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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

<b>2003 Assembly Bill 551</b>	<b>Assembly Amendment 1 and Senate Amendment 1</b>
<i>Memo published:</i> March 10, 2004	<i>Contact:</i> Rachel Letzing, Staff Attorney (266-3370)

Under **current law**, a county zoning agency may direct the preparation of a county development plan, or parts of the plan, for the physical development of the towns within the county. Current law provides that a county development plan, or an amendment to the plan, must be adopted by the county board before it takes effect. Upon adoption, the county development plan applies to towns within the county.

**Assembly Bill 551** provides that a county development plan, part of a county development plan, or an amendment to a county development plan that is adopted by a county board is not applicable in a town unless it is approved by the town board. The initial applicability provision in the bill states that the new authority granted to the town board by the bill applies to a county development plan, part of a county development plan, or amendment to a county development plan that is adopted by a county board on or after the effective date of the legislation.

**Assembly Amendment 1** provides that a town board must vote to approve or disapprove the county board's action (i.e., a county development plan, part of a county development plan, or an amendment to a county development plan) no later than 90 days after the clerk sends out the duplicate copy of the county board's action. The amendment further provides that if a town board does not approve or disapprove of the county board's action within 90 days after the clerk sends out the duplicate copy of the county board's action, the county board's action takes effect in that town.

**Senate Amendment 1** specifies that a town board has no authority to approve or disapprove the applicability of a county shoreland, wetland in shoreland, or floodplain zoning ordinance within a town. These programs are mandated by statute, and counties are required to maintain these programs.

### **LEGISLATIVE HISTORY**

Assembly Amendment 1 was offered by Representative Friske on January 28, 2004. The Assembly adopted Assembly Amendment 1 on a voice vote on February 3, 2004. On that date, the Assembly also passed the bill, as amended, on a vote of Ayes, 78; Noes, 21.

Senate Amendment 1 was offered by Senator Brown on March 9, 2004. On the same date, the Senate adopted Senate Amendment 1 on a voice vote. The Senate then concurred in the bill, as amended, by a vote of Ayes, 20; Noes, 13.

REL:ksm:rv

# Planning & Zoning Department

Lance J. Gurney, Director

West Square Building

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To: Honorable Members of the Senate Committee of Homeland Security,  
Veterans and Military Affairs and Government Reform

From: Lance J. Gurney, Planning and Zoning Director, Sauk County

Date: February 18, 2004

Subject: Assembly Bill AB 551 (Hearing in front of Senate Committee)

Thank you Chairman Brown and members of the Senate Committee for providing an opportunity for local officials to testify on this important issue and discuss the Comprehensive Planning Law.

Since its adoption with the Budget Bill in 1999, this law has received an enormous amount of attention, both positive and negative. One of the constant issues with local levels of government has been the lack of opportunities to sit down and discuss the law with legislative leaders, especially when the law was originally created. This continues to be an issue today, as countless attempts to tweak or dissolve the law are proposed on a weekly basis, with little regard or input from the front line, the local governmental unit. This seems somewhat ironic since the law institutionalizes the ideal of open, public participation in planning.

With that being said, I would like to discuss with you today concerns relating to AB551 and the broader issues the bill has the potential of creating. The expressed intent of this bill is "to provide for a greater degree of cooperation between towns and counties in the adoption of county plans." I advise the members of this Committee not to be misled by the expressed intent of the bill, but rather look at what the bill actually says and what it could potentially mean. I strongly believe that this bill has the potential of creating greater conflict between town and county government. It may also create greater confusion rather than provide clarity. I believe that the intent is grossly misrepresented. To clarify, allow me to review a few components of the existing comprehensive planning law.

1. Under State Stats. 66.1001(1), a Comprehensive Plan means a county development plan.
2. It is also understood in 66.1001(3), that there are certain decisions or actions that shall be consistent with the local governmental unit's comprehensive plan after January 1, 2010.

