



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2009 Assembly Bill 906**

**Assembly Amendment 1**

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### **Conformity of Preliminary and Final Plats**

Under current law, a final plat may, if permitted by the approving authority, constitute only a portion of an approved preliminary plat that the subdivider intends to record at that time.

**Assembly Bill 906** allows a final plat that is a portion of an approved preliminary plat to be submitted without the permission of the approving authority and provides that the final plat is entitled to approval if all of the following occur:

- The preliminary plat identified phases of the development.
- The portion of the final plat being submitted substantially conforms to the preliminary plat as approved.

**Assembly Amendment 1** removes these provisions of the bill.

### **Construction of Plats in Phases**

**Assembly Amendment 1** clarifies that a subdivider may elect to construct the project in phases, if the governing body approves. The amendment also states that the governing body's approval may not be unreasonably withheld.

### **Register of Deeds**

Under current law, a subdivider must record a final plat in the office of the Register of Deeds in the county in which the subdivision is located. **Assembly Bill 906** allows a final plat to be recorded in whole or in part. **Assembly Amendment 1** removes this provision of the bill.

**Local Ordinances**

*Assembly Bill 906* allows an approving authority and a subdivider to agree to waive or vary requirements of a local ordinance. The bill also allows the parties to agree as to the application of ordinances that are enacted by the approving authority after the preliminary plat (or final plat if there is no preliminary plat) is submitted. Agreements to waive or vary requirements would have to be entered into freely and voluntarily.

*Assembly Amendment 1* removes these provisions of the bill.

**Legislative History**

On March 26, 2010, Representative Molepske, Jr. introduced the bill. On April 9, 2010, Representative Molepske, Jr. introduced AA1. On April 13, 2010, the Assembly Committee on Urban and Local Affairs took executive action on the bill and recommended adoption of Assembly Amendment 1 by a vote of Ayes, 8; Noes, 0; and Absent, 1; and recommended passage of the bill as amended by a vote of Ayes, 8; Noes, 0; and Absent, 1.

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