



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

215 Martin Luther King Jr. Blvd. Ste 017

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 266-6377

[www.cityofmadison.com](http://www.cityofmadison.com)

**Date:** October 3, 2022

**To:** Plan Commission

**From:** Jeff Greger and Tim Parks, Planning Division

**RE:** ID [73608](#) – Amending and updating the City of Madison's Extraterritorial Plat Approval Jurisdiction within which the City will continue to review land divisions and subdivision plats.

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State law allows cities and villages to exercise extraterritorial plat approval jurisdiction ("ETJ") over any subdivision or land division located within 1.5 or 3 miles of their corporate boundary (depending on city class), unless a map establishing a smaller/lesser ETJ area is adopted by a resolution of that municipality. In practice, the purpose of ETJ review is to allow a municipality to have a say in the division of land in areas where it intends to grow. The City of Madison is a city of the second class according to the State of Wisconsin and may therefore exercise extraterritorial review of subdivisions and land divisions up to 3 miles from its current boundaries.

The City of Madison's review of subdivisions or land divisions with its ETJ is governed by MGO Section 16.23(3)(c), which requires that the request be compatible with adjacent development patterns and maintain the general land development pattern of the area in question, considering lot sizes, traffic generation, access, noise and visual features. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. One exception are land divisions that are governed by an intergovernmental agreement or cooperative plan.

The last time the City's ETJ boundary was updated by resolution was May 21, 2002. A more recent version of the ETJ boundary is included in the 2018 [Comprehensive Plan](#). The City of Madison has cooperative plans with the Town of Middleton (2002), City of Fitchburg (2003), Town of Blooming Grove (2006), and Town of Burke (2007), which establish the final city boundary and ETJ limits with adjacent municipalities. An intergovernmental agreement with the Town of Cottage Grove was recently adopted, which sets the limits of ETJ review on the City's eastern boundary for at least the next 40 years.

Staff is proposing to update the ETJ line via a resolution adopted by the Common Council following review by the Plan Commission. The areas identified on the proposed ETJ map indicate areas where the City intends to grow in the coming years. As part of the proposed update, staff is requesting the ability to make administrative updates for minor changes to the line, such as when adjacent municipalities or City of Madison annexes or attaches a small number of parcels. Major updates to the line triggered by large attachments/annexations like the final attachment of the Town of Blooming Grove in 2027 or new intergovernmental agreements and cooperative plans would be updated by resolution.

If approved, the amended and updated City of Madison Extraterritorial Plat Approval Jurisdiction map will take effect on October 31, 2022 concurrent with the final attachment of the Town of Madison. Also, the adopted map and resolution will be recorded at the Dane County Register of Deeds, as required by Section 236.10(5) of Wisconsin Statutes.