Steve Sorenson, Assistant Zoning Administrator      Gina Templin, P&Z Support Specialist      Mary White, Admin Support Specialist  
Brian Cunningham, Zoning & Environmental Specialist      Matt Bremer, Zoning & Environmental Specialist      Dave Lorenz, Zoning & Environmental Specialist  
Brian Simmert, Planner      Aaron Hartman, GIS Specialist      David Tremble, Land Preservation Specialist/Planner

What the proposed legislation doesn't clarify is what happens if a town chooses not to approve a county comprehensive plan? Under this proposal, a town may choose not to approve a county comprehensive plan that incorporates the plans of neighboring cities, villages, or towns. However, the current law requires that a county's comprehensive plan include, without change, a city or village comprehensive plan. The law affords cities and villages great latitude in terms of defining their planning areas "in accordance with existing and future needs" as determined in Stats. 62.23(3). If a conflict exists between town comprehensive plans and city or village comprehensive plans, a town may very well choose not to approve a county comprehensive plan because it would mean automatically adopting or endorsing a neighboring city or village plan for areas that may very well be within the Town's limits. However, counties are not provided a choice in the matter or the ability to modify a city or village plan to provide consistency between conflicting plans.

The second question is what will happen with the existing zoning and land division ordinances when a town does not approve a county comprehensive plan? Many counties in Wisconsin currently have enacted comprehensive zoning ordinances that were then adopted by a town based on the provisions of Stats. 59.69, or land division review authority based on Stats. 236. The county's zoning and land division ordinances do not simply go away if a county does not adopt a comprehensive plan, although they may be rendered inoperable based on the consistency requirements of 66.1001(3). The end result may very well be a void in a county where no decisions can be made until some sort of resolution can be reached between the town and the county in terms of adopting the county's comprehensive plan. If a resolution cannot be reached, a burden would be placed on private land owners to take legal action against a town or county to resolve the issue. The Legislature should avoid creating legislation that places the burden of rectifying governmental conflicts on the private citizens' shoulders.

Finally, I strongly believe that the relationship between county and town government is a lot better than what is perceived by this legislation or by some legislators, and that the real inequity faced by both counties and towns in Wisconsin is with cities and villages. Although the intent of the bill is to provide for greater cooperation between towns and counties, the truth is you cannot force local governmental units to get along and this bill has the potential of straining intergovernmental relationships even more. Counties have limited authority in terms of what can be included in a county comprehensive plan. I hope that this committee can see that this proposed legislation could burden the private landowner, undermine local units of government, and set back Wisconsin's nationally recognized comprehensive planning law.

In closing, I am hopeful that the legislature will see the potential benefits of a Joint Legislative Committee that can identify the issues relating to the comprehensive planning law, analyze how it relates to powers granted to towns, villages, cities and counties and propose effective legislation that will clarify the relationships of local governmental units and the comprehensive planning law. Thank you for your time.



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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE SHERYL ALBERS

FROM: Mark C. Patronsky, Senior Staff Attorney *MCP*

RE: Comments on 2003 Assembly Bill 551, Relating to Subjecting a County Development Plan to Town Board Approval

DATE: January 29, 2004

This memorandum is in response to your request for a summary of and comments on an analysis of 2003 Assembly Bill 551 that was brought to your attention by Lance Gurney, Director, Sauk County Planning and Zoning Department. Mr. Gurney's analysis relates to the potential effect that Assembly Bill 551 may have on the ability of a county to enforce county zoning when the comprehensive planning requirements of s. 66.1001, Stats., which take effect on January 1, 2010. This matter is of concern to Mr. Gurney because in Sauk County, with the exception of three towns that are subject to town zoning and one town that is unzoned, all of the towns are subject to county zoning.

### Mr. Gurney's Analysis

Assembly Bill 551 amends s. 59.69 (2) (f), Stats. Under current law, a county zoning agency may direct the preparation of a county development plan, or parts of the plan, for the physical development of the towns within the county. Under the current statutes, a county development plan, or an amendment to the plan, must be adopted by the county board before it takes effect. Upon adoption, the county development plan applies to towns within the county.

Assembly Bill 551 provides that a county development plan, part of a county development plan, or an amendment to a county development plan that is adopted by a county board is not applicable in a town unless it is approved by the town board. The initial applicability provision in Assembly Bill 551 states that the new authority granted to the town board by the bill applies to a county development plan, part of a county development plan, or amendment to a county development plan that is adopted by a county board on or after the effective date of the legislation.

Mr. Gurney's analysis commences with the connections between the county development plan in s. 59.69, Stats., and the comprehensive planning requirements (often referred to as "smart growth") in s. 66.1001, Stats. In the comprehensive planning statute, "comprehensive plan" is defined, for a county, as

the development plan that is prepared for that county. This connection is further established in s. 59.69 (3) (a), Stats., which provides that commencing on January 1, 2010, if the county makes any of the land use decisions described in the comprehensive planning statute, the county development plan must contain at least all of the elements that must be contained in the comprehensive plan. As a result of these statutes, the county development plan and comprehensive plan are the same.

