

# Vierbicher *Bulletin*

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Information for Municipal Officials

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## Wisconsin's "Smart Growth" Initiative

On October 27, 1999, the Governor signed into law Wisconsin's most sweeping change in decades affecting local land use and planning decision-making. The program, known as "Smart Growth", does a number of things.

First of all, it allocates up to \$2.5 million annually to help pay for a portion of the costs to prepare new comprehensive plans. It defines nine key elements that must be contained in all new comprehensive plans and requires that all local government actions that affect land use policies and development reviews are consistent with the contents of the comprehensive plan. In addition, it mandates the adoption of a Traditional Neighborhood Development (TND) ordinance and a Conservation Subdivision ordinance by many Wisconsin cities and villages. Smart Growth creates new procedures for adopting and updating comprehensive plans, and mandates the size and make-up of plan commissions. Lastly, it proposes a "Smart Growth Dividend" program, which will mean new state revenue for eligible communities following their adoption of a qualified comprehensive plan.



With Wisconsin's Smart Growth law, the importance of having a local comprehensive plan is significant. In fact, after 2009 if local governments want to have a say in how and where development occurs within its borders, they must first adopt a comprehensive plan. While the law does not dictate local land-use policy, it does mandate a framework for plan preparation, which assures a comprehensive approach and expands public input. It also requires consistency between a community's comprehensive plan and its zoning ordinance or other development-related regulations.

### *Important Moments in Wisconsin Planning Legislation*

1909 – Wisconsin becomes the first state to grant a clear right for municipalities to engage in city planning.

1941 – Legislature enacts enabling statute to allow preparation of "master" plans.

1999 – Wisconsin's Smart Growth Initiative enacted.

### **\$2.5 Million In Planning Grant Assistance Available**

The state's new Smart Growth Initiative offers financial incentives for communities considering preparing and adopting a new comprehensive plan.

Under the General Planning Grant Program, the state has allocated \$1.5 million in new grants to help communities prepare and adopt eligible plans. Currently, the Wisconsin Land Council is developing rules to guide the grant award process, which should be issued before the end of this year.

Using federal transportation funds, the state has also created the Transportation Planning

Grant Program. The \$1.0 million of grants will help pay for the transportation element of a comprehensive plan.

The Smart Growth Dividend Aid Program is designed to reward communities that adopt an eligible comprehensive plan quickly, by 2004. If implementation of the new plan is underway by that year and certain housing goals have been achieved, the community may apply for those aids.



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# New Comprehensive Planning Elements



The Smart Growth law provides local governments with a new framework for developing a comprehensive plan and for implementing its recommendations.

Communities must be prepared to encourage broad public participation during plan preparation, work cooperatively with neighboring jurisdictions and address

a wide range of planning goals. Nine key elements must now be part of every plan, including:

1. An *issues and opportunities* element, which provides the goals and objectives, that provides overall guidance for the community.
2. A *land use* section, which details future development and redevelopment anticipated for a period of 20 years.
3. A *housing* element, to assure that adequate housing is provided for all future residents.
4. An *economic development* component, to promote a sound and stable economic base.
5. A *transportation* element, that considers various transportation modes and their future role serving the community.
6. A section that addresses *natural resources, agriculture and cultural resources*, intended to protect the environment, and important community, historic and regional resources.
7. A *community facilities and utilities* component, that makes sure adequate sanitary sewer service, storm water management and water supply is provided to accommodate anticipated changes in land use.
8. Policies that promote *intergovernmental cooperation* and joint planning with overlapping jurisdictions, such as area school districts, and neighboring jurisdictions.

9. A section on *plan implementation*, which details the actions required to achieve the plan's goals and objectives — including items like amending the zoning ordinance, adopting design review requirements, changing subdivision ordinances and other development-related policies.

The new law makes other changes, as well. For example, communities must identify “Smart Growth Areas” within their boundaries. Also, by 2010 all local government land-use related ordinances, regulations and policies must be consistent with its comprehensive plan. Communities that do not make this link are likely to find their ordinances very difficult to defend legally.

The Smart Growth law also makes important changes to the requirements of plan commission formation and mandates adoption of future comprehensive plans by ordinance.

## *Vierbicher Can Help!*

Vierbicher Associates has been following the development of the Smart Growth Initiative for months. We can help your community understand and address the myriad of new requirements under Wisconsin's Smart Growth Initiative.

For additional information on the new law or to find out how Vierbicher Associates, Inc. can help you, please contact:

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