

GUIDELINES FOR THE ADOPTION AND DISTRIBUTION OF YOUR COMMUNITY'S COMPREHENSIVE PLAN

RECOMMENDATIONS BY OFFICE OF LAND INFORMATION SERVICES

The Office of Land Information Services' (OLIS) staff are frequently asked by local officials and consultants about the adoption and distribution procedures for a comprehensive plan under s. 66.1001, Wis. Stats. This document highlights these procedures and provides some staff suggestions and recommendations. These suggestions and recommendations are intended only as guidance.

Background. The comprehensive planning statutes are presented in several sections.

- Section 66.1001 (1), Stats., defines a comprehensive plan.
- Section 66.1001 (2), Stats., outlines the contents of a plan.
- Section 66.1001 (3), Stats., lists the local actions that must be consistent with a plan by 2010.
- Section 66.1001 (4), Stats., outlines procedures for adopting a plan.

An important feature of the law is the focus on a “bottom-up” approach centering around local government and its decision-making abilities for its own future. Keeping this in mind, local communities are responsible for following the statutes when developing and adopting its comprehensive plan.

SUMMARY OF S. 66.1001(4), STATS.

General Summary of Required Procedures. The statutory procedures required in the plan adoption process of the comprehensive plan are summarized below. Local governments may certainly choose to conduct additional activities above and beyond the statutory requirements

such as conducting citizen surveys, developing a capital improvements plan, updating a farmland preservation plan, developing an open space plan, developing community design guidelines, etc.

1. Written public participation procedures, fostering public participation in every stage of the preparation of the comprehensive plan, are developed.
2. The procedures are “adopted” by the local governing body (elected officials).
3. By majority vote, the plan commission (or appointed county committee assigned to develop the plan) recommends the plan to the governing body for approval.
4. The “recommended” plan is distributed to the recipients listed in s. 66.1001 (4) (b), Stats., and any others identified in the adopted public participation procedures.
5. Elected officials may spend time reviewing, revising, and requesting plan commission revision to the “recommended” plan.
6. The local governing body drafts an ordinance adopting the plan.
7. A class 1 public notice is published 30 days prior to the hearing on the proposed ordinance to adopt the final “recommended” plan.
8. The local governing body provides an opportunity for written comments by the public and responds to such comments.
9. The public hearing is held on the ordinance.
10. By majority vote, the ordinance is approved by the governing body.
11. The “adopted” plan and ordinance are distributed to the recipients listed in s. 66.1001 (4) (b), Stats.

**SECTION
66.1001(4)(a),
STATS.
PROCEDURES FOR
PUBLIC
PARTICIPATION**

Written Procedures for Public Participation. Section 66.1001(4) (a), Stats., requires that local governments adopt a set of written procedures for public participation. These procedures must include opportunities for participation in every stage of the plan development. There is a variety of participation options for your community to consider based on your needs, planning timeline and budget. These options may include mechanisms such as informational meetings, forums, newsletters, surveys, mailings, and interactive web sites.

The statute clearly indicates that the procedures must include:

- a wide distribution of any proposed, alternative or amended elements of a comprehensive plan
- an opportunity for the public to provide written comments.
- how the governing body will respond to written comments.

RECOMMENDATIONS

Although the statutes are not time specific, ideally your community will develop and adopt the public participation procedures early in the planning process. Changes or deviations to these adopted public participation procedures are possible, however, the plan commission (or appointed county committee) should seek action by the governing body to revise the procedures. Consider including the adopted procedures in the plan document as a separate section or in an appendix.

**SECTION
66.1001(4)(b),
STATS.
PLAN COMMISSION
RECOMMENDATION**

Plan Commission Recommendation Procedures. Section 66.1001(4) (b), Stats., outlines plan commission (or appointed county committee) procedures for recommending a comprehensive plan to the local governing body. The plan commission is required to adopt, by majority vote, a resolution that “recommends” the adoption of the plan (or any future plan amendments) to the elected governing body.

Copies of the “recommended” plan must be sent to various parties, including the clerks of all neighboring communities, overlapping governmental bodies (i.e. counties, utility districts, school districts, sanitary districts, drainage districts), the regional planning commission, the Wisconsin Land Council, and the public library serving the community.

RECOMMENDATIONS

When the plan commission recommends the plan to the local governing body, the commission should specifically note the dates of the plan documents, maps, and all other materials. This will help minimize confusion of the versions of the plan under review. Plan amendments should also reference pertinent dates.

Be sure to identify the “overlapping governmental bodies” and others that your community will send copies of the “recommended” and “adopted” plans and ordinance. A good time to identify these recipients is at the beginning of the planning process as part of your adopted written public participation procedures.

