



# PLANNING FACTS

## PORTAGE COUNTY COMPREHENSIVE PLAN

Fact Sheet 8  
December 2003

## THE TRUTH ABOUT WISCONSIN'S COMPREHENSIVE PLANNING LAW

Over the last several months, Wisconsin's Comprehensive Planning Law has come under pressure, especially in the central and northern parts of the State. The law, which was enacted in the fall of 1999, requires every local unit of government who plans on making decision that affect land use after January 1, 2010 to complete a comprehensive plan.

A comprehensive plan allows a community to look at all aspects of its life, and must address nine elements: issues and opportunities; housing; transportation; intergovernmental cooperation; utilities and public facilities; agricultural, natural, and cultural resources; economic development; land use; and implementation.

Critics of the law claim, among other things, that

the new law will act to destroy private property rights and undermine local control—the authority of towns, villages, and cities to govern themselves.

To be sure, issues discussed in the comprehensive planning process can be complicated. Topics such as shoreland zoning, extraterritorial authority, exclusive agricultural zoning, and a whole host of others are complex. Critics use this complexity as a platform to spread misinformation about the law that confuses people and plays on their fears.

In 2001, all of Portage County's 17 towns, 9 villages, and the City of Stevens Point began work together on a countywide comprehensive planning effort—an effort that would result in the development of a comprehensive plan for every individual unit of government in the County.

Over the last 2 1/2 years,

much work has been done. Countywide issues were identified and vision statements developed, with a great deal of public participation from around the County. Local plan development began in earnest in early 2003.

About that time, a small group of opponents of the comprehensive planning project began to introduce controversy into the process. As a result of this deliberate effort to derail planning efforts in the County, two Towns (Sharon and Linwood) and two Villages (Rosholt and Almond) decided to discontinue their participation in the countywide planning effort. The Town of Alban is also considering a withdrawal from the County project.

In the pages that follow, we'll explore a number of myths surrounding the Comprehensive Planning Law.

Over the last several months, Wisconsin's Comprehensive Planning Law has come under pressure from a small, but vocal, group of critics.

# COMMON MYTHS RELATED TO WISCONSIN'S COMPREHENSIVE PLANNING LAW

**Myth:** *Wisconsin's 1999 Comprehensive Planning Law was created in response to a United Nations initiative.*

**Fact:** The Comprehensive Planning Law was developed and supported by a large number of groups with a major stake in community planning, including the Wisconsin Towns Association, League of Wisconsin Municipalities, Wisconsin Alliance of Cities, Wisconsin Counties Association, Wisconsin Realtors Association, Wisconsin Builders Association, 1,000 Friends of Wisconsin, Wisconsin Chapter of the American Planning Association, and the Wisconsin Council of Regional Planning Organizations.

These organizations worked together to develop a framework to help communities make more informed decisions about community development. Each of these organizations continues to support the law today.

**Myth:** *Wisconsin's Comprehensive Planning Law is really "Smart Growth."*

**Fact:** "Smart Growth" is a set of broad development notions that carries with it a wide variety of definitions. Generally, "Smart Growth" provides for development within existing communities and infrastructure; a variety of transportation options (with a focus on improving mass transit systems as well as pedestrian and bicycle facilities); preservation of natural resources and open spaces; and community collaboration in development decision making.

The Comprehensive Planning Law, on the other hand, is just

what it appears to be—a law that requires those local units of government who will make decisions that affect land use after January 1, 2010 to complete a comprehensive plan.

The comprehensive planning law is mistakenly called "Smart Growth" when in fact only two parts of the law make mention of smart growth: 1) if a community applies for state grant funding to complete a comprehensive plan, the grant application must identify any potential "smart growth areas" – areas that enable development or redevelopment on or adjacent to existing services and at densities that provide for relatively low utility costs; and 2) a Smart Growth Dividend Aid Program—a program set to be implemented in 2005 that will provide incentives to communities who utilize greater development densities or provide for affordable housing units.

**Myth:** *The Comprehensive Planning Law gives new and greater powers to Counties, Regional Planning Commissions, the Department of Natural Resources, and the State.*

**Fact:** No new powers were granted to any level of government through the Comprehensive Planning Law. All pre-existing legal relationships remain unchanged.

