

Wisconsin's New Comprehensive Planning & Smart Growth Law (Summary)

- **Source:** 1999 Wisconsin Act 9 (the biennial budget act), generally effective 10/29/99, as amended by Act 148 (the “trailer bill”), effective May 25, 2000. References below are to the *Wisconsin Statutes*, as affected by these acts.
- **Highlights**
 - “Comprehensive plan” is defined & procedures for developing & adopting plan are specified.
 - Consistency with comprehensive plan is required for county & local land use actions starting in 2010.
 - \$ 3.5 million in planning grants are established for the biennium.
 - Model conservation subdivision & traditional neighborhood development ordinances will be developed by UW-Extension. Cities and villages over 12,500 are required to have the latter ordinance as of 2002.
- **Comprehensive Planning Provisions** (“*requirement*”; *definitions*; *elements*; *key provisions*; *consistency*; *plans*; *procedures*)
 - **“Requirement”:** Beginning in 2010 a local governmental unit’s land use actions must be consistent with its adopted comprehensive plan (see below). So local units must have plans in place—if they are to engage in land use. Comprehensive planning is also required for receipt of certain state funding; see “Comprehensive Planning Grants” & “Smart Growth Dividend Aid Program,” below.
 - **Definitions** [Sec. 66.0295(1)]
 - The new requirements are applicable to adoption/amendment of comprehensive plans by a “**local governmental unit**,” defined as a county, city, village, town and regional planning commission.
 - Each of the following plans is defined as a “**comprehensive plan**”:
 - County development plan [Sec. 59.69 (2) or (3)]
 - City, village or town (with village powers) master plan [Sec. 62.23 (2) or (3)]
 - Regional planning commission (RPC) master plan for region [Sec. 66.945 (8), (9) or (10)]
 - **Comprehensive plan “elements” (9 required components)** [Sec. 66.0295(2)]
 - (1) Issues & opportunities
 - (2) Housing
 - (3) Transportation
 - (4) Utilities & community facilities
 - (5) Agricultural, natural & cultural resources
 - (6) Economic development
 - (7) Intergovernmental cooperation
 - (8) Land-use
 - (9) Implementation

- **Key Provisions in the 9 elements (element #)**
 - Planning is to guide the development and redevelopment of the unit for a 20-year period, with projections for 5-year increments shown for the land use element (## 1 & 8).
 - The transportation element must compare the unit's programs with state and regional transportation plans and must incorporate those and other applicable transportation plans (#3).
 - The intergovernmental cooperation element must address joint planning with other jurisdictions (including school districts), identify conflicts and describe processes to resolve them (#7).
 - An approximate timetable must be prepared showing the forecasted expansion and rehabilitation of public utilities and community facilities, and corresponding maps must be prepared showing the expansion of service areas for the utilities and facilities (## 4 & 8).
 - The implementation element must explain how all the elements will be integrated and made consistent, and must include a process for evaluating the plan and updating it at least once every 10 years (#9).
- **Actions consistent with plans** [Sec. 66.0295(3)] Beginning **January 1, 2010**, "any program or action of a local governmental unit that affects land use" must be consistent with that unit's comprehensive plan, including the following:
 - municipal incorporations, consolidations & detachments
 - annexations
 - cooperative boundary agreements
 - official mapping
 - local subdivision regulation
 - extraterritorial plat review
 - zoning ordinances (enacted or amended)
 - transportation facility economic assistance & development matching grants
 - agricultural preservation plans (new or revised)
 - impact fees ordinances
 - land acquisition for recreational lands and parks under sec. 23.09
 - any other ordinance, plan or regulation relating to land use
- **Subdivision plat approvals** [Sec. 236.13(1)(c)]
 - Approval of a preliminary plat is conditioned on compliance with, among other requirements, county and local "comprehensive plans." Alternatively, compliance with the "master plan," for a city, village or town with village powers, and the "development plan," for a county, suffices.
 - This language replaces previous language requiring compliance with a master plan consistent with the official map or related county authority.
- **Procedures required before a comprehensive plan takes effect** [Sec. 66.0295(4)]
 - Written procedures must be adopted by the governing body to foster public participation in every stage of plan preparation.
 - Plan must contain all 9 elements and initially be adopted as a whole.
 - Plan (or amendment) must be approved by the planning body as a resolution and by the governing body as an ordinance.
 - After the planning body recommends adoption of the plan (or amendment), it must be sent to neighboring local governmental units (i.e., cities, villages, towns, counties and regional planning commissions), governmental bodies included in whole or in part within the boundaries of the local governmental unit, the Wisconsin Land Council (after September 1, 2003 when the Land Council is scheduled to "sunset," the Department of Administration), and the regional planning commission and public library for the area.

