

2013 DRAFTING REQUEST

Bill

Received: 10/29/2013 Received By: pkahler
Wanted: As time permits Same as LRB:
For: Frank Lasee (608) 266-3512 By/Representing: Rob Kovach
May Contact: Drafter: pkahler
Subject: Real Estate - plats Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Lasee@legis.wisconsin.gov
Carbon copy (CC) to: Fern.Knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allow certified survey maps to create five or more parcels, if municipality adopts ordinance approving it

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>
/?	pkahler 11/21/2013	scalvin 11/21/2013		_____			
/P1	pkahler 12/20/2013		rschluet 11/21/2013	_____	mbarman 11/21/2013		
/1	pkahler 1/8/2014	scalvin 12/26/2013	jmurphy 12/27/2013	_____	lparisi 12/27/2013		

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/2		scalvin 1/9/2014	rschluet 1/9/2014	_____	srose 1/9/2014	srose 1/9/2014	

FE Sent For:

↳ Not Needed

<END>

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/1	pkahler 1/8/2014	scalvin 12/26/2013	jmurphy 12/27/2013	_____	lparisi 12/27/2013		

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		1/2 sac 01/09/2013	1/2 sac 01/09/2013				

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FE Sent For:		11 sac 12/20/2013	11 sac 12/26/2013	JMK/KM 12/27			

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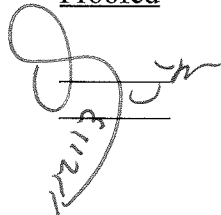
See attached

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/?	pkahler						
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		/PI sac 11/19/2013	/PI sac 11/19/2013				
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FE Sent For:

<END>

Kahler, Pam

From: Kovach, Robert
Sent: Tuesday, October 29, 2013 4:03 PM
To: Kahler, Pam
Subject: RE: Drafting Request--Subdivision Regulations

Yes. Let's keep the limitation as is. I think it can work with just the expanded number of lots, etc.

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Kahler, Pam
Sent: Tuesday, October 29, 2013 3:32 PM
To: Kovach, Robert
Subject: RE: Drafting Request--Subdivision Regulations

I have another question before I can get started. Currently, from my reading of s. 236.34 (1) (intro.), a CSM is limited in purpose. A CSM may be used to change the boundaries of lots and outlots in a recorded plat, a recorded assessor's plat, or a recorded CSM. So it doesn't appear to be used for land division in the first place. Do you want to keep this limitation but just expand the number of lots, etc., that can be included in a CSM?

From: Kovach, Robert
Sent: Tuesday, October 29, 2013 3:08 PM
To: Kahler, Pam
Subject: RE: Drafting Request--Subdivision Regulations

Yes. One CSM should be able to do more than 5 lots.

Also, in cases where a developer is doing a development piece by piece with fewer than 5 lots per CSM, we want the muni to be able to approve the pieces in less than 5 years.

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Kahler, Pam
Sent: Monday, October 28, 2013 4:05 PM
To: Kovach, Robert
Subject: RE: Drafting Request--Subdivision Regulations

I'm not sure. I think you want even one CSM to be able to create five or more parcels, right?

From: Kovach, Robert
Sent: Monday, October 28, 2013 4:03 PM
To: Kahler, Pam
Subject: RE: Drafting Request--Subdivision Regulations

Yes. I think we want to allow CSMs to be used instead of creating Subdivision even if multiple CSMs cumulatively create five or more parcels in a 5 year period.

We want this to apply to Industrial and Commercial CSMs also.

Essentially, we believe the Subdivision process is slowing economic growth and the Senator believes if we make the CSM process less restrictive, more economic growth/development projects will occur.

Did I explain that correctly? ...in my first summary I said it backwards....

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Kahler, Pam
Sent: Monday, October 28, 2013 3:46 PM
To: Kovach, Robert
Subject: FW: Drafting Request--Subdivision Regulations

Hi, Rob:

What's the goal of this draft? Is it to subdivide (five or more parcels) by certified survey map, using the process for approval of a certified survey map, to avoid the process required for approval of a plat of a subdivision? If so, I think the draft is going to be a bit more complicated than the instructions show, because there are a lot of provisions throughout the chapter that will be in conflict.

Pam

From: LRB.Legal
Sent: Monday, October 28, 2013 2:35 PM
To: Kahler, Pam; Knepp, Fern
Subject: FW: Drafting Request--Subdivision Regulations

From: Kovach, Robert
Sent: Monday, October 28, 2013 2:23 PM

Kahler, Pam

From: LRB.Legal
Sent: Monday, October 28, 2013 2:35 PM
To: Kahler, Pam; Knepp, Fern
Subject: FW: Drafting Request--Subdivision Regulations

From: Kovach, Robert
Sent: Monday, October 28, 2013 2:23 PM
To: LRB.Legal
Cc: Kovach, Robert
Subject: Drafting Request--Subdivision Regulations

Dear LRB Legal,

Please submit the following for drafting as a bill to streamline development of subdivisions and instead of the use of the CSM process.

