

ORDINANCE 2023-01

AN ORDINANCE TO ADOPT AMENDMENTS TO THE 2019 COMPREHENSIVE PLAN OF THE TOWN OF SPRINGFIELD, DANE COUNTY, WISCONSIN TO ADDRESS PARKS, THE TOWN'S DENSITY POLICY, AND THE WAUNAKEE INTERGOVERNMENTAL AGREEMENT

WHEREAS, the Town of Springfield is authorized to prepare and adopt a comprehensive plan as defined in §§66.1001(1)(a) and 66.1001(2), Wisconsin Statutes; and

WHEREAS, the Town Board adopted the last update to the Town of Springfield Comprehensive Plan ("Plan") on August 20, 2019, and amended the Plan on April 8, 2021; and

WHEREAS, §66.1001(4), Wisconsin Statutes establishes the required procedure for a local government to amend a comprehensive plan once it has been initially adopted or updated, which provides the Town Plan Commission with the authority and responsibility to recommend amendments to the plan to the Town Board; and

WHEREAS, the Town desires to make clearer in its Plan that dedication of public parkland is and may be required with new residential developments; and

WHEREAS, in the process of preparing maps identifying used and remaining residential development rights (a.k.a., "splits") on April 1979 farms, the Town has identified the need to enhance its density policy in its Plan to determine these totals; and

WHEREAS, the Town in 2021 entered an intergovernmental boundary agreement with the Village of Waunakee, and desires to have such agreement documented in the Plan; and

WHEREAS, on April 10, 2023, the Town Plan Commission, via its Resolution 2023-1, recommended that the Town Board adopt an ordinance to constitute official Town approval of the proposed amendments to the Plan that are reflected below; and

WHEREAS, the Town Board conducted a public hearing on the proposed Plan amendments in compliance with the requirements of §66.1001(4)(d), Wisconsin Statutes, and the Board considered public comments at that hearing and the recommendation of the Commission.

NOW, THEREFORE, the Town Board of Springfield, Wisconsin, does ordain that the Town of Springfield Comprehensive Plan is hereby amended in the following manner:

Section 1: Amend, in Figure 15, Agricultural Preservation Area Density Policies 1, 9, and 10; and create Policies 11 and 12; to read as follows:

1. **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. Significant highway right-of-way acquisition after 1979, particularly for Highway 12 and otherwise as determined by the Town Board, will not reduce the original 1979 farm acreage. 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.

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~~ or more occur after April 16, 1979 without clear documentation between buyer and seller, or between 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. Where land sales of fewer than 35 acres occur after April 16, 1979 without clear documentation between buyer and seller, or between subsequent/current owners, the Town will generally presume that no potential future dwelling units were transferred unless a rezoning and/or land division action at the time suggests otherwise.
10. ~~Deed Restriction or Agricultural Conservation Easement~~ **Tracking Remaining Dwelling Units or Equivalent Uses:** The Town intends to maintain a map that tracks used and remaining dwelling units or equivalent uses by April 1979 farm, and a process to consider amendments to that map. Whenever a rezoning, land division, conditional use permit, or other land use approval ~~results in a change in the number of~~ extinguishes all remaining dwelling units or equivalents on the parcel, the Town intends, as part of such rezoning or other approval, ~~the Town to 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~~ such extinguishment. The type and format of the restriction shall be as determined by the Town.
11. **Effect of Rezoning without Construction:** Where land has been rezoned to enable construction of a new dwelling unit or an equivalent use under policy 7, but no dwelling unit or equivalent use has been constructed, the Town will assume that one dwelling unit or equivalent use will be constructed on such rezoned land in its calculation of potential remaining dwelling units or equivalents on the 1979 farm. Subsequent

rezoning of any such land to an Exclusive Agriculture zoning district would restore the potential dwelling unit or equivalent use to the remainder of the 1979 farm.

12. Land Sales or Donations for Conservation Purposes: Land sales or donations to a public agency for conservation or public recreation purposes shall not have the effect of reducing the number of potential future dwelling units or equivalent uses on any remaining balance of the 1979 farm under this density policy, unless and to the extent that the transfer deed or other recorded document indicates such a reduction, or as otherwise determined by the Town Board.

