



# TERRY MOULTON



WISCONSIN STATE SENATOR

23<sup>RD</sup> SENATE DISTRICT

**Senator Terry Moulton**

**Testimony on SB 112— relating to changing the elements that must be included in a county development plan**

**Senate Committee on Economic Development and Local Government**

**Tuesday, April 23, 2013**

Chairman, members, I appreciate the opportunity to speak to you today. Earlier this session, I was approached by the Towns Association to be the Senate author of the bill we have before us today. Senate Bill 112 may be the shortest piece of legislation I have ever authored as it would simply delete Sec. 59.69 (3)(b) of Wisconsin Statutes, which states;

The development plan shall include the master plan, if any, of any city or village, that was adopted under s. 62.23 (2) or (3) and the official map, if any, of such city or village, that was adopted under s. 62.23 (6) in the county, without change.

Senate Bill 112 is intended to address a situation where a city or village might force a township to accept their own plan against the will of the town. This could impact property owner's lot sizes or a variety of other land use issues covered by local comprehensive plans.

Even with this change in the statutes, towns, villages, cities, and counties will still be able to cooperate with each other in order to have consistent comprehensive plans. Working together to agree on appropriate and consistent plans will help to avoid the conflict of different decisions based upon conflicting plans.

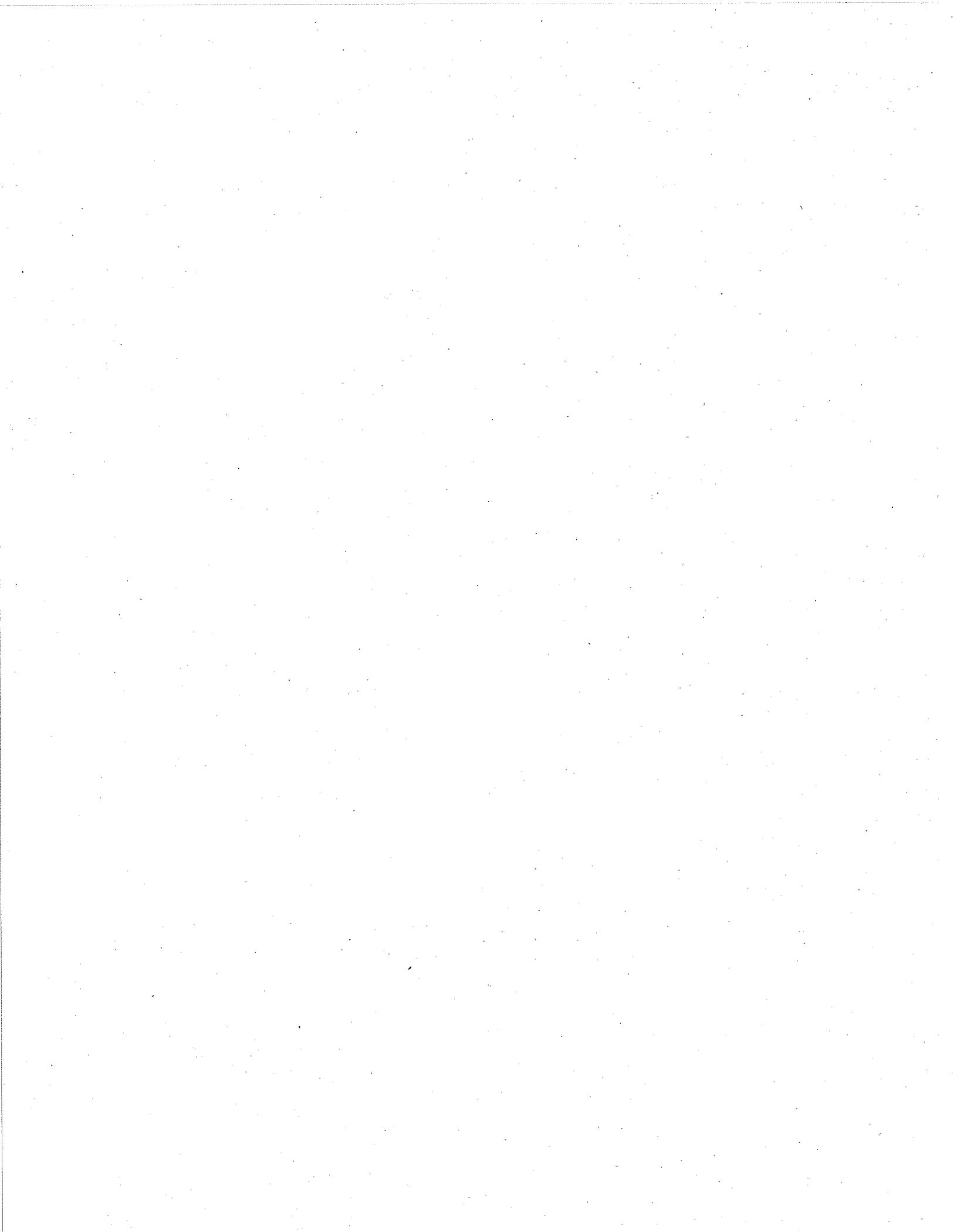
Thank you again for allowing me to testify today in support of Senate Bill 112.

