



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

<p>2003 Wisconsin Act 307 [2003 Assembly Bill 728]</p>	<p>Comprehensive Planning: Distribution of Proposed Land Use Changes; Public Hearing Notice to Persons With Nonmetallic Mineral Interests</p>
<p>2003 Acts: www.legis.state.wi.us/2003/data/acts/</p>	<p>Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm</p>

Under current law, if a local governmental unit adopts a comprehensive plan, the plan must contain certain planning elements, including: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; and land use. Beginning January 1, 2010, any program or action of a local governmental unit that affects land use must be consistent with that local governmental unit's official mapping, subdivision regulation, and zoning. (See 2003 Wisconsin Act 233.)

2003 Wisconsin Act 307 makes changes to the comprehensive planning law, as described below.

Distribution of Proposed Comprehensive Plan Changes Affecting Use of Property

Before a comprehensive plan may take effect, current law requires a local governmental unit to adopt written procedures designed to foster public participation in the preparation of the plan. The Act requires these written procedures to describe the methods the local governmental unit will use to distribute proposed, alternative, or amended elements of a comprehensive plan to: (a) owners of property in which the allowable use or intensity of use of the property is changed by the comprehensive plan; and (b) persons who have a leasehold interest in property allowing extraction of nonmetallic mineral resources if the allowable use or intensity of use of the property is changed by the comprehensive plan.

Notice of Public Hearing to Persons With Certain Interests in Nonmetallic Minerals

Current law requires a local governmental unit to hold a public hearing on a proposed comprehensive plan or amendment to a plan. Under the Act, at least 30 days before the required public

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

hearing is held, a local governmental unit must provide written notice of the hearing to: an operator who has applied for or obtained a nonmetallic reclamation permit; a person who has registered a marketable nonmetallic mineral deposit; and any other property owner or leaseholder who has an interest in property allowing extraction of 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 public hearing.

Clarification of Application of Certain Zoning Limitations

The Act expressly provides that the agricultural, natural resources, and cultural resources element of a comprehensive plan must recognize limitations under current law on a jurisdiction's ability to place zoning limitations on property that has been registered as a marketable nonmetallic mineral deposit.

Effective Date: Act 307 takes effect May 7, 2004.

Prepared by: Don Dyke, Chief of Legal Services

May 3, 2004

DD:wu:rv