Regular Plan Commission Meeting

Meeting Notice and Agenda

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, February 1, 2016
7:00 pm

I. Call to Order, Pledge of Allegiance, and Roll Call

II. Public Comment – This is an opportunity for anyone to address the Plan Commission on any issue NOT on the current agenda. *Please observe the time limit of 3 minutes.* While the Plan Commission encourages input from residents, it may not discuss or act on any issue that is not duly noticed on the agenda.

III. General Business

1. Discussion and action regarding minutes of regular meeting held January 4, 2016.

2. Discussion and action to make a recommendation to the Village Board regarding proposed Ordinance #02-2016 annexing the property located at 2504 Military Road (Buechner Farm) into the Village.

3. Discussion regarding a Development Proposal from Sundance Development, LLC in order to annex and develop the property of and adjoining to 4923 Brewery Road (Weber Farm) as a residential subdivision.

IV. Adjournment

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the Village Hall at (608) 798-3241 or matt@cross-plains.wi.us.

Regular Plan Commission Meeting

Regular Meeting Minutes

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, January 4, 2016
7:00 pm

I. Call to Order, Pledge of Allegiance, and Roll Call

President Andreoni called the meeting was called to order at 7:00 pm.

Present: Commissioners Randy Case, Todd DuQuette, Ron Hilmanowski, Mitch Hogan, Judy Ketelboeter, and President Pat Andreoni.

Not-Present: Commissioner Cliff Zander.

II. Public Comment – None.

III. General Business

1. Discussion and action regarding minutes of regular meeting held December 7, 2015 - – A motion was made by Commissioner DuQuette, seconded by Commissioner Hogan, and unanimously carried by the Plan Commission to approve the regular meeting minutes held December 7, 2015.

2. Discussion and action to make a recommendation to the Village Board regarding a Development Proposal from Veridian Homes in order annex and develop 2504 Military Road (Buechner Farm) as a residential subdivision - Following discussion, a motion was made by Commissioner Ketelboeter, seconded by Commissioner Case, and unanimously carried by the Plan Commission to recommend the Village Board approve the Development Proposal from Veridian Homes in order to annex and develop 2504 Military Road (Buechner Farm) as a residential subdivision due to its consistency with Village Ordinances and the Comprehensive Plan.

3. Consideration of Ordinance #01-2016 amending Subsection (g) of Section 84.26-84.36 reducing the minimum pavement setback from five (5) to three (3) feet; and creating Section 84.65(g)(5)(b) establishing five (5) feet as the setback for all other residential accessory structures.

a. Public Hearing – A motion was made by Commissioner DuQuette, seconded by Commissioner Hilmanowski, and unanimously carried by the Plan Commission to open the Public Hearing at 7:38 pm.

- No public comments were made.

A motion was made by Commissioner Hogan, seconded by Commissioner DuQuette, and unanimously carried by the Plan Commission to close the Public Hearing at 7:39 pm.

b. Discussion and action to make a recommendation to the Village Board:

- Following discussion, a motion was made by Commissioner Case, for the Plan Commission to recommend the Village Board approve Ordinance #01-2016 as presented regarding pavement and accessory structure setbacks. Motion failed due to lack of a second.
- Following discussion, a motion was made by Commissioner DuQuette, seconded by Commissioner Ketelboeter, and unanimously carried by the Plan Commission to recommend the Village Board approve Ordinance #01-2016 as presented regarding pavement and accessory structure setbacks with the revision to allow other residential accessory structures to setback at least three (3) feet.

IV. Adjournment

A motion was made by Commissioner Ketelboeter, seconded by Commissioner DuQuette, and unanimously carried by the Plan Commission to adjourn the meeting at 7:42 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,

_____

Matthew G. Schuenke
Village Administrator/Clerk-Treasurer

RECEIVED JAN 28 2016

PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL PURSUANT TO § 66.0217(2) OF THE WISCONSIN STATUTES WHERE NO ELECTORS RESIDE IN THE TERRITORY TO BE ANNEXED

I, the undersigned, constituting the only owner of certain real property in the territory of the Town of Cross Plains, Dane County, Wisconsin, lying contiguous to the Village of Cross Plains, petition the village board of the Village of Cross Plains to annex the territory described on the attached Exhibit A and shown on the scale map attached as Exhibit B to the Village of Cross Plains, Dane County, Wisconsin. There are no electors residing within the territory to be annexed. The population of the territory to be annexed is zero.

Dated this 25th day of January, 2016.

RECEIVED
JAN 29 2016
VILLAGE OF
CROSS PLAINS

PROPERTY OWNER:

Janet Kernen

Janet Kernen as attorney-in-fact for Edith Buechner

NOTE: A copy of this petition together with the legal description of the territory and scale map described herein will be filed with the Clerk of the Village of Cross Plains and with the Clerk of the Town of Cross Plains.

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land located in the NE1/4 and the SE1/4 of the NW1/4 of Section 2, T7N, R7E, Town of Cross Plains, Dane County, Wisconsin to-wit: Commencing at the North 1/4 of said Section 2; thence S00°47'23"W, 1286.65 feet along the North/South line of said Section 2 to the point of beginning; thence continuing S00°47'23"W, 1330.28 feet along said North/South line; thence N88°05'28"W, 1338.01 feet to a point on the East line of Lot 1, Certified Survey Map No. 3308; thence N01°00'47"E, 1327.28 feet along said East line and the Northerly extension thereof; thence S88°12'58"E, 1332.78 feet to the point of beginning. Subject to Military Road right-of-way. Containing 40.730 acres.

EXHIBIT "B"
LANDS TO BE ANNEXED TO THE VILLAGE OF CROSS PLAINS

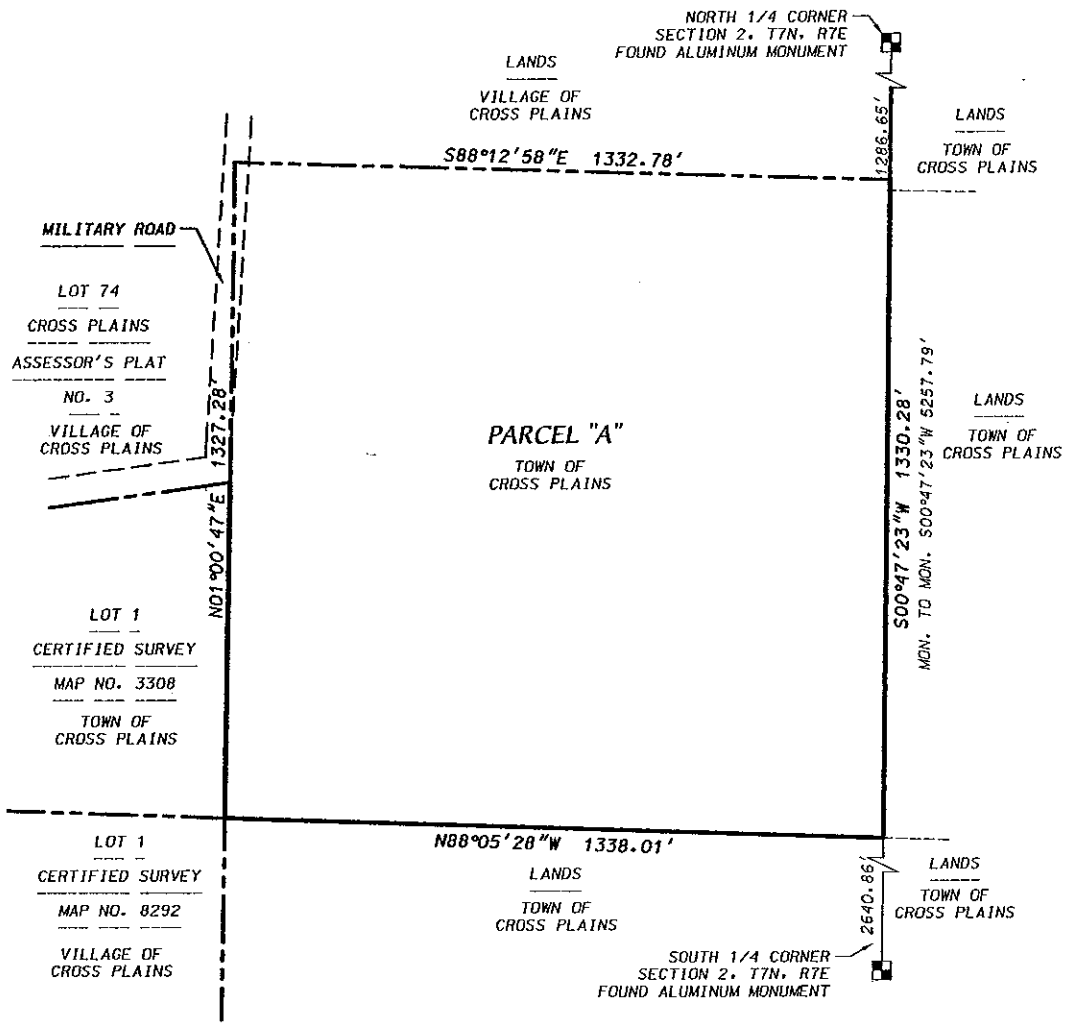
ENACTMENT NO. _____

FILE ID NO. _____

DATE ADOPTED _____

DATE PUBLISHED _____

AREA: 40.730 acres (0.0632 sq. mi.)



THE NORTH/SOUTH LINE OF SECTION 2. T7N R7E IS ASSUMED TO BEAR S00°47'23"W

0 300

Scale 1" = 300'

D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7530 Westward Way, Madison, WI 53717
Phone: 608.833.7530 • Fax: 608.833.1089
YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

DATE: January 22, 2015

F.N.: 15-07-123

ANNEXATION ORDINANCE

RE: Real estate set forth on the attached Exhibit A located in the Town of Cross Plains, Dane County, Wisconsin.

Matthew G. Schuenke, Clerk for the Village of Cross Plains, Dane County, Wisconsin, hereby certifies that the attached document is a true and correct copy of Ordinance No. 02-2016 which was adopted by the Village of Cross Plains Board of Trustees on February 22, 2016.

Name and Return Address:
Paul A. Johnson
Boardman & Clark LLP
PO Box 256
Lodi, WI 53555

_____
Parcel Identification Number(s)

VILLAGE OF CROSS PLAINS

By: _____
Matthew G. Schuenke, Clerk

This instrument drafted by:
Attorney Paul A. Johnson
Boardman & Clark LLP
113 S. Main Street, Suite 301
Post Office Box 256
Lodi, WI 53555
608-592-3877 (p)
608-592-5844 (f)
pjohnson@boardmanclark.com

VILLAGE OF CROSS PLAINS
ORDINANCE NO. 02-2016

AN ORDINANCE TO ANNEX LAND TO THE VILLAGE OF CROSS PLAINS, DANE COUNTY, WISCONSIN, PURSUANT TO WIS. STATS. §66.0127(2)

The Board of Trustees of the Village of Cross Plains do hereby ordain as follows:

1. VH Cross Plains, LLC is the owner of real property currently situated within the Town of Cross Plains and more particularly described on the attached Exhibit A.

2. The land owned by VH Cross Plains, LLC as described on the attached Exhibit A is contiguous to the Village of Cross Plains on the Village's eastern boundary.

3. The real property described on Exhibit A is currently vacant land and contains no electors. The population of the area being annexed is zero.

4. The exact legal description of the territory to be detached from the Town of Cross Plains and annexed to the Village of Cross Plains is attached hereto as Exhibit A.

5. The property described on Exhibit A which is presently located in the Town of Cross Plains is hereby detached from the Town of Cross Plains and annexed to the Village of Cross Plains contingent upon the following:
   A. Village approval of a preliminary and final plat containing approximately 43 single-family residential lots as set forth in the Development Plan submitted by VH Cross Plains, LLC.
   B. VH Cross Plains, LLC and the Village negotiating and executing a Development Agreement for the development of the Exhibit A property.
   C. The Village obtaining approval from CARPC to expand the urban service area to include the land being annexed.
   D. The final plat showing the following land dedications to the public to be acquired at no cost to the public:
      1) Park land dedication of approximately 1.436 acres;
      2) Conservancy dedication of approximately 3.316 acres;
      3) VH Cross Plains, LLC donating approximately 4.166 acres of conservancy property to the Village, lying south of the proposed residential development;
   E. The Village and VH Cross Plains, LLC entering into an Offer to Purchase dated February 22, 2016 for approximately 15.163 acres for land to be used by the Village for municipal purposes.

6. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.

7. **Effective Date.** The effective date of this Ordinance will be upon passage and posting.

VILLAGE OF CROSS PLAINS:

By: _____
J. Patrick Andreoni, Village President

ATTEST:

By: _____
Matthew G. Schuenke,
Village Clerk/Administrator/Treasurer

AUTHENTICATION

Signature of J. Patrick Andreoni and,
Matthew G. Schuenke in the capacities
indicated, authenticated on this _____ day
of _____, 2016.

_____
Paul A. Johnson
SBN: 1021492
TITLE: MEMBER, STATE BAR OF WISCONSIN
(If not, _____,
authorized by Wis. Stat. §706.06)
F:\DOCS\WD\53698\98\A2355995.DOCX

Village of Cross Plains
PO Box 97, 2417 Brewery Road
Cross Plains, WI 53528
Phone: (608) 798-3241
Fax: (608) 798-3817

Memorandum

To: Plan Commission
From: Matthew G. Schuenke, Village Administrator/Clerk-Treasurer
Date: January 28, 2016
Re: **Review of the Annexation Factors for the proposed Sundance Subdivision**

Executive Summary

The Village entered into a Pre-Annexation Agreement with Sundance Development LLC on December 16, 2013 in order to annex 142 acres of land into the Village to be developed as a residential subdivision. The Developer is responsible for completing the Preliminary Procedures including a statement on the Statutory procedure for annexation, a Development Plan, and a Financial Analysis. Village Staff has been working with the Developer on the Preliminary Procedures in order to conduct its official review against the Annexation Factors established within the Village Code. These two sections combined, Preliminary Procedures and Annexation Factors, make up the Development Proposal to be considered by the Plan Commission at its February 1, 2016 meeting in order to make a recommendation to the Village Board. This memorandum will summarize the Preliminary Procedures, review the Annexation Factors, and provide a summary of the next steps in the annexation process.

Pre-annexation Agreement

This agreement (Exhibit A) is required by ordinance in order to establish the basic initial terms by which someone can annex property into the Village. Mainly to make the individual responsible for paying the costs associated with the review of the annexation. Additionally, this agreement was somewhat unique in this case as it also provided direction on several "Pre-annexation Issues" that were to be addressed by the Development Plan within the Preliminary Procedures. Please note the following issues from the agreement and a summary of how they are addressed in the Development Proposal:

A. *"A plan for phasing in the construction of the development…"* – There are 4 phases of development noted on page 9 of Exhibit C (Development Plan).

B. *"Proof that the entirety of Brewery Road will be annexed to the Village as part of the annexation, or, in the alternative, that an intergovernmental agreement between the Village and the Town of Berry regarding the future maintenance and repair of Brewery Road can be attained*." – The annexation map is depicted on page 11 of Exhibit C (Development Plan) showing the entirety of Brewery Road being annexed into the Village. The Developer will improve Brewery Road in its entirety as part of this Development. The Village will work with

the Town of Berry through a Memorandum of Understanding regarding this improvement as its residents will use what will become a Village street constructed to urban standards. The Village may pay for some of these expenses as it relates to extending the road to possible future development sites and then assess those projects in the future to recoup these funds. The Developer is working with Dane County, a land surveyor, and the title company regarding the ownership rights of Brewery Road. Some of the property remains privately owned with the Town being required to maintain the right of way while some of the property has dedicated public right of way through prior year's certified survey maps (see Exhibit B). A survey will need to be completed to identify what slivers of land will need to dedicated as public right of way. This is common in the annexation of town roads into incorporated villages and no additional homes or properties are being added other than what is shown on the annexation map.

C. *"A secondary access road for emergency services ingress/egress to and from the Property will be developed*." – This development was previous considered in 2008 by the Village but was not pursued at that time due to a variety of factors. One of the main stipulations from the first review has carried through to the second attempt and that is the presence of a secondary access point to the Development for emergency purposes. The secondary access point is described in Exhibit C (Development Plan) on page 7 and depicted within the same attachment on page 14. The concept revolves around the shared use of an existing driveway on property presently located within the Village at the end of Hillside Trail. This is not the same concept pursued in 2008, but could fulfill the requirement of providing emergency access as needed. Please note the following key components to meeting this objective:

a. <u>"Emergency Lane" Concept</u> – The implementation of this proposal will require the Village to acquire the entire parcel located at 3037 Hillside Trail (~ 17 acres). The property will then be subdivided into three parcels for the driveway, drainage on the north, and whatever is left on the south for the existing single family home. The property with the house that is not used for the road and drainage (i.e. – remnant) will be resold by the Village. The Developer(s) will be responsible for making the Village whole on the land transactions by paying the difference in cost between the acquisition price and its eventual sale price. Additionally, the Developer(s) will be responsible for the cost of updating the driveway to an urban street design. This secondary access will then connect into a cul-de-sac on the neighboring western property and will only allow for emergency access, pedestrian use, and serve as a driveway for the existing home. This proposal has been shared by all parties involved and is thus far the preferred option in order to meet the objective.

b. <u>Larger Project</u> – The above described concept does allow for the Development to expand providing new opportunities for annexation. The Village was approached by Scott Faust in the Fall of 2015 regarding his desire to annex land into the Village (Page 11, Exhibit C) that is located immediately south of the Sundance Development and west of the property at 3037 Hillside Trail. A majority of Mr. Faust's property is not

buildable except for about 11 lots on the far northeast corner (Page 14, Exhibit C) of the land adjacent to the other two land owners in the project. This property does have an easement over it for use by the Ice Age Trail. Additional conservancy lands will be dedicated as a result of this Development that will allow for the addition of a new park with access overlooking the Village similar to Hickory Hill. Mr. Faust desires to enter into a Pre-Annexation Agreement with the Village and will share in the costs for the Development including the implementation of the "Emergency Lane" Concept described above. The Faust Development will be handled separately and at a different pace from Sundance as is desired by the parties involved.

D. *"Village approval allowing the developed lots to be serviced by well and municipal sewer*." – The project will be constructed with municipal sewer and private wells as noted on page 12 of Exhibit C (Development Plan).

Preliminary Procedures

Section 82.03 of Chapter 82 (Exhibit E) defines the requirements for the Preliminary Procedures. All requests for annexation have to fulfill these requirements in order for their request for annexation to be considered by the Village. All three items are attached for your consideration as the review process is conducted. Please note the following about each item as they are currently presented:

- *Section 82.03(a) – State Statutes (Exhibit B)*: The applicant will petition the Village for direct annexation by one-half approval as is defined in State Statute 66.0217(3)(a) (Exhibit F). The petition will be signed by the Developer and property owner located at 4923 Brewery Road as the owners of the majority of the property subject of annexation. Additionally, the property owner of 4923 Brewery Road serves as the only electors of the property subject to annexation. This will satisfy the petition process for direct annexation by one-half approval; however, it also requires a Class 1 Notice be filed with several defined jurisdictions containing a statement of the intention to circulate an annexation petition.

- *Section 82.03(b) – Development Plan Required (Exhibit C)*: The Development Plan details several planning aspects related to the proposed annexation. This includes reasoning for annexation, description on development, land use plan, municipal services needed, satisfaction of State Statutes, intended zoning, concept plan, and anything else the Village considers reasonable to be included in the Plan. The Plan provides for the development of 145 single family homes utilizing SR-3 (Exhibit F) along with related roads, sidewalks, stormwater treatment facilities, and other amenities as needed. The project also includes 44 acres of open/green space and 15 acres of an adjacent parcel planned for inclusion in the RH-35 district. All properties scheduled for inclusion on this annexation are currently outside of the Village's existing Urban Service Area and will require an amendment to include the properties from the Capital Area Regional Planning Commission (CARPC) and Department of Natural Resources (DNR).