**Myth:** *If several local units of government work together on developing comprehensive plans, all those plans must be consistent with each other.*

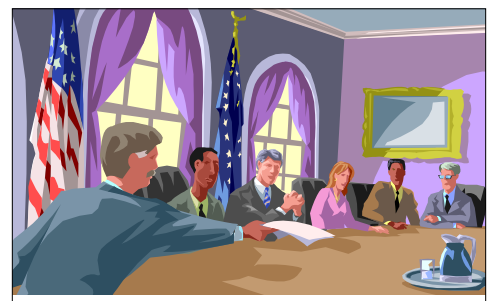
**Fact:** Consistency is required within individual plans—that is, the Comprehensive Planning Law requires that "any program or

action of a local governmental unit that affects land use" must be consistent with the comprehensive plan. So, any ordinances, regulations, or other controls over land use at the local level must be directly aligned, or consistent, with the unit's comprehensive plan.

**Myth:** *The Comprehensive Planning Law gives the State, its agencies, and Regional Planning Commissions the power to approve or reject local comprehensive plans prepared under the new law.*

**Fact:** The law provides that a copy of the comprehensive plan developed at the local level be shared with a number of parties, as described below. However, the submitted plans are not subject to approval or rejection by any agency.

A plan must be shared with every governmental body that is located within the boundaries of the local governmental unit; the clerk of every local governmental unit that is adjacent to the local governmental unit which is the subject of the plan that is adopted or amended; the Wisconsin Land Council; the Department of Administration; the regional planning commission in which the local governmental unit is located; and the public library



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that serves the area in which the local governmental unit is located.

**NOTE:** In the case of State grant-funded comprehensive plans, the State and its agencies have no power to do anything beyond withholding remaining grant funds if the plan does not meet the terms of the grant contract negotiated with the State.

**Myth:** *A comprehensive plan developed under the new law may be prepared without opportunities for public participation.*

**Fact:** The Comprehensive Planning Law requires that “the governing body of a local governmental unit shall adopt written procedures that are 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. The written procedures shall provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an

opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments.”

In Portage County, a Citizen Participation Plan was developed early in the process and laid out continuous and appropriate participation tools at every step of the County’s planning process.

**Myth:** *Most of Wisconsin’s local units of government (towns, villages, cities and counties) have not begun planning or are dropping out of comprehensive planning efforts.*

**Fact:** There are approximately 1,600 units of government in Wisconsin that will likely make decisions affecting land use after January 1, 2010—meaning they will have to have a comprehensive plan in place.

To date, almost 80 completed plans have been submitted to the State. An additional 502 local governments have been awarded planning grants through 2003, and another 200 non-grant funded planning efforts are estimated to be underway. So, about half the local units of government in the State have completed their comprehensive plans or are busy working on them.

If, as the critics of the comprehensive planning law say, many municipalities are waiting for the law to be repealed, or are waiting until the last minute to complete a plan, we’d expect to see far fewer communities across the state working on and completing their plans.

**Myth:** *The Comprehensive Planning Law requires that local governments hire a private planning consultant to develop their comprehensive plan.*

**Fact:** Communities can complete their plans in a number of ways, and they may use their own discretion to choose the approach that is right for them.

Private planning consultants can be hired to prepare local plans. In some counties, the Planning and Zoning Department may possess the necessary personnel and resources to assist the local unit of government in plan preparation. Or, the local unit of government can, if it feels able, complete their own planning effort, drawing on resources available in the community to assist them.

The comprehensive planning in Portage County is being done “in house.” The Portage County Planning and Zoning Department provides the technical planning expertise necessary for the development of local plans.

**Myth:** *The Comprehensive Planning Law dictates growth rates for communities across the State.*

**Fact:** The statute does not contain any language that mandates the accommodation of growth. In other words, a community can plan for as much or as little growth as they would like. However, the statute does require a consideration of potential need, such as the housing element, which requires a compilation of government actions to provide “an adequate housing supply that meets



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existing and forecasted housing demand.”

**Myth:** *The Comprehensive Planning Law mandates that every local unit of government in the State complete a comprehensive plan by January 1, 2010.*

**Fact:** A local unit of government must complete a comprehensive plan if it plans to make decisions that affect land use after January 1, 2010. If the local unit doesn't plan to make decisions affecting land use after January 1, 2010, then no comprehensive plan is required.

In most cases, however, local units of government will be making decisions that affect land use in one shape or form after January 1, 2010. That said, beginning on the first day of 2010, the local unit's programs or actions that affect land use must be consistent with their comprehensive plan. The risk of not having a comprehensive plan, or having an inadequate plan, is that land use decisions made by the local unit of government may be subject to legal challenge.

**Myth:** *Once a local unit of government submits its plan for inclusion in a County plan, it can't ever amend the plan.*

**Fact:** As part of the Implementation Element of the Comprehensive Plan, mechanisms are put in place to amend local comprehensive plans, as is occasionally necessary.

