



WISCONSIN'S COMPREHENSIVE PLANNING LEGISLATION

Statutory Language Changes from 1999 Wisconsin Act 9,
and Technical Revisions from AB 872, signed into law
by Governor Thompson on May 10, 2000.

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Division of Intergovernmental Relations
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001
(608) 267-3369
<http://www.doa.state.wi.us>

COMPREHENSIVE PLANNING LEGISLATION

This revised document contains the statutory changes relating to comprehensive planning within the 1999 Wisconsin Act 9 and subsequent technical changes from Assembly Bill AB 872. The revisions in this document include the recodification of Chapter 66, Municipal Law of the Wisconsin Statutes per the recommendation in the 1999 Assembly Bill 710. The effective date of the recodification of Ch. 66 is January 1, 2001. There are no other changes to the language of statutes found in this document. New references are underlined. Previous statutory reference are noted in parenthesis in italics following the new reference.

Governor Thompson signed the Budget Bill into law on October 27, 1999. A group of individuals including various special interest groups, local and state government representatives and planners initiated many of the provisions. Through the Biennial Budget Approval Process (the Joint Finance Committee, the Conference Committee and the Governor's vetoes), the comprehensive plan definition language and funding mechanism for a planning grant were revised considerably. Technical revisions were provided through 1999 Assembly Bill 872 which was signed into law by Governor Thompson on May 10, 2000.

This legislation provides the framework for developing comprehensive plans, a grant program which will provide communities an incentive to begin efforts now, and a connection to other planning related actions to provide overall consistency with the plan developed by the local community. Local governments continue to control their own planning and land use efforts.

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Comprehensive Plans: Definition, Elements, Consistency Requirements and Procedures for Adoption

WISCONSIN STATE STATUTES CHAPTER 66: GENERAL MUNICIPALITY LAW

66.1001 Comprehensive planning. (note: previously, s. 66.0295)

(1) DEFINITIONS.

In this section:

(a) "Comprehensive plan" means:

1. For a county, a development plan that is prepared or amended under s. 59.69 (2) or (3).
2. For a city or a village, or for a town that exercises village powers under s. 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).
3. For a regional planning commission, a master plan that is adopted or amended under s. 66.0309 (8), (9) or (10). (note: previously, s. 66.945(8), (9) or (10))

(b) "Local governmental unit" means a city, village, town, county or regional planning commission that may adopt, prepare or amend a comprehensive plan.

(c) "Political subdivision" means a city, village, town, or county that may adopt, prepare, or amend a comprehensive plan.

(2) CONTENTS OF A COMPREHENSIVE PLAN.

A comprehensive plan shall contain all of the following elements:

(a) *Issues and opportunities element.* Background information on the local governmental unit and a statement of overall objectives, policies, goals and programs of the local governmental unit to guide the future development and redevelopment of the local governmental unit over a 20-year planning period. Background information shall include population, household and employment forecasts that the local governmental unit uses in developing its comprehensive plan, and demographic trends, age distribution, educational levels, income levels and employment characteristics that exist within the local governmental unit.

(b) *Housing element.* A compilation of objectives, policies, goals, maps and programs of the local governmental unit to provide an adequate housing supply that meets existing and forecasted housing demand in the local governmental unit. The element shall assess the age, structural, value and occupancy characteristics of the local governmental unit's housing stock. The element shall also identify specific policies and programs that promote the development of housing for residents of the local governmental unit and provide a range of housing choices that meet the needs of persons of all income levels and of all age groups and persons with special needs, policies and programs that promote the availability of land for the development or redevelopment of low-income and moderate-income housing, and policies and programs to maintain or rehabilitate the local governmental unit's existing housing stock.

(c) *Transportation element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit's

objectives, policies, goals and programs to state and regional transportation plans. The element shall also identify highways within the local governmental unit by function and incorporate state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply in the local governmental unit.