- *Section 82.03(c) – Financial Analysis Report (Exhibit D)*: This report looks at the financial aspects of the project comparing revenues generated from new property values against projected expenses created by the properties to be served. Revenue is estimated based on the values reported by the Developer and compared against similar properties (pages 2-3). The total assessed value is derived on a per lot basis in order to apply the Village's 2016 Mill Rate. Total expenses are extracted from the 2016 Budget by line item or Department in order to be categorized as requested in the Ordinance (pages 4-5). There are approximately 1,505 parcels in the Village that is then divided by each line item to derive the per parcel expense established for the coming year. This number is then applied to the number of lots being added to the Village to calculate the estimated operating expense the Development will create. This allows for the revenue and expense to be compared as a means to project performance (page 6). The report shows that the Development will add $566,742 in new revenue at build out against $471,587 in new expense. This projection yields a surplus; however, decisions regarding the actual use of new revenue can only be determined at the discretion of the Village Board through the annual budgeting process.

Annexation Factors

Section 82.04 of the Village Ordinances provides the evaluation platform "in order to evaluate the impact of a proposed annexation on the Village." By code, "the Village may consider any factor it considers relevant including, but not limited to, the following factors:

a) *Whether the property is located within a Village urban service area* – None of the properties subject to this annexation request are located within the Village's Urban Service Area (USA). The Village will request from the DNR the property be added to the existing USA either in its entirety or a portion there-of in order for the Development to be served by municipal sewer. The topography for the northwest corner of the property will not support development and may be left out of the request to minimize the expansion. The DNR has 90 days in order to rule on the request and will take into consideration factors such as water quality, sewer plant size, density proposed, etc.

b) *Whether the property is located within a planned Village growth area as identified in a Village Land Use Map* – The Future Land Use map within the Village's Comprehensive Plan labels the buildable space within this Development as a Planned Single Family-Urban Development. Single Family–Urban category is the main residential land use design to promote single family housing. The proposed Development complies with this section of the land requirements through the use of municipal sewer and the Development Plan required within the Annexation Code. It will not; however, offer municipal water as is required by the land use chapter of the Comprehensive Plan. A waiver has already been granted by the Village Board through the Pre-Annexation Agreement. The Planned Neighborhood designation desires to promote a variety of housing choices and potentially mix in other non-residential uses. The project currently proposes to develop all lots as single family homes meeting the minimum threshold of 65%; plus a new park, conservancy dedication, stormwater features, and trail expansion. Other types of residential and non-residential uses

are not being recommended at this time by Village Staff due to the Development's edge location. The property is located within a Village Land Use Map and is planned for growth pursuant to this document.

c) *Whether the Village possesses adequate sanitary sewer capacity to serve the property once it is developed* – The Village last reconstructed the Wastewater Treatment Plant in 2008. The Village is capable in treating of wastewater through the solid waste disposal process. The Village contracts with Dane-Iowa Wastewater Plant for the final phase in disposing of the solid waste removed from the water. Current capacity for the plant is estimated at 540,000 gallons per day and we currently use 242,500 gallons per day on average. The addition of this many users is forecasted at approximately 11,250 gallons per day leaving the plant with substantial capacity post development. The Wastewater Treatment Plant has the current capacity to add the users listed in the Development Plan.

d) *Whether the Village possesses adequate municipal water capacity to serve the property once it is developed* – The Village is agreeable to the Development utilizing individual wells for water service versus a municipal water system. The height of the Development is two pressure zones higher than our existing system and would require a lot of isolated public infrastructure to support this service at implementation and going forward. This was required in the Pre-Annexation Agreement and noted within the Development. There is no effect on the municipal water capacity to serve this property.

e) *Whether the Village possesses adequate police, fire, emergency medical, public works, and administrative services to serve the property once it is developed* – Exhibit C lists the Financial Analysis report looking at the projected revenues created by new development and expenses associated with serving the properties including public safety, public works, utilities, cultural amenities, administrative services, and other costs. The proposed Development is being designed to urban standards similar to other developments within the Village. This allows for the Village to provide a consistent level of service without any unique or unusual features. The only exceptions are the use of private wells with municipal sewer and the inclusion of an emergency access lane for first responders should the primary access fail. As the Village grows, the need for staffing, materials, and the expansion of other contracted services (i.e. – garbage/recycling collection) will have to be examined in order for revenue created by the Development to pay for the expenses needed to serve it. The Village possesses adequate services to serve this property in an urban setting once developed, but will have to adjust over time as it grows.

f) *The cost of providing Village municipal services to the property once it is developed* – Approximately $2,329.57 per parcel will be spent in 2016 to provide Village services through the General Fund and another $922.76 per parcel for sewer service (Exhibit C). This is based on the 1,505 parcels currently established within the Village and a 2016 Budget of $3,506,000 for all taxable funds (i.e. General, Library, Parks/Rec, and Debt Service) and $1,388,750 for sewer as an enterprise fund. The 145 lots are projected to be completed over

the course of 4 phases with Phase 1 adding the largest projected expense at $211,401 (65 lots), Phase 2 at $94,317 (29 lots), Phase 3 at $97,570 (30 lots), and Phase 4 at $68,299 (21 lots) for a total general and sewer added expense of $471,587.

g) *Whether it is desirable to extend Village municipal services to the property* – It is not only desirable to extend Village municipal services to this location but necessary in order to implement growth in areas designated for such use within the Comprehensive Plan. Without the extension of these services, the property would develop far less dense than what is proposed and within the township. Brewery Road will need to be improved and sewer will have to be extended as part of the road construction but services are adjacent to the proposed development making them available for use.

h) *What impact the proposed annexation and development have on municipal services in the Village, and how the Village will provide such services to the property* – The proposed annexation will add 142 acres with 145 single family lots that will require additional protection of life and property as well as create infrastructure to maintain. The added population will provide new "users" for the Library, Garbage/Recycling, Parks/Recreation programs, and Sewer Utility. The added road miles and stormwater infrastructure will be maintained by Public Facilities. The Fire District will see an increase of approximately $60,900,000 equalized value to protect, and likewise, the EMS District will see an increase in their population served based on the funding formulas for each organization. The Police Department will also see an increase in areas to patrol going forward. With the core urban services established, the key for the Village will be how best to address Staffing needs to meet the demands for the expansion. Staffing needs already exist in the Police and Public Facilities Department, and there may be secondary needs that develop as well within Administrative Services, Library, Parks/Rec, Utilities, and/or public safety districts. The value added by the development will support the expansion of our services; however, additional planning is necessary according to the phasing for the Development to properly account for the integration of this expansion.

i) *The amount of property tax and other Village revenue generated by the property once it is developed* – There are 145 lots proposed within the Development with an estimated average assessed value of $420,000 per lot which at the conclusion of the project would yield a total estimated assessed value of $60,900,000. The current mill rate for the Village is $21.88 per $1,000 of value. This would generate an additional $1,332,492 for all the taxing jurisdictions and $439,722 for the Village specifically at build out. The first phase for the project will be the largest, yielding approximately $27,300,000 in value when complete; while the remaining three phases add between $9-12 million each depending on the amount of lots planned. Further, the estimated revenue generated by user charges in the Sewer Fund would bring in an estimated $127,020 per year. Total additional revenue at the conclusion of the project is estimated at $566,742, compared with the total projected expense of $471,587. Based on these projections, this will leave the Village with a possible annual surplus of approximately $95,155 to be dedicated to other needs within the Village.

j) *Whether any deficiency in the provision of municipal services can be addressed by the Village and petitioner through a pre-development agreement* – The Pre-Annexation Agreement authorized in 2013 addresses the initial deficiencies known at the outset of the project including the provision of municipal sewer but not water, secondary access for emergency vehicles, and the inclusion of Brewery Road in its entirety as part of the annexation. The discussion regarding these issues shall continue through the Staff Review and as part of the Plan Commission's review of the Development Proposal as these issues are key for the Village. The Staff Review has not uncovered any other deficiencies in the provision of municipal services. A Pre-Development Agreement may not be needed, depending on the findings of the Plan Commission review and the fact that there is already a Pre-Annexation Agreement in place.

k) *Whether the annexation is consistent with the goals, objectives, policies, and recommendations of the current Village Master Plan* – The Village's Comprehensive Plan was originally adopted by the Village on June 9, 2008 and subsequently revised the Future Land Use Map within Chapter 3 on September 24, 2012, May 20, 2013, and May 19, 2014. The Plan includes 9 Chapters reviewed against the Development Proposal as follows:

- *Chapter 1 – Issues and Opportunities*: For the last two decades, the Village has been able to exceed or stay consistent with the population growth rate for Dane County when comparing 1990, 2000, and 2010 Census data. This was achieved through robust housing growth during this same period, but has since become stagnant. The Overall Vision established within this Chapter stated that *"the Village desires a safe, clean, attractive and prosperous community that residents of all ages are proud to call home…Residents and visitors alike will be able to travel freely throughout the community by car, bike, or foot…Though ties with Madison will strengthen, the Village will retain its character and identity."* The opportunity presented with this request for annexation allows the Village to address the issue of limited growth over the last decade.

- *Chapter 2 – Agricultural, Natural, and Cultural Resources*: The main goal of this section is to protect agricultural land within the Village's planning area until such time that urban development is warranted. The annexation request for the property in question is adjacent to the Village and contiguous to Brewery Road including the municipal sewer system. The project as proposed comes to the Village at a time it is experiencing record low vacancy rates for single family lots. The conversion of this property from agricultural use to residential will still provide adequate space for stormwater management, parklands, conservancy, and trail development.

- *Chapter 3 – Land Use*: The property to be annexed is designated for growth as a planned residential neighborhood. The use of single family housing throughout was designed to maintain the consistency of the housing options due to single family lot availability being very low within the Village. There is a second property included

within this annexation that may seek development in the future. The property is owned by Greg and Kathy Roessler at 4923 Brewery Road and is being zoned Rural Holding (RH) – 35 until such time the property owner desires to adjust the zoning to allow for development. The project is being designed to urban standards in order to enhance the provision of municipal services with the exception of the use of individual wells.

- *Chapter 4 – Transportation*: Included within Exhibit B is the Traffic Study conducted for the development. The summary findings of that study stated that the "traffic added by the Sundance Subdivision will not require additional road improvements." Regardless of this study, the Village has already made an improvement to signalize the intersection of Brewery Road and Main Street through the reconstruction of US Highway 14. The Village is planning to reconstruct County Highway P (Church Street) in either 2018 or 2019 which will include an improvement to the traffic flow for the intersection of Brewery Road and Church Street. Brewery Road serves as the main access point to the subdivision from two of the main roads through the Village, and these two projects will help to enhance traffic flow to the subdivision and surrounding area. There are two entrances off of Brewery Road into the subdivision and the Pre-Annexation Agreement requires a second access point other than Brewery Road for emergency purposes. What remains to be determined is whether or not the secondary access should be an official Village road rather than just solely dedicated to emergency use. The Developer proposes to paint and sign the access as "Emergency Use Only" with no other impediments and will still require the Village to plow so it can be used if needed. Enforcement of this type of setup may be problematic depending on the final determination on the secondary access.

- *Chapter 5 – Utilities and Community Facilities*: The annexation as proposed will add parklands, conservancy property, and trail development to the Village. All of which is adjacent to existing trails and conservancy property that will allow off-road access to the remainder of the Village as well as consistent land use for this area of the Village. This project will expand the sewer system by 145 homes as well as the network of roads but will not expand the water system as they will be using individual wells. Transportation planning will also include road reconstruction for the end of Brewery Road with the extension of sewer to serve potential future developments.

- *Chapter 6 – Housing and Neighborhood Development*: The project as proposed is adjacent to existing Village developments that will allow for the expansion of the Urban Service Area. The area is also designated for growth within the Future Land Use Map and specifically for Single Family-Urban land uses. The project will make available new lots for construction and improve the housing stock within the Village; however, affordability of the lots available remains a question. Exhibit B lists the average per lot value following development at $420,000. Approximately 21.3% of our housing falls within the $300,000 to $499,000 range as determined by the US

Census Bureau with a median housing value of $236,800. Slightly over half of our housing values fall within the $200,000 to $299,000 range with the remainder of the housing stock falling under $200,000 (27.7%). It is conceivable the lots within this proposed development could command the value projected by the Developer due to their size and location, and would be adding housing at the higher end of our range.

- *Chapter 7 – Economic Development*: The median household income for the Village is presently estimated at $66,615 by the US Census Bureau. A majority of the population falls within the $50,000-$74,999 range at 26.3% and $75,000 to $99,000 range at 18.6%. The median income would likely rise within the Village due to the project value of the homes to be built in the project. The Village remains a good place to live given its proximity to the greater Madison Region and the wide variety of employment that it offers in health care, professional offices, and higher education facilities. Village Employment opportunities are very similar to what they have been since the Comprehensive Plan was completed, which could be beneficial for the service industry that dominates the job market

- *Chapter 8 – Intergovernmental Cooperation*: The Village will work with the Town of Berry regarding the annexation, reconstruction, and future use of Brewery Road as is necessary. The inclusion of Brewery Road within this development can be a benefit to both the Village, Town, and all of our residents as we have struggled for years to properly maintain the infrastructure. The annexation is only bringing in electors from the Town who want to be added to the Village. This leaves the remainder of residents who opt to stay in the Town to use the new street that will be reconstructed as part of the Development and maintained going forward by the Village. The School District and other taxing jurisdictions will also benefit from the new property value and increase in population.

- *Chapter 9 – Implementation*: Annexation requests should follow the guidelines set forth in the Comprehensive Plan to extent possible as outlined in the preceding eight chapters. The annexation as proposed is consistent with the Future Land Use Map, sewer system setup, and transportation layout for the community. Urban developments such as the one that is proposed are typically recommended for approval if they are found to be consistent with these elements of the Comprehensive Plan. The Plan Commission and Village Board shall consider these plan elements as part of its review to ensure service can be extended to the Development, the project is appropriately phased, the effect it has on intergovernmental relations, and other Statutory implications as applicable.

l) *Whether the annexation is reasonably suitable and acceptable to the Village's needs* – Figure 13 of Land Use Chapter 3 of the Comprehensive Plan (Exhibit G) states that Residential Single Family makes up 32.4% of our total land use in the Village which is more than double the next highest active land use category. The backbone of this community lies within its housing and having the availability to attract people to the high quality of life, good schools, and desirable amenities. This is evident in the building permit records from 2000-2005 when the Village was adding an average of 35 homes a year but has since declined to fewer than 4 per year between the years of 2006 through 2015. The decline in the early years can be attributed to the recession experienced beginning 2008 but most recently the lack of new permits is attributed to the limited availability of lots for development. During the last decade the Village has positioned itself well for growth with the reconstruction of the Wastewater Treatment Plant in 2008, reconstruction of Highway 14 in 2015, and continued delivery of good services. The Village will continue to improve itself going forward examining the expansion of the Zander Park Trail, reconstruction of County Highway P (Church Street), development of new public amenities at the Buechner Farm, and other projects over the course of the next 5 years. The annexation is reasonably suitable to the Village in that it provides the availability for new single family development in the Village once again while also meeting our needs for growth.

m) *Whether the Village has present or future need to annex the property based on the following factors:*

- *The necessity of orderly development of the Village* – Opportunities for single family home construction are currently lacking. The four phased approach to this Development appears consistent with the last pattern of significant growth experienced by the Village over a decade ago. Implementing the phases with available Village resources and proper expansion of services is key to the orderly development of this project.

- *The necessity to accommodate any increase in the Village population* – Population growth will be a given with this annexation as it will lead to a substantial increase once completed. This will test various Village services from the EMS District responding to calls for service to the Polling Place(s) on Election Day. Careful planning regarding the expansion of Village services during the phasing in of development is necessary to the successful accommodation of a population increase. The Village currently has the core urban services in place common similar to many full service communities that will make this growth realistic as proposed.

- *The necessity to accommodate any increase in population and economic growth that has occurred outside of the Village boundaries in planned Village growth areas* – Dense growth as is proposed with this Development cannot happen in the Town. There is no expectation within the Town that there will be significant increases in population or economic activity regardless of this annexation. Regionally, however,

Dane County remains the fastest growing metropolitan area in the State for both population and economy, while the Village has remained stagnant for years. The annexation being contemplated fulfills a present need for growth more in line with what has been experienced within the region.

- *The need for additional areas within the Village to accommodate present or reasonably anticipated industrial, commercial, residential, or institutional growth* – The need for additional areas to accommodate residential growth is clearly demonstrated by the Village's commitment to public improvements, stagnant building permits over the last decade, and the need now before us to make available new opportunities for single family home development. There are currently 15 vacant lots that could support new home construction which represents less than 1% of the total lots in the Village. Further, out of the 15 vacant lots there is only 1 currently listed for sale. The need to annex this property is present in order to provide additional areas for the Village to accommodate residential growth.

- *The need to avoid potential detrimental effects to the Village if the property is developed outside of the Village* – There are several Town properties currently served by Village roads in order to access their properties. They have no dedicated access from the Township and are only useable due to the access provided by the Village. Allowing this property to develop outside of the Village will further expand this problem and create additional traffic issues within the Village at key intersections accessing this area whereby the Developer or the Town would not be obligated to share in the cost. Further, the opportunity would be lost for the Village to grow according to urban standards and instead would be boxed in by a development designed to rural standards. The present and future need for this annexation is to allow for orderly growth within the Village according to urban standards as has been completed successfully with similar projects.

n) Whether the annexation provides benefits to the property that can be realized only by annexation to the Village – The financial gain for both the property tax base and sewer fund are present, but there are some additional benefits associated with this annexation.

- Brewery Road it its entirety will be annexed and reconstructed according to Village standards. Its present condition in some locations requires a total reconstruction that would otherwise have to be shared between the Town and Village. This annexation allows for the road to be included in this project, eliminates existing issues, and provides additional opportunities outside of this annexation for new development.

- The trail system established by the Ice Age Trail on neighboring properties can be extended into this property opening new connection points for this neighborhood to the Hickory Hill Conservancy.

- Provides several acres of conservancy dedication adjacent to existing conservancy property that can be accessed through a new dedicated trail system.

- Implementation of modern stormwater management techniques to help treat water better on site and limit run off onto neighboring Village properties to the South.

- Managed and controlled stormwater eliminating existing run-off in high rain events through drainage way to be created.

- Lasting commitment to protect the bluffs through the addition of the Faust property and the addition of more greenspace for parks and conservancy growth.

Next Steps

The Plan Commission is scheduled on February 1st to consider the Development Proposal including the Preliminary Procedures and review of the Annexation Factors in order to make a recommendation to the Village Board. The Village Board will consider the recommendation of the Plan Commission and take action on the Development Proposal following its review. Assuming the Development Proposal has been approved at this point, the Developer may file the annexation petition according to the plan outlined in the proposal. How the Developer files will depend on how the annexation ordinance gets drafted. The ordinance will include several contingencies before it can be made effective. This is outlined in Section 82.07 with the effectiveness of the ordinance being contingent upon final plat, development agreement, etc. all of which is to be designed according to the approved Development Proposal. All remaining steps including a proposed timeline are included as Exhibit H.

If the Development Proposal is not approved, then the process cannot move forward until it has been accepted by both the Plan Commission and Village Board. The review process to begin with the Plan Commission on February 1st and then the Village Board at a later date is key in making sure the Development Proposal is acceptable in order for it to move on to the next steps in the annexation process. Without acceptance, then the Development Proposal will have to be improved by the Developer based upon the direction provided by either the Plan Commission or Village Board.

