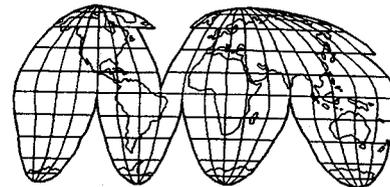


Department of Urban and Regional Planning

University of Wisconsin-Madison



To: Members of the Drafting Subcommittee of the Legislative Council Special Committee on Municipal Annexation

From: Brian W. Ohm, Chair, State-Local Government-Private Sector Working Group & Associate Professor, Department of Urban & Regional Planning, University of Wisconsin-Madison/Extension

RE: Preliminary Draft Legislation WLC: 0063/P1

Date: December 9, 2004

I applaud the efforts of the subcommittee to integrate the cooperative boundary agreement planning requirements with the comprehensive planning requirements. While this is a goal that the state needs to strive for, please consider the following issues:

1. Content Requirements. The draft legislation proposes to eliminate the content requirements for cooperative boundary agreement plans and replace it with a requirement that the cooperative plan shall be consistent with the comprehensive plan. Comprehensive planning is, by its nature, very general in scope. As a result, the comprehensive plan content requirements (the nine elements) are very general so as to provide local governments with considerable flexibility in their comprehensive planning processes. The existing content requirements for cooperative plans are more detailed. For example, the cooperative plan calls for the identification of sites for public buildings and structures, pierhead and bulkhead lines. Wis. Stat. § 66.0307(3)(c). A comprehensive plan does not require this. Current law regarding the content of cooperative plans also requires a more detailed examination of environmental consequences and housing needs than required for a comprehensive plan. Wis. Stat. § 66.0307(3)(c) and (dm). By repealing these detailed requirements, it is not clear what a cooperative plan is supposed to include. This may lead to confusion. The proposed legislation should provide better guidance for what should be in a cooperative plan. If the cooperative plan content requirements are to be addressed through the administrative rule authorization given to the Department of Administration, the proposed legislation should make that delegation more clear.

2. Existence of a Comprehensive Plan. If the proposed legislation is intended to take effect before 2010, the law may need to include a provision to address those communities that do not have a comprehensive plan.