(d) *Utilities and community facilities element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of utilities and community facilities in the local governmental unit such as sanitary sewer service, storm water management, water supply, solid waste disposal, on-site wastewater treatment technologies, recycling facilities, parks, telecommunications facilities, power-generating plants and transmission lines, cemeteries, health care facilities, child care facilities and other public facilities, such as police, fire and rescue facilities, libraries, schools and other governmental facilities. The element shall describe the location, use and capacity of existing public utilities and community facilities that serve the local governmental unit, shall include an approximate timetable that forecasts the need in the local governmental unit to expand or rehabilitate existing utilities and facilities or to create new utilities and facilities and shall assess future needs for government services in the local governmental unit that are related to such utilities and facilities.

(e) *Agricultural, natural and cultural resources element.* A compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

(f) *Economic development element.* A compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion, of the economic base and quality employment opportunities in the local governmental unit, including an analysis of the labor force and economic base of the local governmental unit. The element shall assess categories or particular types of new businesses and industries that are desired by the local governmental unit. The element shall assess the local governmental unit's strengths and weaknesses with respect to attracting and retaining businesses and industries, and shall designate an adequate number of sites for such businesses and industries. The element shall also evaluate and promote the use of environmentally contaminated sites for commercial or industrial uses. The element shall also identify county, regional and state economic development programs that apply to the local governmental unit.

(g) *Intergovernmental cooperation element.* A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309 (note: previously, s. 66.30, 66.023, or 66.945) The element shall identify existing or potential conflicts between the local governmental unit and other

governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

(h) *Land-use element.* A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.

(i) *Implementation element.* A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs contained in pars. (a) to (h). The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

(3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.

Beginning on January 1, 2010, if a local governmental unit engages in any of the following actions, those actions shall be consistent with that local governmental unit's comprehensive plan:

- (a) Official mapping established or amended under s. 62.23 (6).
- (b) Local subdivision regulation under s. 236.45 or 236.46.
- (c) County zoning ordinances enacted or amended under s. 59.69.
- (d) City or village zoning ordinances enacted or amended under s. 62.23 (7).
- (e) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- (f) Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or 62.231.

(4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS.

A local governmental unit shall comply with all of the following before its comprehensive plan may take effect:

- (a) The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services and public meetings for which advance notice has been provided, in every

stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments. The written procedures shall describe the methods the governing body of a local governmental unit will use to distribute proposed, alternative, or amended elements of a comprehensive plan to owners of property, or to persons who have a leasehold interest in property pursuant to which the persons may extract nonmetallic mineral resources in or on property, in which the allowable use or intensity of use of the property is changed by the comprehensive plan.

(b) The plan commission or other body of a local governmental unit that is authorized to prepare or amend a comprehensive plan may recommend the adoption or amendment of a comprehensive plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the plan commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan. One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall be sent to all of the following:

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
2. The clerk of every local governmental unit that is adjacent to the local governmental unit which is the subject of the plan that is adopted or amended as described in par. (b) (intro.).
3. The Wisconsin Land Council.
4. After September 1, 2005, the department of administration.
5. The regional planning commission in which the local governmental unit is located.
6. The public library that serves the area in which the local governmental unit is located.

(c) No comprehensive plan that is recommended for adoption or amendment under par. (b) may take effect until the political subdivision enacts an ordinance or the regional planning commission adopts a resolution that adopts the plan or amendment. The political subdivision may not enact an ordinance or the regional planning commission may not adopt a resolution under this paragraph unless the comprehensive plan contains all of the elements specified in sub. (2). An ordinance may be enacted or a resolution may be adopted under this paragraph only by a majority vote of the members elect, as defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted or a resolution that is adopted under this paragraph, and the plan to which it relates, shall be filed with at least all of the entities specified under par. (b).

(d) No political subdivision may enact an ordinance or no regional planning commission may adopt a resolution under par. (c) unless the political subdivision or regional planning commission holds at least one public hearing at which the proposed ordinance or resolution is discussed. That hearing must be preceded by a class 1 notice under ch. 985 that is published at least 30 days before the hearing is held. The political subdivision or regional planning commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

1. The date, time and place of the hearing.
2. A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.

3. The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
 4. Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.
- (e) At least 30 days before the hearing described in par. (d) is held, a local governmental unit shall provide written notice to all of the following:
1. An operator who has obtained, or made application for, a permit that is described under s. 295.12 (3) (d).
 2. A person who has registered a marketable nonmetallic mineral deposit under s. 295.20.
 3. Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources, if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the hearing described in par. (d).