Recommendation

Village Staff recommends the Plan Commission review the Preliminary Procedures prepared by the Developer, consider the Annexation Factors presented by Village Staff, and conduct its review accordingly in order to provide a recommendation to the Village Board regarding the Development Proposal as presented.

Exhibits

Exhibit A – Section 82.05 (Pre-Annexation Agreement)

Exhibit B – Section 82.03(a) (State Statutes)

Exhibit C – Section 83.03(b) (Development Plan Required)

Exhibit D – Section 83.03(c) (Financial Analysis Report)

Exhibit E – Chapter 82 (Annexation) of Village Code of Ordinances

Exhibit F – Wisconsin State Statute 66.0217 (Annexation Initiated by Electors and Property Owners)

Exhibit G – Section 84.28 (SR-3) Single Family Residential

Exhibit H – Chapter 3 (Land Use) of the Comprehensive Plan

Exhibit I – Proposed Timeline for Development Project Review

Exhibit A

PREANNEXATION AGREEMENT

Agreement made and effective this 16th day of December, 2013, by and between Sundance Development LLC (hereinafter "Developer") and the Village of Cross Plains, a Wisconsin Municipal Corporation (hereinafter "Village").

WHEREAS, Developer is interested in annexing and developing certain property owned by the Developer currently located in the Town of Berry, Dane County, Wisconsin, but to ultimately be annexed to the Village of Cross Plains, said property more particularly described on the attached Exhibit A; and

WHEREAS, the Village agrees to periodically meet with the Developer and to review the Developer's plans for the potential annexation and development prior to a formal annexation petition and formal subdivision or development submission, and the Village further agrees to meet with the Developer to review the Developer's plan for development from the period the project is submitted until the project is either approved or withdrawn; and

WHEREAS, Village Ordinances authorize the Village to require a Developer to enter into an Agreement obligating the Developer to pay all of the Village's costs and fees incurred in the review of the preliminary development and annexation plans, and the implementation of the plans as submitted, and to insure compliance with Village Ordinances so as to eliminate or reduce expenses to Village taxpayers;

NOW, THEREFORE, Developer and Village agree as follows:

1) **PAYMENT FOR REVIEW SERVICES.** The Developer agrees to pay all administrative costs incurred by the Village for studying and reviewing the proposed annexation and development plans of Developer incurred prior to and through the date of a formal subdivision or development submission. Further, the Developer agrees to pay all administrative costs incurred by the Village for studying and reviewing the proposed development plans of the Developer incurred from the date the project is submitted up to and through the date the project receives final approval from the Village or the date the project is withdrawn by the Developer. These costs shall include, but not be limited because of enumeration, legal and engineering service costs incurred by the Village in connection with the review of Developer's plans and review of compliance with all Village Ordinances. The Developer understands the legal and/or engineering consultants retained by the Village are acting exclusively on behalf of the Village and not the Developer.

2) **GUARANTEE OF PAYMENT.** The Developer agrees to reimburse the Village for all administrative costs described in Section 1 and as required by Village

Ordinance as the same shall be billed from time to time by the Village. Developer shall deposit with the Village Clerk, in escrow, the cash sum of $10,000.00 to ensure performance of the promise or guarantee of reimbursement. The Village may draw upon the escrow from time to time as necessary to reimburse the Village for fees and expenses incurred. If at any time monies in the escrow are insufficient to pay expenses incurred by the Village for the administrative costs incurred, Developer shall deposit additional amounts as determined by the Village within 15 days of written demand, or further review and evaluation of the proposed public improvements shall be delayed or terminated.

Payment of all administrative costs shall be a condition of any further approvals required from the Village. Further, should the Developer withdraw the project and the amount of the escrow is insufficient to cover all of the Village's administrative costs, the Developer shall immediately reimburse the Village within 15 days of final billing. Should the Developer withdraw the project or the project reach completion, and there are sums held in escrow by the Village which shall exceed the final amount owed to the Village pursuant to this Agreement, the Village shall return all excess funds in escrow to the Developer within 15 days of reconciling the final billing statement with the Developer.

3) **DEFAULT.** In the event of default by the Developer, in addition to any other remedies to which the Village may be entitled, the Village shall recover from Developer all of its costs in enforcing this Agreement, including actual attorney fees, and may elect to collect the administrative costs and all costs of collection as a special charge upon the next tax roll on lands being reviewed if owned by Developer pursuant to the authority of Section 66.0627, Wis. Stats.

4) PREANNEXATION ISSUES. The conceptual/development plan submitted by the Developer shall include, at minimum, all of the following to the Village's satisfaction:

A. A plan for phasing in the construction of the development on the Exhibit A Property;
B. Proof that the entirety of Brewery Road will be annexed to the Village as part of the annexation, or, in the alternative, that an intergovernmental agreement between the Village and the Town of Berry regarding the future maintenance and repair of Brewery Road can be attained;
C. A secondary access road for emergency services ingress/egress to and from the Property will be developed;
D. Village approval allowing the developed lots to be serviced by well and municipal sewer.

5) **EFFECT OF AGREEMENT.** Developer acknowledges and agrees that by entering into this Agreement, the Village is not indicating its specific approval or acceptance of any preliminary or final plat, or any specific terms of a development agreement the Village reserves all of its legal rights to approve, conditionally approve, or reject any development plan submitted by Developer at any time.

6) **BINDING EFFECT.** This Agreement shall be binding on the parties hereto together with all of their heirs, personal representatives, successors or assigns. This agreement shall remain in effect until December 31, 2016.

7) **COUNTERPARTS.** This Agreement may be assigned in one or more counterparts, with each counterpart taken together, constituting the Agreement.

In witness whereof the parties have executed this Agreement on the day and date set forth above.

DEVELOPER

By: _____
Kyo Ladopoulos, Member
Sundance Development LLC

VILLAGE OF CROSS PLAINS

By: _____
J. Patrick Andreoni, President

By: _____
Matthew Schuenke, Clerk

This instrument drafted by:
Attorney Paul A. Johnson
Boardman & Clark LLP
113 S. Main Street, Suite 301
Post Office Box 256
Lodi, WI 53555
608-592-3877 (p)
608-592-5844 (f)
pjohnson@boardmanclark.com

Regular Village Board Meeting

Meeting Minutes

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, December 16, 2013
7:00 pm

I. Call to Order, Roll Call, and Pledge of Allegiance

President Andreoni called the regular Village Board meeting to order at 7:00 pm.

Present: Trustees Ray Blanchard, Doug Brunner, Judy Ketelboeter, Jay Lengfeld, Steve Schunk (arrived at 7:07 pm), Tim Statz, and President Pat Andreoni.

Also-Present: Thomas Kuester, Darla Kuester, and Dick Greffin.

II. Consent Agenda

A motion was made by Trustee Statz, seconded by Trustee Lengfeld, and unanimously carried by the Village Board to approve the Consent Agenda items as follows:

1. Minutes of the regular meeting held November 25, 2013.

2. Total Disbursements from December 1, 2013 through December 11, 2013 in the amount of $178,995 broken down as follows:
- 110 – General Fund: $119,911
- 120 – Capital Fund: $26,959
- 660 – Water Utility: $19,243
- 670 – Sewer Utility: $12,879

3. Approval of an Operator's (Bartender's) Licenses for Thomas E. Kuester.

4. Appointment of Poll Workers for the 2014-2015 Election Cycle.

5. Approval of Resolution #21-2013 regarding the designation of a Village Official that is authorized to declare Official Intent under reimbursement bond regulations.

6. Approval to strike Village Board Policy #2012-02 and replace with #2013-01 regarding the Tax Increment Financing application process.

7. Approval of a proposal from Town and Country Engineering for bidding, construction, and inspection services for the Lagoon Street Reconstruction Project.

III. Report of Village Officers

1. Village President

- Stated that he would be undergoing a medical procedure in January that may require him to be absent from some meetings.

2. Village Administrator/Clerk-Treasurer

- Stated that incumbent Village Trustee candidates have until December 27th at 5 pm to file non-candidacy paperwork if they intend not to run for re-election. All candidates including incumbents have until January 7, 2014 at 5 pm to file their paperwork to run for Village Trustee. Interested candidates should contact the Village Hall (798-3241) with questions and to receive the necessary paperwork.

3. Miscellaneous Trustee Reports – None.

IV. Public Comment – None.

V. Committee/Commission Recommendations

1. Committee of the Whole

a. Discussion and action regarding the issuance of a Class B Fermented Malt Beverage and Intoxicating Liquor License to Darla Kuester as Agent for Jodi's Saloon and Eatery located at 1821 Main Street – A motion was made by Trustee Lengfeld, seconded by Trustee Brunner, and unanimously carried by the Village Board to issue a Class B Fermented Malt Beverage and Intoxicating Liquor License to Darla Kuester as Agent for Jodi's Saloon and Eatery located at 1821 Main Street.

b. Discussion and action regarding the annual review of the Committee of the Whole meeting system – Following discussion, a motion was made by Trustee Brunner, seconded by Trustee Blanchard, and carried by the Village Board to continue the Committee of the Whole meeting system for at least through 2014, incorporate best practices as available/applicable, and include ad-hoc committees as appropriate.

c. Discussion and action to approve the adjusted 2013 Compensation Plan for employees – A motion was made by Trustee Statz, seconded by Trustee Schunk, and unanimously carried by the Village Board to approved the adjusted 2013 Compensation Plan for employees.

2. Committee of the Whole and Plan Commission

a. Discussion and action regarding a Pre-annexation Agreement with Sundance Development LLC regarding the Sundance Residential Subdivision Development

- A motion was made by Trustee Schunk, seconded by Trustee Lengfeld, for the Village Board to deny the Pre-annexation Agreement with Sundance Development LLC regarding the Sundance Residential Subdivision Development. A roll call vote was requested. Yes – Lengfeld and Schunk.

No – Andreoni, Blanchard, Brunner, Ketelboeter, and Statz. Motion failed 2 – 5.

- A motion was made by Trustee Brunner, seconded by Trustee Statz, for the Village Board to accept the Pre-annexation Agreement with Sundance Development LLC regarding the Sundance Residential Subdivision Development changing "can" to "will" in Section 4(C). A roll call vote was requested. Yes – Andreoni, Blanchard, Brunner, Ketelboeter, and Statz. No – Lengfeld and Schunk. Motion carried 5 – 2.

VI. General Business – None.

VII. Closed Session

1. A motion was made by Trustee Ketelboeter, seconded by Trustee Lengfeld, for the Village Board to meet in Closed Session at 7:44 pm pursuant to 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically to discuss possible acquisition of real estate for the Lagoon Street Reconstruction Project – A roll call vote is required. Yes – Andreoni, Blanchard, Brunner, Ketelboeter, Lengfeld, Schunk, and Statz. No – None. Motion carried 7 – 0.

2. Reconvene into Open Session – A motion was made by Trustee Schunk, seconded by Trustee Lengfeld, and unanimously carried by the Village Board to reconvene into Open Session at 8:05 pm.

3. Discussion and action to acquire real estate for the Lagoon Street Reconstruction Project.

- A motion was made by Trustee Ketelboeter, seconded by Schunk, and unanimously carried by the Village Board to approve the purchase of a portion of the property needed for the project located at 2110 Main Street for an amount of $42,450 including conditions in the offer to purchase.
- A motion was made by Trustee Brunner, seconded by Ketelboeter, and unanimously carried by the Village Board to approve the purchase of the property located at 1802 Main Street for an amount of $382,000 including conditions in the offer to purchase.

VIII. Adjournment

A motion was made by Trustee Ketelboeter, seconded by Trustee Schunk, and unanimously carried by the Village Board to adjourn the meeting at 8:06 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,

Matthew G. Schuenke, Village Administrator/Clerk-Treasurer

Exhibit B

January 26, 2016

Matt Schuenke
Village of Cross Plains
2417 Brewery Rd.
Cross Plains, WI 53528

Re: Sundance Property Annexation

Dear Matt,

Sundance Development LLC will be requesting annexation of the properties involved in the planned Sundance Development into the Village of Cross Plains through a 'petition for direct annexation by one-half approval' as defined in Section 66.0217(3) of Wisconsin State Statutes. These properties are currently located in the Town of Berry. A class 1 notice of intention to circulate the petition will be required per Statutes Ch.985, and must contain the required elements defined in Section 66.0217(4) of the Statutes.

Although the vast majority of the land involved in the annexation is owned by the Developer and cooperating landowners--the Roesslers--the annexation of Brewery Road necessitates the inclusion of several small portions of the Road which were never dedicated to the public (the Town) and are thus still owned by private landowners adjoining the Road ("Road Slivers").

The annexation petition will meet all of the requirements of Section 66.0217(3)(a) and can be signed by:

- All of the--and the only—qualified electors residing in the territory to be annexed: the Roesslers.
- The owners of over one-half of the land in area within the territory: the Developer and the Roesslers.
- The owners of over one-half of the real property in assessed value within the territory: the Developer and the Roesslers.

The properties proposed for annexation are as follows:

<u>Development Properties: annexed in full:</u>

1) Sundance Development
Parcel Identification Number: 080734190020
Address: n/a

2) Roessler Property
Parcel Identification Number: 080734484200
Address: 4923 Brewery Rd.

Road Slivers: ***only*** the Brewery Rd. ROW annexed:

3) Parcel Identification Number: 080734483400
Address: 4899 Brewery Rd.

4) Parcel Identification Number: 080734483710
Address: 4877 Brewery Rd.

5) Parcel Identification Number: 080735291355
Address: 4980 Brewery Rd.

6) Parcel Identification Number: 080735291551
Address: 4972 Brewery Rd.

7) Parcel Identification Number: 080735291800
Address: 4952 Brewery Rd.

8) Parcel Identification Number: 080735292010
Address: 4884 Brewery Rd.

This letter is filed to comply with the requirements of the Cross Plains Village Code Section 82.03(a).

We thank Staff for all of its work to date and look forward to continuing work with the Village on the completion of annexation, USA amendment, and Development Plan approvals.

Sincerely,

Kyo Ladopoulos
Sundance Development, LLC

Exhibit C

SUNDANCE
DEVELOPMENT PLAN
Cross Plains, Wisconsin

12/29/2015

Owner
Oregon Parks, LLC
5440 Willow Road, Suite 101
Waunakee, WI 53597

Developer
Sundance Development LLC

Engineer
D'Onofrio Kottke
Ronald Klaas, Lead Engineer

TABLE OF CONTENTS

INTRODUCTION 3
SPECIAL FEATURES 3
1. GEOGRAPHY AND SERVICES 3
2. TRAIL CONNECTIVITY 4
2. ISOLATED VIEWSHED 4
LAND USE 4
ENVIRONMENTAL IMPACT 6
1. LAND RESOURCES 6
2. WATER RESOURCES 6
3. BIOLOGICAL RESOURCES 6
TRANSPORTATION & TRAFFIC 6
PROPERTY TAXES AND SCHOOL DISTRICT 7
ANNEXATION & PHASING 8
APPENDICES 10

INTRODUCTION

The lands proposed for development lie to the north of the existing corporate limits and are adjacent and contiguous with the Village.

The total acreage, as measured from the center of the right of way, is 142 acres more or less. The lands' topography is high plateau, gently falling to the west in elevation.

The entire parcel, except for the woodland to be preserved and the protected 20 percent slopes, is ready for development. It does not contain wetlands, or any other physical barriers impacting development.

Proposed utility routes are down slope and adjacent to this parcel. Sundance development will be on municipal sewer connecting to the existing sewer at the intersection of Brewery Road and Laufenberg Blvd, and private wells. One sanitary sewer lift station will be required (see Sewer Main Map).

Brewery Road, a collector street, is adjacent to the parcel running north-south. It leads to HWY 14 and P, regional traffic interceptors, which lead to the 'central', 'east' and 'west' sides of the Madison metropolitan area. Brewery Road is a key collector street and transportation link to the existing Village roadway system as well as to planned Village expansion to the north as envisioned in the most recent Comprehensive Plan.

The proposed development is a logical direction for the Village to expand:

a) Village growth is circumscribed by ecologically sensitive areas to the south, which are restricted to protect water quality for Black Earth Creek.
b) The entirety of the planned development area is already included in the Village's Comprehensive Plan map as Planned Neighborhood.

The development would require the land involved to be annexed into the Village and would also require an expansion of the Village's Urban Service Area as the area is not currently covered by the existing USA.

SPECIAL FEATURES

The site contains unique features that the development plan incorporates.

1. GEOGRAPHY AND SERVICES

The site is on a high plateau well above the existing pressure levels of the Village water service system. At the same time, the Village needs to support the cost and substantial capacity in its recently upgraded sewer plant. The Sundance development therefore incorporates the use of municipal sewer with private wells for water.

To contribute to the maintenance of water quality, the development also incorporates a swale-based road profile and storm-water system similar to the development on Gil's Way. This

improves water quality and reduces runoff by encouraging much more natural infiltration than a traditional gutter-and-storm-drain system.

Private wells preclude multifamily development (beyond duplex). This is not an impediment to the proposed design because its location and character is suited to higher-end single-family home lots. The absence of fire hydrants can be accommodated by the rural fire fighting capabilities of the local Fire Department.

2. TRAIL CONNECTIVITY

The property is uniquely situated adjacent to the Ice Age Trail (IAT). In cooperation with the Ice Age Trail Association, the development provides connectivity between the IAT and the neighborhood's internal trail network.

The trail network is an attractive amenity for the neighborhood, Village residents and visitors. As trail-goers are likely to take advantage of the site as a mini-trailhead for enjoying the IAT, the development plan includes an off-street parking area giving access to both the local trail network and the IAT.

2. ISOLATED VIEWSHED

Despite it's high elevation, the vast majority of the site is visually isolated from the adjacent Village, as it primarily slopes to the West. The unique combination of connectivity and seclusion enhances the high-end residential value of the planned neighborhood.

LAND USE

Due to its unique geography and sizeable lots, we envision a high-end residential profile for the Sundance development.

The neighborhood design sets aside and dedicates to the Village significantly sized parcels for conservancy.

A Village neighborhood park and picnic area of over 2 acres is included at a central location for the neighborhood, identified as "Outlot 4" in the Concept Development map (see appendices). In addition to the practical position within the neighborhood, the park represents one of the highest elevations and the flattest areas in a geography dominated by rolling terrain.

Cross Plains has run out of lots available for building single family dwellings. In combination with the economic downturn the community—while only six minutes away from Middleton and close to the Madison metropolitan area—has not had significant growth for many years. As a consequence commercial activity has been limited, and Village real estate taxes have flattened out with older structures.

Of the 142 acres Sundance is proposing to annex (not including the Brewery Rd R.O.W):

- 44 acres are devoted to open/green space

- 15 acres constitute the Roessler parcel
- 64 acres (145 lots) are devoted to single family dwellings
- the rest will be R.O.W.

With the sizeable green-space areas, the development density is relatively low at 0.88 dwellings per acre. Vistas are primarily internal to the development and to the surrounding bluffs—there is very little visibility between the proposed development and the existing Village. The Sundance Development would be a premier housing development for Cross plains. The unique geography and large estate-sized lots are likely to attract larger homes with higher values.

The proposed lots are a mixture of large estate lots and some medium sized lots for single family dwellings.

The Zoning will be SR-3 single-family subsequent to development, with the exception of the Roessler parcel, which will be RH-35 rural holding.

ENVIRONMENTAL IMPACT

1. LAND RESOURCES

Any changes in relief and drainage patterns will be designed so as to limit run-off and lead the excess water into on site designated water detention areas expected to improve the existing run off situation.

The 20% slopes are shown on the enclosed map and the lots abutting such areas are designed so that building envelopes conform to the ordinance requiring a 150' buffer from 20% slopes.

