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TO: ZLR Committee
FROM: Majid Allan
DATE: September 2, 2016
RE: Summary of Cooperative Planning Agreements between City of Madison, and towns of Blooming Grove, Burke, Madison, and Middleton

This memo provides a summary of the cooperative plans between the city of Madison and its neighboring towns of Blooming Grove, Burke, Madison, and Middleton. The individual cooperative plans between the city and towns share a common purpose statement:

“The cooperative plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory covered by the plan which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.”

The cooperative plans for the city of Madison and the towns Burke and Madison also involve the neighboring jurisdictions of DeForest and Sun Prairie, and Fitchburg, respectively. The cooperative plans follow an almost identical model and are designed to reduce annexation disputes, protect certain town lands and tax base, facilitate revenue sharing, and to guide the eventual dissolution of the towns (or portions of the towns) to their neighboring cities and villages. They also provide for city / village oversight of land use changes during the terms of the plans.

A map is attached showing the areas covered by the various cooperative plans, and below is an overview of the common features of the agreements.

Activities governed by the plans: “Development”, signage, stormwater & erosion control, annexation, revenue sharing, others.

Development

Most “development” in the areas covered by the plans is subject to approval by the respective municipality (Madison, DeForest, Sun Prairie), and must be consistent with city/village “development requirements”, which includes the municipality’s comprehensive plan and numerous other ordinances.

Development is defined in the cooperative plans as: “...*division of land, or construction of more than one principal structure on a parcel of land, or rezoning a parcel from a residential or agricultural classification to a non-residential classification. Use or division of land by the Town or City for governmental purposes does not constitute development.*” (emphasis added)

The comprehensive plans of the respective cities/villages are to be used when reviewing any development proposals during the term of the plan. The town’s comprehensive plan is also to be used to guide decisions on any town lands not covered by the city / village comprehensive or neighborhood plans.

Stormwater & erosion control

The cooperative plans also provide for joint planning and cooperation in the management and control of stormwater, and also call for cooperation to find mutually acceptable solutions to issues concerning the operation of quarries and non-metallic mines on town parcels adjacent to the city. This would include, for example, the Buckeye Quarry operated by Yahara Materials in the town of Blooming Grove.

Annexation

The plans include provisions regarding the procedure and timing of annexations, with some town lands protected from annexation in order to preserve town tax base, and some lands slated for early attachment to the respective city/village. The plans vary in the level of detail, with some referencing specific parcels of land for special treatment (particularly the case with the town of Madison, city of Madison/Fitchburg plan).

City of Madison / Town of Blooming Grove Cooperative Plan

<http://mds.wi.gov/View/BoundaryAgreement?ID=43>

- **WI DOA Summary:** This cooperative boundary plan provides for the eventual dissolution of the Town of Blooming Grove over a period of 21 years to the City of Madison and Village of McFarland. The agreement provides for revenue sharing and ensures the solvency of the Town until dissolution as well as job continuity for Town employees. It implements existing intergovernmental plans among Blooming Grove, Madison, and McFarland, and establishes a joint planning area between the City and Town.
- **Term of the plan:** February 18, 2005 through October 31, 2022 (town will be permanently dissolved as of this date). Note that the cities of Madison and Fitchburg have submitted a joint proposal to the town of Madison to expedite the final dissolution to some time in 2017 (see attached Cap Times article).

It's important to note that division of a 5 acre or larger parcel into only 2 lots for residential development *is not* considered development and *is not* subject to city review and approval.

- **Areas covered by the plan:** The plan applies to all town lands lying north of Siggelkow Road, which represent the vast majority of the town's remaining land base. The town agrees not to challenge any attachment of lands to the city as provided for in the plan. The remaining ~400 acres of town land lying south of Siggelkow Road would be attached to McFarland as of October 31, 2027.
- **Phased attachments to Madison prior to dissolution:** The plan specifies two *potential* phased attachments to the city of Madison of lands east of I-39/90. The first could occur in December 2015 and the second in December 2020. The phased pre-dissolution attachments could occur *without* the consent of affected property owners. Any number of "intermediate" attachments to the city may be requested by individual property owners throughout the plan period.

