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**Advocacy Digest | February 27, 2024**

**Brad Boycks, Executive Director**

**Bill to Establish Right of Way Special Exemption Passes Senate, Sssembly**

Recently, both the state Senate and the state Assembly voted unanimously in favor of our efforts to provide a process for landowners to receive a “special exemption” from the Wisconsin Department of Transportation (WisDOT) to place certain items in the highway setback. The provisions outlined in Senate Bill 413 (SB 413) are the culmination of working with members on a common-sense solution to an issue that goes back more than a decade.

SB 413 demonstrates a thoughtful approach to collaboration with stakeholders, and we appreciated the efforts made to engage with our organization. Over the past several years, WBA has collaboratively engaged with officials from the WisDOT to establish a clear framework for developers. This framework aims to facilitate the placement of specific improvements in the setback of a state highway, while acknowledging that developers may not be compensated for these improvements in the event of a highway expansion.

Finally, we have reached out directly to officials at the WisDOT and members of Governor Evers’ policy staff to ensure there are no issues with getting SB 413 signed into law to finally conclude this long process.

Thank you to all the members who have provided guidance in the drafting of this bill and those who have contacted their member of the state Senate and state Assembly asking them to support SB 413.

**Urban Towns Legislation Dies with End of Session in State Assembly**

The State Assembly recently concluded its business for the 2023-2024 legislative session, which did not include moving Assembly Bill 768 (AB 768) out of committee to receive floor action. AB 768, also known as the "Urban Towns" bill, as labeled by the bill authors and the Wisconsin Towns Association, the bill's leading advocate. The inaction by the state assembly to advance the bill prior to adjournment guarantees this bill will not pass this legislative session.

Previously, the senate version of the legislation, SB 691, received a public hearing in the Senate Committee on Transportation and Local Government on January 10.

In essence, AB 768/SB 691 proposed to allow certain towns that meet specific metrics outlined in the bill to reclassify themselves as "urban towns." To achieve this reclassification, a town must meet certain requirements and obtain approval through a vote at a town meeting. Some key requirements include:

The town must have a population exceeding 5,000 and a population density of 750 persons per square mile.

* The town should provide law enforcement services.
* The town must have enacted a subdivision ordinance.
* The town should have enacted a zoning ordinance or be subject to county zoning.

If a town successfully votes to reclassify as an "urban town," it would no longer be subject to extraterritorial zoning or plat approval by a neighboring city or village. Additionally, any future "significantly developed territory" could only be annexed by a city or village with unanimous approval from the affected property owners.

The idea of establishing a different type of town, rather than incorporating into a village or city, has been in existence for nearly 30 years and has faced opposition from the Wisconsin Builders Association (WBA), viewed as a strategy to impede annexation and hinder future development. Previous attempts allowed for the creation of "charter towns."

WBA reached out to various developer members across the state, confirming their longstanding opposition to the policy goals of AB 768/SB 691 in creating "urban towns."

In conclusion, WBA believes that finding middle ground on such a significant issue in the last few months of the 2023-2024 legislative session would have been challenging. WBA has proposed the idea of establishing a Legislative Council Study Committee to review town, city, and village procedures on annexation, as well as the issue of extraterritorial zoning and plat approval. A deliberate and thoughtful conversation this summer could enable town officials, city/village officials, legislators, and WBA developer/builder members to review current state statutes and propose changes to streamline the development process, encouraging more single-family home construction statewide.