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TO: Members of the Assembly Committee on Urban and Local Affairs

FROM: Representative André Jacque

DATE: April 23, 2013

RE: Assembly Bill 122

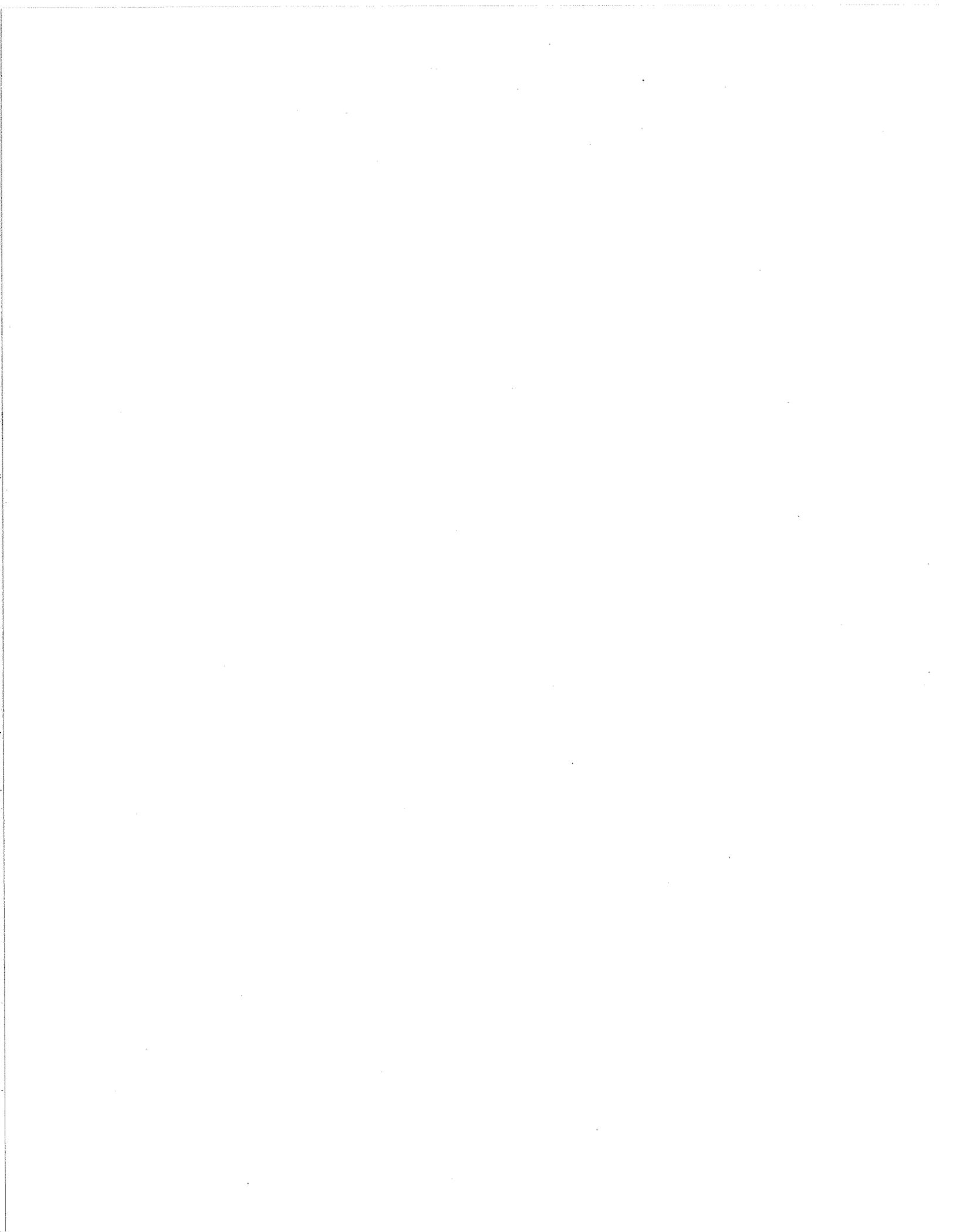
Chairman Brooks and Committee Members:

Current law mandates that counties adopt city and village comprehensive plans without change when the county develops its comprehensive plan. As a result, town comprehensive plans can be overruled, and cities and villages can control land use within 3 or 1 1/2 miles of an adjacent town depending on the population size of the city or village.

Other statutes (such as extraterritorial zoning under Wis. Stat. § 62.23(7a)) that pre-date the comprehensive planning law) enable towns and adjacent cities and villages to decide jointly what land use regulations will guide development within extraterritorial areas.

