

RESOLUTION NO. 2019-119

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA
REQUESTING APPROVAL OF A WAIVER FROM STATE MANDATE REGARDING
HOUSING AFFORDABILITY REPORT 2020 DEADLINE (WISCONSIN ACT 243 HOUSING
REPORT REQUIREMENTS (§§66.10013 AND 66.0143, WIS. STATS.)**

The Village Board for the Village of Caledonia resolves as follow:

WHEREAS, the State Legislature has created Wis. Stat. s. 66.10013 requiring the Village of Caledonia to produce a Housing Affordability Report by January 1, 2020; and

WHEREAS, the Housing Affordability Report is a report of the Village's implementation of the housing element of the municipality's comprehensive plan under s. 66.1001, Wis. Stat. and is required to be available to the public and posted to the Village's website and should contain all of the following:

- (a) The number of subdivision plats, certified survey maps, condominium plats, and building permit applications approved in the prior year.
- (b) The total number of new residential dwelling units proposed in all subdivision plats, certified survey maps, condominium plats, and building permit applications that were approved by the municipality in the prior year.
- (c) A list and map of undeveloped parcels in the municipality that are zoned for residential development.
- (d) A list of all undeveloped parcels in the municipality that are suitable for, but not zoned for, residential development, including vacant sites and sites that have potential for redevelopment, and a description of the zoning requirements and availability of public facilities and services for each property.
- (e) An analysis of the municipality's residential development regulations, such as land use controls, site improvement requirements, fees and land dedication requirements, and permit procedures. The analysis shall calculate the financial impact that each regulation has on the cost of each new subdivision. The analysis shall identify ways in which the municipality can modify its construction and development regulations, lot sizes, approval processes, and related fees to do each of the following:
 - 1. Meet existing and forecasted housing demand.
 - 2. Reduce the time and cost necessary to approve and develop a new residential subdivision in the municipality by 20 percent.

WHEREAS, the Village participates in a Multi-Jurisdictional Comprehensive Plan that is a combined plan for all Racine County municipalities led by Racine County Public Works - Planning and Development Department;

WHEREAS, the Village, in conjunction with Racine County, continues to proactively address many of the requirements in the mandate with the recent completion by Racine County and the Racine County Economic Development Corporation, of which the Village is a contracted member, of the Racine County Housing Study and the Residential Development Incentives Case Studies, amongst other studies, in addition to the Village's ongoing review of fees, building and zoning code review and overhaul, GIS mapping, training on and implementation of a new integrated software system called Civic Systems that allows for real time tracking of building and land use permits, land divisions, subdivisions, and associated zoning land uses, and ongoing tracking of available developable residential lots; and

WHEREAS, several recent and upcoming planning projects identify and promote areas suitable for new residential and infill development; and

WHEREAS, the Village added a Development Director to its staff this year in an effort to bring its zoning code management in-house from Racine County, to better manage development, work on implementation of the tasks identified above, including residential development, and to work on the tasks and information gathering needed to meet the requirements of this mandate, amongst other statutory mandates.

WHEREAS, the Village still lacks capacity to complete the report required by this mandate by the January 1, 2020, deadline while completing our adopted workplan and maintaining a level of service customers expect; and

WHEREAS, Wis. Stats. s. 66.10013 is not related to health or safety, but increases administrative time to develop such a report; and

WHEREAS, pursuant to Wis. Stats. s. 66.0143, a political subdivision may file a request with the Department of Revenue for a waiver from state mandate, except for mandates related to health or safety.

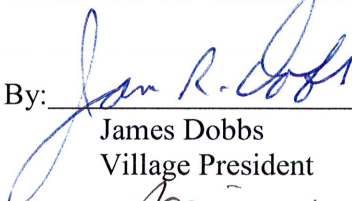
NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Caledonia hereby requests a waiver extension from the mandate imposed by Wis. Stat. s. 66.10013 regarding provision of a Housing Affordability Report and the Village's Development Director is authorized to submit the Request for the Exemption from State Mandate and to take all such actions necessary in furtherance of the request for the waiver.

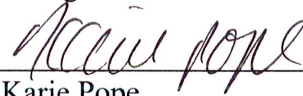
BE IT FURTHER RESOLVED, that the Village Board affirms that this waiver request is not related to health or safety of residents in the Village.