Amend s236.01(12):

"Subdivision" is a division (other than a division under s.236.34) of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:

- a) The act of division creates 5 or more parcels or building sites of 1 ½ acres each or less in area;
or
- b) Five or more parcels or building sites of 1 ½ acres each or less in area are created within a period of 5 years.

Amend s236.34(1):

A certified survey map of not more than 4 parcels, lots or outlots, or such greater number of parcels, lots, or outlots as are authorized by a municipality or county planning agency by ordinance or resolution may be recorded in the office of the register of deeds of the county in which the land is situated. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat, recorded assessor's plat under s 70.27 or recorded certified survey map if the reconfiguration does not result in a subdivision or violate a local subdivision regulation. A municipality or county planning agency may, by ordinance or resolution, specify a number greater than 4 parcels that may be divided by certified survey map.

Thanks!

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3536/2

PJK:.....

sec - *rm nstrum*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

W-10-311

gen cat

1 AN ACT *x*; relating to: authorizing ordinances and resolutions that specify a
2 greater number of parcels into which certified survey maps may divide land.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 SECTION 1. 77.25 (2r) of the statutes is amended to read:
4 77.25 (2r) Under s. 236.29 (1) or (2) or 236.34 (~~1~~) (1m) (e) or for the purpose of
5 a road, street, or highway, to the United States or to this state or to any
6 instrumentality, agency, or subdivision of either.

7 History: 1971 c. 150; 1985 a. 39; 1987 a. 27; 1991 a. 39, 202, 269; 1993 a. 112, 263, 307; 1995 a. 458; 1997 a. 140; 1999 a. 9, 162; 2001 a. 44; 2005 a. 206; 2009 a. 28.

8 SECTION 2. 236.02 (12) (intro.) of the statutes is renumbered 236.02 (12) (am)
(intro.) and amended to read:

9 236.02 (12) (am) (intro.) “Subdivision” is Except as provided in par. (bm),
10 “subdivision” means a division of a lot, parcel, or tract of land by the owner thereof

1 or the owner’s agent for the purpose of sale or of building development, ~~where~~ and
2 to which any of the following applies:

History: 1979 c. 221; 1979 c. 233 s. 8; 1979 c. 248 ss. 2, 25 (4); 1979 c. 361; 1983 a. 189, 473, 532, 538; 1985 a. 29; 1987 a. 399; 1993 a. 490; 1995 a. 27 ss. 6307m, 6308, 9116 (5); 1995 a. 201; 1997 a. 27; 1999 a. 96; 2001 a. 16.

3 **SECTION 3.** 236.02 (12) (a) of the statutes is renumbered 236.02 (12) (am) 1. and
4 amended to read:

5 236.02 (12) (am) 1. The act of division creates 5 or more parcels or building sites
6 of 1 1/2 acres each or less in area; ~~or,~~

History: 1979 c. 221; 1979 c. 233 s. 8; 1979 c. 248 ss. 2, 25 (4); 1979 c. 361; 1983 a. 189, 473, 532, 538; 1985 a. 29; 1987 a. 399; 1993 a. 490; 1995 a. 27 ss. 6307m, 6308, 9116 (5); 1995 a. 201; 1997 a. 27; 1999 a. 96; 2001 a. 16.

7 **SECTION 4.** 236.02 (12) (b) of the statutes is renumbered 236.02 (12) (am) 2.

8 **SECTION 5.** 236.02 (12) (bm) of the statutes is created to read:

9 236.02 (12) (bm) “Subdivision” does not include a division of land by certified
10 survey map under s. 236.34, regardless of the number of parcels or building sites
11 created by the division, the size of the parcels or building sites, or the length of time
12 over which the division occurs.

13 **SECTION 6.** 236.03 (1) of the statutes is amended to read:

14 236.03 (1) Any division of land which that results in a subdivision as defined
15 in s. 236.02 (12) (a) (am) 1. shall be, and any other division may be, surveyed and a
16 plat thereof approved and recorded as required by this chapter. No map or survey
17 purporting to create divisions of land or intending to clarify metes and bounds
18 descriptions may be recorded except as provided by this chapter.

History: 1983 a. 189 s. 329 (23); 1983 a. 473; 1993 a. 490.

19 **SECTION 7.** 236.31 (2) of the statutes is amended to read:

20 236.31 (2) Any municipality, town, county, or state agency with subdivision
21 review authority may institute injunction or other appropriate action or proceeding
22 to enjoin a violation of any provision of this chapter, an ordinance, or a rule adopted
23 pursuant under to this chapter. Any such municipality, town, or county may impose

1 a forfeiture for violation of any such ordinance, and order an assessor's plat to be
2 made under s. 70.27 at the expense of the subdivider or the subdivider's agent when
3 a subdivision is created under s. 236.02 (12) ~~(b)~~ (am) 2. by successive divisions.

