

2005 ASSEMBLY BILL 899

December 29, 2005 – Introduced by Representatives ALBERS, MUSSER, FREESE, AINSWORTH, HAHN, OWENS, FRISKE, KREIBICH, GRONEMUS, LOEFFELHOLZ, VRUWINK and LEMAHIEU, cosponsored by Senators BRESKE, KEDZIE and ROESSLER. Referred to Committee on Property Rights and Land Management.

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

Analysis by the Legislative Reference Bureau

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

Current law requires that the county development plan include the master plan and official map of a city or village in the county, and that a city or village master plan and official map control in the city's or village's extraterritorial zoning jurisdiction over a county development plan that affects that same area. A city's or village's extraterritorial zoning jurisdiction consists of unincorporated areas (town or county territory) within three miles of the corporate limits of a first, second, or third class city or within one and a half miles of a fourth class city or a village.

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

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

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

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

1 **SECTION 1.** 59.69 (1) of the statutes is amended to read:

2 **59.69 (1) PURPOSE.** It is the purpose of this section to promote the public health,
3 safety, convenience, and general welfare; to encourage planned and orderly land use
4 development; to protect property values and the property tax base; to permit the
5 careful planning and efficient maintenance of highway systems; to ensure adequate
6 highway, utility, health, educational, and recreational facilities; to recognize the
7 needs of agriculture, forestry, industry, and business in future growth; to encourage
8 uses of land and other natural resources which are in accordance with their character
9 and adaptability; to provide adequate light and air, including access to sunlight for
10 solar collectors and to wind for wind energy systems; to encourage the protection of
11 groundwater resources; to preserve wetlands; to conserve soil, water, and forest
12 resources; to protect the beauty and amenities of landscape and man-made
13 developments; to provide healthy surroundings for family life; and to promote the
14 efficient and economical use of public funds. To accomplish this purpose, the board
15 may plan for the physical development and zoning of territory within the county as
16 set forth in this section and shall incorporate therein the master plan adopted under

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

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

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

11 **SECTION 3.** 59.69 (3) (b) 1. to 4. of the statutes are created to read:

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

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

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

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

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

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

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1 development plan includes an official town map as described under par. (b) the town
2 map shall control in its territory.

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

4 **60.23 (32) OFFICIAL TOWN MAP.** Adopt an official map. A town may adopt an
5 official map under this subsection only by acting under s. 62.23 (6), and the town
6 board and town officers have the same authority and responsibilities as a common
7 council and city officers acting under that s. 62.23 (6).

8 (END)