(5) APPLICABILITY OF A REGIONAL PLANNING COMMISSION'S PLAN

A regional planning commission's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

(6) COMPREHENSIVE PLAN MAY TAKE EFFECT.

Notwithstanding sub. (4), a comprehensive plan, or an amendment of a comprehensive plan, may take effect even if a local governmental unit fails to provide the notice that is required under sub. (4) (e), unless the local governmental unit intentionally fails to provide the notice.

Comprehensive Planning Grants

WISCONSIN STATE STATUTES CHAPTER 16: DEPARTMENT OF ADMINISTRATION-- SUBCHAPTER VI STATE PLANNING AND ENERGY

GENERAL PLANNING GRANT

16.965 Planning grants to local governmental units.

1) In this section:

(a) "Local governmental unit" means a county, city, village, town or regional planning commission.

(b) "Smart growth area" means an area that will enable the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable, or that will encourage efficient development patterns that are both contiguous to existing development and at densities which have relatively low municipal, state governmental and utility costs.

(2) From the appropriation under s. 20.505 (1) (cm), the department may provide grants to local governmental units to be used to finance the cost of planning activities, including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. The department shall require any local governmental unit that receives a grant under this section to finance a percentage of the cost of the product or service to be funded by the grant from the resources of the local governmental unit. The department shall determine the percentage of the cost to be funded by a local governmental unit based on the number of applications for grants and the availability of funding to finance grants for the fiscal year in which grants are to be provided. A local governmental unit that desires to receive a grant under this subsection shall file an application with the department. The application shall contain a complete statement of the expenditures proposed to be made for the purposes of the grant. No local governmental unit is eligible to receive a grant under this subsection unless the local governmental unit agrees to utilize the grant to finance planning for all of the purposes specified in s. 66.1001(2). (*note: previously s. 66.0295(2)*)

(3) Prior to awarding a grant to a local governmental unit under sub. (2), the department shall forward a statement of the expenditures proposed to be made under the grant to the Wisconsin land council for its written approval. The council may approve or disapprove any proposed grant.

(4) In determining whether to approve a proposed grant, preference shall be accorded to applications of local governmental units that contain all of the following elements:

(a) Planning efforts that address the interests of overlapping or neighboring jurisdictions.

(b) Planning efforts that contain a specific description of the means by which all of the following local, comprehensive planning goals will be achieved:

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the 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 relatively low municipal, state governmental and utility costs.
6. Preservation of cultural, historic and archaeological sites.
7. Encouragement of coordination and cooperation among nearby units of government.
8. Building of community identity by revitalizing main streets and enforcing design standards.
9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
11. Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.
12. Balancing individual property rights with community interests and goals.
13. Planning and development of land uses that create or preserve varied and unique urban and rural communities.
14. Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

(c) Planning efforts that identify smart growth areas.

(d) Planning efforts, including subsequent updates and amendments, that include development of implementing ordinances, including ordinances pertaining to zoning, subdivisions and land division.

(e) Planning efforts for which completion is contemplated within 30 months of the date on which a grant would be awarded.

(f) Planning efforts that provide opportunities for public participation throughout the planning process.

(5) The Wisconsin land council may promulgate rules specifying the methodology whereby precedence will be accorded to applications in awarding grants under sub. (2).

TRANSPORTATION PLANNING GRANTS

16.9651 Transportation planning grants to local governmental units.

(1) In this section, “local governmental unit” means a county, city, village, town or regional planning commission.

(2) From the appropriation under s. 20.505 (1) (z), the department may provide grants to local governmental units to be used to finance the cost of planning activities related to the transportation element, as described in s. 66.1001 (2) (c), (note: previously s. 66.0295(2)(c)) of a comprehensive plan, as defined in s. 66.1001 (1) (a), (note: previously s. 66.0295(1)(a)) including contracting for planning consultant services, public planning sessions and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. The department may require any local governmental unit that receives a grant under this section to finance not more than 25% of the cost of the product or service to be funded by the grant from the resources of the local governmental unit. Prior to awarding a grant under this section, the department shall forward a detailed statement of the proposed expenditures to be made under the grant to the secretary of transportation and obtain his or her written approval of the proposed expenditures.