BE IT FURTHER RESOLVED, that the Village's Development Director is directed to continue to work on the tasks and gathering the information necessary for the Housing Affordability Report in order to submit it to the State of Wisconsin in accordance with the timelines established by the Wisconsin Department of Revenue.

Dated this 16th day of December, 2019.

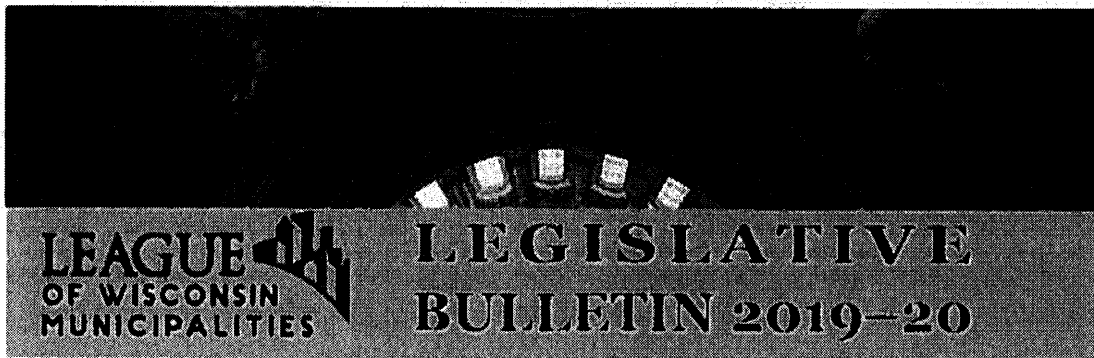
VILLAGE OF CALEDONIA

By: 
James Dobbs
Village President

Attest: 
Karie Pope
Village Clerk

Date: November 25, 2019 at 9:40:35 AM CST
To: esekes@peglawfirm.com
Reply-To: witynski@lwm-info.org

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[View as Webpage](#)

Affordable Housing Reports Due January 1, 2020; River Falls Obtains Waiver from Mandate

2017 Wisconsin Act 243 created two new reporting mandates that municipalities over 10,000 in population must comply with by January 1, 2020. The reports must then be updated annually.

Housing Affordability Report. The more challenging reporting mandate requires more populous municipalities to prepare a report on the municipality's implementation of the housing element of its comprehensive plan. The report must contain the voluminous amount of information specified in Wis. Stat. sec. 66.10013(2), and must analyze the financial impact of the municipality's residential development regulations (e.g., land use controls, site improvement requirements, fees and land dedication requirements, and permit procedures) on new subdivision costs. As part of the report, a municipality must identify ways it can modify its regulations to meet existing and forecasted housing demand and reduce the time and cost necessary to approve and develop a new residential subdivision in the municipality by 20 percent.

Waiver from Reporting Mandate? If your community currently lacks capacity to prepare a fully compliant housing affordability report by January 1, 2020, you might consider applying for a temporary waiver from the mandate under Wis. Stat. sec. 66.0142, which allows

from the mandate under Wis. Stat. Sec. 66.0143, which allows communities to appeal to DOR for exemption from state mandates. The City of River Falls did and DOR granted it a four-year waiver from the housing affordability reporting mandate.

River Falls explained in its waiver application that the city lacked the capacity and resources necessary to comply with the reporting mandate by January 1, 2020. The city also stressed that it had recently completed a comprehensive housing needs analysis in 2018.

The form for applying for a mandate waiver is posted on DOR's website here: <https://www.revenue.wi.gov/DORForms/pa-050.pdf>

Email [Curt Witynski](mailto:Curt.Witynski@dnr.wisconsin.gov) to obtain copies of River Falls' application for a waiver, the common council's resolution in support of the request, and DOR's response granting the waiver.

Fee Report. The second reporting requirement under Act 243 requires municipalities over 10,000 in population to prepare and post a report by January 1, 2020, detailing the community's residential development fees. The report must contain information specified in sec. 66.10014(2) and then divide the total amount of fees imposed for purposes related to residential construction, remodeling, or development in the prior year by the number of new residential dwelling units approved by the municipality in the prior year. This report must be posted on the municipality's internet site on a web page devoted solely to the report and titled "New Housing Fee Report." The municipality must provide copies of the reports to each governing body member. Importantly, if a fee or the amount of a fee is not properly posted as required, the municipality may not charge the fee.

