

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE TOWN OF SPRINGFIELD
AND THE VILLAGE OF WAUNAKEE, DANE COUNTY, WISCONSIN

The Village of Waunakee (the “Village”) and the Town of Springfield (the “Town”) in Dane County, Wisconsin, desire to enter into an agreement to promote intergovernmental cooperation, joint planning, and the preservation of farmland and natural areas in the Town. Therefore, having determined it to be in the public interest, and under the authority of Wis. Stat. § 66.0301, the Village and the Town agree as follows:

1. **Village Extraterritorial Jurisdiction.** The Town acknowledges the Village’s extraterritorial jurisdiction for purposes of comprehensive planning, official mapping, and subdivision plat and certified survey map review. Both municipalities also acknowledge adjustments to the Village’s extraterritorial jurisdiction that may result from future municipal boundary changes or from reclassification of the Village to a city. If the Village becomes a city, all references to the Village will apply equally to the city.
2. **Village Responsibilities.** Over the term of this Agreement, the Village agrees:
 - a. Not to annex into the Village any lands in the Town, unless granted express approval by the Town Board, or as otherwise provided herein.
 - b. Not to request expansion of the Waunakee Urban Service Area into any lands in the Town, unless granted express approval by the Town Board, expansion is ordered by the Wisconsin Department of Natural Resources or a court with jurisdiction, or as otherwise provided herein.
 - c. Not to oppose land divisions or subdivisions in the Town within the extraterritorial jurisdiction of the Village provided such land divisions or subdivisions are substantially consistent with the Village’s Rural Preservation Planning Area Policies in **Exhibit A**, or the Village’s Land Division Ordinance as of the effective date of this Agreement, except as otherwise prescribed in paragraph 4 and except that subdivisions and land divisions are permitted in the Rural Neighborhood Area shown on **Exhibit B**.
 - d. To provide the Town with a copy of all application materials a reasonable time before taking action in order to allow the Town to submit comments on any requested annexation, rezoning, conditional use permit, subdivision plat or certified survey map on lands within or adjacent to the Town before the Village takes final action on such applications. Failure to comply with this paragraph shall not be considered a breach of this Agreement unless such failure is habitual or intentional.

- e. Not to prohibit or limit Town farm operators and delivery trucks to use Village roads when such roads are the most direct routes to and from the associated farms in the Town.
- f. Not to impose Village requirements for public improvements, including but not limited to curb, sidewalk, street lights, and street trees, within that part of its extraterritorial jurisdiction in the Town.

3. Town Responsibilities. Over the term of this Agreement, the Town agrees:

- a. Not to approve any subdivisions within the Village's extraterritorial jurisdiction, except in those areas identified as Rural Neighborhood Areas in **Exhibit B**. For purposes of this Agreement, the definition of "subdivision" shall be the definition appearing in the Dane County Land Division and Subdivision Regulations at the time of the proposed subdivision.
- b. Not to approve rezoning of any land lying within the Village's extraterritorial jurisdiction to any of the current or future commercial, industrial or business zones under the Town Zoning Ordinance, except where such rezoning converts Dane County "legacy" zoning to the closest parallel Town zoning district without increasing the land area so zoned, or otherwise when approved by the Village Board. This provision shall not forbid the Town from approving new conditional use permits or modifying existing conditional use permits in existing commercial zones in the Town. The Town will provide the Village with a copy of all application materials for rezonings and conditional use permits described in this paragraph a reasonable time before taking action, to allow the Village to submit comments before the Town takes action on such applications. Failure to comply with such notice shall not be considered a breach of this Agreement unless such failure is habitual or intentional.
- c. To allow Town acquisition of conservation easements or the transfer of development rights within the Village's extraterritorial jurisdiction only if approved by the Village Board, except that the Town may enable the transfer development rights to the Rural Neighborhood Areas in **Exhibit B** without such Village Board approval.