Assembly Bill 122 repeals the requirement that a city's or village's master plan must be included in a county development plan and also repeals the requirement that any official map be included without changes. As a result, a conflicting statute will be eliminated and local governments will be better able to resolve land use questions cooperatively.

Thank you again for your time and for your consideration of Assembly Bill 122.



Wisconsin State Legislature-Hearings on SB 112 and AB 122

Testimony by Glen R. Schwalbach

April 23, 2013

My name is Glen R. Schwalbach. I am a supervisor for the Town of Rockland in Brown County. I am speaking in support of (Senate Bill 112)(Assembly Bill 122) which would change current law so that a county plan is not forced to include a city or village plan without changes.

Whether doing business planning or government planning, a fundamental principle is that the planners cannot expect to create an optimum plan unless it is done at the system level. If sub-parts of the system are allowed to create their own plan, they will try to optimize their own sub-part. But, the result will usually be a sub-optimization of the system.

In the context of this bill, the system is the county made up of its sub-parts: cities, villages and towns. Current law sets up local governments to end up with flawed county plans because city and village plans cannot be modified. Instead, cities, villages and towns should develop planning objectives, gather data for decision-making and create draft plans. Then, their draft plans and the underlying data become the basis for dialogue, brain-storming, and analysis at the system level which is the county level. All of the draft plans need to be subject to change to optimize the county plan for the benefit of all residents and taxpayers.

(SB112)(AB122) enables local governments to do it right.

We have our own example in Brown County. Our town spends time and money on planning because it is our responsibility under the law. We study our town. We know the demographics. We listen to our residents. We learn about trends and future needs. We respect landowners' rights and their dependencies upon their land for their quality of life and often for their income. Throughout our process, we utilize the expertise of the county planners. But, all of this body of information and plan objectives for our town are preempted because the neighboring city's plan not only ignores it all in their growth plan but even dictates such things as lot sizes in our town which they say must be a minimum of ten acres with no discussion. We and the county have ideas which would even benefit the city but current law prompts the city to rule with their plan.

If this bill is passed, it will benefit everyone and, in effect, eliminate a form of government waste.

Wisconsin Towns Association

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To: Senate Committee on Economic Development and Local Government

From: Richard J. Stadelman, Executive Director

Re: SB 112 repealing Sec. 59.69 (3) (b) of Wis. Statutes

Date of Memo: April 23, 2013

Wisconsin Towns Association asks your **support in passage of SB 112**. Current law under Sec. 59.69 (3) (b) states the county development plan (also known as the county comprehensive plan) “***shall include the master plan, if any, of any city or village, that was adopted under Sec. 62.23 (2) or (3) and the official map, if any, of such city or village, that was adopted under Sec. 62.23 (6) in the county, without change.***”