In the case of a city or village, State law prescribes that the submitted amendment be included in the County plan

verbatim. The County can't reject or alter the proposed amendment to the city or village plan. In the case of a town plan, the County has the option to accept or reject the amendment.

Over the past 20 years in Portage County, local units and the County have enjoyed a productive working arrangement. In a vast majority of cases, if a town government supported an amendment to its Land Use Plan, the County approved the amendment. This working arrangement will continue with the new Comprehensive Planning Law.

**Note:** When a Comprehensive Plan is adopted by a city or village it is included in the County Plan “as is,” as required by State law.

The County may accept or reject a Town plan. Again, given the collaboration between the Towns and County on local plan building, Town plans presented for inclusion in the County plan will likely be accepted. In a case where there are disagreements between the Town and the County on a local plan, the two parties will work together to reach agreement on the local plan. If, however, a town does not complete a comprehensive plan for their jurisdiction, the County will prepare a plan for the land area in that jurisdiction.

**Myth:** *The Comprehensive Planning Law will be repealed or significantly altered, so we don't have to plan now.*

**Fact:** As is the case with most laws, they are reviewed and modified from time-to-time in an effort to make them as effective

as possible. The Comprehensive Planning Law is no different. In fact, the law is being discussed by the State Legislature during their fall 2003 session. One bill that has been introduced looks to repeal the law, others propose minor changes to the law to make it more responsive to the needs of Wisconsin's local units of government.

The outcome of these discussions is not certain. However, while repeal is possible, it is viewed as unlikely. Changes to the law are a more likely result of the discussions that are underway.

**Thanks for taking the time to read through this publication!**

We hope that this information has provided you with a more complete and accurate view of the Comprehensive Planning Law in Wisconsin.

A variety of information resources are available related to Portage County's Comprehensive Planning effort. A project website houses meeting notices, informational resources, and project related news. Link to the website at:

[www.co.portage.wi.us](http://www.co.portage.wi.us)

Then click on the “County Comprehensive Plan” button.



## SOME CLOSING THOUGHTS...

Despite some pockets of discontent across the State, comprehensive planning efforts are generally ahead of schedule, taking place in productive settings, and producing solid results.

While this progress doesn't often make for headline news, it is significant. Even though four communities have pulled out of the comprehensive planning effort in Portage County, 24 still remain, and great progress has been made toward drafting their local plans.

Yes, there is organized opposition to the Comprehensive Planning Law. But, it comes primarily from small groups of critics who travel from community to community with their gloom-and-doom messages related to loss of local control, reduced private property rights, regional governments, etc.

Most people still recognize the value of community planning and support local planning efforts.

They believe that planning can lead to more consistent decision making over time; help to manage growth so it doesn't happen in haphazard ways; help define the future character of the community; protect valued community resources; provide predictability regarding future development; open the decision making process to include citizen input on a regular basis; and save taxpayer money by avoiding duplication and waste, and by avoiding costly mistakes.

Planning doesn't come easily, however. A community and its residents must be willing to participate—that means showing up at meetings and having your voice heard.

**Planning doesn't come easily. Communities and their citizens must be willing to spend the time and energy necessary to develop an effective plan.**

**That means that people who believe in planning must be willing to show up at meetings and have their voices heard. If they don't, the only voices heard will be negative.**

**Who do you want to dictate the future of your community?**

### References:

- *Wisconsin's Comprehensive Planning Legislation: Statutory Language Changes from 1999 Wisconsin Act 9, and Technical Revisions from AB 872*, signed into law by Governor Thompson on May 10, 2000. REVISED FOR 2001 Wisconsin Act 16, Revisions September 24, 2001.
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- Cohen, Hal. *The Anti-Smart Growth "Backlash": A Reality Check*. 1000 Friends of Wisconsin. Madison, Wisconsin. 2003
- Larson, Tom J.D. *Top 10 Myths and Facts About Wisconsin's "Smart Growth" Law*. Wisconsin REALTORS® Association. Madison, Wisconsin. 2003.

### YOUR LINK TO UP-TO-DATE INFORMATION ON THE PORTAGE COUNTY COMPREHENSIVE PLAN

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**[www.co.portage.wi.us/](http://www.co.portage.wi.us/)**  
**Click on "County Comprehensive"**

# You're Invited to...

## A Review of the Recently Completed Countywide Economic Development Study

December 11, 2003

### Sentry Theater

1800 North Point Drive, Stevens Point

- › Doors Open at 6:00 p.m. for an Open House with Exhibits
- › Presentation at 7:00 p.m.

Take advantage of the chance to view maps and materials related to local economic development opportunities as well as local planning efforts.