History: 1979 c. 248 s. 25 (6); 1979 c. 355, ~~37~~; 1983 a. 189 s. 329 (23).

4 **SECTION 8.** 236.34 (1) (title) of the statutes is repealed and recreated to read:
5 236.34 (1) (title) DESCRIPTION AND USES.

History: 1979 c. 248 ss. 22, 25 (3); 1983 a. ~~189~~ s. 329 (26); 1983 a. 473; 1987 a. 390; 1997 a. 99; 1999 a. 96; 2001 a. 16; 2005 a. 9, 41.

6 **SECTION 9.** 236.34 (1) (intro.) of the statutes is renumbered 236.34 (1) (am) 1.
7 and amended to read:

8 236.34 (1) (am) 1. A certified survey map of not more than 4 parcels of land, or
9 such greater maximum number specified by an ordinance enacted or resolution
10 adopted under subd. 2., consisting of lots or outlots may be recorded in the office of
11 the register of deeds of the county in which the land is situated.

12 (bm) A certified survey map may be used to change the boundaries of lots and
13 outlots within a recorded plat, recorded assessor's plat under s. 70.27, or recorded,
14 certified survey map if the reconfiguration does not result in a subdivision or violate
15 a local subdivision regulation.

*
*

***NOTE: How do you want to address the language at the end of the (second)
sentence above, beginning with "if"? Do you simply want to get rid of it? Since the
definition of "subdivision" now excludes any division of land by certified survey map,
using a certified survey map to change boundaries of lots and outlots could *never*
technically result in a "subdivision." What about violating a local subdivision regulation,
though? Another option would be to limit the condition to changes made by certified
survey maps that are still limited to 4 parcels.

16 (cm) A certified survey map may not alter areas previously dedicated to the
17 public or a restriction placed on the platted land by covenant, by grant of an
18 easement, or by any other manner.

19 (dm) A certified survey map that crosses the exterior boundary of a recorded
20 plat or assessor's plat shall apply to the reconfiguration of fewer than 5 parcels by
21 a single owner, or if no additional parcels are created. Such a certified survey map

1 must be approved in the same manner as a final plat of a subdivision must be
2 approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and
3 shall contain owners' and mortgagees' certificates that are in substantially the same
4 form as required under s. 236.21 (2) (a).

****NOTE: Do you want to change the provision above? I'm not sure how to interpret the first sentence. I do not know what it means to say that a certified survey map "shall apply to the reconfiguration ..." It could mean that a certified survey map may be used for such a reconfiguration, but I'm not sure. There could be a conflict between that sentence and new s. 236.34 (1) (am) 2.

5 **(1m) PREPARATION.** A certified survey must meet the following requirements:

History: 1979 c. 248 ss. 22, 25 (3); 1983 a. 189 s. 329 (26); 1983 a. 473; 1987 a. 390; 1997 a. 99; 1999 a. 96; 2001 a. 16; 2005 a. 9, 41.

****NOTE: I have divided up s. 236.34 (1) (intro.) so that the language in new s. 236.34 (1) (am) 2. does not apply to or affect the paragraphs coming after that language. Is this what you want?

SEC. RN; 236.34(1)(a) to (f); 236.34(1m)(a) to (f)

(ie, (1)(b) to (d))

6 **SECTION 10.** 236.34 (1) (am) 2. of the statutes is created to read:

7 236.34 (1) (am) 2. Notwithstanding s. 236.45 (2) (ac) and (am), a municipality
8 or county may enact an ordinance or adopt a resolution that specifies a maximum
9 number of parcels into which land situated in the municipality or county may be
10 divided by certified survey map that is greater than 4.

****NOTE: The suggested language in the drafting instructions left out towns. Was this intentional or inadvertent? Also, I couldn't tell if a resolution or ordinance authorizing a number of parcels greater than 4 was meant to be limited to a municipality or county (and town?) that had established a planning agency. (See s. 236.45 (2) (ac).)

****NOTE: Rather than limiting the effect of this provision to land situated within the municipality or county, do you want a provision similar to s. 236.45 (3) (a)?

****NOTE: If you do want this authority limited to a municipality or county (and town?) that has established a planning agency, do you want a provision similar to s. 236.45 (4)? Perhaps this provision should be included in s. 236.45 so that various provisions in s. 236.45 would apply automatically.

****NOTE: What if a municipality enacts an ordinance in a county that enacts an ordinance and the ordinances conflict? (See s. 236.13 (4).)

11 **SECTION 11.** 236.34 (2) (a) of the statutes is amended to read:

12 236.34 (2) (a) Certified survey maps prepared in accordance with ~~sub.~~ subs. (1)
13 and (1m) shall be numbered consecutively by the register of deeds and shall be

1 recorded in a bound volume to be kept in the register of deeds' office, known as the
2 "Certified Survey Maps of County".

