



2009 ASSEMBLY BILL 260

May 8, 2009 – Introduced by Representatives SMITH, JORGENSEN, ROTH, HUBLER, SCHNEIDER, VRUWINK, DANOU, FIELDS, CLARK, DEXTER, RIPP, KERKMAN, KESTELL, BIES, BROOKS, GUNDERSON, A. OTT, BALLWEG and SUDER, cosponsored by Senators KREITLOW, VINEHOUT, HOLPERIN, HARS DORF and OLSEN. Referred to Committee on Renewable Energy and 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.

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. However, if a subdivision lies in the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and one-half miles of a fourth class city or village, the governing body of the city or village 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, among other things, the plat's compliance with the local ordinances and a 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 Wisconsin 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