1999 AB 872, Section 17. Appropriation changes.

(1) Transportation planning grants to local governmental units. In the schedule under section 20.005(3) of the statutes for the appropriation to the department of administration under section 20.505 (1)(z) of the statutes, as affected by the acts of 1999, the dollar amount for fiscal year 2000-2001 is increased by an amount equal to the amount, if any, of the moneys under that appropriation that were allocated for the purpose of the transportation planning grants to local governmental units under section 16.9651 of the statutes and that lapsed to the general fund on July 1, 2000 for the purpose of transportation planning grants to local governmental units under section 16.9651 of the statutes.

Model Traditional Neighborhood Developments and Conservation Subdivision Ordinances

WISCONSIN STATE STATUTES CHAPTER 66: GENERAL MUNICIPALITY LAW

66.1027 (note: previously, s. 66.034) **Traditional neighborhood developments and conservation subdivisions.**

(1) DEFINITIONS. In this section:

- (a) "Conservation subdivision" means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.
- (b) "Extension" has the meaning given in s. 36.05 (7).
- (c) "Traditional neighborhood development" means a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

(2) MODEL ORDINANCES. (a) Not later than January 1, 2001, the extension, in consultation with any other University of Wisconsin System institution or with a landscape architect, as that term is used in s. 443.02 (5), or with independent planners or any other consultant with expertise in traditional neighborhood planning and development, shall develop a model ordinance for a traditional neighborhood development and an ordinance for a conservation subdivision.

(b) The model ordinances developed under par. (a) shall be presented to the chief clerk of each house of the legislature, and shall be referred immediately by the speaker of the assembly and the presiding officer of the senate to the appropriate standing committee in each house. The model ordinances shall be considered to have been approved by a standing committee if within 14 working days of the referral, the committee does not schedule a meeting for the purpose of reviewing the model ordinance. If the committee schedules a meeting for the purpose of reviewing the model ordinance, the ordinance may not be considered to have been approved unless the committee approves the model ordinance.

(3) CITY AND VILLAGE REQUIREMENTS. (a) Not later than January 1, 2002, every city and village, with a population of at least 12,500 shall enact an ordinance that is similar to the model traditional neighborhood development ordinance that is developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b), although the ordinance is not required to be mapped.

(b) A city or village whose population reaches at least 12,500, after January 1, 2002, shall enact an ordinance that is similar to the model traditional neighborhood development ordinance that is developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b) not later than the first day of the 12th month beginning after the city's or village's population reaches at least 12,500, although the ordinance is not required to be mapped.

State Agency Involvement in Comprehensive Planning

WISCONSIN STATE STATUTES CHAPTER 1: SOVEREIGNTY AND JURISDICTION OF THE STATE

1.13 Land use planning activities.

(1) In this section:

- (a) "Local governmental unit" has the meaning given in s. 1.12 (1) (a).
- (b) "State agency" has the meaning given in s. 1.12 (1) (b).

(2) Each state agency, where applicable and consistent with other laws, is encouraged to design its programs, policies, infrastructure and investments of the agency to reflect a balance between the mission of the agency and the following local, comprehensive planning goals:

- (a) Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
- (b) Encouragement of neighborhood designs that support a range of transportation choices.
- (c) Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
- (d) Protection of economically productive areas, including farmland and forests.
- (e) Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
- (f) Preservation of cultural, historic and archaeological sites.
- (g) Encouragement of coordination and cooperation among nearby units of government.
- (h) Building of community identity by revitalizing main streets and enforcing design standards.
- (i) Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
- (j) Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
- (k) Promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.
- (l) Balancing individual property rights with community interests and goals.
- (m) Planning and development of land uses that create or preserve varied and unique urban and rural communities.
- (n) Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

(3) Consistently with other laws, each state agency, whenever it administers a law under which a local governmental unit prepares a plan, is encouraged to design its planning requirements in a manner that makes it practical for local governmental units to incorporate these plans into local comprehensive plans prepared under s. 66.1001. (note: previously s. 66.0295)

**WISCONSIN STATE STATUTES CHAPTER 227:
ADMINISTRATIVE PROCEDURE AND REVIEW – SUBCHAPTER II
ADMINISTRATIVE RULES**

227.113 Incorporation of local, comprehensive planning goals. Each agency, where applicable and consistent with the laws that it administers, is encouraged to design the rules promulgated by the agency to reflect a balance between the mission of the agency and the goals specified in s. 1.13 (2).