3 History: 1979 c. 248 ss. 22, 25 (3); 1983 a. 189 s. 329 (26); 1983 a. 473; 1987 a. 390; 1997 a. 99; 1999 a. 96; 2001 a. 16; 2005 a. 9, 41.

SECTION 12. 236.34 (2) (b) 2. of the statutes is amended to read:

4 236.34 (2) (b) 2. The certified survey map shows on its face all of the certificates
5 and affidavits required under ~~sub.~~ subs. (1) and (1m).

6 History: 1979 c. 248 ss. 22, 25 (3); 1983 a. 189 s. 329 (26); 1983 a. 473; 1987 a. 390; 1997 a. 99; 1999 a. 96; 2001 a. 16; 2005 a. 9, 41.

(END)

Kahler, Pam

From: Kovach, Robert
Sent: Thursday, December 19, 2013 12:51 PM
To: Kahler, Pam
Subject: FW: Draft review: LRB -3536/P1 Topic: Allow certified survey maps to create five or more parcels, if municipality adopts ordinance approving it

Pam,
Can you please make these changes?

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Larson, Tom [<mailto:tlarson@wra.org>]
Sent: Wednesday, December 18, 2013 7:57 PM
To: Kovach, Robert
Subject: RE: Draft review: LRB -3536/P1 Topic: Allow certified survey maps to create five or more parcels, if municipality adopts ordinance approving it

Hi Rob.

Sorry for the delay in getting back to you. The bill draft looks good. Here are my responses to the drafter's questions:

- ✓ Page 3, lines 19-20 – change to “if the reconfiguration does not violate a local ordinance.”
- ✓ Page 4, lines 4-10 – keep current law
- ✓ Page 4, line 11 – this is fine
- ✓ Page 4, note – include towns, but limit the change to municipalities, counties and towns that have established a planning authority
- ✓ Page 5, note 1 – yes, include a provision similar to s. 236.45(3)(a)
- ✓ Page 5, note 2 – yes, include a provision similar to s. 236.45(4)
- ✓ Page 5, note 3 – yes, include a provision similar to s. 236.13(4)

Do you think we should introduce the bill as is and have these changes prepared as an amendment? I am worried that we are running out of time.

Please let me know your thoughts on this and if you need anything else from me.

Thank you.

Tom

Thomas D. Larson - Vice President of Legal and Public Affairs
Wisconsin REALTORS Association
4801 Forest Run Road Suite 201
Madison, WI 53704-7337
Phone 608-240-8254
Cell 608-212-0066

Fax 608-241-2901

<<<<http://www.wra.org/>>>>

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From: Kovach, Robert [<mailto:Robert.Kovach@legis.wisconsin.gov>]
Sent: Friday, November 22, 2013 11:11 AM
To: Larson, Tom
Subject: FW: Draft review: LRB -3536/P1 Topic: Allow certified survey maps to create five or more parcels, if municipality adopts ordinance approving it

Hey...The CSM bill is here!!!

Rob Kovach
Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: LRB.Legal
Sent: Thursday, November 21, 2013 2:05 PM
To: Sen.Lasee
Subject: Draft review: LRB -3536/P1 Topic: Allow certified survey maps to create five or more parcels, if municipality adopts ordinance approving it

Following is the PDF version of draft LRB -3536/P1.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3536/D1
PJK:sac:rs

run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 Bill

*D-note
(in 12-20)*

regenerate ↓

1 AN ACT *to renumber* 236.02 (12) (b) and 236.34 (1) (a) to (f); *to renumber and*
 2 *amend* 236.02 (12) (intro.), 236.02 (12) (a) and 236.34 (1) (intro.); *to amend*
 3 77.25 (2r), 236.03 (1), 236.31 (2), 236.34 (2) (a) and 236.34 (2) (b) 2.; *to repeal*
 4 *and recreate* 236.34 (1) (title); and *to create* 236.02 (12) (bm) and 236.34 (1)
 5 (am) 2. of the statutes; **relating to:** authorizing ordinances and resolutions
 6 that specify a greater number of parcels into which certified survey maps may
 7 divide land.

Analysis by the Legislative Reference Bureau

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2 a road, street, or highway, to the United States or to this state or to any
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12 236.02 (12) (am) 1. The act of division creates 5 or more parcels or building sites
13 of 1 1/2 acres each or less in area; ~~or,~~

14 SECTION 4. 236.02 (12) (b) of the statutes is renumbered 236.02 (12) (am) 2.

15 SECTION 5. 236.02 (12) (bm) of the statutes is created to read:

16 236.02 (12) (bm) “Subdivision” does not include a division of land by certified
17 survey map under s. 236.34, regardless of the number of parcels or building sites
18 created by the division, the size of the parcels or building sites, or the length of time
19 over which the division occurs.

