



## How did the law originate?

This law is the work of a unique coalition of groups that includes the Wisconsin Realtors Association; 1000 Friends of Wisconsin; the Wisconsin Builders Association; the Wisconsin Chapter of the American Planning Association; the Wisconsin Council of Regional Planning Organizations; the Wisconsin Counties Association; the Wisconsin League of Municipalities; the Wisconsin Alliance of Cities; the Wisconsin Towns Association; and the Wisconsin Department of Administration, Office of Land Information Services. Facilitated by faculty from the University of Wisconsin-Madison, the groups developed the definition of the comprehensive plan that Governor Tommy Thompson included in the state budget bill along with money for planning grants. As the bill made it through the legislative process, legislators added local comprehensive planning goals, a “smart growth dividend,” and requirements for traditional neighborhood development ordinances.

Enacted in October 1999, the law begins to provide the framework for a unified land use planning and regulation enabling law for Wisconsin.

# Key Points About Wisconsin’s New Comprehensive Planning and “Smart Growth” Law

Brian W. Ohm

## How does the law impact local planning in Wisconsin?

- A. It provides a definition of a **“comprehensive plan.”**
  - Includes the “9 elements”: Issues and Opportunities; Housing; Transportation; Utilities and Community Facilities; Agricultural, Natural and Cultural Resources; Economic Development; Intergovernmental Cooperation; Land Use; Implementation.
  - Prior to the Smart Growth law, Wisconsin had only the 1920s definition of a “a master plan” (for cities, villages, and towns) and a limited definition of “a county development plan,” added in 1967.
  - This definition applies to all cities, villages, towns, counties and regional planning commissions in Wisconsin.
- B. It requires **consistency.**
  - After January 1, 2010, local programs and actions impacting land use must be consistent with that local government’s comprehensive plan. In other words, the law requires that all local governments must have a comprehensive plan by January 1, 2010, if they engage in programs or actions that affect land use.
- C. It requires **public participation.**
  - The local governing body must adopt written procedures designed to foster public participation.
- D. It requires that a **comprehensive plan be adopted in its entirety.**
  - Prior to the Smart Growth law, master plans and county development plans could be adopted in parts and, as a result, the plans were often never “complete.”
- E. It requires that the **governing body adopt the comprehensive plan by ordinance.**
  - Prior to the Smart Growth law only the plan commission was required to adopt master plans.



**F. It changes the composition of city, village and town plan commissions** to allow greater local discretion.

- The plan commission shall consist of seven members, appointed by the mayor. The mayor also appoints the presiding officer. Members *may* consist of the mayor and other elected or appointed city officials, but the commission *must* have at least three citizen members who are not city officials (this eliminates antiquated language from 1920s model zoning enabling act).
- For towns with a population of less than 2,500, the plan commission may consist of five members appointed by the town chairperson, who selects the presiding officer. The plan commission must include at least one citizen member who is not a town official.

**G. It provides state funded grants** to assist with local planning efforts.

- Matching grants.
- Grants must be approved by the Wisconsin Land Council (a pre-existing advisory land use body located within the Wisconsin Department of Administration).

- The Smart Growth law states that priority for grants will be given to planning efforts that:
  - address intergovernmental issues;
  - meet 14 local comprehensive planning goals identified in the legislation;
  - identify Smart Growth areas (defined as areas that will enable the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, 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);
  - include the development of implementing ordinances;
  - will be completed within 30 months; and
  - provide opportunities for public participation.

**H. Requires that cities and villages** with a population of at least 12,500, **adopt traditional neighborhood development ordinances** that are similar to an ordinance developed by the University of Wisconsin-Extension. The ordinance is not required to be mapped.

**I. Establishes a “smart growth dividend aid program.”**

- Currently the program is unfunded. The specifics will be developed by the Wisconsin Departments of Administration and Revenue. The first grants are to be distributed in 2005.
- Local governments would receive unrestricted state financial aid based on new housing units sold or rented on lots that are no more than three acres, and new housing units sold at no more than 80% of the median sale price for new homes in the county.

### How does the law affect state agencies?

State agencies are encouraged to design their programs, policies, infrastructure and investments to reflect a balance between the mission of the agency and 14 local comprehensive planning goals. State agencies are also encouraged to design planning requirements for local governments in a manner that makes it practical for local governments to incorporate those requirements into local comprehensive plans.

A copy of the law and related information is available from the Wisconsin Department of Administration, Office of Land Information Services, at [www.doa.state.wi.us/olis](http://www.doa.state.wi.us/olis).

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