Legislation Affecting Municipalities Signed into Law

Last week, Governor Evers signed the following bills affecting municipalities into law:

AB 471 (Act 26), establishes a framework for distributing Next Generation 911 grants once the grant program is funded. The League opposed AB 471 and asked the Governor to veto it because it prohibits the Department of Military Affairs from awarding more than one grant per county. Such a prohibition makes most, if not all, municipal dispatch centers ineligible for a grant.

AB 132 (Act 34), provides for the regulation and treatment of electric bicycles in the same manner as other bicycles. Under the Act, municipalities are allowed to prohibit the use of electric bikes on bike paths. The League supported this bill.

by a class 1 notice under ch. 985 that is published at least 30 days before the hearing is held. The political subdivision or regional planning commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

1. The date, time and place of the hearing.
2. A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.
3. The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
4. Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.

(e) At least 30 days before the hearing described in par. (d) is held, a local governmental unit shall provide written notice to all of the following:

1. An operator who has obtained, or made application for, a permit that is described under s. 295.12 (3) (d).
2. A person who has registered a marketable nonmetallic mineral deposit under s. 295.20.
3. Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources, if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the hearing described in par. (d).

(f) A political subdivision shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed ordinance, described under par. (c), that affects the allowable use of the property owned by the person. Annually, the political subdivision shall inform residents of the political subdivision that they may add their names to the list. The political subdivision may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the political subdivision's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. At least 30 days before the hearing described in par. (d) is held a political subdivision shall provide written notice, including a copy or summary of the proposed ordinance, to all such persons whose property, the allowable use of which, may be affected by the proposed ordinance. The notice shall be by mail or in any reasonable form that is agreed to by the person and the political subdivision, including electronic mail, voice mail, or text message. The political subdivision may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person.

(5) **APPLICABILITY OF A REGIONAL PLANNING COMMISSION'S PLAN.** A regional planning commission's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

(6) **COMPREHENSIVE PLAN MAY TAKE EFFECT.** Notwithstanding sub. (4), a comprehensive plan, or an amendment of a comprehensive plan, may take effect even if a local governmental unit fails to provide the notice that is required under sub. (4) (c) or (f), unless the local governmental unit intentionally fails to provide the notice.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33, 93, 233, 307, 327; 2005 a. 26, 208; 2007 a. 121; 2009 a. 372; 2011 a. 237; 2013 a. 80; 2015 a. 391; 2019 a. 11.

A municipality has the authority under s. 236.45 (2) to impose a temporary town-wide prohibition on land division while developing a comprehensive plan under this section. *Wisconsin Realtors Association v. Town of West Point*, 2008 WI App 40, 309 Wis. 2d 199, 747 N.W.2d 681, 06–2761.

The use of the word "coordination" in various statutes dealing with municipal planning does not by itself authorize towns to invoke a power of "coordination" that would impose affirmative duties upon certain municipalities that are in addition to any other obligations that are imposed under those statutes. With respect to the development of and amendment of comprehensive plans, s. 66.1001 is to be followed by

the local governmental units and political subdivisions identified in that section. OAG 3–10.

66.10013 Housing affordability report. (1) In this section, "municipality" means a city or village with a population of 10,000 or more.

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality's implementation of the housing element of the municipality's comprehensive plan under s. 66.1001. The municipality shall update the report annually, not later than January 31. The report shall contain all of the following:

(a) The number of subdivision plats, certified survey maps, condominium plats, and building permit applications approved in the prior year.

(b) The total number of new residential dwelling units proposed in all subdivision plats, certified survey maps, condominium plats, and building permit applications that were approved by the municipality in the prior year.

(c) A list and map of undeveloped parcels in the municipality that are zoned for residential development.

(d) A list of all undeveloped parcels in the municipality that are suitable for, but not zoned for, residential development, including vacant sites and sites that have potential for redevelopment, and a description of the zoning requirements and availability of public facilities and services for each property.

(e) An analysis of the municipality's residential development regulations, such as land use controls, site improvement requirements, fees and land dedication requirements, and permit procedures. The analysis shall calculate the financial impact that each regulation has on the cost of each new subdivision. The analysis shall identify ways in which the municipality can modify its construction and development regulations, lot sizes, approval processes, and related fees to do each of the following:

1. Meet existing and forecasted housing demand.
2. Reduce the time and cost necessary to approve and develop a new residential subdivision in the municipality by 20 percent.

