



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 233 [2003 Assembly Bill 608]	Comprehensive Planning
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

The comprehensive planning statute requires, beginning on January 1, 2010, that any action of a local governmental unit that affects land use must be consistent with that local governmental unit's comprehensive plan. The statute [s. 66.1001, Stats.] sets forth in detail the required contents of a comprehensive plan. The statute also contains a list of actions of a local governmental unit that must be consistent with the local governmental unit's comprehensive plan.

2003 Wisconsin Act 233 changes two provisions of the comprehensive planning statute.

The first change in Act 233 is the definition of local governmental unit. In the prior statute, this term included regional planning commissions. The prior statute seemed to authorize regional planning commissions to adopt land use ordinances, although a careful analysis of the prior statute did not support this interpretation. The Act creates a new definition of "political subdivision," which includes only cities, villages, towns, and counties. The definition of "local governmental unit" is retained, to include both political subdivisions and regional planning commissions. The Act then separates the use of these terms to make it clear that the comprehensive planning statute does not give regional planning commissions the authority to adopt land use ordinances. The Act also includes an express statement that any comprehensive plan developed and adopted by a regional planning commission is advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

The second change in Act 233 is in the details of the requirement for consistency. The prior statute required that any "program or action" of a political subdivision or a regional planning commission affecting land use must be consistent with its comprehensive plan, commencing January 1, 2010. This statement was followed by an open-ended list of examples of what are deemed to be programs or actions in the statute. The Act modifies the statute by deleting "program" and retaining only "action." Further, the Act deletes most of the list of examples, eliminating those actions that are unrelated or marginally related to land use such as impact fees and boundary changes, and retaining only those examples that are the core land use decisions: official mapping, local subdivision regulation,

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

zoning by a political subdivision, and zoning of shorelands and wetlands. Finally, the Act makes the list of actions exclusive rather than open-ended; only those actions on the list are subject to the consistency requirement.

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