4. Village and Town Mutual Responsibilities. The Village and Town mutually agree, during the term of this Agreement:

- a. Not to amend their respective comprehensive plans as they affect lands within that portion of the Village's extraterritorial jurisdiction in the Town, including, but not limited to, the policies and maps in the exhibits to this Agreement, unless the other party agrees to such an amendment by approval of its Board. Any such mutually-approved amendment to a policy or map in such exhibit shall control for the purposes described in this Agreement.

- b. To cooperate on future bicycle off-street path and/or on-street bicycle route planning, with the goal of safely connecting Waunakee to Springfield Corners. This paragraph does not require either party to construct a bicycle facility.
- c. To maintain and enforce erosion control and storm water management standards at least as restrictive as proscribed in that version of Section 14.46 of the Dane County Erosion Control and Storm Water Management Ordinance in effect on the date of this Agreement.
- d. To recommend and require, where possible, the introduction and maintenance of Best Management Practices as included in the U.S. Department of Agriculture – Natural Resource Conservation Service Technical Guide as a means to control storm water runoff quality and quantity from farmland.
- e. To maintain 2004 agricultural drainage patterns over lands that remain in farmland within Sections 1 and 12 of the Town in order to limit flood losses. This may be accomplished by either (a) maintaining 2004 surface water flow rates and volumes within the Six Mile Creek and its tributaries when approving any annexation, rezoning, conditional use permit, subdivision plat, certified survey map, or other development proposal over lands including or bisected by such creek or tributaries, or (b) providing for comparable flow and storage capacities by other means.
- f. To explore streamlining the review of land divisions and subdivisions within that portion of the Village's extraterritorial jurisdiction in the Town where such divisions are consistent with both the Village's and Town's comprehensive plans.
- g. To oppose any decisions or actions by Dane County which are inconsistent with the provisions of this Agreement.
- h. Notwithstanding any other terms or conditions of this Agreement, to enable the land west of Hellenbrand Road and south of Kopp Road shown in yellow and designated as Community Residential on **Exhibit D** to be annexed to the Village without permission from the Town Board. Any such annexation shall be governed by the Wisconsin Statutes. Further, the Waunakee Urban Service Area may be extended to this same land without permission from the Town Board. For avoidance of doubt, Sections 2.a. and b. shall not apply to the annexation of or Urban Service Area expansion to such land under this Section 4.h.
- i. To limit non-farm development within Agricultural Preservation Areas in the Village's extraterritorial jurisdiction in the Town, as mapped in **Exhibit B**, in the manner indicated in **Exhibit C**, subject to the following additional limitations:
 1. Each deed restriction or conservation easement required under **Exhibit C** may be voided in the future by approval of both the Village and Town Board if the land is still in the Town, or by the Village Board alone if the land is in the Village at that time

2. New non-farm residences and their driveways shall be directed away from Group I or II soils, unless no other alignment is possible or all soils on the parcel are so classified.
 3. The provisions of Section 129-11(b)(5)-(8) of the Village's Land Division Ordinance addressing suitability for soil absorption sewage disposal systems are applied to prevent such systems in areas that have a high risk of failure or contamination to surface water or groundwater resources.
- j. To seek to protect the rural, agricultural character of lands within the extraterritorial jurisdiction of the Village that are visible from Highway 19, while still allowing rural residential development on lands designated as Rural Neighborhood Area on **Exhibit B**. Where new non-farm residential development is permitted under this Agreement, the visibility of such development from Highway 19 shall be minimized, subject to final determination of the Town Board, via techniques like thoughtful placement with respect to existing vegetation and/or topographic changes, setbacks, and/or the planting of new vegetation and/or berming.
5. Agreement Term. This Agreement shall be effective from the date it is approved and signed by both parties to a date that is 10 years following such approval and signature date.
 6. Future Planning. The Town and the Village shall meet periodically to discuss, and try to reach agreement on, land use and planning issues, but shall not be obliged to reach any further agreement or make concessions. The issues to be discussed shall include, but not be limited to:
 - a. Amendments and extensions of this Agreement.
 - b. Reconstruction of, and other improvements associated with, State Trunk Highway 19.
 - c. Development of the North Mendota Parkway.

TOWN OF SPRINGFIELD
Dane County, Wisconsin

12-7-2021
Date

By Jim Pulvermacher
Jim Pulvermacher, Town Chair

12-7-2021
Date

By Dianah Fayas
Dianah Fayas, Town Clerk/Treasurer

VILLAGE OF WAUNAKEE
Dane County, Wisconsin

12/8/2021

Date

By 
Chris Zellner, Village President

12/8/2021

Date

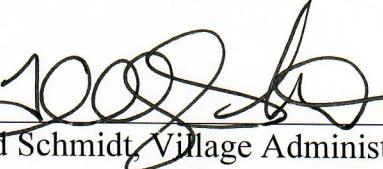
By 
Todd Schmidt, Village Administrator

Exhibit A: Rural Preservation Area Policies from 2017 Village Comprehensive Plan

FUTURE LAND USE CATEGORIES

The following sections describe policies associated with specific land use categories as assigned on the Future Land Use Map. Land division and zoning decisions by the Village and the Town should be consistent with the policies of the corresponding land use category on the map, and also with the other goals, objectives and policies described in this chapter.

RURAL PRESERVATION

"Rural Preservation" Planning Areas include land in the Village and the adjoining towns that is predominantly agricultural or open space and is in relatively large parcels that could be farmed or managed for resource protection. The intent of this Comprehensive Plan is to retain both the natural resource values and rural character of these areas.

Some of the land that is designated as Rural Preservation could be served by public infrastructure and may ultimately be developed. However, until the land within the Waunakee Urban Service Area is consumed, these areas should be maintained in agricultural, resource extraction, or open space uses. This plan envisions these areas remaining predominately rural until at least the year 2035.

1. The Village should continue to review all land divisions within the Village's statutory extraterritorial plat review

area, which extends one-and-one-half miles from the Village limits.

2. No new rural subdivisions (i.e. plats with five or more lots) should be permitted within Rural Preservation Areas.
3. Landowners may create individual rural lots by CSM providing that for each rural lot created a minimum of 40 acres is deed restricted to remain as permanent farmland.
4. Lots created by CSM should consume as little productive cultivated land as feasible.
5. Lots created by CSM should be located on areas with less productive soils.
6. Rural lots created by CSM and access to those lots should be located in a manner that does not break-up farm fields or otherwise make it impractical or inefficient to farm adjoining undeveloped areas.
7. New land uses should preserve mature woodlands to the maximum extent feasible.
8. No new lots shall be created or rezoning approved for commercial uses in Rural Preservation Areas except for agricultural-related businesses.
9. Allow agricultural production and resource extraction (e.g. quarries, gravel pits) within the Rural Preservation Area, subject to zoning and permitting requirements.