20 SECTION 6. 236.03 (1) of the statutes is amended to read:

21 236.03 (1) Any division of land which that results in a subdivision as defined
22 in s. 236.02 (12) (a) (am) 1. shall be, and any other division may be, surveyed and a
23 plat thereof approved and recorded as required by this chapter. No map or survey
24 purporting to create divisions of land or intending to clarify metes and bounds
25 descriptions may be recorded except as provided by this chapter.

x

1 SECTION 7. 236.31 (2) of the statutes is amended to read:

2 236.31 (2) Any municipality, town, county, or state agency with subdivision
3 review authority may institute injunction or other appropriate action or proceeding
4 to enjoin a violation of any provision of this chapter, an ordinance, or a rule adopted
5 pursuant to under this chapter. Any such municipality, town, or county may impose
6 a forfeiture for violation of any such ordinance, and order an assessor's plat to be
7 made under s. 70.27 at the expense of the subdivider or the subdivider's agent when
8 a subdivision is created under s. 236.02 (12) (b) (am) 2. by successive divisions.

9 SECTION 8. 236.34 (1) (title) of the statutes is repealed and recreated to read:

10 236.34 (1) (title) DESCRIPTION AND USES.

11 SECTION 9. 236.34 (1) (intro.) of the statutes is renumbered 236.34 (1) (am) (1).

12 and amended to read:

13 236.34 (1) (am) (1). A certified survey map of not more than 4 parcels of land, or
14 such greater maximum number specified by an ordinance enacted or resolution
15 adopted under ~~subd. 2~~ ^{par. (a)} 1, consisting of lots or outlots may be recorded in the office of
16 the register of deeds of the county in which the land is situated.

17 (bm) A certified survey map may be used to change the boundaries of lots and
18 outlots within a recorded plat, recorded assessor's plat under s. 70.27, or recorded,
19 certified survey map if the reconfiguration does not ~~result in a subdivision or violate~~
20 a local subdivision regulation. ordinance

****NOTE: How do you want to address the language at the end of the sentence above, beginning with "if"? Do you simply want to get rid of it? Since the definition of "subdivision" now excludes any division of land by certified survey map, using a certified survey map to change boundaries of lots and outlots could *never* technically result in a "subdivision." What about violating a local subdivision regulation, though? Another option would be to limit the condition to changes made by certified survey maps that are still limited to 4 parcels.

add striking

1 (cm) A certified survey map may not alter areas previously dedicated to the
2 public or a restriction placed on the platted land by covenant, by grant of an
3 easement, or by any other manner.

4 (dm) A certified survey map that crosses the exterior boundary of a recorded
5 plat or assessor's plat shall apply to the reconfiguration of fewer than 5 parcels by
6 a single owner, or if no additional parcels are created. Such a certified survey map
7 must be approved in the same manner as a final plat of a subdivision must be
8 approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and
9 shall contain owners' and mortgagees' certificates that are in substantially the same
10 form as required under s. 236.21 (2) (a).

****NOTE: Do you want to change the provision above? I'm not sure how to interpret the first sentence. I do not know what it means to say that a certified survey map "shall apply to the reconfiguration ..." It could mean that a certified survey map may be used for such a reconfiguration, but I'm not sure. There could be a conflict between that sentence and new s. 236.34 (1) (am) 2.

and subject to par. (dm),

11 (1m) PREPARATION. A certified survey must meet the following requirements:

****NOTE: I have divided up s. 236.34 (1) (intro.) so that the language in new s. 236.34 (1) (am) 2. does not apply to or affect the paragraphs coming after that language (i.e., (1) (bm) to (dm)). Is this what you want?

12 SECTION 10. 236.34 (1) (a) to (f) of the statutes are renumbered 236.34 (1m) (a)
13 to (f).

14 SECTION 11. 236.34 (1) ~~(am)~~ 2) of the statutes is created to read:
15 236.34 (1) ~~(am)~~ 2) Notwithstanding s. 236.45 (2) (ac) and (am), a municipality
16 or county ^{that has established a planning agency} may enact an ordinance or adopt a resolution that specifies a maximum
17 number of parcels into which land situated in the municipality or county may be
18 divided by certified survey map that is greater than 4.

town,

****NOTE: The suggested language in the drafting instructions left out towns. Was this intentional or inadvertent? Also, I couldn't tell if a resolution or ordinance authorizing a number of parcels greater than 4 was meant to be limited to a municipality or county (and town?) that had established a planning agency. (See s. 236.45 (2) (ac).)

Insert 4-18 →

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3536/1ins

PJK:.....

V. mis...

INSERT A

Under current law, a subdivision is a division of a lot, parcel, or tract of land that creates five or more parcels or building sites of one and one-half acres each or less, and includes such a division if it occurs by successive divisions within five years. Current law provides that a certified survey map may be used to change the boundaries of lots and outlots within a recorded plat (the map of a subdivision), a recorded assessor's plat, or a recorded certified survey map if the reconfiguration does not result in a subdivision. Under current law, a certified survey map of not more than four parcels of land may be recorded in the office of the register of deeds of the county where the land is located.