There is a drainage way containing more than 5 acres of land (see intermittent stream on map). The drainage way will be preserved as is.

The parcel is a high plateau area with the highest elevation at 1120 feet.

The Dane County Soil survey shows soils which may contain areas with bedrock within 6' from the surface located mostly in the undeveloped and preserved areas.

2. WATER RESOURCES

The woodland area is traversed by an intermittent stream and is shown on the enclosed map. The woodlands are to be preserved in their current state.

3. BIOLOGICAL RESOURCES

The parcel is made up of three significant components. The cropland which is intended for development, the woodland which is intended for preservation and the undeveloped pastureland, which is intended for parkland and conservancy.

We have applied to the Wisconsin DNR for an endangered resources evaluation and there are none. As development is restricted to current farmland areas, and we are not proposing any development in the woodland areas, we don't expect impact on any sensitive plant or animal life.

TRANSPORTATION & TRAFFIC

Brewery Road is a collector street. The development will increase traffic by more than 10% on Brewery Road. However it will not increase traffic by more than 10% on regional collectors HWY 14 and CTH P.

A detailed traffic study was prepared in 2008 and reviewed for the Village by its traffic consultant (Terry Beuthling of HNTB). The study had comparable assumptions to the current development plan. Its findings showed modest increases in traffic wait times from the completed development. The maximum traffic increase in wait time across key intersections averaged 3.1

seconds. The low was 0.2 seconds (14 & P, Morning Peak), with a high of 6.9 seconds (Brewery & P, Afternoon Peak). “Level of Service” at the intersections remained unchanged—at existing “B” and “C” levels—with the exception of Brewery & P which went from “B” to “C” during the Afternoon Peak hour only. (Level “C” is considered an “average” or “typical” wait time for an intersection).

The current expansion of HWY 14—including the addition of a traffic light at the intersection of HWY 14 at Brewery Road—will further ease the impact of the additional traffic created.

An “Emergency Lane” is proposed at the South end of the development. The purpose of the lane is for emergency vehicle access to the development in the event that the primary access along Brewery Rd. is temporarily cut off for some reason--downed tree or power line, etc. This road will be dedicated as Village-owned Right-of-Way. Pedestrian access will be allowed but non-Village vehicle access will be restricted by the use of signage and potentially other measures as needed (gate, etc.).

PROPERTY TAXES AND SCHOOL DISTRICT

Assuming that the new development’s children are equally divided between elementary, middle school, and high school the child population of this subdivision when fully built will not increase the school population of any one school more than 7%. We assume the number of students added based on the Middleton Cross Plains School District value of 0.4 children/Single-family Dwelling Unit. It is worth noting, however, that the Sundance development may end up with a somewhat lower average value as estate lots such as are proposed can have slightly less school-age children than average. Homeowners in these types of lots tend to be second-home, move-up buyers whose children are more likely than average to be grown or in college.

Below is conservative estimate of the tax revenue that may be expected by the development, and its economic impact on the school district. (Refer the MSR Economic Impact Analysis commissioned by the Village for additional detail.)

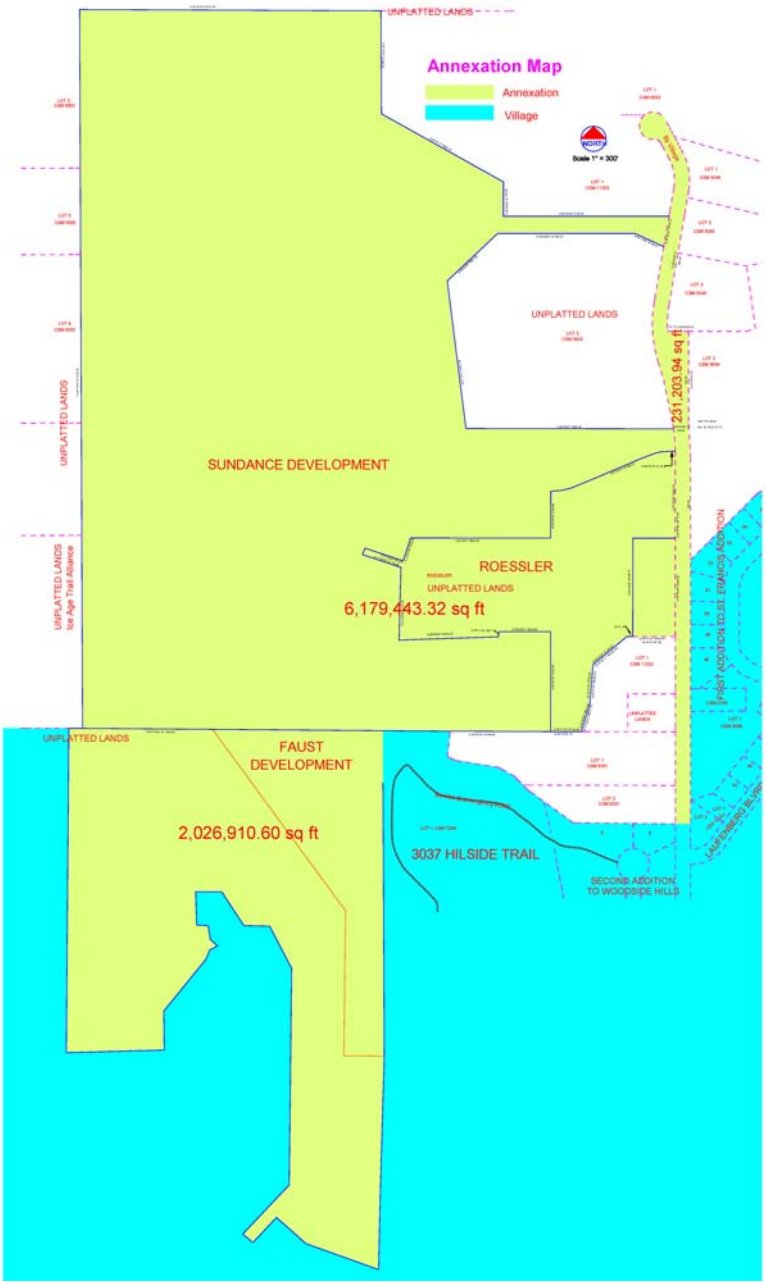
Projected Annual Tax Revenue

Market Value / Single-Family Dwelling Unit	$420,000
TOTAL Value (145 DU)	$60,900,000
Property Tax Value (21.42 mill rate)	$1,304,478
School Share (51%)	$665,284
MATC Share (6.9%)	$90,009

ANNEXATION & PHASING

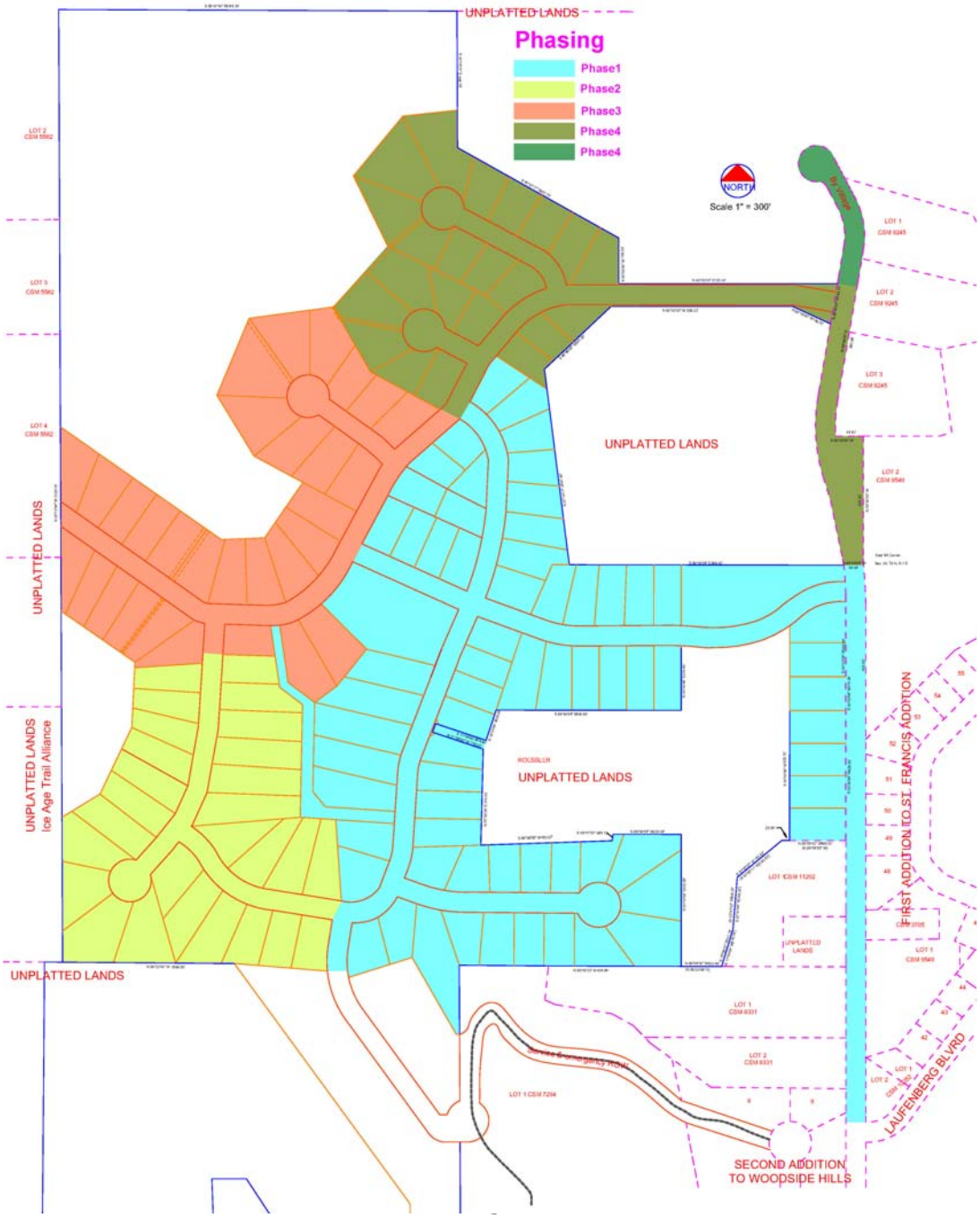
Annexation will include the development lands as well as the full extent of Brewery Road. This simplifies the ownership and maintenance of the Road, which is currently split between the Village and the Town of Berry. While this creates two "town islands", it is preferable to:

a) Clarify the situation of Brewery Rd. which is practically a Village road but not currently to Village standards for all its extent.
b) Avoid the forced annexation of any Town residents who do not wish to be annexed at this time.



All Town residents along Brewery Road are currently transportation-isolated from the rest of the Town and must transit through the Village. This situation will remain the same with the new development but Brewery Road will be improved to Village standards, modified as needed to suit the topography (slopes).

The development will be constructed in four phases, with construction occurring as lots are sold based on market conditions. With the exception of the larger Phase 1, each phase will consist of roughly 30 home lots and attendant infrastructure. The new neighborhood park (Outlot 4) will be included in the first phase.



APPENDICES

A. Maps (Full-Size)
B. Traffic Study

Annexation Map

Annexation

Village

NORTH

Scale 1" = 300'

