



2009 ASSEMBLY BILL 243

April 30, 2009 – Introduced by Representatives HUBLER, ZIEGELBAUER, BERCEAU, BROOKS, MURSAU, VRUWINK and MURTHA, cosponsored by Senators HOLPERIN, SCHULTZ, KREITLOW and VINEHOUT. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to amend* 59.69 (3) (a), 62.23 (3) (b) and 66.1001 (3) (intro.); and *to create*
2 66.1001 (3m) of the statutes; **relating to:** delaying the implementation date of
3 the comprehensive planning statute for certain local governmental units.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the “Smart Growth” statute, if a city, village, town, county, or regional planning commission (local governmental unit) creates a development plan or master plan (comprehensive 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; land use; and intergovernmental cooperation.

Under current law, beginning on January 1, 2010, certain actions of a local governmental unit that affect land use must be consistent with that local governmental unit’s comprehensive plan. The actions to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. Also under current law, beginning on January 1, 2010, if a local governmental unit engages in any of these specified actions, the comprehensive plan must contain at least all of the required planning elements.

This bill delays the implementation date in current law from January 1, 2010, until January 1, 2012, but only for a local governmental unit that has not enacted a comprehensive plan that takes effect on January 1, 2010, and that take certain

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steps towards meeting the consistency requirement. The local government unit must adopt a resolution before January 1, 2010, that commits the local government unit to enacting a comprehensive plan that will take effect on or before January 1, 2012, and the local government must have applied for but not yet received, or must have decided not to apply for, a grant under a program administered by the Department of Administration that provides funding for local planning activities.

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.** 59.69 (3) (a) of the statutes is amended to read:

2 59.69 **(3)** (a) The county zoning agency may direct the preparation of a county
3 development plan or parts of the plan for the physical development of the
4 unincorporated territory within the county and areas within incorporated
5 jurisdictions whose governing bodies by resolution agree to having their areas
6 included in the county's development plan. The plan may be adopted in whole or in
7 part and may be amended by the board and endorsed by the governing bodies of
8 incorporated jurisdictions included in the plan. The county development plan, in
9 whole or in part, in its original form or as amended, is hereafter referred to as the
10 development plan. Beginning on January 1, 2010, or, subject to s. 66.1001 (3m),
11 beginning on January 1, 2012, if the county engages in any program or action
12 described in s. 66.1001 (3), the development plan shall contain at least all of the
13 elements specified in s. 66.1001 (2).

14 **SECTION 2.** 62.23 (3) (b) of the statutes is amended to read:

15 62.23 **(3)** (b) The commission may adopt the master plan as a whole by a single
16 resolution, or, as the work of making the whole master plan progresses, may from
17 time to time by resolution adopt a part or parts of a master plan. Beginning on
18 January 1, 2010, or, subject to s. 66.1001 (3m), beginning on January 1, 2012, if the

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1 city engages in any program or action described in s. 66.1001 (3), the master plan
2 shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of
3 the plan or any part, amendment, or addition, shall be by resolution carried by the
4 affirmative votes of not less than a majority of all the members of the city plan
5 commission. The resolution shall refer expressly to the elements under s. 66.1001
6 and other matters intended by the commission to form the whole or any part of the
7 plan, and the action taken shall be recorded on the adopted plan or part of the plan
8 by the identifying signature of the secretary of the commission, and a copy of the plan
9 or part of the plan shall be certified to the common council, and also to the
10 commanding officer, or the officer's designee, of any military base or installation,
11 with at least 200 assigned military personnel or that contains at least 2,000 acres,
12 that is located in or near the city. The purpose and effect of the adoption and
13 certifying of the master plan or part of the plan shall be solely to aid the city plan
14 commission and the council in the performance of their duties.

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

16 **66.1001 (3)** ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE
17 PLANS. (intro.) Beginning on January 1, 2010, or, subject to sub. (3m), beginning on
18 January 1, 2012, if a local governmental unit engages in any of the following actions,
19 those actions shall be consistent with that local governmental unit's comprehensive
20 plan:

21 **SECTION 4.** 66.1001 (3m) of the statutes is created to read:

22 **66.1001 (3m)** DELAY OF CONSISTENCY REQUIREMENTS. If a local governmental
23 unit has not enacted a comprehensive plan before January 1, 2010, the local
24 governmental unit is exempt from the consistency requirement under sub. (3) until
25 January 1, 2012, if all of the following apply:

