

2007 ASSEMBLY BILL 423

June 21, 2007 – Introduced by Representatives ALBERS, ROTH, MUSSER, GUNDERSON, PETROWSKI and MURSAU, cosponsored by Senators BRESKE, HARSDORF, A. LASEE and SCHULTZ. Referred to Committee on Rural Affairs.

- 1 **AN ACT** *to renumber* 236.45 (3); and *to create* 236.45 (3) (b) of the statutes;
2 **relating to:** extraterritorial plat approval on basis of land's use.
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Analysis by the Legislative Reference Bureau

Current law specifies whether a county, town, city, or village has the right to approve or object to a plat (the map of a subdivision). Generally, the location of the subdivision determines which local governmental unit or units have the right to approve the plat. If a subdivision lies in the unincorporated area within three miles of the corporate limits of a first, second, or third class city, however, the governing body of the city has the right to approve the plat under its extraterritorial plat approval jurisdiction, as well as the board of the town within which the subdivision lies and the planning agency of the county within which the subdivision lies if the planning agency employs on a full-time basis a professional engineer, a planner, or another person charged with administering zoning or other planning legislation. Approval of a plat is conditioned on the plat's compliance with the local ordinances and comprehensive, master, or development plan of the local governmental unit or units that have the right to approve the plat.

In *Wood v. City of Madison*, 2003 WI 24, 260 Wis. 2d 71, 659 N.W. 2d 31, the Supreme Court determined that a city with extraterritorial plat approval jurisdiction over a plat could object to the plat on the basis of the proposed use of land outside the city limits. *Wood* overruled *Boucher Lincoln-Mercury v. Madison Plan Comm.*, 178 Wis. 2d 74, 503 N.W. 2d 265 (Ct. App. 1993), which held that extraterritorial plat approval or denial based on the use of the land in the plat is unilateral land use control (or zoning), and that the statutes require extraterritorial