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## 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.





# ANDRÉ JACQUE

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P.O. Box 8952  
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TO: Members of the Senate Committee on Economic Development and Local Government

FROM: Representative André Jacque

DATE: April 23, 2013

RE: Senate Bill 112

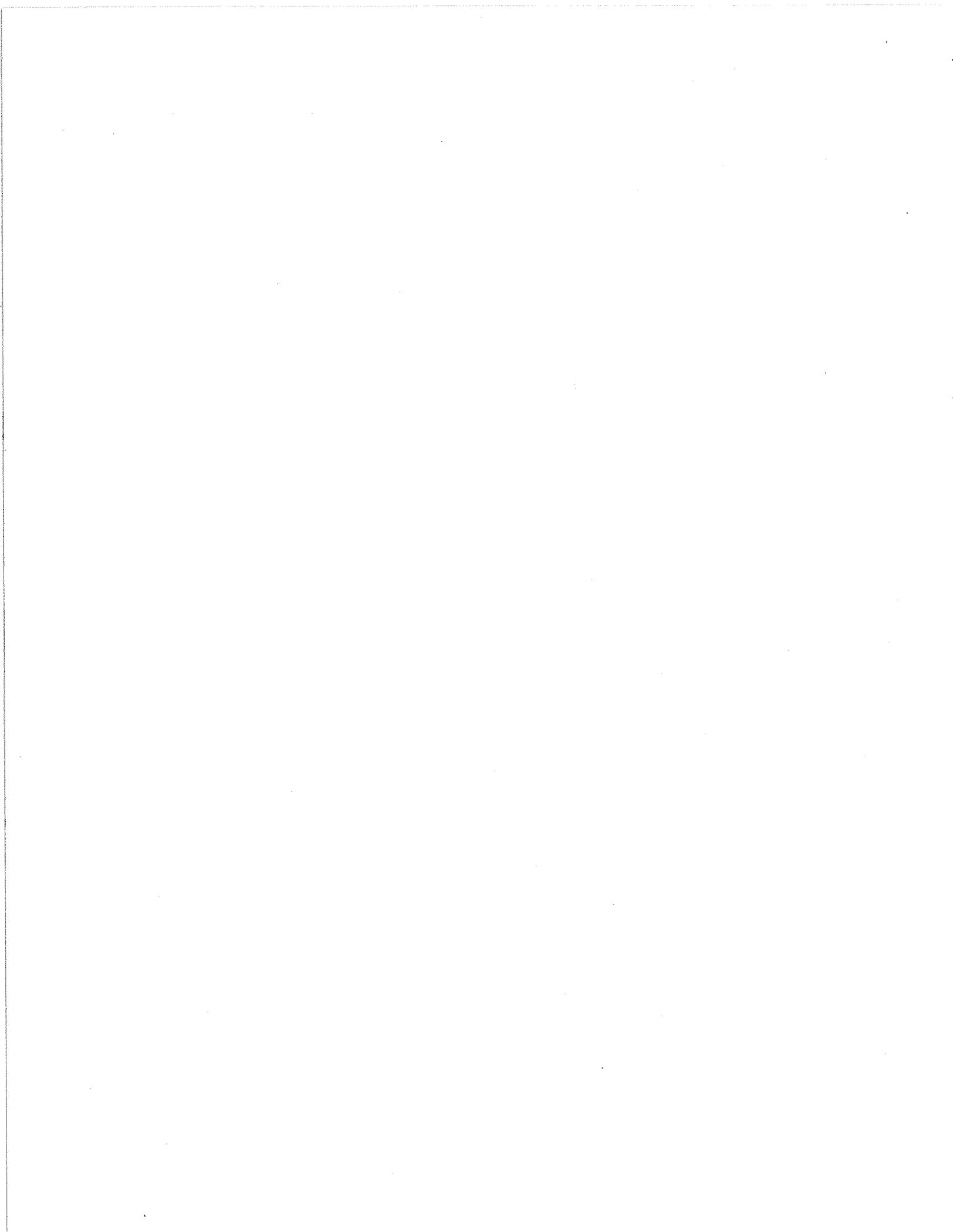
Chairman Gudex and Committee Members:

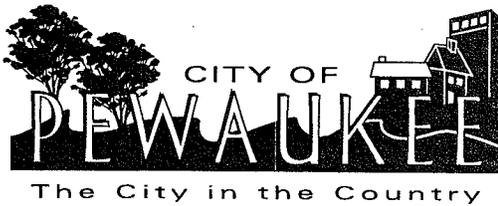
Current law mandates that counties adopt city and village comprehensive plans without change when the county develops its comprehensive plan. As a result, town comprehensive plans can be overruled, and cities and villages can control land use within 3 or 1 1/2 miles of an adjacent town depending on the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

Senate Bill 112 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 Senate Bill 112.





## Planning Department

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(262) 691-0770 Fax: 691-1798

**DATE:** April 9, 2013  
**TO:** Wisconsin Senate Committee on Economic Development and Local Government  
**SUBJECT:** SB 112 Hearing on April 23, 2013

Honorable Chairman and Members of the Committee,

My name is Harlan E. Clinkenbeard and I am the City Planner for the City of Pewaukee with over 55 years experience in town, village, city, county and regional planning. With apologies that I am unable to attend your meeting, I write to request that the Committee reject Senate Bill 112.

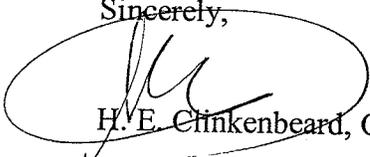
Senate Bill 112, proposes to eliminate the current long-standing requirement that any county that creates a "County Development Plan" or its counterpart, "County Comprehensive Plan", must incorporate any duly-adopted city or village comprehensive or land use plan or official map into the county plans without change. The current language of the law was written to ensure that counties could not superimpose their general planning jurisdiction and their separate physical plans on city and village territory, thereby causing conflicts of planning, plans, land development, zoning and other regulatory implementation of such plans. Passage of SB 112 would open the door to such conflict and could cause far-reaching problems for cities and villages in the state and lengthen if not curtail economic development due to disagreements between counties and municipalities over planning and plan implementation matters.

Except in a small number of cases, Wisconsin counties do not have general land use planning or zoning jurisdiction within cities and villages. In most cases municipalities and counties throughout the state work well together to make sure that their individual plans and planning are compatible. Current law ensures that compatibility. The passage of SB 112 would change that.

The purpose of this proposed change in the law is not clear. Perhaps if we knew the purpose we could meet with the instigators of the bill and reach a mutually agreed upon answer to their concerns that is not detrimental to cities, villages, towns or counties. We would welcome the opportunity.

Thank you for your patience and your consideration.

Sincerely,

  
H. E. Clinkenbeard, City Planner

HEC/ah  
cc: Mayor  
City Administrator  
Wis. League of Municipalities





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To: Senate Committee on Economic Development and Local Government  
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities  
Date: April 23, 2013  
Re: SB 112, Incorporating Municipal Master Plans into the County's Development Plan

The League of Wisconsin Municipalities opposes SB 112, 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 SB 112 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 112 and retain current law.

Thanks for considering our comments.

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