

APPENDIX C

Comparison of Official Map and Transportation Plan Element



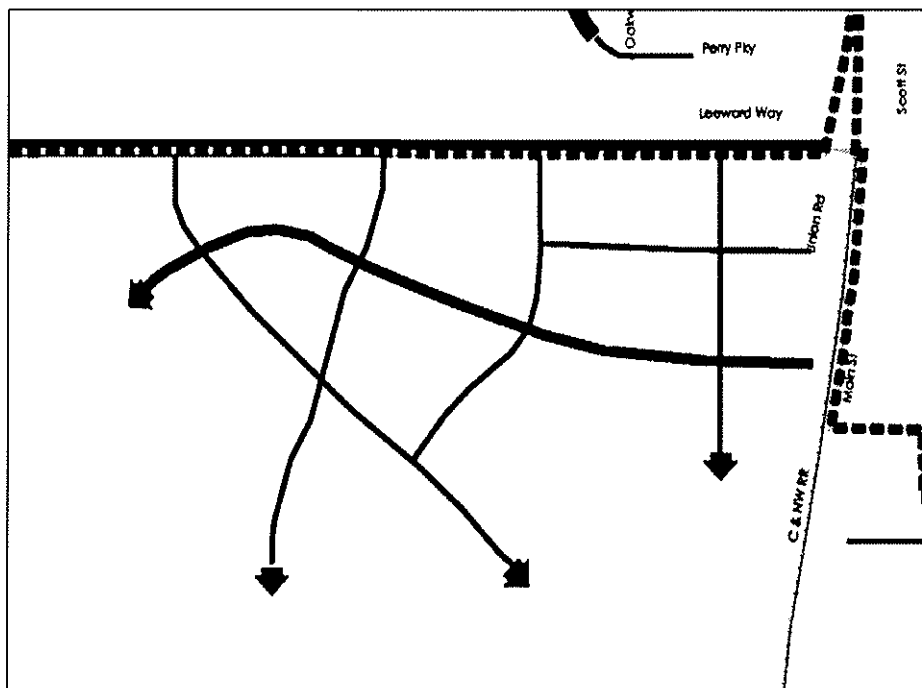
Overview

Wisconsin cities and villages have two main methods for identifying locations of future roads. One method is the transportation element of the city's or village's comprehensive plan. The second is a lesser known planning and regulatory tool called an "Official Map."

Transportation Element of Comprehensive Plan

A comprehensive plan guides land development related decisions over the following 20 years. Under Section 66.1001 of Wisconsin Statutes (i.e., "Smart Growth" law), every community that makes zoning and subdivision decisions must have a comprehensive plan by 2010. The comprehensive plan consists of nine elements, including transportation. The transportation element must include recommendations and maps to guide future decisions on transportation improvements, including highways; transit; transportation systems for persons with disabilities; bicycling; walking; and air, trucking, and water transport.

The law provides leeway for communities on the level of detail in a transportation element of a comprehensive plan. Typically, such elements provide background information; list local goals, objectives, policies, and programs; and include a basic transportation map. This map usually shows existing roads and might show limited ideas for future road connections or new roads. In more detailed comprehensive plans, the transportation map may show more complete recommendations for a future road and trail network.



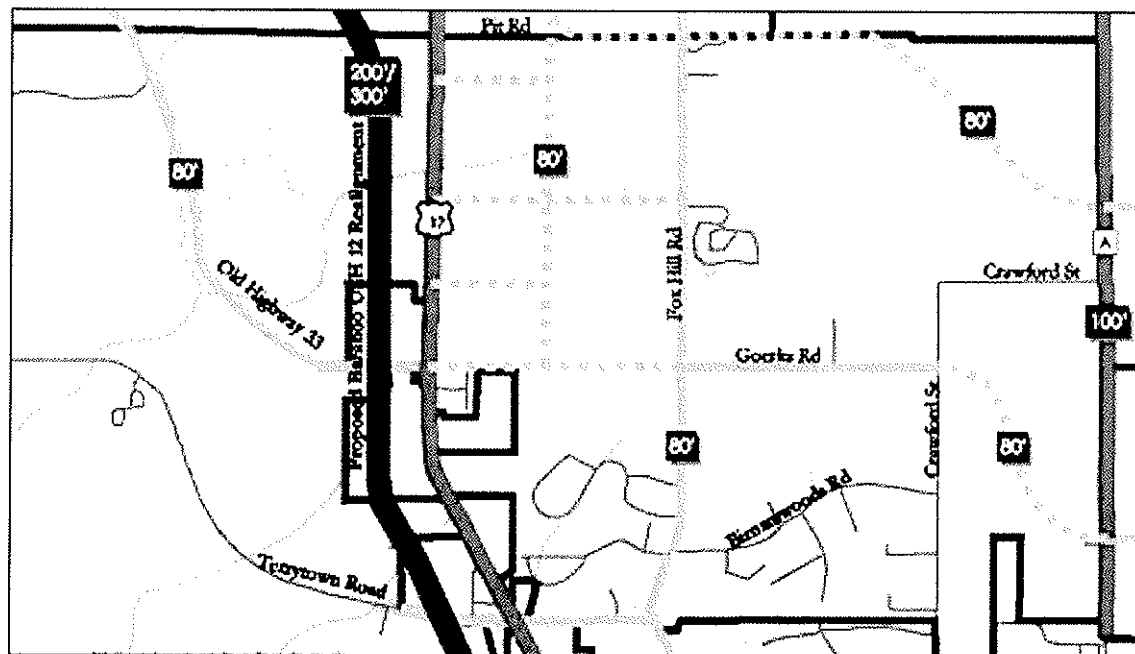
A transportation plan map shows existing roads and sometimes a conceptual future road network

Official Map

An Official Map is a plan implementation tool also authorized under Wisconsin Statutes (Section 62.23(7)) for adoption by cities and villages. An Official Map is not the same as a “chamber of commerce”-type road map. It is actually a city or village ordinance that may be used to show alignments of future roads, expanded rights-of-way for existing roads, and other planned public facilities like trails and parks. When land development is proposed in an area of a facility shown on the adopted Official Map, the city or village may obtain or reserve land for that future facility through public dedication, public purchase, or reservation for future purchase.