Mr. Gurney's ultimate concern is how the consistency requirements for the comprehensive planning statute are affected by Assembly Bill 551. Under comprehensive planning, in s. 66.1001 (3), on January 1, 2010 and thereafter, "any program or action of a local governmental unit that affects land use shall be consistent with that local governmental unit's comprehensive plan . . . ." According to Mr. Gurney, the following sequence of events may occur as the result of Assembly Bill 551: the county has a preexisting zoning ordinance applicable within a town; the county adopts or amends its county development plan to satisfy the requirements of the comprehensive planning statute; and the town board rejects the county development plan. The result is that the county development plan does not apply in that town and, therefore, lacking a comprehensive plan applicable to the town, the county cannot satisfy the requirement in s. 66.1001, Stats., to make its land use decisions consistent with the comprehensive plan, because there is no county plan for that town.

Mr. Gurney also notes that the enumerated list of programs or actions subject to the consistency requirement include such programs as shoreland zoning, wetland zoning, and flood plain zoning. If his interpretation of the bill is correct, the county would not be able to enforce these state-mandated statutes in a town that vetoes the county development plan.

### Comments

Mr. Gurney's analysis is consistent with the text of Assembly Bill 551 and the existing planning statutes that apply to counties. His description of the potential consequence of Assembly Bill 551 appears to be substantially correct. If a town is subject to county zoning, and the town board rejects the county development plan, the county will be unable to satisfy the requirement of consistency between county land use decisions and the county plan, commencing on January 1, 2010.

However, you should note that the intent of the supporters of this bill, as evidenced with testimony at the public hearing, is that the bill will provide for a greater degree of cooperation between towns and counties in the adoption of county plans. In a situation where a county has a zoning ordinance applicable to a town, that town will be able to participate in the process of developing the county plan. If the end result is a county plan that does not meet the needs of the town, the town board will be able to veto the county plan. This will give the town substantial leverage in assuring that the county plan adequately reflects the interest of the town. You should additionally note that the county development plan under s. 59.69 (3) (b) is required to include the master plan of any city or village located within the county. Another argument by the proponents of the bill is that Assembly Bill 551 gives towns a similar standing to cities and villages in the development of the county plan.

It is not clear whether the proponents of Assembly Bill 551 intend to negate the applicability of county shoreland, wetland, and flood plain zoning within towns, if the town board vetoes the county development plan. These programs are mandated by statute, and counties are required to maintain these programs. This is a substantially different kind of ordinance than that adopted by counties under s. 59.69, Stats., which is a permissive authority for the county to adopt ordinances rather than mandatory.

Arguably, there is a potential for conflict between Assembly Bill 551 and the statutes that mandate county shoreland, flood plain and wetland zoning which, if not resolved in the process of passing Assembly Bill 551, will require resolution later in litigation.

If I can provide further information, please feel free to contact me directly at the Legislative Council staff offices.

MCP:wu:jal:wu:kms;tlu

JAMES T. DWYER  
County Board Chair

DANIEL M. FINLEY  
County Executive



February 18, 2004

TO: Senator Ron Brown, Chair  
Members of the Senate Committee on Homeland Security

FR: Dave Krahn  
Legislative Policy Advisor

RE: Assembly Bill 551 – Subjects a County Development Plan to Town Approval

Assembly Bill 551 would create discrepancies between town and county comprehensive plans at a time when more than ever smart growth should be the norm and not the exception. In a growing county like Waukesha County where the need for comprehensive planning is so vital, AB 551 would only serve to undermine this crucial effort.

A better idea would be to take a “comprehensive” approach to this issue and all of its related components and call for a Legislative Council committee to be named to study comprehensive planning in its entirety. This would ensure a more measured and sound proposal of recommendations to deal with the relationship between counties and towns vis-a-vis comprehensive planning.

Waukesha County urges you to oppose AB 551.

Thank you for considering our comments.



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## MEMORANDUM

TO: Honorable Members of the Senate Committee on Homeland Security,  
Veterans and Military Affairs and Government Reform

FROM: Matthew Stohr, Legislative Associate *MS*

DATE: February 18, 2004

SUBJECT: Opposition to Assembly Bill 551

The Wisconsin Counties Association (WCA) opposes Assembly Bill 551 (AB 551). WCA is concerned that AB 551 would potentially create inconsistencies between town and county comprehensive plans. In addition, WCA is concerned that AB 551 conflicts with current statutes and administrative rules. Under current law, Wisconsin counties are mandated to provide certain programs and/or services in unincorporated areas of counties. These programs and/or services include, but are not limited to, shoreland zoning, wetland zoning, and flood plain zoning.

It is unclear how AB 551 would affect the Wisconsin counties' requirement to carry out these programs/services in unincorporated areas. This becomes even more of an issue after January 1, 2010, because of requirement set forth by ss. 66.1001 (3) stating that "any program or action of a local governmental unit that affects land use shall be consistent with that local governmental unit's comprehensive plan...". For example, if a county amends its comprehensive plan affecting a town within the county, the amendment would be subject to town board approval. If the town vetoes the amendment, the county would potentially not be able to carry out a mandated program/service in that town.

Currently, WCA and various other associations are working with members of the Legislature to request a Joint Legislative Committee regarding local planning and land-use issues. WCA respectfully requests that the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform does not take action on AB 551 until a Joint Legislative Committee can examine the entire local planning and land-use issue and make recommendations regarding the relationship between town and county comprehensive plans.

Thank you for considering our comments.

Please feel free to contact me at the WCA office if you have any questions.

**Remarks for Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform**

*Regarding AB 551 – Municipal Cooperation*

By Representative Donald Friske

February 18, 2004

Thank you Chairman Brown and Committee Members. I appreciate you having this hearing today and scheduling this important legislation for consideration. I hope to present to you today a brief explanation of where this legislation arose and its merits for passage.

Assembly Bill 551 is the result of hearing the overriding concerns of the citizens of Wisconsin, particularly in Northern Wisconsin. A county in my district, Langlade County, was the first county in the State to reject state funds for Smart Growth planning.

This bill, however, is not an attack on Smart Growth. It is, rather, a bill to address one of the most important criticisms of Smart Growth's most vocal critics: the potential for municipal dominance without recourse.

Smart Growth's supporters say that State Statutes allow towns to be an involved and equal partner with County Planning Commissions. This is true. It does allow it. However, it does not require it.

The silence of the statutes on municipal cooperation is deafening. This bill simply codifies what supporters of Smart Growth claim: towns will have a significant say over how their community plans are developed and changed.

This bill ensures that a County Planning Commission will respect an original Town plan and an approved County Plan as approved by the Town and County, respectively. Similar to the relationship between the Wisconsin State Legislature and the executive branch in the issuance of administrative rule making, this bill requires Counties and affected towns to negotiate with each other until mutually acceptable changes are created. This bill is about cooperation.

If a County Planning Commission changes either a submitted Town Plan or its own final County Plan, the affected Town or Towns must approve that change before it can be made effective.

I believe this legislation is simple, retains the benefits of advanced planning *and* addresses the most contentious issue raised by the critics of Smart Growth in a manner *consistent* with the rhetorical support of Smart Growth's advocates.

The Assembly passed this bill by an overwhelming 78-21 margin earlier this month.

With that said, I want to thank the Chairman and Committee Members again for the opportunity to present this bill to you today.

# Wisconsin Towns Association

MAR 01 2004

Richard J. Stadelman, Executive Director  
W7686 County Road MMM  
Shawano, Wis. 54166

Tel. (715) 526-3157

Fax: (715) 524-2917

Email: wtowns@frontiernet.net

To: Wisconsin Senators

From: Rick Stadelman, Executive Director

Re: **AB 551 Town approval of County Plans before being effective in Towns**

Date: February 26, 2004

One of the top priorities on the Wisconsin Towns Association legislative agenda is the passage of AB 551. This bill has passed the Assembly on a vote of 78 ayes and 28 noes. AB 551 was recommended for concurrence by the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform by a vote of 4 ayes and 1 no. This bill is ready for a vote on the Senate floor.

**AB 551 provides that a county development plan or amendment to a county development plan adopted by the county board is not applicable in a town unless it is approved by the town board. Assembly Amendment #1 provides the town board must vote to approve or disapprove no later than 90 days after notice from the county.**

AB 551 will result in more cooperation between towns and counties because it will encourage counties to work with towns before adopting plans which the towns will not approve. Current law provides that city and village comprehensive plans must be incorporated into the county plan without question by the county including in the extraterritorial areas. While AB 551 does not give the towns the same authority as cities and villages, it does give the town the final approval of a county plan before it can become effective in the town.

