



2005 ASSEMBLY BILL 713

October 3, 2005 - Introduced by Representatives FRISKE, BALLWEG, DAVIS, WOOD, TOWNS, HAHN, AINSWORTH, ALBERS, OWENS, HUNDERTMARK, LOTHIAN, PETROWSKI, LOEFFELHOLZ, PETTIS, F. LASEE, FREESE, KERKMAN and KESTELL, cosponsored by Senators KEDZIE, A. LASEE, GROTHMAN and BRESKE. Referred to Committee on Property Rights and Land Management.

- 1 **AN ACT to amend** 59.69 (2) (f) and 59.69 (3) (a) of the statutes; **relating to:**
2 subjecting a county development plan to town board approval.

Analysis by the Legislative Reference Bureau

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 and areas within the cities and villages in the county whose governing bodies agree to have their areas included within the county's development plan. Before a county development plan, or an amendment to a plan, may take effect, it must be adopted by the county board. Upon its adoption, it applies to the towns within the county and to the cities and villages in the county that have agreed to be covered by the county's plan.

Under this bill, no county development plan, in whole or in part, nor an amendment to the plan, may take effect in a town unless that town's board approves the county board's action. In addition, a town board must vote to approve or disapprove the county board's action within 90 days or the county board's action takes effect in that town.

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:

ASSEMBLY BILL 713

1 **SECTION 1.** 59.69 (2) (f) of the statutes, as affected by 2005 Wisconsin Act 25,
2 is amended to read:

3 59.69 (2) (f) Whenever a county development plan, part thereof or amendment
4 thereto is adopted by, or a zoning ordinance or amendment thereto is enacted by, the
5 board, a duplicate copy shall be certified by the clerk and sent to the municipal clerks
6 of the municipalities affected thereby, and also to the commanding officer, or the
7 officer's designee, of any military base or installation, with at least 200 assigned
8 military personnel or that contains at least 2,000 acres, that is located in or near the
9 county. No county development plan, part thereof, or amendment thereto, that is
10 adopted or enacted by the county board under this section may take effect in a town
11 unless it is approved by that town's board, except that a town board has no authority
12 to preempt any other county statutory authority. A town board shall take a vote to
13 approve or disapprove of the county board's action under this paragraph not later
14 than 90 days after the clerk sends out the duplicate copy of the county board's action.
15 If a town board does not approve or disapprove of the county board's action within
16 the time period specified in this paragraph, the county board's action takes effect in
17 that town.

18 **SECTION 2.** 59.69 (3) (a) of the statutes is amended to read:

19 59.69 (3) (a) The county zoning agency may direct the preparation of a county
20 development plan or parts of the plan for the physical development of the
21 unincorporated territory within the county and areas within incorporated
22 jurisdictions whose governing bodies by resolution agree to having their areas
23 included in the county's development plan. The plan may be adopted in whole or in
24 part and may be amended by the board and endorsed by the governing bodies of
25 incorporated jurisdictions included in the plan. The governing body of any

ASSEMBLY BILL 713

1 municipality may agree by resolution to work cooperatively with the county to
2 prepare a comprehensive plan or amendment under s. 66.1001 for that municipality.
3 If the county agrees to work with the municipality, the county and the municipality
4 must both agree to and adopt public participation procedures required under s.
5 66.1001 (4) (a). Upon completion of the comprehensive plan or amendment for the
6 municipality, the municipality shall follow the procedures for adopting
7 comprehensive plans under s. 66.1001 (4) (b) to (e). The county development plan,
8 in whole or in part, in its original form or as amended, is hereafter referred to as the
9 development plan. Beginning on January 1, 2010, if the county engages in any
10 program or action described in s. 66.1001 (3), the development plan shall contain at
11 least all of the elements specified in s. 66.1001 (2).

SECTION 3. Initial applicability.

12
13 (1) This act first applies to a county development plan, part thereof, or
14 amendment thereto that is adopted by a county board on the effective date of this
15 subsection.

16 (END)