

2009 DRAFTING REQUEST

Bill

Received: 01/08/2009

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Jeff Smith (608) 266-0660

By/Representing: Andrea (office aide)

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters: mshovers

Subject: Real Estate - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Smith@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Extraterritorial plat approval

Instructions:

Redraft of 2007 AB 423 with AA1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 01/09/2009	nmatzke 01/09/2009		_____			
/1			rschluet 01/12/2009	_____	sbasford 01/12/2009	sbasford 01/28/2009	
				_____	mbarman 01/16/2009		

FE Sent For:

none

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re-submitted  
→ e-mail only

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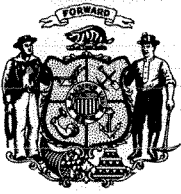
Redraft of 2007 AB 423 with AA1

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/?	pkahler	1/1/9 nwn					

FE Sent For:

Handwritten signatures and initials, including '1/1/9', 'nwn', and 'JP'. Below the table, the text '<END>' is printed.



2009 ←  
**2007 ASSEMBLY BILL 423**

(21-9)

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.

SA ✓  
X-ref ✓

- 1 **AN ACT** <sup>Regen.</sup> *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.

*However,*  
**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

among other things

village

for within one and one-half miles of a fourth class city or village

Wisconsin

**ASSEMBLY BILL 423**

zoning to be a cooperative effort between the city and the town in which the zoning ordinance is in effect.

This bill prohibits a municipality (city or village) from denying approval of a plat on the basis of the proposed use of land within the extraterritorial plat approval jurisdiction of the municipality unless the denial is based on a plan or regulations adopted under the statute referred to in *Boucher Lincoln-Mercury* that sets out the requirements for the cooperative effort between the municipality and the town for extraterritorial zoning.

or certified survey map

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1 SECTION 1. 236.45 (3) of the statutes is renumbered 236.45 (3) (a).

2 SECTION 2. 236.45 (3) (b) of the statutes is created to read:

3 236.45 (3) (b) Notwithstanding par. (a) and subs. (1) and (2), a municipality  
4 may not deny approval of a plat under this section or s. 236.10 or 236.13 on the basis  
5 of the proposed use of land within the extraterritorial plat approval jurisdiction of  
6 the municipality, unless the denial is based on a plan or regulations, or amendments  
7 thereto, adopted by the governing body of the municipality under s. 62.23 (7a) (c).

8 SECTION 3. Initial applicability.

9 (1) This act first applies to preliminary plats or, in cases in which no  
10 preliminary plats are submitted, final plats that are submitted for approval on the  
11 effective date of this subsection.

12 (END)

or certified survey map

and to certified survey maps

**Basford, Sarah**

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**From:** Wahl, Andrea  
**Sent:** Tuesday, January 27, 2009 5:25 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-1391/1 Topic: Extraterritorial plat approval

Please Jacket LRB 09-1391/1 for the ASSEMBLY.