This bill authorizes an incorporated city or village (municipality), town, or county that has established a planning agency to enact an ordinance or adopt a resolution that allows a certified survey map to divide land located in the municipality, town, or county into more than four parcels (certified survey map ordinance or resolution). The certified survey map ordinance or resolution must specify the maximum number of parcels that land may be divided into by a certified survey map. Before enacting or adopting a certified survey map ordinance or resolution, the governing body of the municipality, town, or county must get the recommendation of its planning agency and hold a public hearing.

specify

The bill provides that a municipality may enact or adopt a certified survey map ordinance or resolution that affects land in its extraterritorial plat approval jurisdiction if it has the authority to approve or object to plats within that area. Extraterritorial plat approval jurisdiction is defined in current law as land 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. Under the bill, if more than one governing body has authority to enact or adopt a certified survey map ordinance or resolution that affects the same land, which could occur if a municipality enacts or adopts a certified survey map ordinance or resolution affecting land in its extraterritorial plat approval jurisdiction, and the certified survey map ordinances or resolutions have conflicting provisions, any certified survey map that affects that land must comply with the most restrictive provisions.

(END OF INSERT A)

INSERT 4-18

- 1 2. Before the enactment of an ordinance or the adoption of a resolution under
- 2 subd. 1., the governing body of the municipality, town, or county shall receive the
- 3 recommendation of its planning agency and shall hold a public hearing on the
- 4 ordinance or resolution. Notice of the hearing shall be given by publication of a class

1 2 notice, under ch. 985. Any ordinance enacted or resolution adopted shall be
2 published in form suitable for public distribution.

3 3. Notwithstanding subd. 1., an ordinance enacted or resolution adopted under
4 subd. 1. by a municipality may specify the number of parcels into which land within
5 the extraterritorial plat approval jurisdiction of the municipality, as well as land
6 within the corporate limits of the municipality, may be divided by certified survey
7 map if the municipality has the right to approve or object to plats within that area
8 under s. 236.10 (1) (b) 2. and (2).

9 4. If more than one governing body has authority to enact an ordinance or adopt
10 a resolution under subd. 1. with respect to the same land and those governing bodies
11 enact ordinances or adopt resolutions with conflicting provisions, any certified
12 survey map affecting that land must comply with the most restrictive provisions.

(END OF INSERT 4-18)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

- date -

LRB-3536/1dn

PJK:(/:...)

for me to run SAC

might

I was still a little concerned that there ~~may~~ be a conflict between newly created s. 236.34 (1) (ar) 1. and newly renumbered s. 236.34 (1) (dm), which appears to limit the number of parcels in a reconfiguration to fewer than five. Therefore, I provided that newly created s. 236.34 (1) (ar) 1. ~~was~~ subject to newly renumbered s. 236.34 (1) (dm). Let me know if this is not what you want.

is

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3536/1dn
PJK:sac;jm

December 27, 2013

I was still a little concerned that there might be a conflict between newly created s. 236.34 (1) (ar) 1. and newly renumbered s. 236.34 (1) (dm), which appears to limit the number of parcels in a reconfiguration to fewer than five. Therefore, I provided that newly created s. 236.34 (1) (ar) 1. is subject to newly renumbered s. 236.34 (1) (dm). Let me know if this is not what you want.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Kovach, Robert
Sent: Wednesday, January 08, 2014 12:01 PM
To: Kahler, Pam
Subject: FW: Subdivision plat bill

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Larson, Tom [<mailto:tlarson@wra.org>]
Sent: Wednesday, January 08, 2014 11:22 AM
To: Kovach, Robert
Subject: RE: Subdivision plat bill

I think either approach is fine, so long as it is very clear that (dm) is controlled by any ordinance adopted under (ar). Thank you.

Tom

Thomas D. Larson - Vice President of Legal and Public Affairs

Wisconsin REALTORS Association

4801 Forest Run Road Suite 201

Madison, WI 53704-7337

Phone 608-240-8254

Cell 608-212-0066

Fax 608-241-2901

[<<<http://www.wra.org/>>>](http://www.wra.org/)

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From: Kovach, Robert [<mailto:Robert.Kovach@legis.wisconsin.gov>]
Sent: Tuesday, January 07, 2014 12:42 PM
To: Larson, Tom
Subject: FW: Subdivision plat bill

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512

From: Kahler, Pam
Sent: Monday, January 06, 2014 11:51 AM
To: Kovach, Robert
Subject: RE: Subdivision plat bill

Rob:

The other alternative is to amend (dm) so that the number "5" is increased up to the maximum in an ordinance if one has been adopted. Let me know which you would prefer.

From: Kovach, Robert
Sent: Monday, January 06, 2014 10:03 AM
To: Kahler, Pam
Subject: Subdivision plat bill

Dear Pam,

As to the drafter's note, we do not want 236.34(1)(dm) to trump an ordinance adopted under (ar). See Section 11, page 5, lines 1-2. Accordingly, I think we should add a sentence to (dm) stating that (dm) applies unless a community has adopted an ordinance under (ar).