UNPLATTED LANDS

LOT 2 CSM 5582

LOT 3 CSM 5582

LOT 4 CSM 5582

UNPLATTED LANDS

UNPLATTED LANDS
Ice Age Trail Alliance

SUNDANCE DEVELOPMENT

LOT 1 CSM 9833

By Village

LOT 1 CSM 11203

LOT 1 CSM 9245

LOT 2 CSM 9245

LOT 3 CSM 9245

UNPLATTED LANDS

LOT 2 CSM 9833

231,203.94 sq ft

LOT 2 CSM 9549

East 1/4 Corner
Sec. 34, T8 N, R 7 E

ROESSLER

ROESSLER

UNPLATTED LANDS

6,179,443.32 sq ft

LOT 1 CSM 11202

UNPLATTED LANDS

CSM 3705

FIRST ADDITION TO ST. FRANCIS ADDITION

LOT 1 CSM 9549

UNPLATTED LANDS

FAUST DEVELOPMENT

2,026,910.60 sq ft

LOT 1 CSM 8331

LOT 2 CSM 8331

Service & emergency ROW

LOT 1 CSM 7294

3037 HILSIDE TRAIL

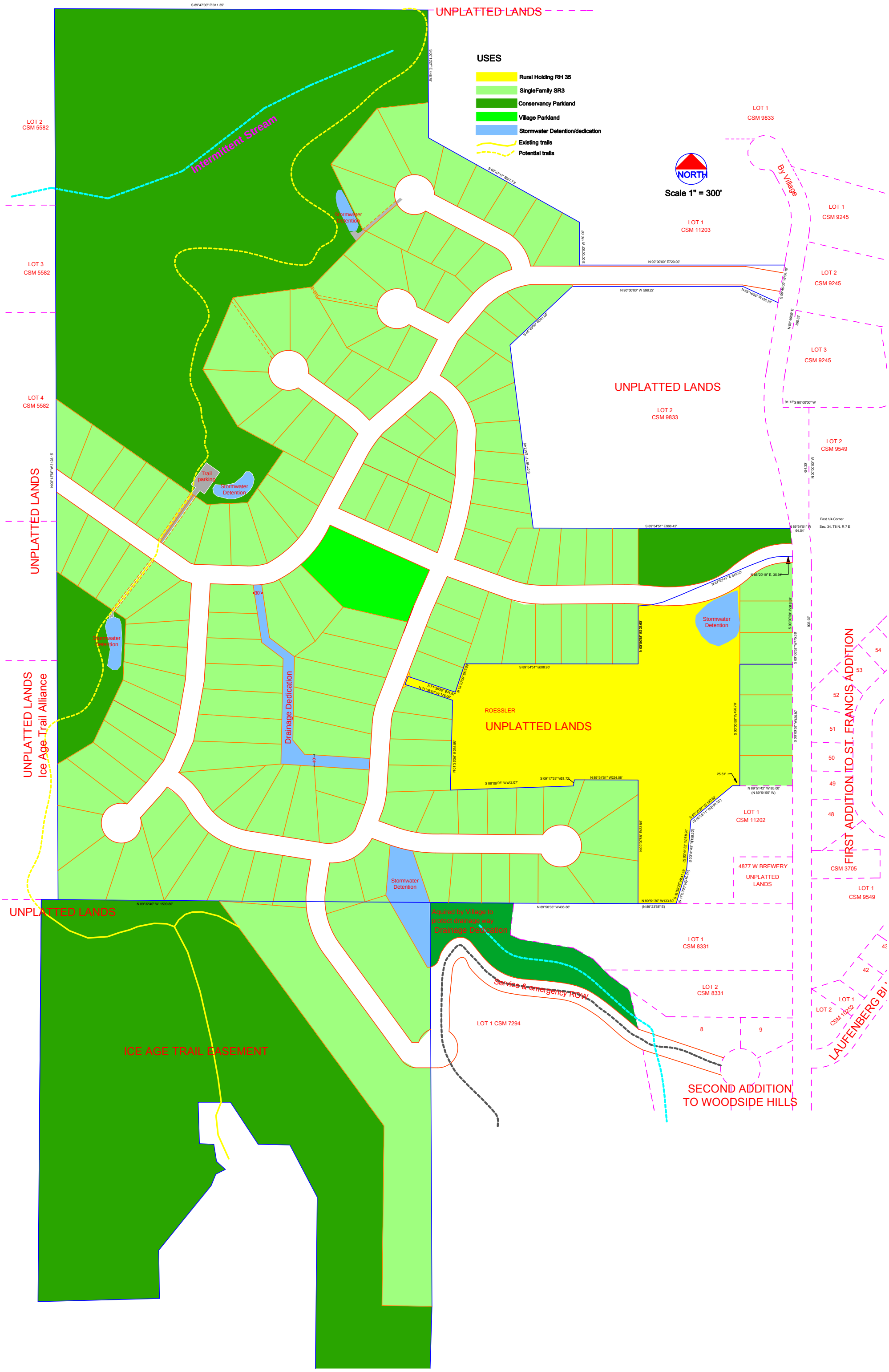
LOT 1

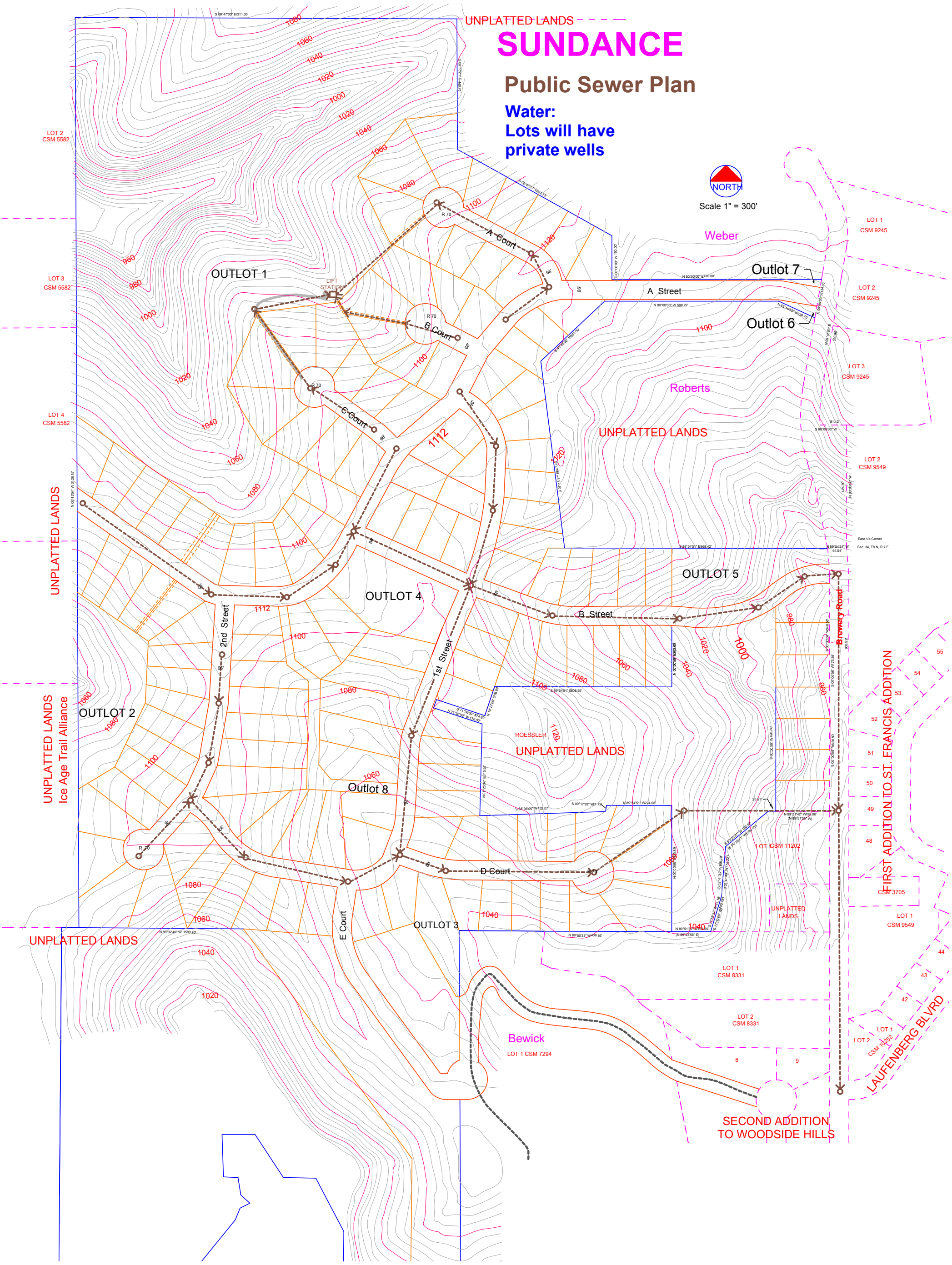
LOT 2

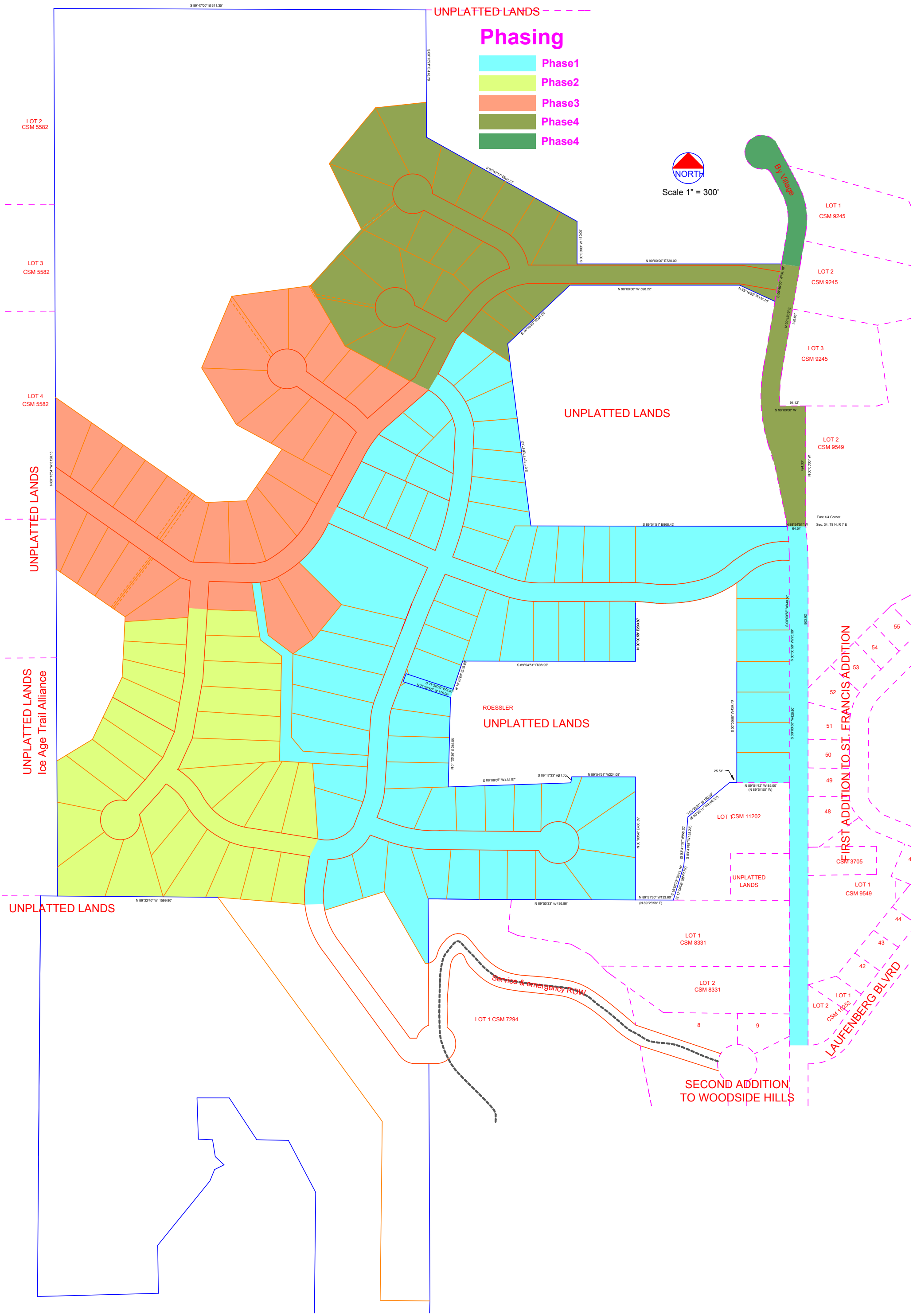
CSM 10232

LAUFENBERG BLVD

SECOND ADDITION
TO WOODSIDE HILLS


UNPLATTED LANDS
USES
Rural Holding RH 35
SingleFamily SR3
Conservancy Parkland
Village Parkland
Stormwater Detention/dedication
Existing trails
Potential trails
NORTH
Scale 1" = 300'
Intermittent Stream
LOT 2
CSM 5582
LOT 3
CSM 5582
LOT 4
CSM 5582
UNPLATTED LANDS
UNPLATTED LANDS
Ice Age Trail Alliance
LOT 1
CSM 9833
By Village
LOT 1
CSM 9245
LOT 2
CSM 9245
LOT 3
CSM 9245
LOT 1
CSM 11203
UNPLATTED LANDS
LOT 2
CSM 9833
LOT 2
CSM 9549
Stormwater Detention
Trail parking
Stormwater Detention
Stormwater Detention
Drainage Dedication
ROESSLER
UNPLATTED LANDS
Stormwater Detention
LOT 1
CSM 11202
4877 W BREWERY
UNPLATTED LANDS
FIRST ADDITION TO ST. FRANCIS ADDITION
CSM 3705
LOT 1
CSM 9549
Stormwater Detention
Acquired by Village to protect drainage way
Drainage Dedication
UNPLATTED LANDS
LOT 1
CSM 8331
LOT 2
CSM 8331
Service & emergency ROW
LOT 1 CSM 7294
ICE AGE TRAIL EASEMENT
SECOND ADDITION TO WOODSIDE HILLS
LAUFENBERG BL


SUNDANCE
Public Sewer Plan
Water:
Lots will have
private wells
NORTH
Scale 1" = 300'
UNPLATTED LANDS
OUTLOT 1
OUTLOT 2
OUTLOT 3
OUTLOT 4
OUTLOT 5
Outlot 6
Outlot 7
Outlot 8
LIFT STATION
A Court
B Court
C Court
D Court
E Court
A Street
B Street
1st Street
2nd Street
Brewery Road
Weber
Roberts
Bewick
ROESSLER
LOT 2 CSM 5582
LOT 3 CSM 5582
LOT 4 CSM 5582
LOT 1 CSM 9245
LOT 2 CSM 9245
LOT 3 CSM 9245
LOT 2 CSM 9549
LOT 1 CSM 9549
LOT 1 CSM 8331
LOT 2 CSM 8331
LOT 1 CSM 7294
LOT 1 CSM 10252
LOT 2 CSM 10252
CSM 3705
LOT CSM 11202
FIRST ADDITION TO ST. FRANCIS ADDITION
SECOND ADDITION TO WOODSIDE HILLS
LAUFENBERG BLVRD
UNPLATTED LANDS
Ice Age Trail Alliance


UNPLATTED LANDS
Phasing
Phase1
Phase2
Phase3
Phase4
Phase4
NORTH
Scale 1" = 300'
By Village
LOT 2
CSM 5582
LOT 3
CSM 5582
LOT 4
CSM 5582
UNPLATTED LANDS
UNPLATTED LANDS
Ice Age Trail Alliance
UNPLATTED LANDS
LOT 1
CSM 9245
LOT 2
CSM 9245
LOT 3
CSM 9245
LOT 2
CSM 9549
UNPLATTED LANDS
East 1/4 Corner
Sec. 34, T8 N, R 7 E
ROESSLER
UNPLATTED LANDS
LOT 1 CSM 11202
UNPLATTED LANDS
LOT 1
CSM 9549
FIRST ADDITION TO ST. FRANCIS ADDITION
UNPLATTED LANDS
LOT 1
CSM 8331
LOT 2
CSM 8331
Service & emergency ROW
LOT 1 CSM 7294
LOT 1
LOT 2
CSM 10252
LAUFENBERG BLVRD
SECOND ADDITION
TO WOODSIDE HILLS

SUNDANCE DEVELOPMENT TRAFFIC STUDY

simulation by
Professor A. Skabardonis
Institute of Traffic Studies
UC Berkeley

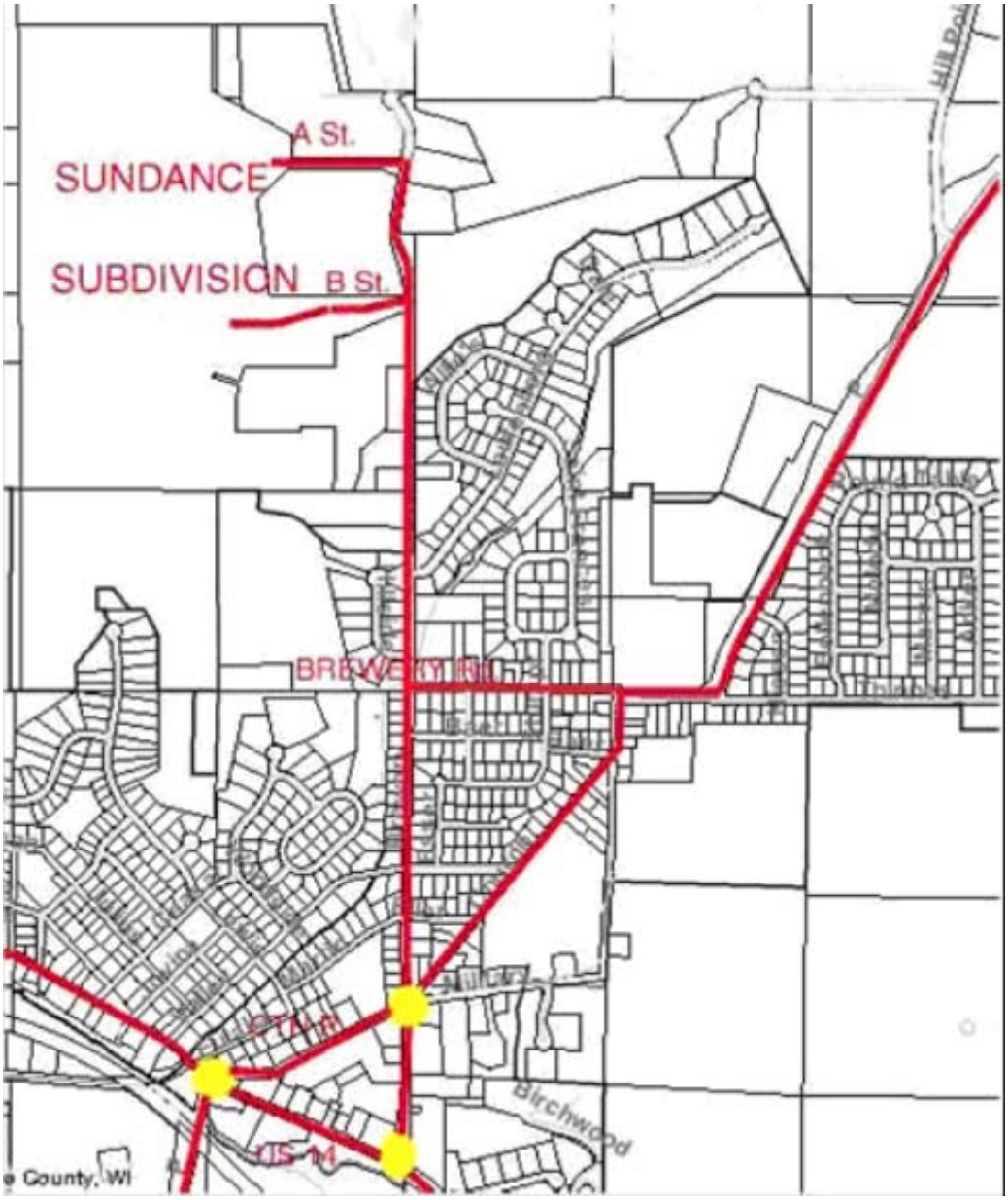
SUMMARY:

A traffic study and computer simulation were prepared for the proposed Sundance Neighborhood by Professor A. Skabardonis of the Berkeley Institute of Transportation Studies. The original study was performed in 2008 and has been updated for the current proposal. The study indicates that the traffic added by the Sundance subdivision will not require additional road improvements. All major roads and intersections of concern will still have adequate capacity upon completion of the subdivision and traffic flows will not be substantially altered.

DESCRIPTION:

The following areas and intersections were included in the study:

1. Brewery Rd., Church St. (CTH P), & Military Rd.
2. Brewery Rd. & US HWY 14.
3. Church St. (CTH P) & US HWY 14.
4. Sundance outlets (Streets “A” and “B”) and Brewery Rd.



METHODOLOGY:

The study and associated simulation was conducted using Highway Capacity Manual 2000 standards, the SYNCHRO software application (see appendix), and ITE 7th Edition trip generation rates (See Table 1).

PROPOSED PROJECT: TRIP GENERATION & DISTRIBUTION
Table 1. Trip Generation

Trip Generation Rates *(Source: ITE Trip Generation)*								
Development Type	Trip Rate		Peak Period Rate		AM Distribution		PM Distribution	
	Trips (#/day/unit)	…unit	AM	PM	In	Out	In	Out

Single Family	9.57	trips/dwelling unit	0.77	1.02	25%	75%	64%	36%

"In": Vehicle Trips into the development

"Out": Vehicle Trips out of the development

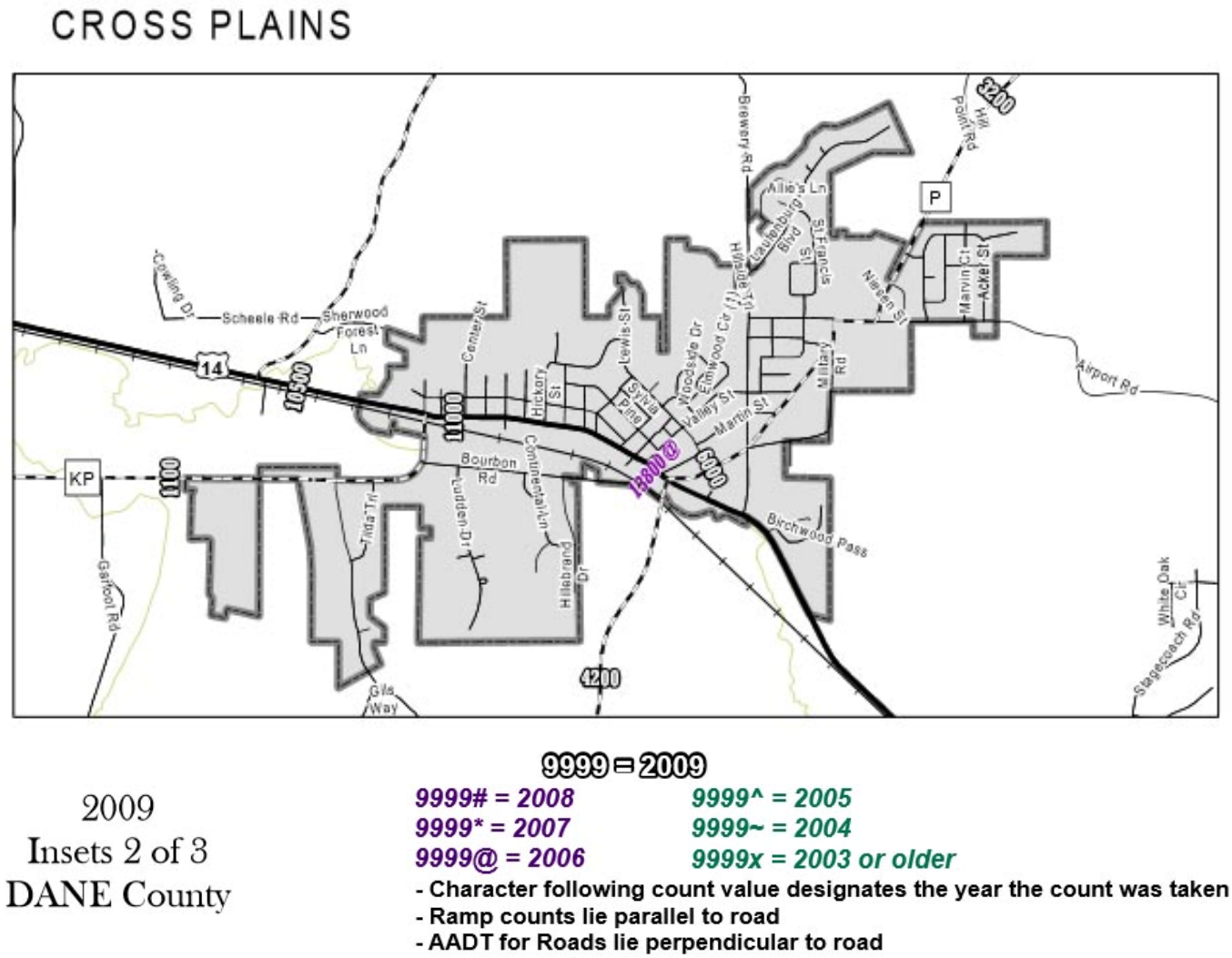
Traffic Volume Analysis								
Subject: **Sundance**								
Development Type	Single Family Dwelling Units	Daily Vehicle Trips	Peak Period Trips		AM Peak Trip Distribution		PM Peak Trip Distribution	
			AM	PM	In	Out	In	Out
Current Proposal	**145**	**1388**	**109**	**147**	**28**	**82**	**95**	**53**
Original Proposal (2008)	186	1781	140	188	35	105	121	68
Original Proposal (Southbound trips only)	140	1340	105	142	27	79	91	52

ASSUMPTIONS:

The bulk of neighborhood traffic is expected to travel south to Main St./14. For study purposes, all of the traffic is assumed to exit south along Brewery Rd. and to US14 through existing roads. Because access to northern and eastern portions of the Madison area is faster via a northern route, some of the traffic is likely to divert through Thinnes St. to County P and to Airport Road. This pattern will make for a smaller traffic impact than the study shows. The original study assumed a 75%/25% split of southern to northern routes—the current proposed traffic total is almost identical to the originally proposed southern route traffic.

The initial project build-out date was estimated for the year 2011 with a total 3.6% net background traffic growth. The new build-out date is 2020. However, annual growth in traffic counts from 2005-2009 in this area of Dane Country suggest a much slower rate of growth than the initial assumption—on the order of 0.2-0.3% at most, rather than the originally assumed value of over 0.7%. As such, the simulation results should hold quite closely for the new timeframe.

EXISTING TRAFFIC



2009
Insets 2 of 3
DANE County

9999 = 2009

9999# = 2008 9999^ = 2005
9999* = 2007 9999~ = 2004
9999@ = 2006 9999x = 2003 or older

- Character following count value designates the year the count was taken
- Ramp counts lie parallel to road
- AADT for Roads lie perpendicular to road

Wisconsin DOT Traffic Counts

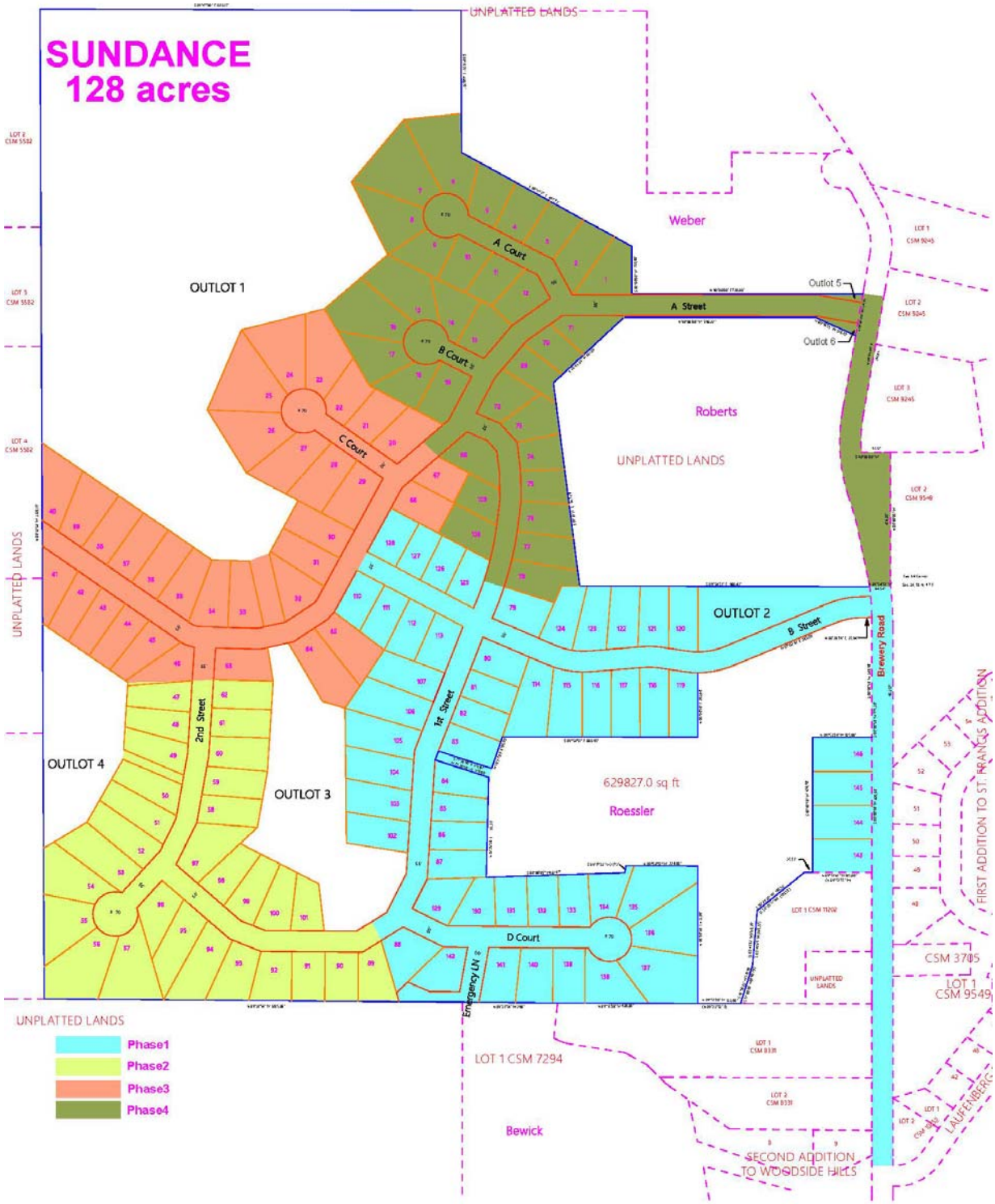
Location	Daily Traffic (Avg. Annual)	Peak Traffic AM	Peak Traffic PM
Brewery Rd.	900**	90	100
Hwy 14 (@ Brewery)	13690*	1369	1363
Hwy 14 (@ Church)	13800***	1723	1982
Hwy P (@ Brewery)	5500***	833	777
Military Rd.	200*	20*	20*

* HNTB estimated value
** HNTB counts
*** WisDOT counts

Military Road traffic was estimated based on an assessment of surrounding development, the rest are counts. Peak hour traffic estimates use the standard default value of 10% of AADT.

SITE DESCRIPTION

The Sundance Neighborhood will consist of approximately 145 single-family homes developed in 4 phases as shown.



PROJECTED TRAFFIC

The projected traffic impact on all key intersections is modest. None of the projected traffic increases exceed any of the intersection capacities. Average wait time (Control Delay) increases are small and Level of Service (LOS) categories remain unchanged at all intersections except PM Peak westbound left turns from P onto Brewery. At this intersection during the PM peak hour, the LOS changes from B to C, with an average increased delay of less than 7 seconds (i.e. from the high end of LOS B to the low end of LOS C). (See SYNCHRO maps and tables in Appendix.)

Below are listed the traffic changes for each studied intersection.

AM PEAK		
	AVG. DELAY / LEVEL OF SERVICE	
INTERSECTION	**BASELINE (2011)**	**WITH PROJECT**
Brewery/P	16.8 sec (C)	21.1 sec (C)
Brewery/US14	21.1 sec (C)	24.7 sec (C)
US14/P	18.1 sec (B)	18.3 sec (B)

PM PEAK		
	AVG. DELAY / LEVEL OF SERVICE	
INTERSECTION	**BASELINE (2011)**	**WITH PROJECT**
Brewery/P	14.9 sec (B)	21.8 sec (C)
Brewery/US14	21.6 sec (C)	24.4 sec (C)
US14/P	18.8 sec (B)	19.6 sec (B)

APPENDIX:

Level of Service (LOS) Table

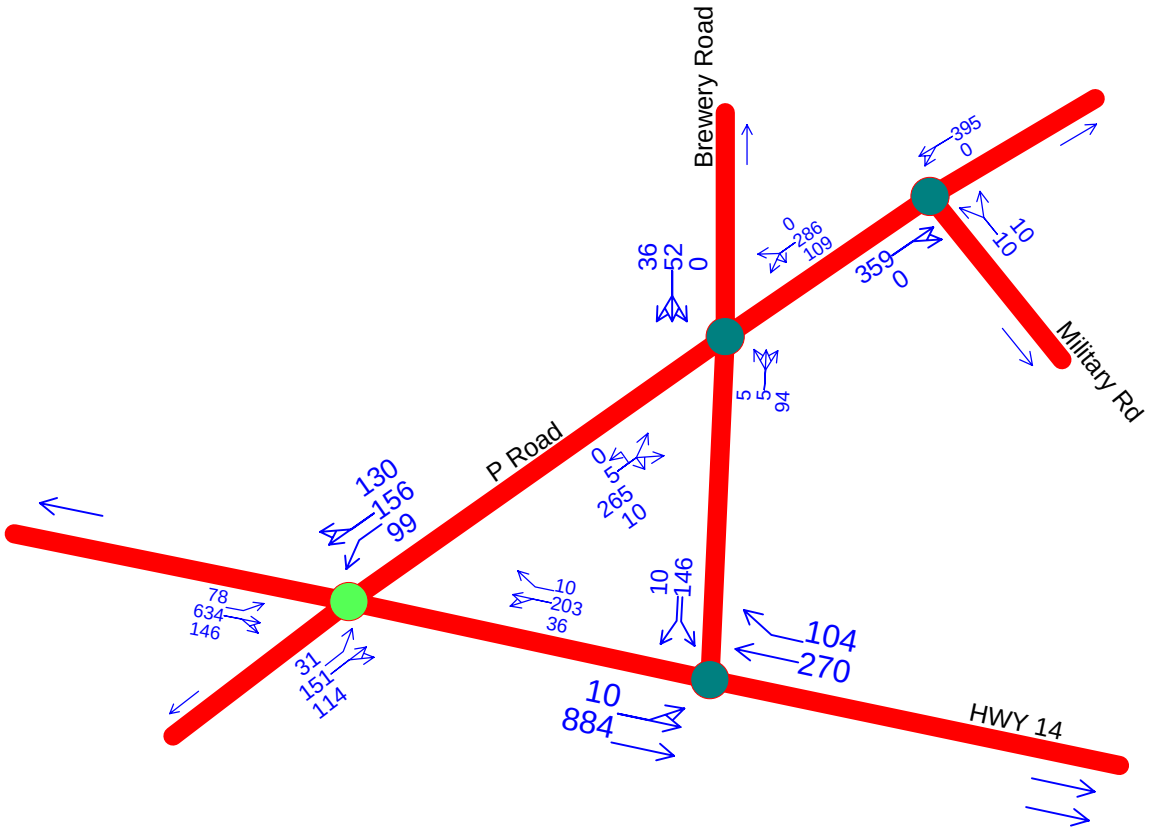
* “Average” wait times
** Intersection capacity exceeded

Unsignalized Intersection	
Level of Service	Average Control Delay (seconds)
A	<10
B	>10-15
C*	>15-25
D	>25-35
E	>35-50
F**	>50
Signalized Intersection	
Level of Service	Average Control Delay (seconds)
A	<10
B	>10-20
C*	>20-35
D	>35-55
E	>55-80
F**	>80

SYNCHRO Maps & Tables

BASELINE 2011 CONDITIONS **GROWTH FACTOR: 3.6%**

Traffic Volumes **AM PEAK**



HCM Unsignalized Intersection Capacity Analysis
2: P Road & Brewery Road

AM PEAK

Movement	WBL2	WBL	WBR	NBL	NBT	NBR	SBL	SBT	SBR	NEL	NER	NER2
Lane Configurations												
Sign Control		Free			Stop			Stop		Free		
Grade		0%			0%			0%		0%		
Volume (veh/h)	105	275	0	5	5	90	0	50	35	5	255	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	109	286	0	5	5	94	0	52	36	5	265	10
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type					None			None				
Median storage veh)												
vC, conflicting volume	276			848	785	270	881	790	286	286		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
tC, single (s)	4.2			7.2	6.6	6.2	7.1	6.5	6.2	4.2		
tC, 2 stage (s)												
tF (s)	2.3			3.5	4.0	3.3	3.5	4.0	3.3	2.3		
p0 queue free %	91			98	98	88	100	82	95	100		
cM capacity (veh/h)	1254			213	292	761	217	295	758	1242		

Direction, Lane #	WB 1	NB 1	SB 1	NE 1
Volume Total	395	104	88	281
Volume Left	109	5	0	5
Volume Right	0	94	36	10
cSH	1254	630	394	1242
Volume to Capacity	0.09	0.17	0.22	0.00
Queue Length (ft)	7	15	21	0
Control Delay (s)	2.9	11.8	16.8	0.2
Lane LOS	A	B	C	A
Approach Delay (s)	2.9	11.8	16.8	0.2
Approach LOS		B	C	

HCM Unsignalized Intersection Capacity Analysis
3: P Road & Military Rd

AM PEAK

Movement	EBT	EBR	WBL	WBT	NWL	NWR
Lane Configurations						
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	345	0	0	380	10	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	359	0	0	395	10	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
vC, conflicting volume			359		754	359
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
tC, single (s)			4.2		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.3		3.5	3.3
p0 queue free %			100		97	98
cM capacity (veh/h)			1167		380	690

Direction, Lane #	EB 1	WB 1	NW 1
Volume Total	359	395	21
Volume Left	0	0	10
Volume Right	0	0	10
cSH	1700	1167	490
Volume to Capacity	0.21	0.00	0.04
Queue Length (ft)	0	0	3
Control Delay (s)	0.0	0.0	12.7
Lane LOS			B
Approach Delay (s)	0.0	0.0	12.7
Approach LOS			B

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	10	850	260	100	140	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	10	884	270	104	146	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
vC, conflicting volume	374				733	270
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	99				59	99
cM capacity (veh/h)	1181				357	734

Direction, Lane #	EB 1	EB 2	WB 1	WB 2	SB 1	SB 2
Volume Total	305	589	270	104	146	10
Volume Left	10	0	0	0	146	0
Volume Right	0	0	0	104	0	10
cSH	1181	1700	1700	1700	357	734
Volume to Capacity	0.01	0.35	0.16	0.06	0.41	0.01
Queue Length (ft)	1	0	0	0	48	1
Control Delay (s)	0.4	0.0	0.0	0.0	21.9	10.0
Lane LOS	A				C	A
Approach Delay (s)	0.1		0.0		21.1	
Approach LOS					C	

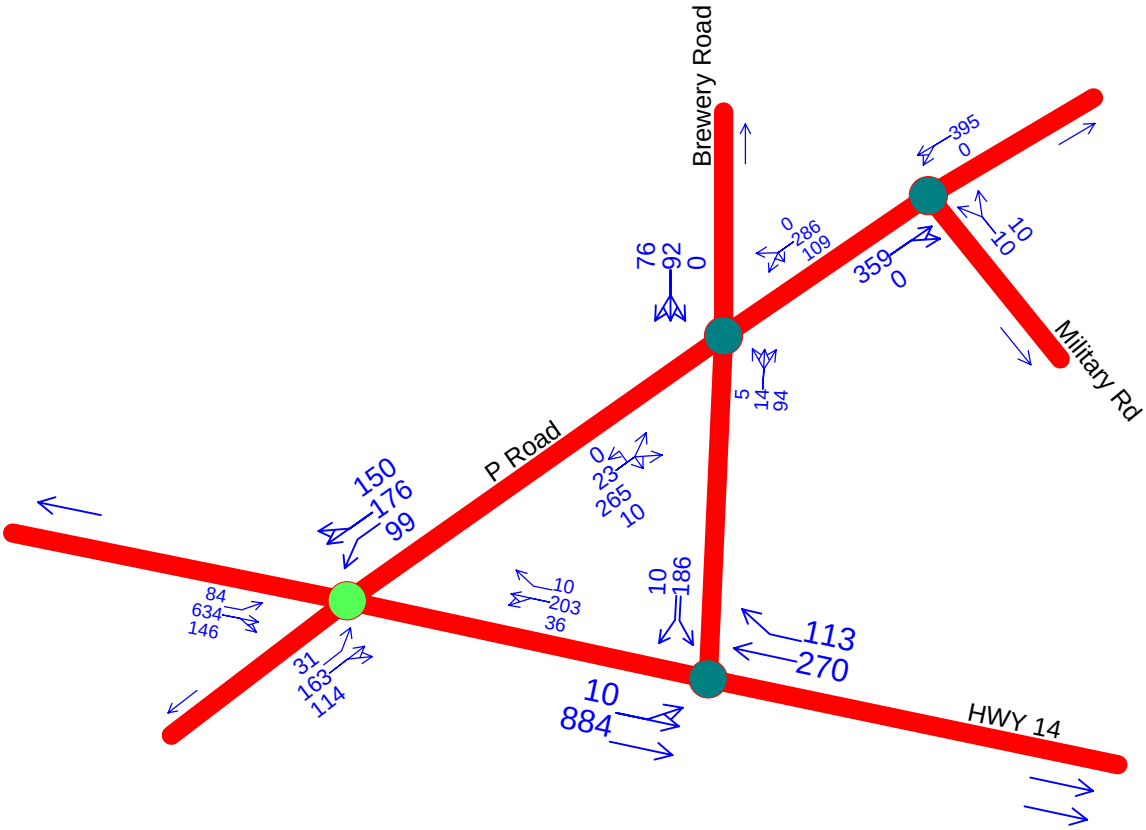
HCM Signalized Intersection Capacity Analysis
10: HWY 14 & P Road

AM PEAK

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0	3.0			3.0	3.0	3.0	3.0		3.0	3.0	
Lane Util. Factor	1.00	1.00			1.00	1.00	1.00	1.00		1.00	1.00	
Frt	1.00	0.97			1.00	0.85	1.00	0.94		1.00	0.93	
Flt Protected	0.95	1.00			0.99	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1752	1793			1684	1442	1641	1616		1719	1686	
Flt Permitted	0.58	1.00			0.71	1.00	0.47	1.00		0.50	1.00	
Satd. Flow (perm)	1063	1793			1212	1442	818	1616		901	1686	
Volume (vph)	75	610	140	35	195	10	30	145	110	95	150	125
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Growth Factor (vph)	104%	104%	104%	104%	104%	104%	104%	104%	104%	104%	104%	104%
Adj. Flow (vph)	78	634	146	36	203	10	31	151	114	99	156	130
Lane Group Flow (vph)	78	780	0	0	239	10	31	265	0	99	286	0
Heavy Vehicles (%)	3%	3%	3%	12%	12%	12%	10%	10%	10%	5%	5%	5%
Turn Type	Perm			Perm		Free	Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8		Free	2			6		
Actuated Green, G (s)	36.0	36.0			36.0	70.0	26.0	26.0		26.0	26.0	
Effective Green, g (s)	37.0	37.0			37.0	70.0	27.0	27.0		27.0	27.0	
Actuated g/C Ratio	0.53	0.53			0.53	1.00	0.39	0.39		0.39	0.39	
Clearance Time (s)	4.0	4.0			4.0		4.0	4.0		4.0	4.0	
Lane Grp Cap (vph)	562	948			641	1442	316	623		348	650	
v/s Ratio Prot		c0.44						0.16			c0.17	
v/s Ratio Perm	0.07				0.20	0.01	0.04			0.11		
v/c Ratio	0.14	0.82			0.37	0.01	0.10	0.43		0.28	0.44	
Uniform Delay, d1	8.4	13.8			9.7	0.0	13.7	15.8		14.8	15.9	
Progression Factor	1.00	1.00			1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.5	8.0			1.7	0.0	0.6	2.1		2.0	2.2	
Delay (s)	8.9	21.8			11.3	0.0	14.3	17.9		16.9	18.1	
Level of Service	A	C			B	A	B	B		B	B	
Approach Delay (s)		20.6			10.9			17.5			17.8	
Approach LOS		C			B			B			B	

PROJECT 2011 CONDITIONS

Traffic Volumes **AM PEAK**



HCM Unsignalized Intersection Capacity Analysis
2: P Road & Brewery Road

AM PEAK

Movement	WBL2	WBL	WBR	NBL	NBT	NBR	SBL	SBT	SBR	NEL	NER	NER2
Lane Configurations												
Sign Control		Free			Stop			Stop		Free		
Grade		0%			0%			0%		0%		
Volume (veh/h)	109	286	0	5	14	94	0	92	76	23	265	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	109	286	0	5	14	94	0	92	76	23	265	10
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type					None			None				
Median storage veh)												
vC, conflicting volume	275			942	820	270	921	825	286	286		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
tC, single (s)	4.2			7.2	6.6	6.2	7.1	6.5	6.2	4.2		
tC, 2 stage (s)												
tF (s)	2.3			3.5	4.0	3.3	3.5	4.0	3.3	2.3		
p0 queue free %	91			97	95	88	100	67	90	98		
cM capacity (veh/h)	1254			148	275	761	196	278	758	1242		

Direction, Lane #	WB 1	NB 1	SB 1	NE 1
Volume Total	395	113	168	298
Volume Left	109	5	0	23
Volume Right	0	94	76	10
cSH	1254	543	389	1242
Volume to Capacity	0.09	0.21	0.43	0.02
Queue Length (ft)	7	19	53	1
Control Delay (s)	2.9	13.4	21.1	0.8
Lane LOS	A	B	C	A
Approach Delay (s)	2.9	13.4	21.1	0.8
Approach LOS		B	C	

Movement	EBT	EBR	WBL	WBT	NWL	NWR
Lane Configurations						
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	359	0	0	395	10	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	359	0	0	395	10	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
vC, conflicting volume			359		754	359
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
tC, single (s)			4.2		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.3		3.5	3.3
p0 queue free %			100		97	99
cM capacity (veh/h)			1167		380	690

Direction, Lane #	EB 1	WB 1	NW 1
Volume Total	359	395	20
Volume Left	0	0	10
Volume Right	0	0	10
cSH	1700	1167	490
Volume to Capacity	0.21	0.00	0.04
Queue Length (ft)	0	0	3
Control Delay (s)	0.0	0.0	12.7
Lane LOS			B
Approach Delay (s)	0.0	0.0	12.7
Approach LOS			B

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	10	884	270	113	186	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	10	884	270	113	186	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
vC, conflicting volume	383				732	270
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
tC, single (s)	4.1				6.8	6.9
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	99				48	99
cM capacity (veh/h)	1172				358	734

Direction, Lane #	EB 1	EB 2	WB 1	WB 2	SB 1	SB 2
Volume Total	305	589	270	113	186	10
Volume Left	10	0	0	0	186	0
Volume Right	0	0	0	113	0	10
cSH	1172	1700	1700	1700	358	734
Volume to Capacity	0.01	0.35	0.16	0.07	0.52	0.01
Queue Length (ft)	1	0	0	0	72	1
Control Delay (s)	0.3	0.0	0.0	0.0	25.5	10.0
Lane LOS	A				D	A
Approach Delay (s)	0.1		0.0		24.7	
Approach LOS					C	

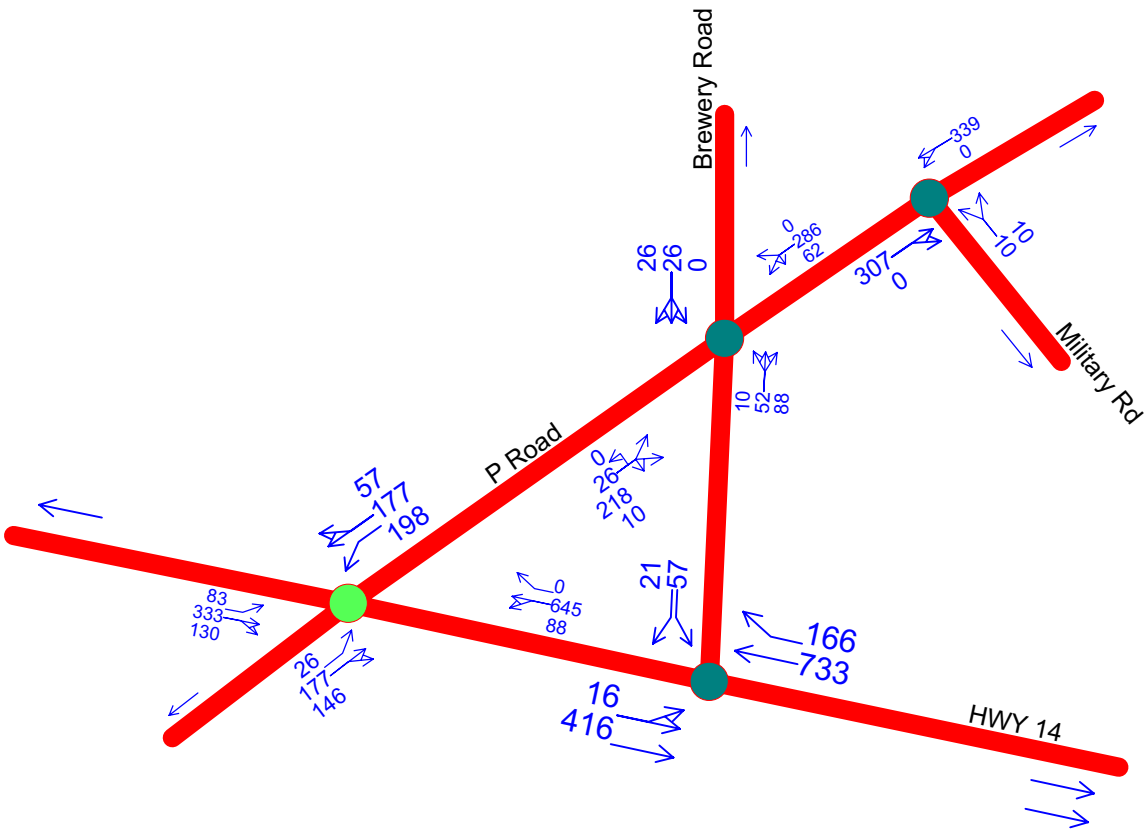
HCM Signalized Intersection Capacity Analysis
10: HWY 14 & P Road

AM PEAK

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0	3.0			3.0	3.0	3.0	3.0		3.0	3.0	
Lane Util. Factor	1.00	1.00			1.00	1.00	1.00	1.00		1.00	1.00	
Frt	1.00	0.97			1.00	0.85	1.00	0.94		1.00	0.93	
Flt Protected	0.95	1.00			0.99	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1752	1793			1684	1442	1641	1621		1719	1685	
Flt Permitted	0.58	1.00			0.71	1.00	0.43	1.00		0.48	1.00	
Satd. Flow (perm)	1063	1793			1212	1442	739	1621		876	1685	
Volume (vph)	84	634	146	36	203	10	31	163	114	99	176	150
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	84	634	146	36	203	10	31	163	114	99	176	150
Lane Group Flow (vph)	84	780	0	0	239	10	31	277	0	99	326	0
Heavy Vehicles (%)	3%	3%	3%	12%	12%	12%	10%	10%	10%	5%	5%	5%
Turn Type	Perm			Perm		Free	Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8		Free	2			6		
Actuated Green, G (s)	36.0	36.0			36.0	70.0	26.0	26.0		26.0	26.0	
Effective Green, g (s)	37.0	37.0			37.0	70.0	27.0	27.0		27.0	27.0	
Actuated g/C Ratio	0.53	0.53			0.53	1.00	0.39	0.39		0.39	0.39	
Clearance Time (s)	4.0	4.0			4.0		4.0	4.0		4.0	4.0	
Lane Grp Cap (vph)	562	948			641	1442	285	625		338	650	
v/s Ratio Prot		c0.44						0.17			c0.19	
v/s Ratio Perm	0.08				0.20	0.01	0.04			0.11		
v/c Ratio	0.15	0.82			0.37	0.01	0.11	0.44		0.29	0.50	
Uniform Delay, d1	8.4	13.8			9.7	0.0	13.8	15.9		14.9	16.4	
Progression Factor	1.00	1.00			1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.6	8.0			1.7	0.0	0.8	2.3		2.2	2.8	
Delay (s)	9.0	21.8			11.3	0.0	14.6	18.2		17.1	19.1	
Level of Service	A	C			B	A	B	B		B	B	
Approach Delay (s)		20.5			10.9			17.8			18.7	
Approach LOS		C			B			B			B	

BASELINE 2011 CONDITIONS

Traffic Volumes **PM PEAK**



HCM Unsignalized Intersection Capacity Analysis
2: P Road & Brewery Road

PM PEAK

Movement	WBL2	WBL	WBR	NBL	NBT	NBR	SBL	SBT	SBR	NEL	NER	NER2
Lane Configurations												
Sign Control		Free			Stop			Stop		Free		
Grade		0%			0%			0%		0%		
Volume (veh/h)	60	275	0	10	50	85	0	25	25	25	210	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	62	286	0	10	52	88	0	26	26	26	218	10
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type					None			None				
Median storage veh)												
vC, conflicting volume	229			725	686	224	801	692	286	286		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
tC, single (s)	4.1			7.1	6.5	6.2	7.1	6.5	6.2	4.1		
tC, 2 stage (s)												
tF (s)	2.2			3.5	4.0	3.3	3.5	4.0	3.3	2.2		
p0 queue free %	95			96	85	89	100	92	97	98		
cM capacity (veh/h)	1328			294	345	816	227	343	753	1270		

Direction, Lane #	WB 1	NB 1	SB 1	NE 1
Volume Total	348	151	52	255
Volume Left	62	10	0	26
Volume Right	0	88	26	10
cSH	1328	512	471	1270
Volume to Capacity	0.05	0.29	0.11	0.02
Queue Length (ft)	4	30	9	2
Control Delay (s)	1.8	14.9	13.6	1.0
Lane LOS	A	B	B	A
Approach Delay (s)	1.8	14.9	13.6	1.0
Approach LOS		B	B	

Movement	EBT	EBR	WBL	WBT	NWL	NWR
Lane Configurations						
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	295	0	0	326	10	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	307	0	0	339	10	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
vC, conflicting volume			307		646	307
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
tC, single (s)			4.2		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.3		3.5	3.3
p0 queue free %			100		98	99
cM capacity (veh/h)			1221		439	738

Direction, Lane #	EB 1	WB 1	NW 1
Volume Total	307	339	21
Volume Left	0	0	10
Volume Right	0	0	10
cSH	1700	1221	551
Volume to Capacity	0.18	0.00	0.04
Queue Length (ft)	0	0	3
Control Delay (s)	0.0	0.0	11.8
Lane LOS			B
Approach Delay (s)	0.0	0.0	11.8
Approach LOS			B

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	15	400	705	160	55	20
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	16	416	733	166	57	21
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
vC, conflicting volume	900				972	733
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
tC, single (s)	4.3				6.8	6.9
tC, 2 stage (s)						
tF (s)	2.3				3.5	3.3
p0 queue free %	98				77	94
cM capacity (veh/h)	714				248	368

Direction, Lane #	EB 1	EB 2	WB 1	WB 2	SB 1	SB 2
Volume Total	154	277	733	166	57	21
Volume Left	16	0	0	0	57	0
Volume Right	0	0	0	166	0	21
cSH	714	1700	1700	1700	248	368
Volume to Capacity	0.02	0.16	0.43	0.10	0.23	0.06
Queue Length (ft)	2	0	0	0	22	4
Control Delay (s)	1.2	0.0	0.0	0.0	23.8	15.4
Lane LOS	A				C	C
Approach Delay (s)	0.4		0.0		21.6	
Approach LOS					C	

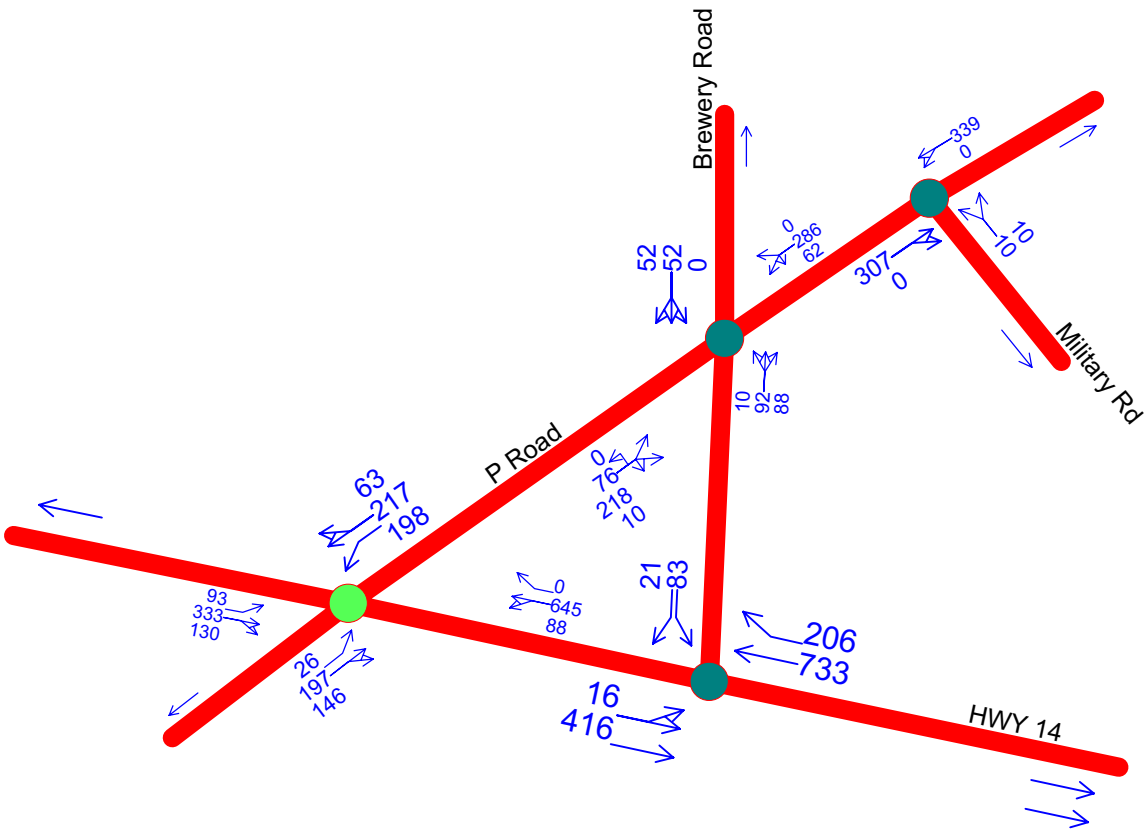
HCM Signalized Intersection Capacity Analysis
10: HWY 14 & P Road

PM PEAK

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0	3.0			3.0		3.0	3.0		3.0	3.0	
Lane Util. Factor	1.00	1.00			1.00		1.00	1.00		1.00	1.00	
Frt	1.00	0.96			1.00		1.00	0.93		1.00	0.96	
Flt Protected	0.95	1.00			0.99		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1719	1733			1852		1703	1671		1752	1777	
Flt Permitted	0.21	1.00			0.90		0.52	1.00		0.41	1.00	
Satd. Flow (perm)	372	1733			1676		935	1671		757	1777	
Volume (vph)	80	320	125	85	620	0	25	170	140	190	170	55
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Growth Factor (vph)	104%	104%	104%	104%	104%	104%	104%	104%	104%	104%	104%	104%
Adj. Flow (vph)	83	333	130	88	645	0	26	177	146	198	177	57
Lane Group Flow (vph)	83	463	0	0	733	0	26	323	0	198	234	0
Heavy Vehicles (%)	5%	5%	5%	2%	2%	2%	6%	6%	6%	3%	3%	3%
Turn Type	Perm			Perm		Free	Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8		Free	2			6		
Actuated Green, G (s)	38.0	38.0			38.0		24.0	24.0		24.0	24.0	
Effective Green, g (s)	39.0	39.0			39.0		25.0	25.0		25.0	25.0	
Actuated g/C Ratio	0.56	0.56			0.56		0.36	0.36		0.36	0.36	
Clearance Time (s)	4.0	4.0			4.0		4.0	4.0		4.0	4.0	
Lane Grp Cap (vph)	207	966			934		334	597		270	635	
v/s Ratio Prot		0.27						0.19			0.13	
v/s Ratio Perm	0.22				c0.44		0.03			c0.26		
v/c Ratio	0.40	0.48			0.78		0.08	0.54		0.73	0.37	
Uniform Delay, d1	8.8	9.4			12.2		14.9	17.9		19.6	16.7	
Progression Factor	1.00	1.00			1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	5.7	1.7			6.6		0.5	3.5		16.2	1.6	
Delay (s)	14.5	11.1			18.8		15.3	21.4		35.8	18.3	
Level of Service	B	B			B		B	C		D	B	
Approach Delay (s)		11.6			18.8			21.0			26.3	
Approach LOS		B			B			C			C	

PROJECT 2011 CONDITIONS

Traffic Volumes **PM PEAK**



HCM Unsignalized Intersection Capacity Analysis
2: P Road & Brewery Road

PM PEAK

Movement	WBL2	WBL	WBR	NBL	NBT	NBR	SBL	SBT	SBR	NEL	NER	NER2
Lane Configurations												
Sign Control		Free			Stop			Stop		Free		
Grade		0%			0%			0%		0%		
Volume (veh/h)	62	286	0	10	92	88	0	52	52	76	218	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	62	286	0	10	92	88	0	52	52	76	218	10
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type					None			None				
Median storage veh)												
vC, conflicting volume	228			863	785	223	919	790	286	286		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
tC, single (s)	4.1			7.1	6.5	6.2	7.1	6.5	6.2	4.1		
tC, 2 stage (s)												
tF (s)	2.2			3.5	4.0	3.3	3.5	4.0	3.3	2.2		
p0 queue free %	95			95	68	89	100	82	93	94		
cM capacity (veh/h)	1328			204	291	817	157	289	753	1270		

Direction, Lane #	WB 1	NB 1	SB 1	NE 1
Volume Total	348	190	104	304
Volume Left	62	10	0	76
Volume Right	0	88	52	10
cSH	1328	402	418	1270
Volume to Capacity	0.05	0.47	0.25	0.06
Queue Length (ft)	4	62	24	5
Control Delay (s)	1.8	21.8	16.5	2.4
Lane LOS	A	C	C	A
Approach Delay (s)	1.8	21.8	16.5	2.4
Approach LOS		C	C	

Movement	EBT	EBR	WBL	WBT	NWL	NWR
Lane Configurations						
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	307	0	0	339	10	10
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	307	0	0	339	10	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
vC, conflicting volume			307		646	307
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
tC, single (s)			4.2		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.3		3.5	3.3
p0 queue free %			100		98	99
cM capacity (veh/h)			1220		439	738

Direction, Lane #	EB 1	WB 1	NW 1
Volume Total	307	339	20
Volume Left	0	0	10
Volume Right	0	0	10
cSH	1700	1220	551
Volume to Capacity	0.18	0.00	0.04
Queue Length (ft)	0	0	3
Control Delay (s)	0.0	0.0	11.8
Lane LOS			B
Approach Delay (s)	0.0	0.0	11.8
Approach LOS			B

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	16	416	733	206	83	21
Peak Hour Factor	1.00	1.00	1.00	1.00	1.00	1.00
Hourly flow rate (veh/h)	16	416	733	206	83	21
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh)						
vC, conflicting volume	939				973	733
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
tC, single (s)	4.3				6.8	6.9
tC, 2 stage (s)						
tF (s)	2.3				3.5	3.3
p0 queue free %	98				66	94
cM capacity (veh/h)	690				247	368

Direction, Lane #	EB 1	EB 2	WB 1	WB 2	SB 1	SB 2
Volume Total	155	277	733	206	83	21
Volume Left	16	0	0	0	83	0
Volume Right	0	0	0	206	0	21
cSH	690	1700	1700	1700	247	368
Volume to Capacity	0.02	0.16	0.43	0.12	0.34	0.06
Queue Length (ft)	2	0	0	0	35	5
Control Delay (s)	1.3	0.0	0.0	0.0	26.7	15.4
Lane LOS	A				D	C
Approach Delay (s)	0.5		0.0		24.4	
Approach LOS					C	

HCM Signalized Intersection Capacity Analysis
10: HWY 14 & P Road

PM PEAK

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0	3.0			3.0		3.0	3.0		3.0	3.0	
Lane Util. Factor	1.00	1.00			1.00		1.00	1.00		1.00	1.00	
Frt	1.00	0.96			1.00		1.00	0.94		1.00	0.97	
Flt Protected	0.95	1.00			0.99		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1719	1733			1852		1703	1678		1752	1782	
Flt Permitted	0.21	1.00			0.90		0.46	1.00		0.39	1.00	
Satd. Flow (perm)	372	1733			1676		831	1678		713	1782	
Volume (vph)	93	333	130	88	645	0	26	197	146	198	217	63
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	93	333	130	88	645	0	26	197	146	198	217	63
Lane Group Flow (vph)	93	463	0	0	733	0	26	343	0	198	280	0
Heavy Vehicles (%)	5%	5%	5%	2%	2%	2%	6%	6%	6%	3%	3%	3%
Turn Type	Perm			Perm		Free	Perm			Perm		
Protected Phases		4			8			2			6	
Permitted Phases	4			8		Free	2			6		
Actuated Green, G (s)	38.0	38.0			38.0		24.0	24.0		24.0	24.0	
Effective Green, g (s)	39.0	39.0			39.0		25.0	25.0		25.0	25.0	
Actuated g/C Ratio	0.56	0.56			0.56		0.36	0.36		0.36	0.36	
Clearance Time (s)	4.0	4.0			4.0		4.0	4.0		4.0	4.0	
Lane Grp Cap (vph)	207	966			934		297	599		255	636	
v/s Ratio Prot		0.27						0.20			0.16	
v/s Ratio Perm	0.25				c0.44		0.03			c0.28		
v/c Ratio	0.45	0.48			0.78		0.09	0.57		0.78	0.44	
Uniform Delay, d1	9.2	9.4			12.2		14.9	18.2		20.0	17.2	
Progression Factor	1.00	1.00			1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	6.9	1.7			6.6		0.6	3.9		20.4	2.2	
Delay (s)	16.1	11.1			18.8		15.5	22.1		40.4	19.4	
Level of Service	B	B			B		B	C		D	B	
Approach Delay (s)		11.9			18.8			21.7			28.1	
Approach LOS		B			B			C			C	

Exhibit D

Village of Cross Plains
Sundance Development
Annexation Financial Analysis
Report 12-30-2015

Background

Kyo Ladopoulos (Sundance Development LLC) is proposing to annex approximately 142 acres of land to the Village for the purposes of platting and building a 145 lot residential subdivision. The subject area is located off of Brewery Road on the north side of the Village. Section 82.03(c) of the Village's Code of Ordinances requires completion of a financial analysis report at the time of a proposed annexation request addressing the impact the proposed annexation would have on Village revenues and the cost to provide municipal services to the property after annexation. More specifically the report shall include the following information:

1. An estimate of the Village revenue that would be derived from the property within the area proposed for annexation to the Village.
2. An estimate of the Village's cost to provide police, fire and emergency medical services to the annexed property after the property has been fully developed.
3. An estimate of the Village's cost to provide public works services and facilities to the annexed property after the property has been fully developed (such as street construction and maintenance, the construction and maintenance of storm water management facilities).
4. An estimate of the Village's cost to provide sanitary sewer and water service to the annexed property after the property has been fully developed.
5. An estimate of the Village's cost to provide library, park and recreational facilities and services to the annexed property after the property has been fully developed.
6. An estimate of the Village's cost to provide administrative services (such as services provided by the Village Administrator/Clerk-Treasurer, the Village Assessor, the Village Building Inspector, the Village Engineer, the Village Attorney) and facilities to the annexed property after the property has been annexed.
7. An estimate of the School District's costs to provide public school services and facilities to the annexed property after the property is fully developed.
8. Any other information reasonably required by the Village under Section 82.03(c) of the Village's Code of Ordinances.

