

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB260)

Received: 02/23/2010

Received By: **pkahler**

Wanted: **Today**

Identical to LRB:

For: **Terese Berceau (608) 266-3784**

By/Representing: **Brian Rieselman**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Real Estate - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Berceau@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Using land use within sewer service boundaries

Instructions:

See attached

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>
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FE Sent For:

<END>

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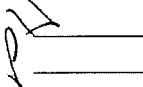
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FE Sent For:

<END>

Kahler, Pam

From: Rieselman, Brian
Sent: Tuesday, February 23, 2010 9:02 AM
To: Kahler, Pam
Subject: request for amendments to AB 260 for today's floor session
Importance: High

Hi Pam, Per my email message – would it be possible to get these two amendments drafted asap?

Thank you,

Brian

Brian Rieselman
Research Assistant
Office of Representative Terese Berceau
Wisconsin Legislature
tel: (608) 266-3784

Amendmenst to AB 260, AN ACT to renumber 236.45 (3); and to create 236.45 (3) (b) of the statutes; relating to: extraterritorial plat approval on basis of land's use.

1. Allow cities to take into account land use when reviewing land divisions within their sewer service boundaries or within 1.5 miles of their corporate boundaries, whichever is greater. A city would have no *Wood v. Madison* land use controls beyond 1.5 miles or the sewer service limit. (A city currently has such powers extending to three miles from its borders. A village's power to deny a land division on the basis of concerns over its proposed use would be cut in half as well, from 1.5 to .75 miles or the sewer service boundary, whichever is greater.)

2. In return for this reduction in municipal powers, municipalities would be granted the ability to unilaterally annex town peninsulas, similar to 2001 AB 816. This latter change would be an important step toward greater efficiency in the delivery of local services in a time when such efficiency is sorely needed; however, secondly, it serves as a meaningful compromise to cities for agreeing to limit the present scope of their extraterritorial review authority as outlined above.

AB649, s. 12 - continued



city's or villages

Pg35Ln23

2. Within a sewer service territory in the sewer service area provisions of an

Pg35Ln24

areawide water quality management plan under s. 283.83 approved by the

Pg35Ln25

department of natural resources.



93

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT ,

TO 2009 ASSEMBLY BILL 260

*See
bill with
now*

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: delete lines 1 to 3 and substitute:

3 "SECTION 1m. 236.45 (3) of the statutes is renumbered 236.45 (3) (a) and
4 amended to read:

5 236.45 (3) (a) ~~An~~ Subject to pars. (b) and (c), an ordinance adopted hereunder
6 by a municipality may regulate the division or subdivision of land within the
7 extraterritorial plat approval jurisdiction of the municipality as well as land within
8 the corporate limits of the municipality if it has the right to approve or object to plats
9 within that area under s. 236.10 (1) (b) 2. and (2).

History: 1979 c. 221, 248, 355; 1981 c. 354; 1983 a. 189 s. 329 (26); 2001 a. 16; 2005 a. 477; 2007 a. 44.

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

11 236.45 (3) (b) Notwithstanding subs. (1) and (2), a municipality".

12 **2.** Page 2, line 8: after that line insert:

1

SECTION 3m. 236.45 (3) (c) of the statutes is created to read:

2

236.45 (3) (c) Notwithstanding par. (b), in approving or denying approval of a plat or certified survey map under this section or s. 236.10 or 236.13, both of following apply:

3

4

1st 2nd 3rd

1. A first, second, or third class city may take into account the proposed use of land within the city's sewer service territory in the sewer service area provisions of an areawide water quality management plan under s. 283.83 approved by the department of natural resources or within 1 1/2 miles of the city's corporate limits, whichever is greater.

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4th

2. A fourth class city or a village may take into account the proposed use of land within the city's or village's sewer service territory in the sewer service area provisions of an areawide water quality management plan under s. 283.83 approved by the department of natural resources or within 3/4 miles of the city's or village's corporate limits, whichever is greater."

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12

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15

(END)

1.5

0.75