Does that make sense?

Rob Kovach

Policy Advisor/Committee Clerk
Office of Senator Frank Lasee
(608) 266-3512



52
✓ m vs run

2013 BILL

(in 18)
SOON

Today

— greater

1 AN ACT *to renumber* 236.02 (12) (b) and 236.34 (1) (a) to (f); *to renumber and*
 2 *amend* 236.02 (12) (intro.), 236.02 (12) (a) and 236.34 (1) (intro.); *to amend*
 3 77.25 (2r), 236.03 (1), 236.31 (2), 236.34 (2) (a) and 236.34 (2) (b) 2.; *to repeal*
 4 *and recreate* 236.34 (1) (title); and *to create* 236.02 (12) (bm) and 236.34 (1)
 5 (ar) of the statutes; **relating to:** authorizing ordinances and resolutions that
 6 specify a greater number of parcels into which certified survey maps may divide
 7 land.

Analysis by the Legislative Reference Bureau

Under current law, a subdivision is a division of a lot, parcel, or tract of land that creates five or more parcels or building sites of one and one-half acres each or less, and includes such a division if it occurs by successive divisions within five years. Current law provides that a certified survey map may be used to change the boundaries of lots and outlots within a recorded plat (the map of a subdivision), a recorded assessor's plat, or a recorded certified survey map if the reconfiguration does not result in a subdivision. Under current law, a certified survey map of not more than four parcels of land may be recorded in the office of the register of deeds of the county where the land is located.

This bill authorizes an incorporated city or village (municipality), town, or county that has established a planning agency to enact an ordinance or adopt a

BILL

without the division being a subdivision and, therefore, without attendant requirements that apply to subdivisions

all of the

resolution that allows a certified survey map to divide land located in the municipality, town, or county into more than four parcels (certified survey map ordinance or resolution). The certified survey map ordinance or resolution must specify the maximum number of parcels that land may be divided into by a certified survey map. Before enacting or adopting a certified survey map ordinance or resolution, the governing body of the municipality, town, or county must get the recommendation of its planning agency and hold a public hearing.

The bill provides that a municipality may enact or adopt a certified survey map ordinance or resolution that affects land in its extraterritorial plat approval jurisdiction if it has the authority to approve or object to plats within that area. Extraterritorial plat approval jurisdiction is defined in current law as land 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. Under the bill, if more than one governing body has authority to enact or adopt a certified survey map ordinance or resolution that affects the same land, which could occur if a municipality enacts or adopts a certified survey map ordinance or resolution affecting land in its extraterritorial plat approval jurisdiction, and the certified survey map ordinances or resolutions have conflicting provisions, any certified survey map that affects that land must comply with the most restrictive provisions.

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

- 1 **SECTION 1.** 77.25 (2r) of the statutes is amended to read:
- 2 77.25 (2r) Under s. 236.29 (1) or (2) or 236.34 (1) (1m) (e) or for the purpose of
- 3 a road, street, or highway, to the United States or to this state or to any
- 4 instrumentality, agency, or subdivision of either.
- 5 **SECTION 2.** 236.02 (12) (intro.) of the statutes is renumbered 236.02 (12) (am)
- 6 (intro.) and amended to read:
- 7 236.02 (12) (am) (intro.) “Subdivision” is Except as provided in par. (bm),
- 8 “subdivision” means a division of a lot, parcel, or tract of land by the owner thereof
- 9 or the owner’s agent for the purpose of sale or of building development, where and
- 10 to which any of the following applies:

BILL

1 **SECTION 3.** 236.02 (12) (a) of the statutes is renumbered 236.02 (12) (am) 1. and
2 amended to read:

3 236.02 (12) (am) 1. The act of division creates 5 or more parcels or building sites
4 of 1 1/2 acres each or less in area; ~~or,~~

5 **SECTION 4.** 236.02 (12) (b) of the statutes is renumbered 236.02 (12) (am) 2.

6 **SECTION 5.** 236.02 (12) (bm) of the statutes is created to read:

7 236.02 (12) (bm) “Subdivision” does not include a division of land by certified
8 survey map under s. 236.34, regardless of the number of parcels or building sites
9 created by the division, the size of the parcels or building sites, or the length of time
10 over which the division occurs.

11 **SECTION 6.** 236.03 (1) of the statutes is amended to read:

12 236.03 (1) Any division of land ~~which~~ that results in a subdivision as defined
13 in s. 236.02 (12) (a) ~~(a)~~ (am) 1. shall be, and any other division may be, surveyed and a
14 plat thereof approved and recorded as required by this chapter. No map or survey
15 purporting to create divisions of land or intending to clarify metes and bounds
16 descriptions may be recorded except as provided by this chapter.