Many counties have stated that they intend to incorporate town plans into the county comprehensive plans. AB 551 will insure that what the counties are saying will be followed.

**Wisconsin Towns Association asks that AB 551 be scheduled and passed by the Senate before March 11<sup>th</sup>. This bill is our top priority in the State Senate.**  
Thank you for your consideration.



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## MEMORANDUM

TO: Honorable Members of the Wisconsin State Senate

FROM: Craig Thompson, Legislative Director

DATE: March 9, 2004

SUBJECT: Opposition to Assembly Bill 551

The Wisconsin Counties Association (WCA) opposes Assembly Bill 551 (AB 551). WCA is concerned that AB 551 would potentially create inconsistencies between town and county comprehensive plans. In addition, WCA is concerned that AB 551 conflicts with current statutes and administrative rules. Under current law, Wisconsin counties are mandated to provide certain programs and/or services in unincorporated areas of counties. These programs and/or services include, but are not limited to, shoreland zoning, wetland zoning, and flood plain zoning.

It is unclear how AB 551 would affect the Wisconsin counties' requirement to carry out these programs/services in unincorporated areas. This becomes even more of an issue after January 1, 2010, because of requirement set forth by ss. 66.1001 (3) stating that "any program or action of a local governmental unit that affects land use shall be consistent with that local governmental unit's comprehensive plan...". For example, if a county amends its comprehensive plan affecting a town within the county, the amendment would be subject to town board approval. If the town vetoes the amendment, the county would potentially not be able to carry out a mandated program/service in that town.

Currently, WCA and various other associations are working with members of the Legislature to request a Joint Legislative Committee regarding local planning and land-use issues. WCA respectfully requests that the Senate does not take action on AB 551 until a Joint Legislative Committee can examine the entire local planning and land-use issue and make recommendations regarding the relationship between town and county comprehensive plans.

Thank you for considering our comments.

Please feel free to contact me at the WCA office if you have any questions.

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as of Monday, March 08, 2004

2003-2004 legislative session

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### Assembly Bill 551

subjecting a county development plan to town board approval. (FE)

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
●	●	1000 Friends of Wisconsin	2/16/2004	↓	
●	●	Brown County	1/27/2004	?	
●	●	Kenosha County	10/3/2003	↓	
●	●	Waukesha County	10/28/2003	↓	
●	●	Wisconsin Builders Association	12/23/2003	?	
●	●	Wisconsin Counties Association	10/31/2003	↓	
●	●	Wisconsin Realtors Association	10/27/2003	↔	
●	●	Wisconsin Towns Association	10/3/2003	↑	

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## Cooperative Environmental Assistance Bureau

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## MEMORANDUM OF UNDERSTANDING

### to create the WISCONSIN-BAVARIA REGULATORY REFORM WORKING PARTNERSHIP

This MOU is made by and between the: State of Wisconsin and WI Dept. of Natural Resources and Bavarian State Ministry for Regional Development and Environmental Affairs

WHEREAS, Wisconsin's and Bavaria's traditions of excellence and innovation in government and commerce present an opportunity for innovation to benefit our states' ecological and economic futures; and

WHEREAS, Ecologically-conscious, voluntary Partnerships among business and government units are necessary for positive, credible and enduring change; and

WHEREAS, Policies and practices in the public, private and non-governmental may change to meet compatible needs that the command and control regulatory system is unlikely to meet, and

WHEREAS, Business and governments desire benefits from efficient systems and lean organizations that support their competitive positions; and

WHEREAS, Regulatory simplification and environmental performance systems can maintain compliance to standards and produce greater, verified environmental results, and

WHEREAS, The integration of business process systems can produce verified protection for employees, employers and consumers who value safe workplaces and quality products; and

WHEREAS, This Agreement will benefit a sustaining global environment, trans-Atlantic commerce and the People of Bavaria and Wisconsin; now

THEREFORE, BE IT RESOLVED:

That the State of Wisconsin and Wisconsin Department of Natural Resources and the Bavarian State Ministry for Regional Development and Environmental Affairs agree, referring to the Agenda 21 (Chapt. 30, 38, 39) and the U.S.- EU New Trans-Atlantic Agenda from December 3rd 1995, to create the Wisconsin - Bavarian Regulatory Reform Working Partnership in consideration of their respective responsibilities and consistent with Constitutional and legal frameworks in both states; that with reference to the worldwide goal Sustainable Development the Working Partnership's goal shall be to reach a sustaining economic and environmental system in our states and beyond our states by way of self-responsibility of all parties; that we shall achieve more cooperation between government and business than is possible under the command and control method; and that voluntary agreements and environmental management systems (EMSs) are the decisive aspects to achieving performance and

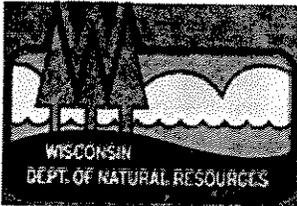
therefore most important objects of exploration in the Working Partnership; and

BE IT FURTHER RESOLVED, THAT BOTH PARTIES.