City of Madison / City of Sun Prairie / Village of DeForest / Town of Burke Cooperative Plan

<https://www.cityofmadison.com/planning/pdf/BurkeDe.pdf>

- **WI DOA Summary:** This cooperative boundary plan agreement provides for eventual dissolution of the Town over 30 years to the Cities of Madison and Sun Prairie and the Village of DeForest. The agreement ensures solvency of the Town until dissolution, and job continuity for Town employees. It permits early attachment for willing landowners, establishes joint planning areas and revenue sharing, clarifies existing intergovernmental plans, and consolidates parcels split across multiple jurisdictions.

- **Term of the plan:** January 5, 2007 to October 26, 2036 (town will be permanently dissolved as of this date).
- **Activities governed by the plan:** Any and all “development” is subject to approval by the respective city / village to which the land will eventually be attached. Development is to be consistent with the respective city / village “development requirements”, which includes comprehensive plans and numerous other ordinances. The town of Burke comprehensive plan acknowledges the precedence of the cooperative plan and city / village plans/ordinances over most land use decisions.
- **Areas covered by the plan:** The entire town is divided into 3 “Boundary Adjustment Areas” that delineate lands to eventually be attached to the 3 municipalities.

City of Madison / City of Fitchburg / Town of Madison Cooperative Plan

<http://mds.wi.gov/View/BoundaryAgreement?ID=16>

- **WI DOA Summary:** This cooperative boundary plan provides for eventual dissolution of the Town, transfers Town territory to the Cities of Madison and Fitchburg, transfers territory between the Cities of Madison and Fitchburg, provides protection for Town of Madison employees, ensures services for Town residents, and provides for revenue sharing. A 2007 amendment to the parties' 2003 cooperative boundary plan agreement identifies two areas that may attach sooner than 2022 if certain defined types of redevelopment is proposed. This amendment also specifies the town's building code enforcement responsibility and establishes a process for the City and Town to discuss redevelopment proposals.
- **Term of the plan:** October 10, 2003 to October 30, 2022 (or earlier – town will be permanently dissolved as of this date).
- **Activities governed by the plan:** Under the terms of the plan, the cities of Madison and Fitchburg were to implement extra-territorial zoning (ETZ) agreements with the town, along with joint exercise of land division authority. These actions would have effectively governed all land use decisions in the town during the term of the plan. However, both cities never followed through on implementing ETZ. As a result, county zoning and land division authority still applies, with both cities exercising ETJ authority over any proposed land division within their respective areas.
- **Areas covered by the plan:** The entire town is covered by the cooperative plan with areas delineated for eventual attachment to either Fitchburg or Madison.

City of Madison / Town of Middleton Cooperative Plan

<http://mds.wi.gov/View/BoundaryAgreement?ID=17>

- **WI DOA Summary:** This cooperative plan establishes the permanent westerly boundary of the City and transfers long peninsulas and Town islands that resulted from annexations to the City. It also sets conditions for municipal services and attachment to the City, and limits City exercise of extraterritorial platting. It includes provisions within previous agreements between the City and Town negotiated in 1994 and 2002.
- **Term of the plan:** December 11, 2003 to February 3, 2042 (any remaining town lands east of established final boundary line will be attached to city of Madison as of this date).

- **Activities governed by the plan:** Under the plan, development of town land within the boundary adjustment area (easterly areas of the town) is subject to conditional approval by the city in accordance with city plans and ordinances. The plan outlines the process for annexation / early attachment of town lands to the city within the boundary adjustment area. The plan also includes provisions for revenue sharing with the town, extension of city services, and application of certain city development standards to development occurring in the town.
- **Areas covered by the plan:** The entire town is covered by the cooperative plan, but the areas principally affected are the transition / boundary adjustment areas lying east of the final town / city boundary. Pioneer and Meadow Roads effectively delineate the western boundary of the city, with Blackhawk and Mid-Town Roads serving as northerly and southerly boundaries, respectively.