



State of Wisconsin
2003 - 2004 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 728**

February 3, 2004 – Offered by Representative GARD.

1 **AN ACT to amend** 66.1001 (2) (e) and 66.1001 (4) (a); and **to create** 66.0628,
2 66.1001 (4) (e) and 66.1001 (5) of the statutes; **relating to:** comprehensive
3 planning by local governmental units and fees imposed by political
4 subdivisions.

Analysis by the Legislative Reference Bureau

COMPREHENSIVE PLANNING BY LOCAL GOVERNMENTAL UNITS

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 zoning development plan or a zoning 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.

Before the plan may take effect, however, a local governmental unit must comply with a number of requirements, such as adopting written procedures that are designed to foster public participation in the preparation of the plan.

Under this substitute amendment, in general, before the plan may take effect, a local governmental unit must provide written notice to all owners of property and leaseholders who request to be notified and who have an interest in property pursuant to which the persons may extract nonmetallic mineral resources, and must create written procedures that describe the methods the local governmental unit will use to distribute elements of a comprehensive plan to owners of property, and to other persons who have certain leasehold mining interests in, such property, in which the allowable use or intensity of use of the property is changed by the comprehensive plan. If a local governmental unit fails to provide such notice, a plan may still take effect unless the failure to notify is intentional.

FEES IMPOSED BY POLITICAL SUBDIVISIONS

Under current law, cities, villages, towns, and counties (political subdivisions) provide various services for which those political subdivisions may impose a fee. This substitute amendment requires that any fee imposed by a political subdivision bear a reasonable relationship to the service for which the fee is imposed.

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

1 **SECTION 1.** 66.0628 of the statutes is created to read:

2 **66.0628 Fees imposed by a political subdivision.** (1) In this section,
3 “political subdivision” means a city, village, town, or county.

4 (2) Any fee that is imposed by a political subdivision shall bear a reasonable
5 relationship to the service for which the fee is imposed.

6 **SECTION 2.** 66.1001 (2) (e) of the statutes is amended to read:

7 66.1001 (2) (e) *Agricultural, natural and cultural resources element.* A
8 compilation of objectives, policies, goals, maps and programs for the conservation,
9 and promotion of the effective management, of natural resources such as
10 groundwater, forests, productive agricultural areas, environmentally sensitive
11 areas, threatened and endangered species, stream corridors, surface water,

1 floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources
2 consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical
3 and cultural resources, community design, recreational resources and other natural
4 resources.

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

6 66.1001 (4) (a) The governing body of a local governmental unit shall adopt
7 written procedures that are designed to foster public participation, including open
8 discussion, communication programs, information services, and public meetings for
9 which advance notice has been provided, in every stage of the preparation of a
10 comprehensive plan. The written procedures shall provide for wide distribution of
11 proposed, alternative, or amended elements of a comprehensive plan and shall
12 provide an opportunity for written comments on the plan to be submitted by
13 members of the public to the governing body and for the governing body to respond
14 to such written comments. The written procedures shall describe the methods the
15 governing body of a local governmental unit will use to distribute proposed,
16 alternative, or amended elements of a comprehensive plan to owners of property, or
17 to persons who have a leasehold interest in property pursuant to which the persons
18 may extract nonmetallic mineral resources in or on property, in which the allowable
19 use or intensity of use of the property is changed by the comprehensive plan.

20 **SECTION 4.** 66.1001 (4) (e) of the statutes is created to read:

21 66.1001 (4) (e) At least 30 days before the hearing described in par. (d) is held,
22 a local governmental unit shall provide written notice to all of the following:

23 1. An operator who has obtained, or made application for, a permit that is
24 described under s. 295.12 (3) (d).