- Agree to establish joint projects to promote businesses' participation in EMSs verified/certified to EMAS/150 14000 et seq. standards according to the principles of performance audits and legal compliance;
- Agree to strive for integrated environmental, occupational health and risk management systems, which ensure an efficient and lean organization, with greater results;
- Agree especially to support the cooperation with and among small and medium sized enterprises (SMEs) with regard to environmental performance and compliance strategies;
- Agree to welcome business group or public sector cooperation with agreements on new management systems approaches;
- Agree to propagate the awareness of need for the EMS approach in the new era of environmental law among all social players (business, government, non- government organizations and local authorities);
- Agree to promote the exploration of EDP (Electronic Data Processing) support for compliance systems within the homework of EMSs;
- Agree to support a trans-Atlantic academic partnership between experts in engineering, technology, environmental management and new regulatory systems at institutions such as the University of Wisconsin and Bavarian universities; also to further the research into and the development of environmental technologies;
- Agree to work on a common international environmental law project in cooperation with the International Environmental Lawyers' Network (I.E.L.N.) and other competent partners;
- Agree to consider an offensive trans-Atlantic personnel exchange between business, government and non-government sectors for opening the door to inspect, learn and share mutually best practices that protect the environment, enhance the economy and promote good government
- Agree to publish annual statements of results of our cooperative efforts on the basis of this memorandum to demonstrate that this is a results-driven agreement.

*Signed by Gov. Tommy G. Thompson and Dr. Werner Schnappauf in Munich, Germany, December 1, 1998*

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 Last Revised: Thursday May 22 2003




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**Memorandum of Understanding (MOU)**  
between the  
**Wisconsin Department of Administration (DOA)**  
the  
**Wisconsin Land Information Board (WLIB)**  
And the  
**Wisconsin Land Council (WLC)**

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The 1997-99 Budget Bill (Act 27) created the WLC, transferred staff from the WLIB to the DOA, and calls for the creation of this MOU. The legislation specifically states, "*The (land information) board shall enter into a memorandum of understanding with the Wisconsin land council to ensure cooperation between the board and the council to avoid duplication of activities.*" (Wis. Stat.16.967 (10)).

This agreement is between the Department of Administration, the Wisconsin Land Information Board, and the Wisconsin Land Council.

I. General Information

- A. The DOA is responsible for improving the techniques used for such management specialties, not limited by enumeration, as budgeting, accounting, engineering, purchasing, records management and fleet management; by coordinating and providing services which are used by more than one agency, and by reviewing agencies' programs and management to identify problems and make improvements.
- B. The WLIB is responsible by state statute to direct and supervise the Wisconsin Land Information Program. Duties include: serving as the state clearinghouse for access to land information; providing technical assistance to state and local governmental units with land information responsibilities; maintaining and distributing an inventory of land information and land information systems for Wisconsin; preparing guidelines to coordinate the modernization of land records and land information systems; review and approve county land records modernization plans; and review and determine which project applications are approved for local government grants-in-aid funding. (Wis. Stat. 16.967 (3)).
- C. The WLC duties include: the identification and recommendation of State land use goals and priorities; study areas of cooperation and coordination in the State's land use statutes; the identification of conflicts and their resolution between State statutes and local ordinances; the study and recommendation of a computer-based land information system; the identification of procedures for facilitation of local land use planning; and gathering information about land use activities across the State. These functions shall result in recommendations to the Governor as provided for in Wis. Stat. 16.023.

II. Purpose

The purpose of this Memorandum of Understanding is to establish a cooperative and mutually beneficial working relationship between the WLIB and the WLC; to avoid duplication of activities

between the two bodies (16.023(1)(m) and 16.967(10)); to equitably share staff and administrative resources to ensure efficient and effective management of both programs; to collectively facilitate the use and integration of land information, technology and systems to help guide and coordinate the orderly modernization of land records systems at all levels of government; and to advance land use planning by the citizens of the state and their respective governments.