**WISCONSIN STATE STATUTES CHAPTER 236:
PLATTING LANDS AND RECORDING AND VACATING PLATS – APPROVAL OF
PLATS**

Informational Note: This was the only change made to ch. 236.

236.13 (1) (c) A comprehensive plan under s. 66.1001 (note: previously, s. 66.0295) or, if the municipality, town or county does not have a comprehensive plan, either of the following:

1. With respect to a municipality or town, a master plan under s. 62.23.
2. With respect to a county, a development plan under s. 59.69.

**WISCONSIN STATE STATUTES CHAPTER 15:
STRUCTURE OF THE EXECUTIVE BRANCH-- SUBCHAPTER I GENERAL
PROVISIONS: DEFINITIONS**

Informational Note: This was the only change made to s. 15.01.

15.01 DEFINITIONS (4) “Council” means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Wisconsin land council has the powers specified in s. 16.965 (3) and (5) and the powers granted to agencies under ch. 227, the Milwaukee river revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24 and, before January 1, 2001, the council on health care fraud and abuse has the powers and duties specified in s. 146.36.

Local Plan Commissions, County Zoning Agencies and Regional Planning Commissions

WISCONSIN STATE STATUTES CHAPTER 60: TOWNS – SUBCHAPTER VIII LAND USE AND PLANNING

Under Wis. Stats. s. 60.62: Zoning authority if exercising village powers.

60.62 (4) (a) Notwithstanding ss. 61.35 and 62.23 (1)(a), a town with a population of less than 2,500 that acts under this section may create a “Town Plan Commission” under s. 62.23 (1) (a) that has 5 members, all of whom shall be appointed by the town board chairperson, who shall also select the presiding officer. The town board chairperson may appoint himself or herself to the commission and may appoint other town elected or appointed officials to the commission, except that the commission shall always have at least one citizen member who is not a town official. All other provisions of ss. 61.35 and 62.23 shall apply to a town plan commission that has 5 members.

(b) If a town plan commission consists of 7 members and the town board enacts an ordinance or adopts a resolution reducing the size of the commission to 5 members, the commission shall continue to operate with 6 or 7 members until the expiration of the terms of the 2 citizen members, who were appointed under s. 62.23 (1) (a), whose terms expire soonest after the effective date of the ordinance or resolution that reduces the size of the commission.

(c) If a town plan commission consists of 5 members and the town board enacts an ordinance or adopts a resolution increasing the size of the commission to 7 members, the town board chairperson shall appoint the 2 new members under s. 62.23 (1) (a).

WISCONSIN STATE STATUTES CHAPTER 62: CITIES-- SUBCHAPTER I GENERAL CHARTER LAW

Under Wis. Stats. s. 62.23: City Planning.

62.23 (1) (a) The council of any city may by ordinance create a “City Plan Commission,” to consist of 7 members. All members of the commission shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least 3 citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The council may by ordinance provide that the membership of the commission shall be as provided thereunder.

repealed: (1)(b) The alderperson member of the commission shall be elected by a majority vote of the council, upon the creation of the commission, and during each April thereafter.

repealed: (1)(c) The 3 citizen members shall be appointed by the mayor, upon the creation of the commission, to hold office for periods ending 1, 2 and 3 years, respectively, from the succeeding May 1. Thereafter,

annually during April one member of the commission shall be appointed for a term of 3 years.