Source: Carol Mitchell via Flickr

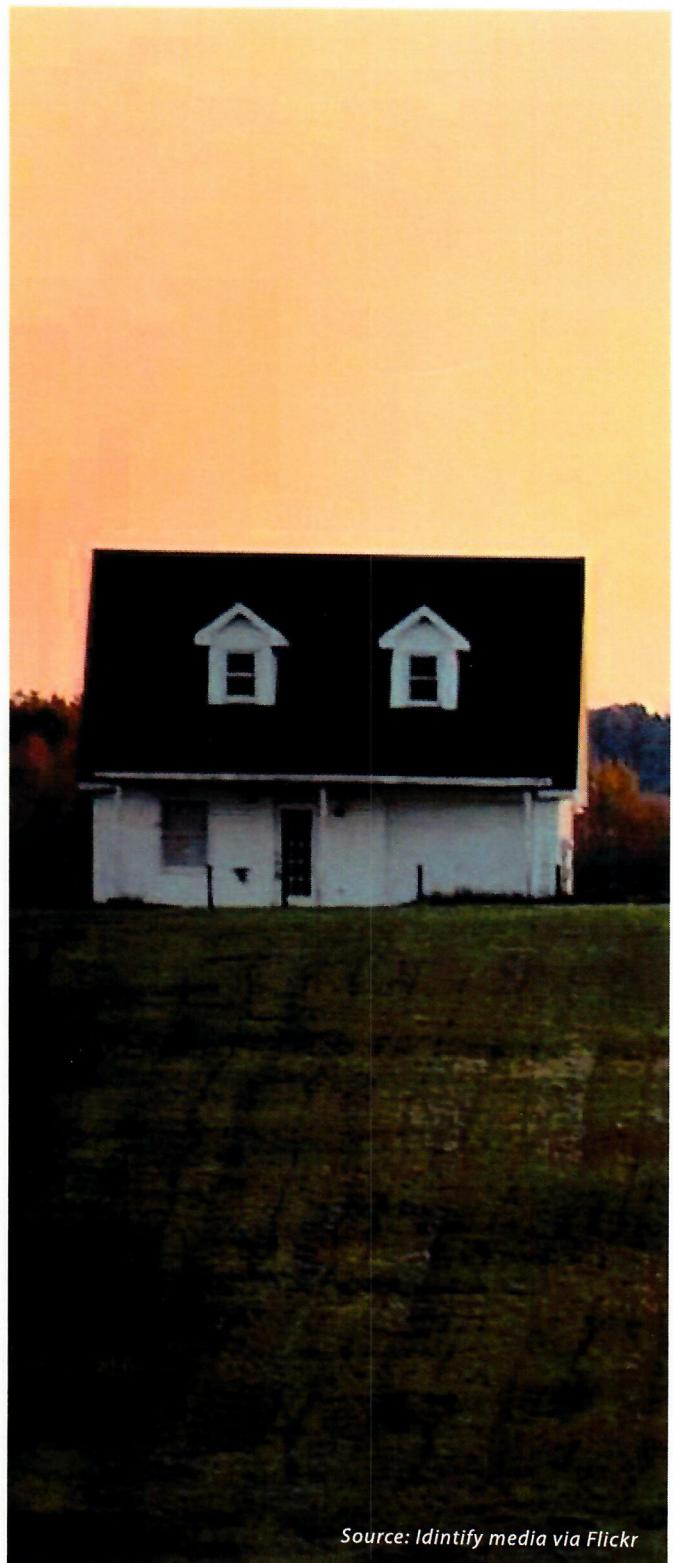
FUTURE LAND USE CATEGORIES

10. Rezoning of land from the Agricultural Exclusive District (A-1E) to less restrictive districts should be for the least land area feasible and should be limited to the parcel or lot where the land use change is proposed. New non-ag uses should not have an adverse impact on farming practices on adjoining land.

11. Maintain the viability of agricultural land uses by preventing the division of parcels that are designated as A-1 Exclusive Agricultural zoning, strictly limiting housing development in these areas (see agricultural uses on the Future Land Use Map).

- Farm-related residential rezone/land divisions in agricultural areas will be considered on a case-by-case basis.
- Any land division proposed under this exemption must deed restrict the remainder of the original parcel to be permanently maintained as an agricultural land use that cannot be developed.
- Any land division proposed under this exemption should be located in non-prime agricultural areas.

12. For lands in the Rural Preservation Area already zoned for a more intensive use than A-1 Exclusive Agriculture, rezoning to more intensive use classifications should be avoided.



Source: Identify media via Flickr

**Map
7**

**Town of Springfield
Comprehensive Plan**

Future Land Use

Future Land Use Categories

- Agricultural Preservation Area
- Agricultural Transition Area
- Rural Neighborhood Area
- Town Activity Center
- Conservancy Area
- Surface Water

- Waunakee Extraterritorial Jurisdiction Boundary
- Middleton Extraterritorial Jurisdiction Boundary
- Municipal Boundaries (Aug. 2018)
- State or County Highway
- Local Road
- Urban Service Area Boundaries (Jan. 2019)
- Sections & Numbers

Shapes on map represent general recommendations for future land use.
Actual boundaries between different land use categories and associated zoning
districts may vary somewhat from representations on this map.

0 1,500 3,000 6,000
Feet

Date: January 15, 2019

Sources: Dane County LIO & Dane County RPC
Vandeveire & Associates, Town of Springfield
Wisconsin DNR, Wisconsin State Historical Society, & City of Middleton.

TOWN OF SPRINGFIELD

Exhibit B: Future Land Use Map from 2021 Town Comprehensive Plan

Exhibit C: Agricultural Preservation Area Policies from 2021 Town of Springfield Comprehensive Plan

Figure 15: Agricultural Preservation Area Purpose and Policies

Purpose	Typical Implementing Town Zoning Districts	New Lot Sizes	Relationship to Town's Transfer of Development Rights (TDR) Program
<ul style="list-style-type: none"> Preserve productive agricultural lands in the long-term. Protect existing farm operations from encroachment by incompatible uses. Agricultural uses may involve noise, dust, odors, heavy equipment, use of chemicals, and long hours of operation. Promote investments in farming. Support farms of various sizes and characteristics. Maintain farmer eligibility for incentive programs, such as state income tax credits. Focus on lands actively used for farming, with productive agricultural soils, and with topographic and other conditions suitable for farming. Also includes scattered open lands and woodlots, farmsteads, agricultural-related uses, and limited single-family residential development at densities of 1 or below one home per 35 acres (see density and other development policies below). 	<ul style="list-style-type: none"> EA Exclusive Agriculture (state certified farmland preservation district) AE Agricultural Enterprise RC Resource Conservancy SFR Single Family Residential, and other districts that allow non-farm residences, where consistent with the density and other development policies below In the Town's determination, any rezoning away from an Exclusive Agriculture zoning district must be consistent with applicable density and other development policies below, the land must be better suited for a use not allowed in the Exclusive Agriculture district, and the rezoning may not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use. 	<ul style="list-style-type: none"> For newly created lots for non-agricultural purposes: between 1 and 5 acres, except where the Town Board determines a larger lot is advisable due to unusual land configuration, to better protect farmland, and/or to enhance rural or scenic character. For lots divided under the Town's TDR program, see the TDR rules and procedures document for detailed policies related to lot sizes. For newly created lots for agricultural purposes: 35 acres if zoned in the legacy A-1 (EX) district; 5 acres if zoned in the legacy A-4 district or the Town's EA district. 	<ul style="list-style-type: none"> See the TDR rules and procedures document, adopted and amended from time to time by the Town Board. Mapped Agricultural Preservation Areas are designated as TDR sending areas and as potential TDR "Type 2" or "Type 3" receiving areas for dwelling units transferred from other parts of the Agricultural Preservation Area, in exchange for the permanent preservation of such other lands. "Type 2" receiving areas cover certain legally created lots that are less than 40 acres in an Exclusive Agriculture zoning district—otherwise known as "small parcel [TDR] development" under the Town's TDR program. "Type 3" receiving areas allow development rights transfers between larger parcels in the Agricultural Preservation Area—otherwise known as "Preservation Area Splits" development under the Town's TDR program.

Density Policy (extends to next page)

Limit new development to a density of one dwelling unit per 35 acres held in single ownership as of April 16, 1979, except where greater density is allowed for "preservation area splits" under the Town's TDR program, per the following policies:

- Data Sources and Definitions:** The land owner's name and land ownership configuration as of April 16, 1979 will be determined using the 1979 Land Atlas and Plat Book for Dane County, published by Rockford Map Publishers, Inc., unless the Town or applicant is able to provide better information on ownership as of that date (e.g., tax records, deeds). Parcel size will be calculated based on gross acreage (including roads and navigable waters), determined using the most accurate source of parcel size information available, with Dane County digital parcel data being the preferred source in the event of disagreement. A "parcel" is defined as contiguous lands held in single ownership. "Single ownership" may include any combination of lands singly owned by one individual, jointly owned by a married couple including that individual, or owned by a partnership or corporation in which the individual was a member. To define "contiguity" of a parcel in single ownership, a public road, navigable waterway, connection at only one point, or intervening lands in the Conservancy Area, shall not be considered to break up contiguity.
- Contiguity:** In determining allowable dwelling units, contiguity of parcels is required in all cases where parcels were not in single ownership on both April 16, 1979 and the date of application for development approval. The Town will consider consolidation of allowable dwelling units from non-contiguous parcels in single ownership if the applicable parcels were in single ownership both on April 16, 1979 and on the date of application for development approval, and all parcels are within Springfield's planned Agricultural Preservation Area or Agricultural Transition Area. The total number of dwelling units allowed in such cases will be determined by dividing the total gross parcel acreage in single ownership by 35 in accordance with the "Rounding" sub-policy below. Further, prior to the rezoning becoming effective, a note or conservation easement shall be added to the deeds of all affected parcels indicating the effect of the transfer on the future development potential of those parcels.
- Parcels in Single Ownership Crossing Town Boundaries:** When there is a development proposal over such a parcel, the Town will work with the property owner, the other town, and the County to arrive at a mutually agreeable arrangement of allowable dwelling units over the parcel, considering the purpose of the Agricultural Preservation Area and the policies in this figure.