- At least one public hearing must be held on the plan (or amendment) as proposed for enactment by the governing body as an ordinance.
- After adoption of the plan (or amendment) by the governing body as an ordinance, the plan (or amendment) and ordinance must be filed with the entities listed above that were sent a copy of the plan (or amendment) recommended by the planning body.
- **Ordinance Adoption** [Sec. 66.034]
 - UW-Extension submits to the legislature for review, by Jan. 1, 2001, model ordinances for ...
 - Conservation subdivisions (compact rural housing that maintains natural features) &
 - Traditional neighborhood development (compact, mixed-use neighborhoods).
 - By January 1, 2002, every city & village of at least 12,500 must adopt an ordinance similar to the model traditional neighborhood development ordinance, if the Extension-drafted ordinance has been approved by the legislative standing committees to which it was referred for review. After this date, cities and villages that reach a population of 12,500 or more must adopt such ordinance. *Note:* Although these cities and villages must adopt a traditional neighborhood development ordinance, there is no requirement that the ordinance be mapped. The conservation subdivision ordinance will be developed as a model. No local governmental units are required to adopt this ordinance. In all, it is only the traditional neighborhood development ordinance that must be adopted, and that adoption requirement applies just to cities and villages over 12,500. Smaller cities and villages, and other local governmental units, are not required to adopt either of these ordinances.
- **State Agency Activities** [Secs. 1.13 & 227.13] Agencies are encouraged to design programs, policies, infrastructure, investments and rules to balance the agency's mission with 14 specified local comprehensive planning goals (below). Each agency is also encouraged to design its planning requirements for local plans prepared under laws administered by the agency in a manner that is practical for local governmental units to incorporate those plans into their local comprehensive plans.
- **Comprehensive Planning Grants**
 - **Smart Growth grants** [Secs. 16.965 & 20.505(1)(cm)]
 - Available for county, city, village, town and RPC comprehensive planning
 - **\$1.5 million** in matching grants for fiscal year 2000-2001, administered by Dept. of Administration (DOA) and Wisconsin Land Council
 - Preference given to applications that address: interests of neighboring jurisdictions; 14 local comprehensive planning goals (see below); "smart growth areas"; implementation; public participation; and completion within 30 months of award of grant. (A "smart growth area" is where infrastructure & services are already available, or an area of efficient development patterns contiguous to existing development and of sufficient density to have relatively low government and utility costs.)
 - **Transportation element planning grants** [Secs. 16.965(1) & 20.505(1)(z)]
 - Available for county, city, village, town and RPC comprehensive planning
 - **\$2 million** in grants for planning for the transportation element available (broadly interpreted to include items such as computer software and hardware purchase) for the 1999-2001 biennium.
 - DOA may require 25% match
 - DOA administers, with Dept. of Transportation approval of grants required
- **14 Comprehensive Planning Goals** (applicable to state agency activities, Smart Growth planning grants, and Smart Growth dividend aid program) [Secs. 1.13(2), 16.965(4) & 227.113, Stats., & sec. 9101(18zo)(nonstatutory provision, Act 9)]
 - (1) **Promotion of redevelopment** of land with existing infrastructure and public services, and maintenance and rehabilitation of existing residential, commercial and industrial structures.
 - (2) **Encouragement of neighborhood designs** that support a range of transportation choices.
 - (3) **Protection of natural areas**, including wetlands, wildlife habitats, lakes, woodlands,

- open spaces and groundwater resources.
- (4) **Protection of economically productive areas**, including farmland and forests.
 - (5) Encouragement of land uses, densities and regulations that **promote efficient development patterns** and low costs.
 - (6) **Preservation of cultural, historic and archaeological sites**.
 - (7) **Encouragement of cooperation** and coordination among nearby units of government.
 - (8) **Building community identity** by revitalizing main streets & enforcing design standards.
 - (9) **Providing an adequate supply of affordable housing** for all income levels within the community.
 - (10) **Providing infrastructure, services & developable land** adequate to meet market demand residential, commercial and industrial uses.
 - (11) **Promoting expansion or stabilization of the economic base** and job creation.
 - (12) **Balancing individual property rights** with community interests & goals.
 - (13) **Planning & developing land uses that create or preserve unique urban & rural communities**.
 - (14) **Providing an integrated, efficient, and economical transportation system** that meets the needs of all citizens.
- **Positions Created** (as of July 1, 2000)
 - One position is created in DOA for the planning grant program. [Sec. 20.505(1)(cm)]
 - One position is created in UW-Extension for education of local policy makers about local planning and the grant program. (A second proposed position was vetoed by the governor.) [Secs. 20.285(1)(ep) & 36.11(37)]
 - **Plan Commission** [Secs. 60.62(4) & 62.23(1)]
 - The list of members is deleted from the statutes. The mayor, village president or town chair appoints members and selects the chair.
 - Local officials may serve, except there must be at least 3 citizen members on the 7-person commission and one on the 5-person town plan commission for those towns operating under sec. 60.62(4)(a).
 - **Smart Growth Dividend Aid Program** [Sec. 9101(18zo) (nonstatutory provisions, Act 9)]
 - The Departments of Administration and Revenue must propose an aid program for the next biennial budget to reward Smart Growth practices. Aid distribution will begin in 2005-06.
 - Aids will be proposed for counties, cities, villages and towns that have a comprehensive plan which meets the criteria applicable to Smart Growth planning grants (see above) and have consistent zoning and subdivision ordinances in place. In the competition for grants, the proposed program will reward community Smart Growth practices by giving “one aid credit” for each unit of new housing sold or rented on lots of no more than 1/4 acre, in the year prior to the grant application; and “one aid credit” for each new housing unit sold at no more than 80% of the median sales price in the county, in the year prior to the grant application.
 - **Web References**—Go to the Local Government Center (LGC) website: <http://www.uwex.edu/lgc>. Click on “Growth Management,” and under the heading “Wisconsin” click on “Office of Land Information Services” to view or download documents on the Law. To access links to 1999 Wisconsin Act 9 itself, from the LGC homepage click on “Internet Resources,” and then click on “Track Bills in the Wisconsin Legislature.” To see the most up-to-date version of the *Wisconsin Statutes*, from “Internet Resources” click on “Wisconsin Statutes/Table of Contents/PDF format.”

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