



**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 760**

April 27, 2006 – Offered by Representative ALBERS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 7: after “statutes” insert “, approval of subdivision plats by town
3 boards,”.

4 **2.** Page 7, line 9: after that line insert:

5 “**SECTION 7m.** 59.69 (3m) of the statutes is created to read:

6 59.69 (**3m**) JOINT PLANNING BODY. (a) In this subsection:

7 1. “Applicant” means a person who applies for a permit or approval from a
8 county to comply with a zoning ordinance adopted under this section or a permit or
9 approval from a town to comply with a zoning ordinance adopted under s. 60.62,
10 including authority exercised under s. 60.62 (1), or both.

1 2. “Overlapping jurisdiction” means territory that is subject to a county
2 ordinance adopted under this section and a town ordinance adopted under s. 60.62,
3 including authority exercised under s. 60.62 (1).

4 3. “Rural district” means a county board supervisory district in which more
5 than 50 percent of the electors live in portions of towns that are not subject to city
6 or village extraterritorial zoning jurisdictions.

7 (b) 1. Except as provided in subd. 2., if any territory in the county is subject to
8 overlapping jurisdiction, any applicant who is subject to such overlapping
9 jurisdiction may request the creation of a joint planning body, as described in par. (c),
10 to ensure that the applicant receives a timely decision on the applicant’s request for
11 the necessary permit or approval from both the county and the town.

12 2. If the overlapping jurisdiction is subject to a boundary agreement under s.
13 66.0307, the terms of the boundary agreement shall control as to whether the
14 applicant’s permit or other approval request may be granted. To the extent that the
15 boundary agreement does not cover the applicant’s permit or other approval request,
16 the applicant may request the creation of the joint planning body under subd. 1.

17 (c) 1. A joint planning body shall be created upon the request of an applicant
18 under par. (b) 1. The joint planning body shall have 3 members selected by the
19 county, 3 members selected by the town, and one member selected by the county
20 board chair, as provided in subd. 2. Except as provided in subd. 2., the county board
21 and town board shall determine how the members are selected, but all 7 members
22 shall be selected not later than 30 days after the applicant requests that a joint
23 planning body be created.

1 2. The joint planning body member appointed by the county board chair shall
2 be a county supervisor who represents a rural district, and he or she may vote only
3 if the vote of the other members of the joint planning body is tied.

4 3. The joint planning body shall hold a public hearing on the applicant’s request
5 as soon as possible after all 7 members are selected and shall have the power to
6 approve or reject the applicant’s permit request or other approval sought by the
7 applicant. A vote of a majority of a quorum of the members of the joint planning body
8 is required to issue a permit or grant an approval requested by the applicant, and
9 such action by the body shall be considered to be final approval from the county and
10 the town. To constitute a quorum, at least 4 members of the joint planning body must
11 be present at the meeting at which the body votes on the applicant’s request.

12 4. As soon as possible after voting on the applicant’s request, the joint planning
13 body shall issue a written decision that explains its reason for approving or rejecting
14 the applicant’s request.

15 5. After issuing its written decision, the joint planning body is disbanded. If
16 another applicant requests the creation of a joint planning body, the county and town
17 may select the same members or different members to serve on the body.”.

18 **3.** Page 11, line 10: after that line insert:

19 “**SECTION 14e.** 62.23 (7a) (c) of the statutes is amended to read:

20 62.23 (7a) (c) If the governing body of the city adopts a resolution under par.
21 (a), it shall direct the plan commission to formulate tentative recommendations for
22 the district plan and regulations within all or a part of the extraterritorial zoning
23 jurisdiction as described in the resolution adopted under par. (a). When the plan
24 commission is engaged in the preparation of such district plan and regulations, or

1 amendments thereto, a joint extraterritorial zoning committee shall be established.
2 ~~Such~~ The joint committee shall consist of 3 citizen members of the plan commission,
3 or 3 members of the plan commission designated by the mayor if there are no citizen
4 members of the commission, and 3 town members from each town affected by the
5 proposed plan and regulations, or amendments thereto, and one person appointed
6 by the county board chair of the county in which the town is located. The 3 town
7 members shall be appointed by the town board for 3 year terms and shall be residents
8 of the town and persons of recognized experience and qualifications. The joint
9 committee member appointed by the county board chair shall be a county supervisor
10 who represents a rural district, as defined in s. 59.69 (3m) (a) 3., and he or she may
11 vote only if the vote of the other members of the joint committee is tied. Town board
12 members are eligible to serve. If the town board fails to appoint the 3 members, or
13 the county board chair fails to appoint one member, within 30 days following receipt
14 of the certified resolution under par. (a), the town board and the county board chair
15 shall be subject to a mandamus proceeding which may be instituted by any resident
16 of the area to be zoned or by the city adopting such resolution. The entire plan
17 commission shall participate with the joint committee in the preparation of the plan
18 and regulations, or amendments thereto. Only the members of the joint committee
19 shall vote on matters relating to the extraterritorial plan and regulations, or
20 amendments thereto. A separate vote shall be taken on the plan and regulations for
21 each town and the town members of the joint committee shall vote only on matters
22 affecting the particular town which they represent. A quorum of at least 4 members
23 of the joint committee is required for the committee to take any action under this
24 paragraph, and at least 2 members in the quorum shall be town board appointees and
25 at least 2 members of the quorum shall be citizen members of the plan commission

1 or designees of the mayor. The governing body shall not adopt the proposed plan and
2 regulations, or amendments thereto, unless the proposed plan and regulations, or
3 amendments thereto, receive a favorable vote of a majority of ~~the~~ a quorum of the
4 members of the joint committee. Such vote shall be deemed action taken by the entire
5 plan commission.”.

6 **4.** Page 13, line 15: delete lines 15 to 23 and substitute:

7 “**SECTION 20c.** 236.10 (1m) of the statutes is created to read:

8 236.10 **(1m)** Notwithstanding sub. (1) (b), if a subdivision lies within the
9 extraterritorial plat approval jurisdiction of a municipality, the final plat of the
10 subdivision may be recorded if all of the following apply:

11 (a) The plat is approved by the town board.

12 (b) The plat is consistent with the town’s zoning ordinance enacted under s.
13 60.62 and with the town’s comprehensive plan enacted under s. 66.1001 or, if the
14 town has not enacted a comprehensive plan or is not authorized under s. 60.10 (2)
15 (c) to exercise village powers, the plat is consistent with the comprehensive plan of
16 the county, enacted under s. 66.1001, in which the town is located, or with a county
17 zoning ordinance enacted under s. 59.69.”.

18 **5.** Page 14, line 5: after that line insert:

19 “**SECTION 23c. Initial applicability.**

20 (1) APPROVAL OF PLATS AND CERTIFIED SURVEY MAPS. The treatment of sections
21 236.10 (1m) and 236.13 (4) of the statutes first applies to a certified survey map or
22 a preliminary plat or, if no preliminary plat was submitted, a final plat that is
23 submitted for approval on the effective date of this subsection.”.

24 (END)