4. **Rounding:** The maximum number of dwelling units allowed on a parcel will be determined by dividing the number of gross acres owned as of April 16, 1979 by 35, with no consideration of fractions. For example, a maximum of two dwelling units may be permitted on a 90-acre parcel ($90/35=2$ or $20/35 = \text{truncate to } 2$). For the TDR Receiving Area in an approved "preservation area split", transfer under the Town's TDR program, the maximum number of dwelling units allowed on the Receiving Area parcel is twice this total.
5. **Farm Residences:** A farm residence built before April 16, 1979 shall not count against this density policy. A replacement to such a farm residence shall not count against this policy either, provided that the pre-existing farm residence will be demolished. Aside from such a replacement residence, any residence built after April 16, 1979 shall be considered one dwelling unit for the purposes of this density policy. In other words, new farm residences (but not replacements) count against the one dwelling unit per 35 acres density policy. Conversion of farm residences to or from duplexes is covered under the "Duplexes" sub policy below.
6. **Duplexes:** Each duplex built after April 16, 1979 shall count as two dwelling units for the purpose of this policy. The conversion of any single-family dwelling to a duplex after April 16, 1979 shall count as one additional dwelling unit for the purposes of this policy. If a duplex is later converted into a single-family residence, there shall be no restoration or increase in the number of allowable dwelling units resulting from that conversion.
7. **Commercial and Other Uses:** The following additional uses shall be considered the equivalent of one dwelling unit for the purpose of this policy:
 - a. Any commercial use requiring a rezoning away from an Exclusive Agriculture zoning district after March 1, 2002.
 - b. A freestanding telecommunication tower approved by Dane County or the Town after March 1, 2002.
 - c. A governmental, institutional, religious, or nonprofit community use.
 - d. A transportation, communications, pipeline, electric transmission, and utility use. Each wind turbine primarily for off-site energy distribution shall be considered the equivalent of one dwelling unit. Each 5-acre area used for solar panels, their ancillary structures, and required spacing, where primarily for off-site energy distribution, shall be considered the equivalent of one dwelling unit.

- Where one of the above non-residential uses is intended within a "Type 2" or "Type 3" TDR receiving area within the Agricultural Preservation Area, such use will require the transfer of a development right from a TDR sending area.
8. **Subdivision Plats:** Subdivision plats (five or more lots within a five-year period) are allowed within the Agricultural Preservation Area where the number of lots will be consistent with the density policy in this section and 80% of the residential development siting standards below. For example, a 220-acre parcel may be allowed six lots/dwelling units under the density policy, which would trigger a requirement for a subdivision plat.

9. **Land Sales After 1979:** Changes and reconfigurations in ownership of a single ownership parcel in existence on April 16, 1979 do not trigger new allotments of potential future dwelling units per the density policy. Landowners are encouraged to make clear in recorded documentation, such as a sales contract or warranty deed, how many potential future dwelling units are being transferred or retained when selling tracts of land over 35 acres. The Town may request that any supporting documentation be included with rezoning and land division proposals. Supporting documents may include, but are not limited to sales contracts, warranty deeds, affidavits, and written agreements. When land sales of more than 35 acres occur after April 16, 1979 without clear documentation between buyer and seller, or subsequent/current owners, any remaining potential future dwelling units will be allocated on a proportional basis among current owners of the April 16, 1979 parcel in keeping with the Town's density policy.