Cities and villages generally use Official Maps to show future highways and bypasses, other future arterial and collector streets, and suggested wider rights-of-way for some existing major streets. Official Maps generally show desired right-of-way widths for all future new and expanded roads, but do not show road improvement standards like pavement width or sidewalks. Official Maps rarely show planned minor streets, as their locations are usually difficult to determine in advance of development.

The Official Map is not as frequently used as a transportation plan element, in part because it is not required of cities and villages and in part because it is not as easily understood. However, Wisconsin Statutes attach some unique authority to Official Maps. For example, a city or village may require that no building permits be issued within land shown for a future public facility on its Official Map. Additionally, a community may require that no subdivision or land division may be recorded unless its arrangement conforms to the Official Map. These and related provisions may apply within both the municipal limits and within the city’s or village’s extraterritorial jurisdiction (e.g., generally 1½ miles outside of the limits of small cities and villages).



An Official Map generally shows recommended rights-of-way for future new, connected, and expanded roads.

Comparison of Transportation Plan Element and Official Map

While an Official Map and a transportation plan element of a comprehensive plan have similarities, there are also key differences. These differences impact how effective the community may ultimately be in realizing their desired transportation system, particularly if they choose not to adopt an Official Map. The following table summarizes the key similarities and differences between the two methods.

	Transportation Plan Element	Official Map
Is a planning or implementation tool?	Planning (part of comprehensive plan)	Implementation (ordinance)
Required or optional for cities and villages?	Required, as part of a comprehensive plan	Optional
May cover lands both within city/village and in its extraterritorial jurisdiction?	Yes	Yes
Is a legally defensible way to prevent land for future public facilities from being built on?	Less defensible	More defensible
Level of mapping detail?	Usually low, based on confines of overall plan budget & scope	Higher (considers slopes, wetlands, road spacing, etc.)
Maps out locations of future highways and arterial and collector roads?	Sometimes	Almost always
Maps out proposed right-of-way widths for future and expanded roads?	Occasionally, in more detailed comprehensive plans	Usually, this info helps reserve/acquire right land
Maps out locations for future minor or local roads?	Sometimes, in a conceptual way	Rarely, because locations not precisely known
May be used to affect locations for future building permits?	No	Yes
May be used as a basis for future decisions on subdivision plats and certified survey maps?	Probably, based on recent court decisions	Yes
Should be updated showing new streets once they are platted?	Ideally, but not required	Yes
Can be altered based on future decisions or changed conditions in the community?	Yes, by amending comprehensive plan following a hearing	Yes, usually by approving a subdivision plat that is different

Frequently Asked Questions

1. *Can the Official Map and the transportation map in the comprehensive plan be exactly the same map?*

Yes, but this is typically not practical or advisable. Many communities correctly treat the transportation plan map as a chance to dream a little about future opportunities and options. For example, the transportation map sometimes includes conceptual local road patterns for new neighborhoods. This type of conceptualizing is not appropriate for an Official Map, which is more of a regulatory tool. It is also rare that a comprehensive plan's scope allows for enough mapping detail to meet standards that should be used to prepare an Official Map. Proposed roads in comprehensive plan transportation maps are usually not drawn with the level of consideration towards existing land uses, slopes, natural features, and state and federal standards for rights-of-way, street spacing, curves, and other design criteria that should be used when preparing an Official Map.

2. *If a community still wants to use the same map as both its transportation map in the comprehensive plan and its Official Map, what steps must be taken?*

The community must follow both the procedure for adopting a comprehensive plan under Section 66.1001 of Wisconsin Statutes and the procedure for adopting an Official Map under Section 62.23(6). These are slightly different procedures with different notice requirements, as one example. Both do require a public hearing, a recommendation from the Plan Commission, and adoption by the City Council or Village Board.

3. *We are already adopting our comprehensive plan as an ordinance. Why should we adopt an Official Map as another ordinance?*

There has been confusion over whether a comprehensive plan is an ordinance itself, based on the 1999 language of the Smart Growth law. A clarifying revision to that law now states that: "No comprehensive plan...shall take effect until the political subdivision enacts an ordinance...that adopts the plan or amendment." So, a comprehensive plan is not an ordinance; it must be adopted by ordinance (as opposed to by resolution or motion). The comprehensive plan is instead a guide, and ordinances should be adopted or changed to carry out its recommendations. The Official Map is one such ordinance. Ordinances are intended to serve a regulatory function; plans are not. More specifically, an Official Map ordinance carries certain authorities that a plan cannot (see table).

4. *I am concerned about our community getting tied down by adopting an Official Map ordinance. How easily can an Official Map be changed in the future?*

There are actually fewer procedural steps to amend an Official Map than to amend a transportation map in a comprehensive plan. Many changes to an Official Map occur without public hearing though the subsequent approvals of subdivision plats, provided that the changes to the Official Map do not affect lands outside the platted area. Other Official Map changes require a Class 2 notice, public hearing, Plan Commission recommendation, and City Council or Village Board adoption. Official Maps should generally be updated annually to reflect newly platted roads and desired changes.