### III. Objectives

- A. The first objective of this agreement is to avoid duplication of purpose, activities and resources between the WLIB and WLC. Wis. Stat. 16.023(1)(m).
- B. The second objective of this agreement is to ensure that WLIB continue to have access to the staff and Program revenue necessary to carry out their statutory functions. In addition, that the WLC have access to the staff and funding necessary to carry out their statutory functions.
- C. The third objective of this agreement is to promote the modernization, integration, accessibility and maintenance of necessary statewide mapping coverages, and information that have defined standards and accuracy and are compatible and accessible to all levels of government and the private sector.
- D. The fourth objective of this agreement is to ensure that adequate and effective communication is maintained between the WLIB and WLC to ensure that the strategic goals, objectives, and activities of each organization are clearly known to each other.
- E. The fifth objective of this agreement is to ensure that the WLIB and WLC coordinate and cooperate on activities appropriate to both organizations as the needs arise.

### IV. Coverage of this Agreement

This agreement covers the responsibilities of both the WLIB and the WLC as identified in Wis. State stats 16.967 and 16.023 respectively. In addition, this agreement covers statutorily defined responsibilities of the Department of Administration as they relate to the WLIB and the WLC.

### V. Responsibilities

- A. The DOA agrees:
  - 1. That the WLIB and the WLC will be attached to the Office of the Secretary of the Department of Administration along with Plat Review, Municipal Boundary Review, and the GIS Service Center in the Office of Land Information Services.
  - 2. That the Executive Director, under the supervision of the Secretary of the Department of Administration, will serve as the Executive Director for both the WLIB and the WLC, and as Office Director of the Office of Land Information

Services. The Executive Director will oversee the statewide activities of Plat Review, Municipal Boundary Review, and the GIS Service Center.

3. To provide staff that enables the WLIB and the WLC to meet its statutory responsibilities. Staff will be shared between both Programs.
4. That the Bureau of Financial Management will provide accounting and budget support services to the WLC and WLIB. Services include budget development and monitoring, general accounting, billing, payment processing, and financial reporting. The State Bureau of Financial Management is responsible for daily, monthly and year-end transaction processing and reconciliation. The Bureau of Financial Management will provide monthly financial reports to the Executive Director of the WLIB and WLC. Additional information and assistance will be provided to the Executive Director as needed so that the Executive Director is able to inform the WLIB and the WLC regarding the financial status of the programs within DOA.
5. That budgeting, Program coordination and related management functions for the WLC and the WLIB shall be performed under the direction and supervision of the head of the department [DOA]. (Wis. Stat. 15.03)

B. The WLIB agrees to:

1. In concert with the WLC, establish custodial and curatorial responsibilities and expedite the completion of those original WLIP foundational elements of specific consequence to land use planning (i.e., geographic frameworks which includes geodetic reference systems, public land survey system corners and geographic control data including planimetric and topographic mapping and digital orthophotos; parcel, zoning, wetlands and soils mapping; and public access arrangements).
2. In concert with the WLC, establish custodial and curatorial responsibilities and facilitate the modernization of three additional foundational elements needed for the implementation of comprehensive land use planning. These are: a reconciled election and administration boundary system; a reconciled street address and street network system; and land use mapping.
3. In concert with the WLC, complete the modernization of the foundational elements cited above and provide statewide access of resultant data by target dates mutually agreed to by the WLIB and the County Land Information Officers Council.
4. Exercise its powers, duties and functions prescribed by law, including rule making, . . . . and operational planning within the area of program responsibility of the board, independently of the head of the department (DOA). (Wis. Stat. 15.03)

5. Develop evaluation criteria for use in evaluating the effectiveness and accomplishments of the Program.
6. As part of the WLIB's Strategic Business Plan (i.e., as stated in the 1996-1998 Strategic Business Plan), enhance the capacity of Wisconsin Land Information Clearinghouse (WISCLINC) in concert with the needs of the proposed Wisconsin Land Information System (WLIS) in cooperation with the Office of Land Information Services (OLIS) and the Wisconsin Land Information Program (WLIP) community. Assessment of progress will be the responsibility of the Wisconsin Land Council and the Wisconsin Land Information Board with the advise and involvement of OLIS and other stakeholder representatives. Upon completion, it will become a public asset.

C. The WLC agrees to:

1. In concert with the WLIB, study the development of a confederated statewide computer-based Wisconsin Land Information System which builds upon the WLIP investments in data, technology, and institutional arrangements and upon other agencies and private sector investments in land information technology.
2. Assist the WLIB in augmenting sources of modernization resources to expedite the development and implementation of the various foundational elements of statewide significance for land use planning and management.
3. Assist in targeting those state and federal agencies where augmentation of data standards and data collection procedures would accelerate the creation of statewide land planning data.
4. Exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning within the area of program responsibility of the Council, independently of the head of the department [DOA]. Wis. Stat. 15.03.
5. Develop evaluation criteria for use in evaluating the effectiveness and accomplishments of the Program.

VI. Miscellaneous

- A. Any provision of this agreement which is determined to be invalid as a matter of law is severable from other provisions of this agreement.
- B. This Memorandum of Understanding shall be effective upon signature of the parties and remain in effect until August 31, 2003.
- C. This Memorandum of Understanding may be amended at any time by mutual agreement of the parties.

D. In the event of any dispute concerning the construction meaning or interpretation of this Memorandum of Understanding, the parties agree to utilize the following dispute resolution procedure:

1. The Executive Committees of the WLIB and the WLC shall meet to discuss, evaluate, and recommend one or more alternatives for resolving the dispute.
2. In the event the WLIB and WLC cannot resolve the dispute the Secretary of the Department of Administration shall make the final determination.

State of Wisconsin  
Department of Administration

State of Wisconsin  
Department of Administration  
Wisconsin Land Council

By \_\_\_\_\_  
Mark D. Bugher, Secretary

By: \_\_\_\_\_  
Mark D. Bugher, Chairman

Date \_\_\_\_\_

Date: \_\_\_\_\_

State of Wisconsin  
Department of Administration  
Wisconsin Land Information Board

By \_\_\_\_\_  
Ted Koch, Chairman

Date: \_\_\_\_\_

### AB 551

#### Town Approval of County Plans

AB 551 is a bill that our Association supports. This bill is authored by Rep. Don Friske of Merrill and several other co-authors. AB 551 would provide that no county development plan (also known as a comprehensive plan) would apply in a town in whole or in part, nor any amendment to the plan would apply in a town and would not take effect unless the town board approved the county plan or amendment.

AB 551 would give the towns the final approval of a county plan to become effective in a town. We support this bill, because it gives the towns the final say on what the land use element and other eight elements of comprehensive plan will be in their own town. While not giving towns fully the same power as cities and villages, which are not subject to the county plan, AB 551 will increase the local control of planning issues in their own town.

If AB 551 becomes law, we believe that it will encourage the option of towns who either have no zoning or are under county zoning to consider working with the county to develop the county plan but allow the town to retain the town board final say on whether the county plan will apply in that town. However, if the town has its own zoning ordinance or land division ordinance or official map, it will be required to adopt a comprehensive plan which is consistent with those ordinances and official map by January 1, 2010.

AB 551 passed the Assembly Committee on Rural Development on November 4, 2003, by a vote of 8 ayes and 0 noes. It is currently ready for scheduling in the Assembly Rules Committee.

Another bill which our Association supports and when taken with AB 551 will give more protection to some of the smaller towns who have no ordinances other than driveway or nuisance type ordinances (these are not truly land use ordinances) is AB 608. This bill has passed the Assembly Property Rights and Land Management Committee on December 5, 2003, by a vote of 7 ayes and 0 noes and is also in the Assembly Rules Committee awaiting scheduling for a full Assembly vote.

AB 608 would limit the number of local government actions that must be consistent with comprehensive plans by January 1, 2010, to zoning ordinances (including shoreland and wetland ordinances), subdivision/land division ordinances and official maps. This bill will therefore not require towns and villages who have no zoning, but have such ordinances as driveway ordinances, nuisances ordinance and some limited permit ordinances from the requirement of having a town or village comprehensive plan. Towns however must be aware that the county will still be required to have a county comprehensive plan that could apply to that town because the county must have the county shoreland and wetland ordinances. AB 551 would provide that the county plan is not applicable in the town unless approved by the town board.

AB 608 and AB 551 are two bills that we ask every town to ask their legislators to support and pass. This will help clarify the potential conflict between county plans and towns and will offer for many smaller towns the option of working with the county to develop the county plan (thus saving town dollars) yet retaining the final approval and being able to have other ordinances that are not land use type ordinances.