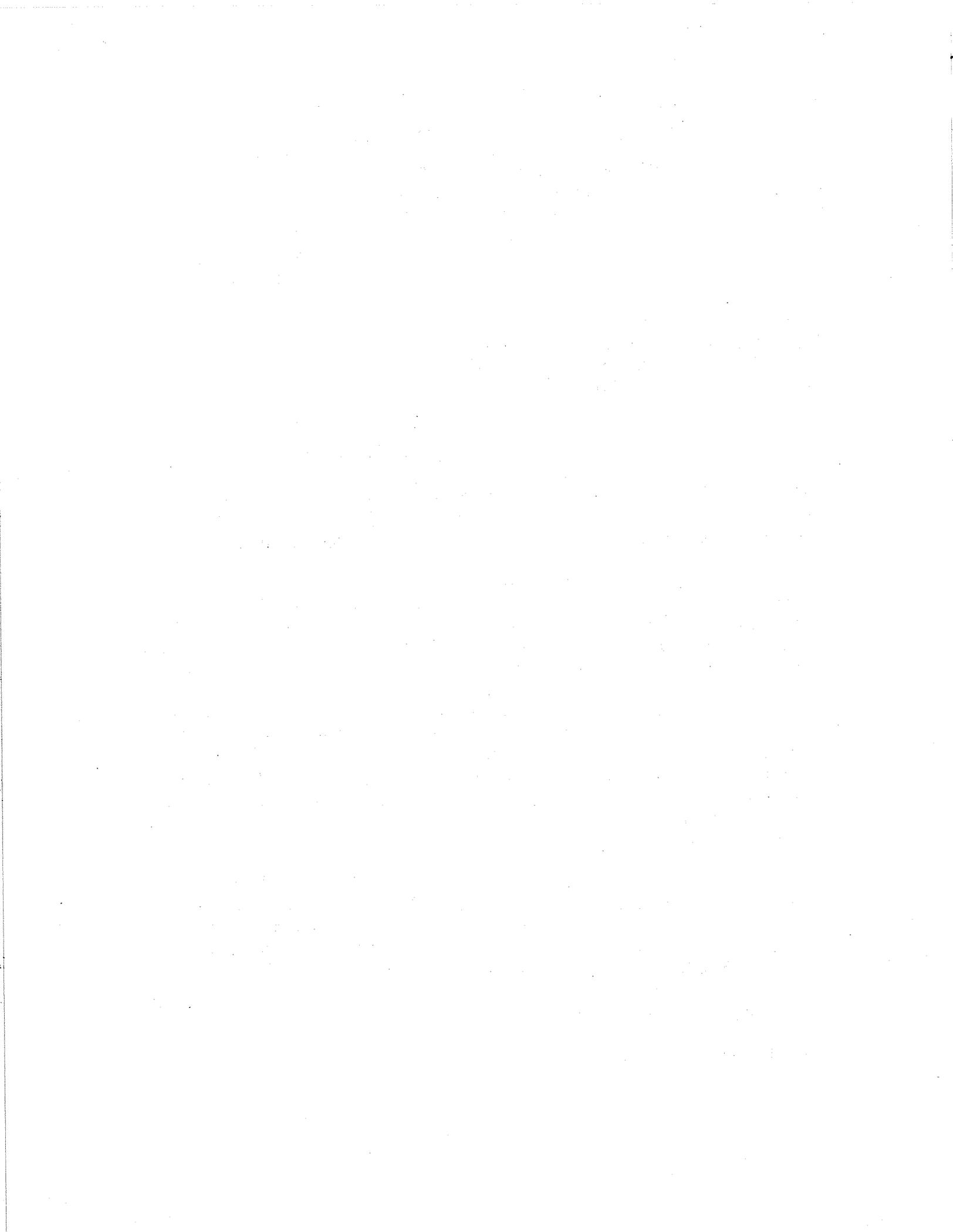
Some cities and villages have used this section under current law to force the county to adopt the city or village plan or official map and impose it on the extraterritorial area of the city or village in the town. The current law forces the county to take the city or village plan and map “without change,” even if the town plan is different for the extraterritorial area of the city or village.

Cities and village have other means to work with the town and county and protect their boundary interests through intergovernmental agreement authority, extraterritorial zoning (which is an agreed upon zoning with the town); and extraterritorial plat review (which is still unilateral authority of the city or village). ***SB 112 will actually encourage more cooperative agreements between towns and neighboring cities or villages, rather than allow the city or village to impose their will upon the town through the county development plan.***

Wisconsin Towns Association believes the county development plan which controls the town land and citizens in the extraterritorial areas should not be imposed upon the town by the city or village. Towns want to be able to work with the county to develop the county plan that protects the town interests and not have the city or village plan and official map imposed upon them “without change.”

Please support passage of this bill.

Thank you for your consideration.





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To: Assembly Committee on Urban and Local Affairs
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: April 23, 2013
Re: AB 122, Incorporating Municipal Master Plans into the County's Development Plan

The League of Wisconsin Municipalities opposes AB 122, repealing the requirement that city and village master plans be incorporated into a county development plan. The bill also repeals the requirement that a county development plan include municipal official maps.

Municipal master plans and official maps can, and often do, include areas outside of the municipality's boundaries. It is critical that a city or village plan for future development that might occur on its fringe. Communities want to make sure that development outside the city or village is consistent with the pattern of development within the municipality. For example, locating a fertilizer or other manufacturing plant near a city residential development is not sound planning. Also, areas on the fringe of municipal borders may be annexed at some point and it is imperative that the city include such areas in its master plan.

Current law ensures compatibility between the county's development plan and the incorporated municipality's master plan, particularly with respect to the extraterritorial areas covered by the municipality's master plan.

If AB 122 is enacted, a land owner or developer located on the outside edge of a city or village will be covered by three separate and distinct land use plans: The neighboring city or village's plan, the county's plan, and the town's plan. This bill will add to a landowner's confusion and uncertainty as to which jurisdiction's land use plan controls. Under current law, at least the county and the municipal comprehensive plans are consistent.

We urge you to vote against recommending passage of AB 122 and retain current law.

Thanks for considering our comments.

