

Cynthia Richson, Town of Middleton, Town Board Chair
Testimony FOR 2025 Assembly Bill 885, relating to limitations on
extraterritorial subdivision ordinances of incorporated municipalities, re:
Assembly Committee on Local Government Public Hearing on January 21, 2026

We applaud the leadership of the Representatives and Senators that introduced and cosponsored this bill, including a special thank you to Representative Karen Hurd and Senator Patrick Testin. We appreciate your work to protect the rights of towns and landowners.

The Town of Middleton strongly SUPPORTS this bill.

1. The Majority of States Do Not Have Extraterritorial Jurisdiction

As Representative Hurd recently stated, Wisconsin is one of only twelve states that have extraterritorial jurisdiction (a/k/a “ETJ”). In other words, ETJ is not the norm in other states.

Under Wisconsin Statutes, cities and villages have the authority to exercise extraterritorial planning, platting (subdivision review), and official mapping by right. This ETJ authority means that the City of Middleton can review, and approve or reject, subdivision plats in the Town of Middleton within three miles outside of the boundaries of the City of Middleton - essentially the entire Town of Middleton. This is regulatory overreach and can adversely affect landowner rights.

The Town of Middleton already engages in extensive land use planning and review under its Land Division and Subdivision Ordinance. Any additional ETJ regulatory burdens that may be imposed by the City of Middleton in the Town of Middleton, would only add unnecessary expense, delay, and bureaucracy,

Moreover, ETJ is based on the flawed view that all towns should eventually be annexed out of existence by adjacent cities and villages. For example, in Dane County, the Town of Madison disappeared in 2022; and the Town of Blooming Grove will follow in 2027, and the Town of Burke in 2036.

2. One Size Does Not Fit All

Towns are far more than just mere land banks for future city and village control and development as opined by the League of Wisconsin Municipalities in its 1/9/26 Capitol Alert Memo AGAINST this bill.

Towns have their own unique sense of identity, purpose, and community. Town government is created by Article IV, Section 23 of the Wisconsin Constitution, and Wis. Stats. Chapter 60 applies specifically to towns.

3. Towns Are an Essential Part of the Economy and the Fabric of Wisconsin

a. Invaluable Farmland

Town land is where we grow food. Dane County and its surrounding area is home to some of the richest farm soil in this country. Farmers here are able to grow a wider variety of crops than those in many other regions. Farm soil is a limited resource. Once it is converted to another use, it's gone forever.

According to the UW-Madison Extension:

Family-owned farms, food processors and agriculture-related businesses generate thousands of jobs and millions of dollars of economic activity for Dane County while contributing to local income and tax revenues...Dane County is among the states' most productive agriculture counties and is representative of the strong role agriculture plays in Wisconsin's economy.

b. Benefits of Natural Areas and Open Spaces

Natural areas and open spaces in towns protect biodiversity, provide for wildlife, native and migratory bird habitats, and help mitigate harm from stormwater runoff and disasters such as the August 2018 flood in Dane County. Natural, native prairie, and oak savannah areas also contribute to an enhanced quality of life for town residents, cleaner air, and enhanced outdoor recreation opportunities.

c. Town Governance, Community, and Identity

Moreover, and as well stated by the Wisconsin Towns Association:

Town government has a long history in Wisconsin, brought to the state by New Englanders in the early 19th century. No other form of government is as connected to the people as town government, where the people govern themselves - direct democracy where the people vote on decisions directly at a town meeting. Town officials apply common sense leadership and practical solutions to everyday local situations without the politics and partisanship that can envelop bigger, bureaucratic government. Towns are the most frugal and efficient form of government in Wisconsin and they provide a broad array of services, and are also responsible for 61,673 miles of roads, over half of Wisconsin's highways.

4. Town of Middleton

The Town of Middleton adopted village powers in 1978 at its Annual Meeting of Town Electors. The Town has a large population that has grown to 7,163 people. It is noteworthy that our neighbor to the west with whom we have a cooperative, informal working relationship, the Village of Cross Plains, has a much smaller population of 4,271 residents.

In addition, the Town of Middleton has a comprehensive cooperative agreement with the City of Madison, our neighbor with whom we share a boundary, and a positive working relationship. In contrast, after repeated Town attempts to solicit cooperation with its other adjacent neighbor, the City of Middleton, we do not have a similar comprehensive cooperative agreement. The inability to obtain cooperation for a comprehensive agreement leaves the Town of Middleton vulnerable to the exercise of three miles of ETJ by the City of Middleton over Town landowners and Town lands – again, this essentially covers most of the Town.

5. Summary

The Town of Middleton strongly SUPPORTS this ETJ bill, the Wisconsin Towns Association's goal to codify existing case law, and the bill's common-sense provision that provide towns with the practical ability to enforce their legal rights when they are infringed upon by adjacent cities and villages.