**SECTION
66.1001(4) (d),
STATS.**

**ADOPTION AND
DISTRIBUTION
PROCEDURES**

Adoption Procedures and Plan Distribution. Section 66.1001(4)(c), Stats., specifies that the elected local governing body, by a majority vote, must enact the ordinance adopting the plan.

The plan must include all nine elements identified in s. 66.1001(2), Stats.

Copies of the ordinance and “adopted” plan must be filed with the same entities that the “recommended” plan was sent to pursuant to s. 66.1001(4)(b), Stats.

RECOMMENDATIONS

Often, elected officials ask the plan commission to revise or reexamine certain provisions of the “recommended” plan. The statute is not clear on whether reiterations of the initial plan “recommended” by the plan commission need to be sent to the distribution list. Your community’s public participation procedures should include how revisions to the “recommended” plan will be shared with the public. These changes have the potential to substantially change the “recommended” plan, and, the public should be made aware of these changes.

Paper copies of the “recommended” plan, the “adopted” plan and the ordinance for the Wisconsin Land Council and the Department of Administration should be sent to: Executive Director of the Wisconsin Land Council, 17 South Fairchild Street, 7th Floor, Madison, Wisconsin 53703. If you would like to provide an electronic copy as well the paper copies, you can send us the information on diskette or CD to this same address.

**SECTION
66.1001(4) (d),
STATS.**

PUBLIC HEARING

Public Hearing Procedures. Section 66.1001(4)(d), Stats., specifies that prior to adopting the plan, the local governmental unit will hold at least one public hearing to discuss the proposed ordinance.

At least 30 days prior to the hearing, a class 1 notice must be published. At a minimum, the class 1 notice must contain:

- the date, time and location of the hearing.
- a summary of the proposed plan or plan amendment
- the local government staff that can be contacted for additional information.
- where to inspect and how to obtain a copy of the proposal before the hearing.

FREQUENTLY ASKED QUESTIONS

Can we send electronic (digital) copies of the “recommended” and “adopted” plans to the statutory distribution list instead of paper copies?

Computer systems and capabilities vary greatly between communities. Sharing of your community’s information regarding its future is a central theme in the comprehensive planning law. OLIS recommends that your community send paper copies of the “recommended” and “adopted” plans including the color maps and the adopting ordinance. We encourage, where feasible, sending an electronic copy in addition to paper copies.

Can a community charge a fee to the parties it needs to distribute the plan to? The statutes clearly indicate that your community is required to send certain entities copies of the “recommended” and “adopted” plan and the adopting ordinance. Charging a fee is not only a conflict of the requirements of the statutes but also contrary to the spirit and intent of the statutes.

Can a community charge a fee for extra copies outside of those required by statute? This is completely up to your community. Charging for additional copies or to those requesting copies that are not included in the distribution list is feasible. The response to the next question also suggests that a summary document might be helpful in lowering the costs to both the community and those interested parties.

Can we send a summary document to the distribution list instead of the entire plan? The statutes clearly indicate that the “recommend” plan, the “adopted” plan and a copy of the adopting ordinance need to be sent. Summaries would not meet this requirement. However, you may decide to also have available to send out, a summary document that includes the key policies and maps. Summary documents are particularly useful for communicating the major themes of your plan to a broader audience. Developing and/or distributing a summary document is clearly above the requirements of the law, and its distribution should be decided on within your community’s public participation procedures.

If only minor changes were made by the elected officials to the plan commission’s “recommended” plan, do we still need to send a copy of the “adopted” plan to all parties, or, can we just send the changes? The statutes specify that a copy of the full plan be sent to the distribution list noted. (You may have identified others in your public participation plan, too.) Be sure to budget accordingly with your staff/consultant for sufficient funds to cover copy and mail costs.

If no changes were made at all to the “recommended” plan, can we just send the “adopted” ordinance to the distribution list? OLIS recommends that communities file a complete copy including color maps and the ordinance to the distribution list. OLIS also recommends that a summary document should not be substituted for the “adopted” plan when notifying various parties.

FOR FURTHER INFORMATION

For more information on the comprehensive planning statutes and helpful resources for developing a comprehensive plan, you have several options.

OLIS staff can be reached by calling 608-267-2707 and listening to the options, or, call 608-267-3369 for the staff person who can further direct your call.

You can also visit the OLIS website and link to the page for comprehensive planning or Smart Growth (<http://www.doa.state.wi.us/olis/complanning.asp>). Information on the comprehensive planning grant program is available online by clicking on the link to the comprehensive planning grant program.