

MEMORANDUM

TO: -- Members of the Walworth County Smart Growth Technical Advisory Committee
-- Clerks of the Towns Participating in the Walworth County Multi-Jurisdictional Comprehensive Plan
-- Walworth County Clerk

FROM: Neal Frauenfelder, Walworth County Land Use and Resource Management Department, and Bill Stauber, SEWRPC

DATE: October 7, 2009; **Revised October 8, 2009**

SUBJECT: Additional Guidance for Amending the Comprehensive Plan

The key steps for making future amendments to the comprehensive plan are outlined on Pages 2 and 3 of Chapter XVI of the multi-jurisdictional plan report. For convenience, that text is reproduced in Attachment A to this memorandum. The following is intended to supplement the arrangements for plan amendments set forth in the comprehensive plan report:

- The following generalized schedule is proposed for the annual processing of plan amendments:
 - Each year, towns would process plan amendments during the months of June, July, and August. “Processing” includes all statutory requirements, including holding a public hearing with 30 days notice, adoption of a resolution approving the amendment by the town plan commission, and adoption of an ordinance approving the amendment by the town board.
 - Each year, towns would forward any town-approved amendments to the County Land Use and Resource Management Department at least six weeks prior to the date of the regular October meeting of the County Zoning Agency, which is held on the third Thursday of the month.
 - The County Zoning Agency would hold a public hearing on pending amendments at its regular October meeting
 - The County Board would consider adoption of the pending amendments as part of the County comprehensive plan at its regular November meeting.
- The Walworth County Land Use and Resource Management Department will prepare a model plan amendment petition form which may be used to describe proposed plan amendments.
- Section 66.1001(4)(a) of the Statutes effectively requires local units of government to have written procedures for involving the public in plan amendments, in addition to the public participation plan adopted by the County and each of the participating towns in the initial preparation of the comprehensive plan. The SEWRPC staff anticipates developing some guidelines for county and local units of government in this regard.

- It will be necessary to make arrangements for record-keeping with respect to future plan amendments.
 - Record-Keeping for Amendments to the Land Use Plan Map
The record of amendments to a town land use plan map should be kept on file with the clerk of the town concerned. The town clerk should provide a copy of such records to the County Land Use and Resource Management Department.

Similarly, the record of amendments to the county-wide land use plan map should be kept on file with the County Land Use and Resource Management Department. The Department should provide a copy of such records to all town clerks. It is expected that most amendments to the county-wide land use plan map would grow out of town land use plan amendments.

It will be necessary to periodically update the town and countywide land use plan maps to reflect any map amendments. Potentially, this would be done on an annual basis. The County should explore alternative arrangements for updating the countywide and town land use plan maps. One possibility would be to contract with SEWRPC to update the plan maps, similar to existing arrangements under which SEWRPC updates the County's zoning maps.

- Record-Keeping for Other Types of Plan Amendments
The record of text amendments or other amendments to a town appendix should be kept on file with the clerk of the town concerned. The town clerk should provide a copy of such records to the County Land Use and Resource Management Department.

Similarly, the record of amendments to the chapters of the comprehensive plan report itself should be kept on file with the County Land Use and Resource Management Department. The Department should provide a copy of such records to all town clerks.

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ATTACHMENT A

EXCERPT FROM CHAPTER XVI OF THE COMPREHENSIVE PLAN REPORT CONCERNING PROCEDURES FOR FUTURE PLAN AMENDMENTS

The following is a copy of the text from the comprehensive plan report dealing with future plan amendments. This text appears on Pages 2 and 3 of Chapter XVI of the plan report:

PLAN AMENDMENTS

It is expected that there will be amendments to the comprehensive plan in response to changing needs and conditions in the coming years. Plan amendments could consist of changes to the land use plan map or changes to goals, objectives, policies, and programs set forth in the text of the plan. During the course of the comprehensive planning process, the Walworth County Smart Growth Technical Advisory Committee developed recommendations for making amendments to the comprehensive plan. Specifically, the Committee recommended the following:

- That proposed amendments to the comprehensive plan be considered on an annual basis, beginning one year after the initial adoption of the plan. This would be the regular schedule for consideration of plan amendments.
- That there be an opportunity for amending the land use plan map at other times if the applicant demonstrates that the proposed amendment involves extraordinary circumstances for reasons affecting the public welfare. The concerned town board would have to make a finding that the proposed amendment meets the “extraordinary circumstances” standard. The County Board would not act on any such proposed amendment unless it has the approval of the local governing body concerned and unless a two-thirds majority of the County Board concurs that the “extraordinary circumstances” standard has been met.
- Text amendments to the comprehensive plan that potentially affect all towns would be considered by the County Board only with the approval of a majority of towns that are under County zoning.

Under State comprehensive planning law, amendments to the comprehensive plan must follow the same procedures as those for initial adoption of the plan. Reference should be made to Wisconsin Statutes Section 66.1001(4) for details in this regard. The major steps in the amendment process, *as related to towns*, are summarized below:

- An application for a plan amendment would be submitted to the town for consideration by the town plan commission.
- The town plan commission would review the proposed amendment and make a recommendation on it to the town board. A recommendation supporting the amendment must be in the form of a resolution adopted by a majority vote of the town plan commission.
- The town would send a copy of the proposed amendment to all adjacent local units of government and other parties listed in Section 66.1001 (4)(b) of the Statutes.
- The town would hold a public hearing on the proposed amendment preceded by a Class 1 notice published at least 30 days prior to the hearing.
- The town board would consider action on the amendment. An action to adopt the amendment must be in the form of an ordinance adopted by a majority vote of the town board.
- The town would send a copy of the adopting ordinance to all adjacent local units of government and other parties listed in Section 66.1001 (4)(b) and (e).

Following adoption by the town board, the amendment should be submitted to the Walworth County Zoning Agency, which would initiate the process of amending the County comprehensive plan. The process for amending the County plan would be similar to that for towns, as summarized above, with the understanding that the functions of the town plan commission and town board would be carried out by the County Zoning Agency and County Board, respectively.

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