10. **Deed Restriction or Agricultural Conservation Easement:** Whenever a rezoning, land division, conditional use permit, or other land use approval results in a change in the number of remaining dwelling units or equivalents on the parcel, the Town intends, as part of such rezoning or other approval, the Town will require that a deed restriction, deed notice, or conservation easement be added to or modified for the parcel for which the approval is granted, indicating the number of dwelling units remaining under the Town's then-existing plan policy. The type and format of the restriction shall be as determined by the Town.

Residential Development Siting Standards

The applicant for any rezoning and/or land division approval request that enables a new non-farm residence shall submit, along with the rezoning and CSM/plat approval application, evidence demonstrating that at least seven of the following standards will be met.

1. Direct new non-farm residences and their driveways away from Group I or II soils, depicted on Map 2, unless no other alignment is possible or all soils on the parcel are so classified.
2. Divide all new lots to have frontage on a public road, and minimize use of flag lots except where advisable to achieve other standards in this section.
3. Site residences adjacent to tree lines where available and at the edge of open fields rather than the middle.
4. Site residences to minimize visibility from public roads, such as through thoughtful placement with respect to existing vegetation and topographic changes.
5. Avoid multiple homesites side-by-side along existing roads with multiple driveways and modest building setbacks.
6. Limit tree clearance in wooded areas to the area required for the residence, a yard area not exceeding one acre, and an area for the driveway.
7. If located near the top of a hill or ridge, site the residence so that its roofline is below the hilltop or ridgeline.
8. Place new lots to allow for driveways suitable in length, width, design, and slope for emergency vehicle travel, per the Town's driveway ordinance, and use shared driveways where possible.
9. Avoid building placement within wetlands, floodplains, and slopes greater than 20% (see Map 4).

Policies Applicable to Other Uses in the Agricultural Preservation Area

1. **Small Lots in Agricultural Preservation Area (see Map 3):** Allow pre-existing uses on parcels of less than 35 acres as of April 16, 1979. Where the land owner does not use transferred development rights under the Town's TDR program (as described in the Town's TDR rules and procedures document), (i) allow for a total of one new dwelling unit on all such parcels that were less than 35 acres in size as of April 16, 1979 and do not contain an existing dwelling unit and (ii) do not allow rezonings or land divisions of lots with fewer than 35 acres that would result in the right to construct a total of more than one dwelling unit on the 1979 parcel.
2. **Other Residential Uses:** Do not allow multiple-family residences (3+ units) or mobile home parks in the Agricultural Preservation Area, except for farm employees in the determination of the Town Board.
3. **Commercial and Institutional Uses:** Within the Agricultural Preservation Area, allow only such commercial, institutional, and utility uses that meet all of the following criteria:
 - a. A rural location for the use is necessary to support the continuation of agricultural operations or to serve primarily agricultural customers.
 - b. The placement and operation of the proposed use will not be in conflict with farming operations to the extent determined applicable by the Town Board.
 - c. The site is suitable for an on-site waste treatment system of the type and capacity contemplated.
 - d. Unacceptable future commercial or other non-residential uses of the site are limited, through use of the appropriate zoning district, a deed restriction, or both.
 - e. The project will adhere to the "Residential Development Siting Standards" above to the extent determined applicable by the Town Board.
 - f. The project adheres to the Town's design review ordinance.
4. **High Intensity Rural Uses (HIRUs):** HIRUs include, but are not limited to non-metallic mineral extraction operations, biodigesters, telecommunication towers, wind turbines, solar fields, and farm trucking operations. Such uses typically demand a rural location, but can have negative impacts on Town roads, the natural environment, farmland, rural character, and the enjoyment of nearby properties (particularly nearby housing). When considering the siting or expansion of HIRUs, utilize policy 3 above, associated standards in Chapter Five – Economic Development, and, for proposed wind turbines and solar fields, associated standards in Chapter Four – Transportation, Utilities, and Community Facilities.

Exhibit D: Future Land Use Map from 2017 Village Comprehensive Plan