(3) A municipality shall post the report under sub. (2) on the municipality's Internet site on a web page dedicated solely to the report and titled "Housing Affordability Analysis."

History: 2017 a. 243.

66.10014 New housing fee report. (1) In this section, "municipality" means a city or village with a population of 10,000 or more.

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality's residential development fees. The report shall contain all of the following:

(a) Whether the municipality imposes any of the following fees or other requirements for purposes related to residential construction, remodeling, or development and, if so, the amount of each fee:

1. Building permit fee.
2. Impact fee.
3. Park fee.
4. Land dedication or fee in lieu of land dedication requirement.
5. Plat approval fee.
6. Storm water management fee.
7. Water or sewer hook-up fee.

(b) The total amount of fees under par. (a) that the municipality imposed for purposes related to residential construction, remodeling, or development in the prior year and an amount calculated by dividing the total amount of fees under this paragraph by the number of new residential dwelling units approved in the municipality in the prior year.

(3) (a) A municipality shall post the report under sub. (2) on the municipality's Internet site on a web page dedicated solely to the report and titled "New Housing Fee Report." If a municipality

66.0143 Local appeals for exemption from state mandates. (1) DEFINITIONS. In this section:

(a) "Political subdivision" means a city, village, town, or county.

(b) "State mandate" means a state law that requires a political subdivision to engage in an activity or provide a service, or to increase the level of its activities or services.

(2) APPEALS FOR EXEMPTIONS. (a) A political subdivision may file a request with the department of revenue for a waiver from a state mandate, except for a state mandate that is related to any of the following:

1. Health.
2. Safety.

(b) An administrative agency, or the department of revenue, may grant a political subdivision a waiver from a state mandate as provided in par. (c).

(c) The political subdivision shall specify in its request for a waiver its reason for requesting the waiver. Upon receipt of a request for a waiver, the department of revenue shall forward the request to the administrative agency that is responsible for administering the state mandate. The agency shall determine whether to grant the waiver and shall notify the political subdivision and the department of revenue of its decision in writing. If no agency is responsible for administering the state mandate, the department of revenue shall determine whether to grant the waiver and shall notify the political subdivision of its decision in writing.

(3) DURATION OF WAIVERS. A waiver is effective for 4 years. The administrative agency may renew the waiver for additional 4-year periods. If a waiver is granted by the department of revenue, the department may renew the waiver under this subsection.

(4) EVALUATION. By July 1, 2004, the department of revenue shall submit a report to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3). The report shall specify the number of waivers requested under this section, a description of each waiver request, the reason given for each waiver request, and the financial effects on the political subdivision of each waiver that was granted.

History: 2001 a. 109; 2003 a. 321.

SUBCHAPTER II

INCORPORATION; MUNICIPAL BOUNDARIES

66.0201 Incorporation of villages and cities; purpose and definitions. (1) PURPOSE. It is the policy of this state that the development of territory from town to incorporated status proceed in an orderly and uniform manner and that toward this end each proposed incorporation of territory as a village or city be reviewed as provided in ss. 66.0201 to 66.0213 to assure compliance with certain minimum standards which take into account the needs of both urban and rural areas.

(2) DEFINITIONS. In ss. 66.0201 to 66.0213, unless the context requires otherwise:

(am) "Board" means the incorporation review board.

(ar) "Department" means the department of administration.

(bm) "Isolated municipality" means any existing or proposed village or city entirely outside any metropolitan community at the time of its incorporation.

(c) "Metropolitan community" means the territory consisting of any city having a population of 25,000 or more, or any 2 incorporated municipalities whose boundaries are within 5 miles of each other whose populations aggregate 25,000, plus all the contiguous area which has a population density of 100 persons or more per square mile, or which the department has determined on the basis of population trends and other pertinent facts will have a minimum density of 100 persons per square mile within 3 years.

(d) "Metropolitan municipality" means any existing or proposed village or city entirely or partly within a metropolitan community.

(dm) "Population" means the population of a local unit as shown by the last federal census or by any subsequent population estimate certified as acceptable by the department.

History: 1977 c. 29; 1979 c. 361 s. 112; 1991 a. 39; 1995 a. 27 ss. 3306 and 9116 (5); 1997 a. 27; 1999 a. 150 s. 33; Stats. 1999 s. 66.0201; 1999 a. 186; 2003 a. 171.

