

JUL 09 2003

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# Alan Lasee

## Senate President

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July 9, 2003

Senator Ronald W. Brown  
104 South, State Capitol  
Madison, WI 53707

Dear Senator Brown *RM*

As we have discussed previously, the four bills I have authored which are designed to give Wisconsin towns more authority in the future development of town land, including annexation, have been referred to your committee.

Across the state, a third of the people living and working in Wisconsin live in towns and have little to say in matters of urban growth. My bills ensure they are treated more equitably in land use issues. Your consideration in scheduling these bills (Senate Bills 87, 88, 89 and 110) for public hearings in the very near future would be appreciated. Please let me know if you have a tentative time-schedule for these bills.

If you have any questions, please let me know.

Sincerely,

ALAN J. LASEE  
SENATE PRESIDENT  
1<sup>ST</sup> Senate District

cc: Rick Stadelman



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**To:** Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform

**From:** Curt Witynski, Assistant Director, League of Wisconsin Municipalities

**Date:** October 15, 2003

**Re:** **Opposition to SB 88, Requiring Town Board Approval of Municipal Extraterritorial Subdivision Regulations**

The League of Wisconsin Municipalities opposes SB 88, which severely limits municipal extraterritorial subdivision approval powers. The bill requires that a town board must approve a municipality's subdivision ordinance or official map before the municipality may exercise any extraterritorial plat approval powers.

Since the 1950s, Wisconsin cities and villages have been able to regulate development in unincorporated areas outside of municipal boundaries through their extraterritorial plat review authority. In order for a municipality to be able to review proposed subdivisions and certified survey maps in its extraterritorial jurisdiction, it must have a planning agency and enact a subdivision ordinance. "Extraterritorial jurisdiction" refers to the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or one and one-half miles of a fourth class city or village. Proposed subdivisions located within the extraterritorial plat approval jurisdiction of a municipality must require approval by the town board, the county planning agency, and the governing body of the municipality or its planning committee or agency. If multiple governing bodies or agencies with authority to approve or reject a subdivision have ordinances with conflicting requirements, the plat must comply with the most restrictive requirements.

SB 88 would prohibit a city or village from exercising its extraterritorial subdivision approval powers unless the neighboring town board approves the municipality's subdivision ordinance by resolution.

Municipal extraterritorial subdivision approval powers help give direction, pattern and consistency to future growth of the community. It is another tool municipal officials can use to plan for how their community will develop in areas likely to be annexed.

The League opposes SB 89 because it allows towns to veto the long-standing authority of a municipality to regulate the type, quality and compatibility of development on its fringe.

We urge you to reject this effort to eliminate municipal extraterritorial subdivision approval powers. Please oppose SB 88. Thanks for considering our comments on this anti-municipal legislation.

## Gilbert, Melissa

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**From:** Offerdahl, Mary  
**Sent:** Friday, October 17, 2003 1:00 PM  
**To:** Gilbert, Melissa  
**Cc:** Sweet, Richard  
**Subject:** follow-up on SB 88

Hi Missy, When we were discussing SB 88 yesterday afternoon, you asked me if any changes were recommended to the bill language. I just remembered (when I was working out last night!) that I had asked Rick Stadelman on the phone whether the town board would have had to approve any version of the subdivision ordinance or official map (for the municipality's approval to be necessary), or the most recent version. He mentioned that he would want the most recent version to be approved by the town board, and so "the subdivision ordinance or official map, as most recently amended,..." or something to that effect would be a change he would like to see in an amendment. I assume he would talk to you himself about this if he wants to pursue it, but thought I'd mention it to you for what it's worth.

Mary Offerdahl  
Staff Attorney  
Legislative Council

SENATE BILL 88  
(LRB 1447)  
Local Fiscal Estimate

No Amendment Needed

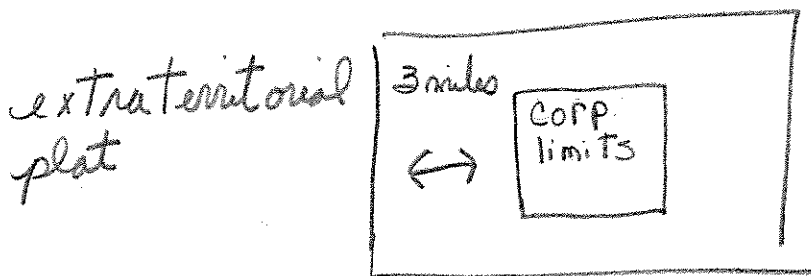
Under current law, a **developer** who wishes to subdivide an extraterritorial plat must obtain the approval of the town board and of the governing body of the municipality by the body's adoption of a subdivision ordinance or an official map. (Town can say yes.)

This bill will give the towns authority to approve or disapprove the **municipality's ordinance** or **map** by adopting a resolution. (Town can say no.)

Under this bill, a city or village must have the town board's agreement before they may exercise extraterritorial plat review.

Therefore, the town board will have a say over the extraterritorial plat. A town board will be able to block a subdivision ordinance or map. The municipality may not want a subdivision because they eventually want a Walmart and now the Town will be able to do it.

If the municipality wants a Walmart the town can block a subdivision ordinance map.



1st - 150,000 +  
2nd - 39-150,000  
3rd - 10-39,000