



October 2, 2023

RE: LRB-4336/1 - "Urban Towns, Mandatory Connection" Bill

Greetings Wisconsin Legislature Elected Officials,

Thank you for the opportunity to share this testimony regarding LRB-4336/1. Urban Planners work in towns, villages, cities, and counties throughout the state. Our profession facilitates fiscally responsible development and works to improve the quality of life in our communities. We work closely on many technical issues on the local level, including annexations and utility extensions. Our professional organization has members that work for both sides of annexation and utility extension debates. We hope to offer some clarity on the impacts this bill will have on local development.

The bill asserts to be pro-development, but in practice it would be the opposite. Towns often have more restrictive zoning laws than their neighboring municipalities. This bill effectively removes a city or village's ability to annex town land and rezone it to enable development. A real-world example, which we believe is part of the impetus behind this bill, is the Town of Washington's dispute with the City of Eau Claire. A large residential subdivision was proposed in the town and rejected by the town board. Then, the developer sought annexation into the city to get a deal done. The case is currently under litigation, but this bill would effectively prohibit the developer from constructing the subdivision.

We expect the bill to result in uneven development and haphazard municipal boundaries, things that are discouraged under current law. That contradicts the legislature's recent push to promote creative collaboration between units of government to provide services. Instead, it would result in Swiss cheese municipal boundaries that increase intergovernmental inefficiencies.

The bill does not adequately consider financial reasons a city or village may decide to not extend sewer service to a town. The cost to provide sewer services is much higher in a rural area than in an urbanized one. Limiting sewer service to areas with urban growth patterns is most cost effective, generates more tax base for the state, and preserves farmland by consuming less land than low-density development in unincorporated areas. This bill removes a key tool that prevents financially unsustainable development patterns and maintenance costs for local governments.

Lastly, there are many other important situations that the bill does not contemplate. There is no mention of an "urban town" needing to have an adopted and up to date Comprehensive Plan, which by state law must be in place for consistency with any future zoning or subdivision changes. Under current law, incorporated municipalities can plan for infrastructure and community facilities beyond their borders through an adopted Official Map; however, the bill undercuts a local government's ability to use this process to plan these improvements in logical and fiscally responsible ways. The bill also does not address what happens to existing cooperative plans or intergovernmental agreements. These are just a few examples of the many unintended impacts of this bill.



American Planning Association
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Ultimately, a town that wants to prevent annexation has options available to it under current law. They can either enter into a cooperative plan or intergovernmental agreement with the neighboring municipality, or they can incorporate to become a new village or city. Likewise, local governments can already extend water and sewer service beyond their municipal borders with mutual agreement between the two communities. Imposing a mandate to require service extensions would eliminate this system of mutual consent that is the basis for all good intergovernmental cooperation. In summary, the Wisconsin Chapter of the American Planning Association strongly recommends the Legislature not move forward with the proposed legislation as written for the reasons stated above.

Thank you for your consideration. We are happy to answer any questions you may have on this complex and important issue.

Sincerely,

Heather Cleveland, AICP
VP Policy and Advocacy
American Planning Association Wisconsin Chapter

Drafted by Scott Heacock
Contribution and Review by APA-WI Legislative Committee