66.0203 Procedure for incorporation of villages and cities. (1) NOTICE OF INTENTION. At least 10 days and not more than 20 days before the circulation of an incorporation petition, a notice setting forth that the petition is to be circulated and including an accurate description of the territory involved shall be published within the county in which the territory is located as a class 1 notice, under ch. 985.

(2) PETITION. (a) The petition for incorporation of a village or city shall be in writing signed by 50 or more persons who are both electors and freeholders in the territory to be incorporated if the population of the proposed village or city includes 300 or more persons; otherwise by 25 or more persons who are both electors and freeholders in the territory to be incorporated.

(b) The petition shall be addressed to and filed with the circuit court of a county in which all or a major part of the territory to be incorporated is located. The incorporation petition is void unless filed within 6 months of the date of publication of the notice of intention to circulate.

(c) The petition shall designate a representative of the petitioners, and an alternate, who shall be an elector or freeholder in the territory, and state that person's address; describe the territory to be incorporated with sufficient accuracy to determine its location and have attached to the petition a scale map reasonably showing the boundaries of the territory; specify the current resident population of the territory by number in accordance with the definition given in s. 66.0201 (2) (dm); set forth facts substantially establishing the required standards for incorporation; and request the circuit court to order a referendum and to certify the incorporation of the village or city when it is found that all requirements have been met.

(e) No person who has signed a petition may withdraw his or her name from the petition. No additional signatures may be added after a petition is filed.

(f) The circulation of the petition shall commence not less than 10 days nor more than 20 days after the date of publication of the notice of intention to circulate.

(3) HEARING; COSTS. (a) Upon the filing of the petition the circuit court shall by order fix a time and place for a hearing giving preference to the hearing over other matters on the court calendar.

(b) The court may by order allow costs and disbursements as provided for actions in circuit court in any proceeding under this subsection.

(c) The court may, upon notice to all parties who have appeared in the hearing and after a hearing on the issue of bond, order the petitioners or any of the opponents to post bond in an amount that it considers sufficient to cover disbursements.

(4) NOTICE. (a) Notice of the filing of the petition and of the date of the hearing on the petition before the circuit court shall be published in the territory to be incorporated, as a class 2 notice, under ch. 985, and given by certified or registered mail to the clerk of each town in which the territory is located and to the clerk of each metropolitan municipality of the metropolitan community in which the territory is located. The mailing shall be not less than 10 days before the time set for the hearing.

(b) The notice shall contain:

1. A description of the territory sufficiently accurate to determine its location and a statement that a scale map reasonably showing the boundaries of the territory is on file with the circuit court.

2. The name of each town in which the territory is located.

Co-muni code -	<input type="checkbox"/> Town <input type="checkbox"/> City	<input type="checkbox"/> Village <input type="checkbox"/> County	Municipality	County of
Contact person				Title
Address				
City			State	Zip
Email			Phone () -	

The following general criteria is used when evaluating local appeals (requests) for exemption from state mandates (sec. 66.0143, Wis. Stats.). Provide the following information. (use additional sheets, if needed)

1. Statute reference (state law) mandate waiver request refers to:

2. Provide a detailed description of the reason for the request.

3. Describe how the waiver will enhance the efficiency and effectiveness of municipal or county operations.

4. Describe what effects, if any, the requested waiver will have on programs or services offered by other municipalities or counties.


5. Provide the reason why this waiver is not related to health or safety.

CERTIFICATION OF VILLAGE OF CALEDONIA
RESOLUTION 2019-119

The undersigned, Karie Pope, being the duly elected Clerk for the Village of Caledonia, certify that attached hereto is a certified copy of Resolution 2019-119
RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA REQUESTING APPROVAL OF A WAIVER FROM STATE MANDATE REGARDING HOUSING AFFORDABILITY REPORT 2020 DEADLINE (WISCONSIN ACT 243 HOUSING REPORT REQUIREMENTS (§§66.10013 AND 66.0143, WIS. STATS.)

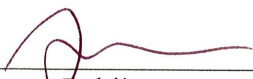
Approved by the Village Board of the Village of Caledonia, Racine County, Wisconsin on December 16, 2019.

Dated this 17th day of December, 2019.



Karie Pope, Clerk
Village of Caledonia

Subscribed and sworn to before me
This 17th day of December, 2019



Notary Public
Racine County, Wisconsin
My Commission expires: 11/21/21