Section 2: Amend Agricultural Transition Area Policy 4 in Figure 16 to read as follows:

The Town will not require amendment to this *Comprehensive Plan* if and when it determines that land in a mapped Agricultural Transition Area is appropriate for more intensive development than allowed under Agricultural Preservation Area policies. However, following such a determination, the rezoning of said land would be required to accommodate the proposed development, and all provisions associated with the Rural Neighborhood Area in Figure 17 or Town Activity Center in Figure 18 would apply.

Section 3: Amend Rural Neighborhood Area Policy 7 in Figure 17, and Town Activity Center Policy 4 in Figure 18, to read as follows:

Either require public park and open space dedication or collect park and recreational improvement fees in lieu of parkland dedication for all new residential subdivisions in accordance with the Town land division ordinance.

Section 4: Amend the final sentence of Section E.11 within Chapter Four: Transportation, Utilities, and Community Facilities to read as follows:

The Town may require the dedication of public park and open space land within new residential developments per its Land Division ordinance. Per that same ordinance, the Town requires a park and open space recreation facility impact fee when approving subdivisions from each new housing units permitted. This fee is used for parkland acquisition, parkland improvement, and new or rehabilitated park equipment. Per a 2023 ordinance amendment, the fee is to be waived where the new housing unit is located in a residential development that had dedicated public parkland.

Section 5: Amend the final two paragraphs of Section A.1 within Chapter Six: Intergovernmental Cooperation to read as follows:


The Village of Waunakee and the Town of Springfield first executed an intergovernmental land use and boundary agreement in 2007. That agreement expired on March 31, 2016. ~~The Town has interest in a new agreement, including provisions for the maintenance of Hellenbrand Road, located within the Town of Springfield but which largely services the Westbridge neighborhood in Waunakee.~~

On December 7, 2021, the Village and Town entered into a new intergovernmental land use and boundary agreement, which extends until December 7, 2031. That agreement:

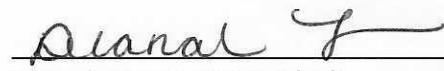
- Acknowledges the Village's 1 ½ mile extraterritorial land division review jurisdiction into the northeast part of the Town (see Map 7), and notes that such jurisdiction may extend further into the Town as a result of subsequent Village annexations.
- Indicates that the Village will use its then-current plans and ordinances to review land division/subdivision requests in its extraterritorial jurisdiction, and will also use the Town's then-current future land use map in this *Comprehensive Plan* to determine where such divisions will be approved.
- Allows annexation from the Town to the Village, and expansion of the urban service area, for only the 60 acres west of Westbridge and Hellenbrand Road that are mentioned above, unless the Town Board were to subsequently agree to more.
- Generally restricts Town approval of rezonings to commercial and industrial zoning districts lands within the Village's extraterritorial jurisdiction, but not approval of new or amended conditional use permits.
- Restricts the Town from acquiring conservation easements or allowing the transfer of development rights within the extraterritorial jurisdiction, except for transfers to the Rural Neighborhood Area in the Town's then-current *Comprehensive Plan*.
- Limits both the Town and Village from amending their comprehensive plans as they affect the extraterritorial jurisdiction, except with the approval of the other's Board.
- Includes provisions on use of roads for farm vehicles; erosion control, stormwater management, and agricultural drainage; bicycle path cooperation; new development siting and aesthetics; and other secondary matters.

Section 6: Repeal Section C.1 within Chapter Six: Intergovernmental Cooperation [currently "Pursue a New Intergovernmental Agreement with Village of Waunakee"], the associated bullet point at the end of Section E within Chapter One: Vision and Directions, and the associated row in Figure 26.

This ordinance shall take effect the day after passage and publication as provided by law.


Jim Pulvermacher, Town Chairperson

ADOPTED: 6/6/2023
PUBLISHED: 6/7/2023


Dianah Fayas, Town Clerk