(d) The members of the commission shall be appointed to hold office for a period of 3 years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

(2) **FUNCTIONS.** It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries which in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). (*note: previously, s. 66.0295(2)*) The commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(3) (b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, if the city engages in any program or action described in s. 66.1001 (3), (*note: previously s. 66.0295(3)*) the master plan shall contain at least all of the elements specified in s. 66.1001 (2). (*note: previously, s. 66.0295(2)*) The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 (*note: previously, 66.0295*) and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the common council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the city plan commission and the council in the performance of their duties.

**WISCONSIN STATE STATUTES CHAPTER 59:
COUNTIES--SUBCHAPTER VII LAND USE, INFORMATION, AND REGULATION,
ENVIRONMENTAL PROTECTION, SURVEYS, PLANNING AND ZONING**

Under Wis. Stats. s. 59.69: Planning and zoning authority.

59.69 (3)(a) The county zoning agency may direct the preparation of county development plan or parts thereof for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan. Beginning on January 1, 2010, if the county engages in any program or action described in s. 66.1001 (3), (*note: previously s.*

66.0295(3)) the development plan shall contain at least all of the elements specified in s. 66.1001(2).
(note: previously, s. 66.0295 (2))

(3)(b) The development plan shall include the master plan, if any, of a city or village, which was adopted under s. 62.23(2) or (3) and the official map, if any, or such city or village, which was adopted under s. 62.23(6) in the county, without change.

WISCONSIN STATE STATUTES CHAPTER 66: GENERAL MUNICIPALITY LAW

Under Wis. Stats. s. 66.0309 (note: previously, s. 66.945): Creation, organization, powers and duties of regional planning commissions:

66.0309 (8) (a) (note: previously, s. 66.945 (8)(a)). The regional planning commission may conduct all types of research studies, collect and analyze data, prepare maps, charts and tables, and conduct all necessary studies for the accomplishment of its other duties; it may, consistent with the elements specified in s. 66.1001 (note: previously, s. 66.0295), make plans for the physical, social and economic development of the region, and may, consistent with the elements specified in s. 66.1001, (note: previously, s. 66.0295) adopt by resolution any plan or the portion of any plan so prepared as its official recommendation for the development of the region; it may publicize and advertise its purposes, objectives and findings, and may distribute reports thereon; it may provide advisory services on regional planning problems to the local government units within the region and to other public and private agencies in matters relative to its functions and objectives, and may act as a coordinating agency for programs and activities of such local units and agencies as they relate to its objectives. All public officials shall, upon request, furnish to the regional planning commission, within a reasonable time, such available information as it requires for its work. In general, the regional planning commission shall have all powers necessary to enable it to perform its functions and promote regional planning. The functions of the regional planning commission shall be solely advisory to the local governments and local government officials comprising the region.

Informational Note: No amendments or changes were made to s. 66.0309 (8)b. (Note: previously, s. 66.945(8)(b).)

66.0309 (9) (note: previously, 66.945 (9)) **PREPARATION OF MASTER PLAN FOR REGION.** The regional planning commission shall have the function and duty of making and adopting a master plan for the physical development of the region. The master plan, with the accompanying maps, plats, charts, programs and descriptive and explanatory matter, shall show the commission's recommendations for such physical development and shall contain at least the elements described in s. 66.1001. (note: previously, s. 66.0295) The regional planning commission may amend, extend or add to the master plan or carry any part or subject matter into greater detail.

66.0309 (10) *(note: previously, s. 66.945 (10))* **ADOPTION OF MASTER PLAN FOR REGION.** The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the region which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development. The regional planning commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may by resolution adopt a part or parts thereof, any such part to correspond with one or more of the elements specified in s. 66.1001. *(note: previously, s. 66.0295)* The resolution shall refer expressly to the maps, plats, charts, programs and descriptive and explanatory matter, and other matters intended by the regional planning commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the chairperson of the regional planning commission and a copy of the plan or part thereof shall be certified to the legislative bodies of the local governmental units within the region. The purpose and effect of adoption of the master plan shall be solely to aid the regional planning commission and the local governments and local government officials comprising the region in the performance of their functions and duties.

Informational Note: No amendments or changes were made to sections and subsections of 66.0309 (11) or (12). (note: previously, s. 66.945(11) or (12))