17 **SECTION 7.** 236.31 (2) of the statutes is amended to read:

18 236.31 (2) Any municipality, town, county, or state agency with subdivision
19 review authority may institute injunction or other appropriate action or proceeding
20 to enjoin a violation of any provision of this chapter, an ordinance, or a rule adopted
21 pursuant to under this chapter. Any such municipality, town, or county may impose
22 a forfeiture for violation of any such ordinance, and order an assessor’s plat to be
23 made under s. 70.27 at the expense of the subdivider or the subdivider’s agent when
24 a subdivision is created under s. 236.02 (12) ~~(b)~~ (am) 2. by successive divisions.

25 **SECTION 8.** 236.34 (1) (title) of the statutes is repealed and recreated to read:

BILL

1 236.34 (1) (title) DESCRIPTION AND USES.

2 **SECTION 9.** 236.34 (1) (intro.) of the statutes is renumbered 236.34 (1) (am) and
3 amended to read:

4 236.34 (1) (am) A certified survey map of not more than 4 parcels of land, or
5 such greater maximum number specified by an ordinance enacted or resolution
6 adopted under par. (ar) 1., consisting of lots or outlots may be recorded in the office
7 of the register of deeds of the county in which the land is situated.

8 **(bm)** A certified survey map may be used to change the boundaries of lots and
9 outlots within a recorded plat, recorded assessor's plat under s. 70.27, or recorded,
10 certified survey map if the reconfiguration does not result in a subdivision or violate
11 a local subdivision regulation ordinance.

12 **(cm)** A certified survey map may not alter areas previously dedicated to the
13 public or a restriction placed on the platted land by covenant, by grant of an
14 easement, or by any other manner.

15 **(dm)** A certified survey map that crosses the exterior boundary of a recorded
16 plat or assessor's plat shall apply to the reconfiguration of ~~fewer than 5 parcels~~ by
17 a single owner, or if no additional parcels are created. Such a certified survey map
18 must be approved in the same manner as a final plat of a subdivision must be
19 approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and
20 shall contain owners' and mortgagees' certificates that are in substantially the same
21 form as required under s. 236.21 (2) (a).

strike
Insert 4-16

22 **(1m) PREPARATION.** A certified survey must meet the following requirements:

23 **SECTION 10.** 236.34 (1) (a) to (f) of the statutes are renumbered 236.34 (1m) (a)
24 to (f).

25 **SECTION 11.** 236.34 (1) (ar) of the statutes is created to read:

BILL

① 236.34 (1) (ar) 1. Notwithstanding s. 236.45 (2) (ac) and (am), and subject to
② par. (dm), a municipality, town, or county that has established a planning agency
3 may enact an ordinance or adopt a resolution that specifies a maximum number of
4 parcels into which land situated in the municipality, town, or county may be divided
5 by certified survey map that is greater than 4.

6 2. Before the enactment of an ordinance or the adoption of a resolution under
7 subd. 1., the governing body of the municipality, town, or county shall receive the
8 recommendation of its planning agency and shall hold a public hearing on the
9 ordinance or resolution. Notice of the hearing shall be given by publication of a class
10 2 notice, under ch. 985. Any ordinance enacted or resolution adopted shall be
⑪ published in ^aform suitable for public distribution.

12 3. Notwithstanding subd. 1., an ordinance enacted or resolution adopted under
13 subd. 1. by a municipality may specify the number of parcels into which land within
14 the extraterritorial plat approval jurisdiction of the municipality, as well as land
15 within the corporate limits of the municipality, may be divided by certified survey
16 map if the municipality has the right to approve or object to plats within that area
17 under s. 236.10 (1) (b) 2. and (2).

18 4. If more than one governing body has authority to enact an ordinance or adopt
19 a resolution under subd. 1. with respect to the same land and those governing bodies
20 enact ordinances or adopt resolutions with conflicting provisions, any certified
21 survey map affecting that land must comply with the most restrictive provisions.

22 **SECTION 12.** 236.34 (2) (a) of the statutes is amended to read:

23 236.34 (2) (a) Certified survey maps prepared in accordance with sub. subs. (1)
24 and (1m) shall be numbered consecutively by the register of deeds and shall be

BILL

1 recorded in a bound volume to be kept in the register of deeds' office, known as the
2 "Certified Survey Maps of County".

3 **SECTION 13.** 236.34 (2) (b) 2. of the statutes is amended to read:

4 236.34 (2) (b) 2. The certified survey map shows on its face all of the certificates
5 and affidavits required under ~~sub.~~ subs. (1) and (1m).

6 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3536/2ins
PJK:.....

h in is run

INSERT 4-16

- 1 *not* not more than 4 parcels, or such greater maximum number specified by an
2 ordinance enacted or resolution adopted under par. (ar) 1.,

(END OF INSERT 4-16)

Barman, Mike

From: Kovach, Robert
Sent: Thursday, January 09, 2014 1:46 PM
To: LRB.Legal
Subject: Draft Review: LRB -3536/2 Topic: Allow certified survey maps to create five or more parcels, if municipality adopts ordinance approving it

Please Jacket LRB -3536/2 for the SENATE.