of the public to the
2 governing body and for the governing body to respond to such written comments.

3 **SECTION 24.** 66.1001 (4) (b) (intro.) of the statutes is amended to read:

4 66.1001 (4) (b) (intro.) The plan commission or other body of a local
5 ~~governmental unit~~ political subdivision or regional planning commission that is
6 authorized to prepare or amend a comprehensive plan may recommend the adoption
7 or amendment of a comprehensive plan only by adopting a resolution by a majority
8 vote of the entire commission. The vote shall be recorded in the official minutes of
9 the plan commission or other body. The resolution shall refer to maps and other
10 descriptive materials that relate to one or more elements of a comprehensive plan.
11 One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall
12 be sent to all of the following:

13 **SECTION 25.** 66.1001 (4) (b) 1. of the statutes is amended to read:

14 66.1001 (4) (b) 1. Every governmental body that is located in whole or in part
15 within the boundaries of the ~~local governmental unit~~ political subdivision or regional
16 planning commission.

17 **SECTION 26.** 66.1001 (4) (b) 2. of the statutes is amended to read:

18 66.1001 (4) (b) 2. The clerk of every ~~local governmental unit~~ political
19 subdivision or regional planning commission that is adjacent to the local
20 ~~governmental unit~~ political subdivision or regional planning commission that is the
21 subject of the plan that is adopted or amended as described in par. (b) (intro.).

22 **SECTION 27.** 66.1001 (4) (b) 6. of the statutes is amended to read:

23 66.1001 (4) (b) 6. The public library that serves the area in which the local
24 ~~governmental unit~~ political subdivision or regional planning commission is located.

25 **SECTION 28.** 66.1001 (4) (c) of the statutes is amended to read:

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1 66.1001 (4) (c) No comprehensive plan that is recommended for adoption or
 2 amendment under par. (b) may take effect until the local governmental unit political
 3 subdivision ~~of~~ ^{move} regional planning commission enacts an ordinance ^{the} ~~or~~ adopts a
 4 resolution that adopts the plan or amendment. The local governmental unit political
 5 subdivision ~~of~~ ^{the} regional planning commission ^{move} may not enact an ordinance ~~or~~ ^{may not} adopt
 6 a resolution under this paragraph unless the comprehensive plan contains all of the
 7 elements specified in sub. (2). An ordinance may be enacted or a resolution may be
 8 adopted under this paragraph only by a majority vote of the members-elect, as
 9 defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted or a
 10 resolution that is adopted under this paragraph, and the plan to which it relates,
 11 shall be filed with at least all of the entities specified under par. (b).

12 ~~SECTION 29.~~ [✓] 66.1001 (4) (d) (intro.) of the statutes is amended to read:

13 [✓] 66.1001 (4) (d) (intro.) No ~~local governmental unit political subdivision~~ ^{move} regional planning commission ^{may} ~~may~~ ^{no} ~~enact an ordinance or~~ adopt a resolution under
 14 par. (c) unless the ~~local governmental unit political subdivision or regional planning~~
 15 commission holds at least one public hearing at which the proposed ordinance or
 16 resolution is discussed. That hearing must be preceded by a class 1 notice under ch.
 17 985 that is published at least 30 days before the hearing is held. The ~~local~~
 18 governmental unit political subdivision or regional planning commission may also
 19 provide notice of the hearing by any other means it considers appropriate. The class
 20 1 notice shall contain at least the following information:

22 ~~SECTION 30.~~ 66.1001 (4) (d) 3. of the statutes is amended to read:

23 ~~66.1001 (4) (d) 3. The name of an individual employed by the local~~
 24 ~~governmental unit political subdivision or regional planning commission who may~~
 25 ~~provide additional information regarding the proposed ordinance or resolution.~~

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~~SECTION 31.~~ 66.1001 (5) of the statutes is created to read:

66.1001 (5) APPLICABILITY OF A REGIONAL PLANNING COMMISSION'S PLAN. A regional planning commission's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

(END)