

SUMMARY OF WISCONSIN COMPREHENSIVE PLANNING REQUIREMENTS

In 1999, the Wisconsin Legislature enacted legislation that expanded the scope and significance of comprehensive planning in the State. The legislation, sometimes referred to as the State's "Smart Growth" law, provides a framework for the development, adoption, implementation, update, and amendment of comprehensive plans by regional planning commissions and by county, city, village, and town units of government. The law is set forth in Section 66.1001 of the *Wisconsin Statutes*. The law has been amended periodically, most recently through enactment of 2015 Wisconsin Act 391.

The law does not require the adoption of county and local comprehensive plans. However, Section 66.1001(3) of the *Statutes* requires that county and local general zoning ordinances; county, city, and village shoreland zoning ordinances; county and local subdivision ordinances; and local official mapping ordinances enacted or amended on or after January 1, 2010, be consistent with the comprehensive plan adopted by the unit of government enacting or amending such ordinances.

COMPREHENSIVE PLAN ELEMENTS

The law requires that the following nine elements be addressed in a comprehensive plan:

- Issues and Opportunities
- Housing
- Transportation
- Utilities and Community Facilities
- Agricultural, Natural, and Cultural Resources
- Economic Development
- Intergovernmental Cooperation
- Land Use
- Implementation

REGIONAL PLANNING FRAMEWORK

The regional plan for Southeastern Wisconsin contains extensive and detailed inventory information relating to existing land uses and natural resources; population and employment information and projections; and regional land use, transportation, housing, and other plan elements that provide an areawide, or metropolitan, planning framework for the preparation of county and local comprehensive plans. County and local plans should refine and detail the recommendations set forth in the regional plan. A summary of regional plan recommendations is available from the Southeastern Wisconsin Regional Planning Commission (SEWRPC), which serves county and local governments in Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties.

PUBLIC PARTICIPATION

Section 66.1001(4)(a) of the *Statutes* requires that the governing body adopt written public participation procedures, 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." Proposed plan elements must be widely distributed, and opportunities must be provided for written comments to be submitted by the public to the governing body.

A procedure for the governing body to respond to those comments must also be identified. Public participation procedures must also be adopted for amendments to a comprehensive plan. A plan update is considered a plan amendment.

PLAN OVERSIGHT

Preparation of a comprehensive plan or amendment may be guided by the governing body, the local plan commission or county zoning agency, or an advisory committee created by the governing body to oversee preparation of the plan.

PLAN ADOPTION AND AMENDMENTS

A comprehensive plan or plan amendment must be adopted by an ordinance enacted by the governing body. A recommendation from the Plan Commission, in the form of a resolution, is required prior to action by the governing body. At least one public hearing, preceded by a Class 1 notice published at least 30 days before the hearing, must be held by the unit of government prior to adopting the plan or a plan amendment. Section 66.1001(4)(b) of the *Statutes* requires that an adopted comprehensive plan, or an amendment to a plan, be sent to all governmental units within and adjacent to the county or local government preparing a plan; the Wisconsin Department of Administration; the regional planning commission; and the public library that serves the area in which the county or local government is located. Plan updates are considered plan amendments.

2015 Wisconsin Act 391 expanded the notice requirements for comprehensive plan amendments. Each county and local government is required to maintain a list of persons who submit a request to receive notice of comprehensive plan amendments affecting the allowable use of their property. County and local governments are also required to annually inform owners of property that they may add their name to this list. Methods that may be used to provide the annual notice include publishing it as a Class 1 public notice, posting the information on the county or local government website, or mailing a notice to each property owner within the county or local government.

PLAN IMPLEMENTATION AND CONSISTENCY REQUIREMENT

2009 Wisconsin Act 372 changed the consistency provisions of the comprehensive planning law. Section 66.1001(3) now requires that general zoning, shoreland zoning, subdivision, and official mapping ordinances enacted or amended on or after January 1, 2010, must be consistent with the comprehensive plan (including any plan amendments) adopted by the governing body of the unit of government. In 2010, the Wisconsin Legislature amended the comprehensive planning law to include the following definition: “‘Consistent with’ means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan” (Section 66.1001 (1) (am)).

PLAN UPDATES AND AMENDMENTS

The comprehensive planning law requires that adopted comprehensive plans be reviewed and updated at least once every 10 years (Section 66.1001(2)(i)). County and local governments may choose to update the plan more frequently. While there is no limit on the number or frequency of amendments that may be made to a comprehensive plan, the public participation, public hearing, and plan adoption procedures required for a full comprehensive plan also apply to plan amendments.

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Additional information regarding the preparation of comprehensive plans in Southeastern Wisconsin is available from the Southeastern Wisconsin Regional Planning Commission (SEWRPC). Commission staff may be contacted by telephone at (262) 547-6721, or by e-mail at sewrpc@sewrpc.org.