The purpose of this report is to assist Village Staff and Officials in their review and approval of the proposed annexation request. The report in its self is not the determining factor to approve the annexation and development request.

© December 2015 MSA Professional Services, Inc.

Section 82.03(c)1, Estimated Property Tax Revenue

The number of parcels and dwelling units were provided by Sundance Development LLC. There are 145 proposed single-family unit parcels and seven outlots reserved for open space, right-of-way, and stormwater detention areas. The table below is a projected annual tax revenue.

Table 1. Development Information

Total Development Acreage	142
	Single Family
Market Value/Dwelling Unit*	$420,000
Number of Dwelling units	145
Total Value	$60,900,000
Value x Mill Rate (21.88)**	$1,332,492
School Share (56%)	$746,196
Village Share (33%)	$439,722

*Source: Sundance Development LLC
**Tax Year 2015

The estimated tax revenue generated on the projected property values is **$1,332,492** at full build out of the subdivision. The developer's estimated value per dwelling unit is higher than the average median home value in Cross Plains ($236,800, Source: 2009-2013 American Community Survey) and the average assessed value per residential lot ($220,603, Source: DOR 2014 Statement of Assessments). However, this is expected given the development calls for medium to large estate lots (.88 dwellings per acre).

Sundance Development LLC is proposing to develop the subdivision in four phases with an average buildout per phase of 1-2 years according to the developer.

Table 2. Projected Tax Revenues for Proposed Development per Phase.

	Phase 1	Phase 2	Phase 3	Phase 4	Total
Market Value/Dwelling Unit	$420,000	$420,000	$420,000	$420,000	
Number of Dwelling units	65	29	30	21	145
Total Value	$27,300,000	$12,180,000	$12,600,000	$8,820,000	$60,900,000
Value x Mill Rate (21.88)	$597,324	$266,498	$275,688	$192,982	$1,332,492
School Shares (56%)	$334,501	$149,239	$154,385	$108,070	$746,196
Village Share (33%)	$197,117	$87,944	$90,977	$63,684	$439,722
School + Village Tax Revenue	$531,618	$237,184	$245,362	$171,754	$1,185,918

The Village share of the estimated tax revenue from the proposed subdivision at the time of build out is **$439,722**. This figure assumes the tax rate remains constant and zero inflation. In addition, to property

© December 2015 MSA Professional Services, Inc.

tax revenue the Village will also receive sewer revenue from each property. The Village currently charges a $78.00 flat rate per quarter plus a variable rate of $11.75 per 1,000 gallons used. The average consumption for a single family home of four is 12,000 gallons per quarter. Therefore, the average cost per home is approximately $219 per quarter or $876 per year.

Table 3. Projected Sewer & Property Tax Revenues for Proposed Development per Phase.

	Phase 1	Phase 2	Phase 3	Phase 4	Total
Number of Dwelling units	65	29	30	21	145
Village Annual Sewer Revenue	$56,940	$25,404	$26,280	$18,396	$127,020
Village Annual Property Tax Revenue	$197,117	$87,944	$90,977	$63,684	$439,722
Village Total Revenue	$254,057	$113,348	$117,257	$82,080	$566,742

The Village share of the estimated tax and sewer revenue from the proposed subdivision at the time of build out is **$566,742**. This figure assumes the tax rate remains constant, average sanitary sewer use, and zero inflation in tax or sewer rates.

Section 82.03(c)2-7, Estimated Costs

Section 82.03(c)2-7 provides that estimates of a variety of public services costs shall be calculated based on the proposed annexation request. The estimated costs to provide services do not include initial public capital costs to construct the subdivision, just those estimated public costs once the property is fully developed. The following Village of Cross Plains 2016 Budget expenditures were used to determine a per parcel cost of the proposed development.

Table 4. 2016 Village Expenditures per Category and per Parcel

Expenditure Category	2016 Budget Village of Cross Plains	2016 budget per parcel cost (1,505 total parcels)
Public Safety		
Municipal Court	$24,650	$16.38
Police	$519,250	$345.02
Fire	$83,000	$55.15
EMS	$48,500	$32.23
Public Safety Total	***$675,400***	***$448.77***
Public Works		
Public Facilities	$379,250	$251.99
Street Lighting	$80,000	$53.16
Refuse	$164,000	$108.97
Public Works Total	***$623,250***	***$414.12***
Utilities		
Sewer	$1,388,750	$922.76

© December 2015 MSA Professional Services, Inc.

Water	$0 Development will be served by private wells	
Utilities Total	***$1,388,750***	***$922.76***
Cultural Amenities		
Library	$368,250	$244.68
Park and recreational services	$392,500	$260.80
Cultural Amenities Total	***$760,750***	***$505.48***
Administrative Services		
Village Board	$20,350	$13.52
Village Administration	$144,250	$95.85
Personnel	$61,750	$41.03
Elections	$4,250	$2.82
Financial Management	$13,750	$9.14
Village Assessor	$10,000	$6.64
Insurance	$57,750	$38.37
General Buildings and Plant	$35,250	$23.42
Contingency	$47,500	$31.56
Building Inspection	$16,750	$11.13
Community Development	$35,000	$23.26
Transfers	$0	$0.00
Administrative Services Total	***$446,600***	***$296.74***
Other		
Debt Service	$1,000,000	$664.45
Total	***$1,000,000***	***$664.45***
Middleton-Cross Plains School District*	$4,002,355	$2,659.37
GRAND TOTAL	***$8,897,105***	***$5,911.70***

*portion of the school districts total levy allocated to Cross Plains, 2015-2016 Preliminary Budget

The Village-wide average per parcel public service expenditures listed in Table 4 were used to determine a per parcel cost for the proposed development to provide the same services. Table 5 illustrates the per parcel (145 total) cost, by category at each phase of development and total when build out is achieved.

Table 4. Projected Cost for Proposed Development

Expenditure Category	**Phase 1 Total**	**Phase 2 Total**	**Phase 3 Total**	**Phase 4 Total**	**2016 budget for development (total)**
Public Safety	$29,170	$13,014	$13,463	$9,424	$65,072
Public Works	$26,918	$12,009	$12,424	$8,697	$60,047
Utilities	$59,979	$26,760	$27,683	$19,378	$133,800
Cultural Amenities	$32,856	$14,659	$15,164	$10,615	$73,295

© December 2015 MSA Professional Services, Inc.

Administrative Services	$19,288	$8,606	$8,902	$6,232	$43,028
Other	$43,189	$19,269	$19,934	$13,953	$96,346
Village Total	$211,401	$94,317	$97,570	$68,299	**$471,587**
Middleton-Cross Plains School District*	$172,859	$77,122	$79,781	$55,847	**$385,609**
Combined Costs (Village + School District)	$384,260	$171,439	$177,351	$124,146	**$857,196**

*portion of the school districts total levy allocated to Cross Plains

The total annual estimated cost of providing all services to the Village and School District once the property is fully developed is **$857,196**. The Village share of the estimated costs to provide services to the proposed subdivision at the time of build out is **$471,587**. This figure assumes that the costs to provide services to the development will equal the same per parcel budgeted cost to provide services to existing Village parcels in year 2016.

Financial Impact Summary

Based on the assumptions provided, the Village would net revenue of **$95,155** annually from the proposed development, upon competition.

Table 5. Total Revenue and Expenditure Comparison

	Phase 1	Phase 2	Phase 3	Phase 4	Total
Projected Tax Revenue of Developed Parcels (School + Village)	$531,618	$237,184	$245,362	$171,754	**$1,185,918**
Village Expenditures	$211,401	$94,317	$97,570	$68,299	**$471,587**
Middleton-Cross Plains School District Expenditure	$172,859	$77,122	$79,781	$55,847	**$385,609**
Net Revenue (Village + School District):	$147,358	$65,745	$68,011	$47,608	**$328,722**
Village Property Tax Revenue	$197,117	$87,944	$90,977	$63,684	**$439,722**
Village Annual Sewer Revenue	$56,940	$25,404	$26,280	$18,396	**$127,020**
Net Revenue (Village only)	**$42,656**	**$19,031**	**$19,687**	**$13,781**	**$95,155**

Note the assumptions related to expenditures assume that both the Village and School District can provide services to the proposed development at the same per parcel cost as budgeted to provide similar services to existing properties in the Village in 2016. However, it should be noted that the analysis does not consider whether there will be additional costs beyond the average per parcel costs which would result

© December 2015 MSA Professional Services, Inc.

from the additional 143 housing units. For example, would the additional development necessitate the purchase of an additional school bus and service route to serve the development? Likewise, would the additional development necessitate the need to add additional public works staff to plow the roadways in the winter, or the purchase of additional plow equipment? This analysis is also not meant to imply that the Village's or School District's actual budget will increase by the expenditure totals shown in the analysis. It is conceivable that some services may be able to be provided to the development without a significant increase in department budgets; thereby the new development may actually lower the per parcel costs to provide certain services in the community as the costs would be spread out over more parcels. In summary, at what point does new development necessitate additional capital expenditures, the hiring of additional public staff, or increases in department budgets to serve the development. Questions such as these are difficult to address within the framework of this analysis. In addition, it should be noted that future Village and School District budgets will determine how these specific distributed costs, and revenues, will be earmarked for the future.

Methodology

The cost of development was evaluated on a per parcel basis for the following reasons:

1. Chapter 82 Annexation, Section82.03 Preliminary Procedures (c) Financial Analysis Report identifies language of estimation of cost to provide services to the "annexed property."

2. All parcels were included in the evaluation. While Village owned parcels have no value and are thus tax exempt the Village still provides services to this parcels.

3. Per dwelling unit and per household metrics were considered but eliminated from consideration because they would have excluded non-residential properties which also make up part of the tax base for which the Village provides services.

The number of parcels within the Village of Cross Plains were clipped to the Municipal boundary in ArcGIS based on the parcel data we received from Dane County Land Information Office for the Village in March 2015. There are a total of 1,505 parcels within the Village Boundary.

Data Sources

Data collected and received to conduct this financial analysis is as follows:

1. Existing Parcels: CrossPlainsParcels.shp March 2015

2. Proposed Parcel Data: Use, Annexation, Concept Development, Phasing, Public Sewer Plans created 8/6/2015, received 8/26/2015 by Sundance Development LLC

3. Projected Costs: Village of Cross Plains 2016 Annual Budget (2016_Budget_-_Board_Approved_11.23.2015.pdf)

    a. **Sewage Service**: 2016 Sewer Utility Operating Budget, Fund #670, Summary of Expenditures, (includes #51510, 51600, 53610, 53630, 57410, 58000, and 59200).

© December 2015 MSA Professional Services, Inc.

b. **Police:** 2016 General Fund Operating Budget, Summary of Expenditures Table, Expenditures item #52100, 2016 Budget.

c. **Fire:** 2016 General Fund Operating Budget, Summary of Expenditures Table, Expenditures item #52200, 2016 Budget.

d. **Emergency Medical Services:** 2016 General Fund Operating Budget, Summary of Expenditures Table, Expenditures item #52300, 2016 Budget.

e. **Water**: 2016 Water Utility Operating Budget, Fund #660, Summary of Expenditures (includes #51400, 51500, 53700, and 57000).

f. **Library:** 2016 Annual Village of Cross Plains Fund Summaries, Fund #130 Library Fund, Total 2016 Budget Expense (includes #51430, 51600, 55110, 59200).

g. **Parks and Recreation**: 2016 Annual Village of Cross Plains Fund Summaries, Fund #140 Parks/Rec Fund, Total 2016 Budget Expense (includes #51430, 54600, 55200, 55300, 55420, 59200).

h. **Administrative:** General Fund Operating Budget, Index Expenditures Summary, Expenditures, 30, Total Personnel Services Expense, 2016 Budget ***and*** Contractual Services, item #208 Legal Fees and item #207 Support Services, 2016 Budget.

i. **Middleton-Cross Plains School District**: (Village Levy Portion) Middleton-Cross Plains Area School District 2015 Annual Financial Report, 2015-2016 Preliminary Budget.

© December 2015 MSA Professional Services, Inc.

Exhibit E

CHAPTER 82 ANNEXATION

82.01 Purpose
82.02 Applicability
82.03 Preliminary Procedures
82.04 Annexation Factors
82.05 Pre-annexation Agreement
82.06 Reimbursement of Village Costs
82.07 Adoption of Annexation Ordinance
82.08 Variances and Waivers

CHAPTER 82 ANNEXATION

SECTION 82.01 Purpose.

The purpose of this chapter is to establish a uniform and consistent annexation procedure for the mutual benefit of the Village and any party petitioning for annexation.

SECTION 82.02 Applicability.

This chapter shall apply to all annexations initiated after the effective date of this chapter.

SECTION 82.03 Preliminary Procedures.

Exhibit B (a) **State Statutes.** The statutory procedures for initiating and pursuing an annexation request with the Village shall be followed.

Exhibit C (b) **Development Plan Required.** At or before the time of presenting an annexation petition, the petitioner shall submit to the Village Administrator/Clerk-Treasurer a development plan for the entire area proposed for annexation. The development plan shall show the general layout and density of any proposed development, shall indicate the anticipated usage(s) of the land and the contemplated development schedule, and shall note what zoning will be requested to accommodate the proposed development. In lieu of submitting a development plan, the petitioner may proceed directly with the submittal of a preliminary plat or certified survey map as part of the annexation request. If the developer submits a development plan, the following information shall be provided:

(1) An explanation of the reason for the proposed annexation.

(2) A detailed description of any development that is intended to occur on the property subsequent to annexation.

(3) A land use plan and transportation plan per DOT guidelines for the property subsequent to annexation.

(4) A detailed description of the municipal services needed to serve the property subsequent to annexation and a proposal regarding how those services should be provided to the property.

(5) Documentation satisfactory to the Village that the proposed annexation complies with the applicable state annexation statutes and that the appropriate procedural steps have been satisfied. For example, such documentation could include an affidavit of publication stating that the class 1 notice of intention to circulate petition has been published.

(6) Any proposed temporary or permanent zoning for the annexed property, and the reason for such proposed zoning.

(7) A proposed preliminary plat or concept plan, if the property is intended to be divided subsequent to annexation.

(8) Any other information reasonably required by the Village.

Exhibit D (c) **Financial Analysis Report.** To help with the evaluation process, the Village Board shall require the preparation of a detailed financial analysis report addressing the impact the proposed annexation would have on Village revenues and the cost to provide municipal services to the property. The report shall be prepared by the Village with the help of the Village Engineer, Village Accountant and any other professional the Village Board deems appropriate. The annexation petitioner shall be responsible for reimbursing the Village of all costs associated with the preparation of the report. Such reimbursement should be addressed in the pre-annexation agreement. The report should include the following information:

(1) An estimate of the Village revenue that would be derived from the property.

(2) An estimate of the Village's cost to provide police, fire and emergency medical services to the annexed property after the property has been fully developed.

(3) An estimate of the Village's cost to provide public works services and facilities to the annexed property after the property has been fully developed (such as street construction and maintenance, the construction and maintenance of storm water management facilities).

(4) An estimate of the Village's cost to provide sanitary sewer and water service to the annexed property after the property has been fully developed.

(5) An estimate of the Village's cost to provide library, park and recreational facilities and services to the annexed property after the property has been fully developed.

(6) An estimate of the Village's cost to provide administrative services (such as services provided by the Village Administrator/Clerk-Treasurer, the Village Assessor, the Village Building Inspector, the Village Engineer, the Village Attorney) and facilities to the annexed property after the property has been annexed.

(7) As estimate of the School District's costs to provide public school services and facilities to the annexed property after the property is fully developed.

(8) Any other information reasonably required by the Village.

SECTION 82.04 **Annexation Factors.** In order to evaluate the impact of a proposed annexation on the Village, the Village may consider any factor it considers relevant including, but not limited to, the following factors: See review of Annexation Factors within memorandum.

(a) Whether the property is located within a Village urban service area.

(b) Whether the property is located within a planned Village growth area as identified in a Village Land Use Map.

(c) Whether the Village possesses adequate sanitary sewer capacity to serve the property once it is developed.

(d) Whether the Village possesses adequate municipal water capacity to serve the property once it is developed.

(e) Whether the Village possesses adequate police, fire, emergency medical, public works, and administrative services to serve the property once it is developed.

(f) The cost of providing Village municipal services to the property once it is developed.

(g) Whether it is desirable to extend Village municipal services to the property.

(h) What impact the proposed annexation and development have on municipal services in the Village, and how the Village will provide such services to the property.

(i) The amount of property tax and other Village revenue generated by the property once it is developed.

(j) Whether any deficiency in the provision of municipal services can be addressed by the Village and petitioner through a pre-development agreement.

(k) Whether the annexation is consistent with the goals, objectives, policies and recommendations of the current Village Master Plan.

(l) Whether the annexation is reasonably suitable and acceptable to the Village's needs.

(m) Whether the Village has a present or future need to annex the property based on the following factors:

(1) The necessity for orderly development of the Village.

(2) The necessity to accommodate any increase in the Village population.

(3) The necessity to accommodate any increase in population and economic growth that has occurred outside of the Village boundaries in planned Village growth areas.

(4) The need for additional areas within the Village to accommodate present or reasonably anticipated industrial, commercial, residential, or institutional growth.

(5) The need to avoid potential detrimental effects to the Village if the property is developed outside of the Village.

(n) Whether the annexation provides benefits to the property that can be realized only by annexation to the Village.

Exhibit A

SECTION 82.05 Pre-annexation Agreement.

(a) **Pre-annexation Agreement Required.** The Village Board shall require that the petitioner(s) enter into a pre-annexation agreement before any annexation will be approved. The pre-annexation agreement shall delineate the respective

expectations, obligations and commitments made by each party as a part of the annexation process and contain any conditions of annexation.

(b) **Conditions.** The conditions that may be placed upon the annexation as the Village Board deems necessary and appropriate include, but are not limited to, the following:

(1) Village Board approval of certified survey map or preliminary plat for the lands proposed for annexation.

(2) Village Board approval of the requisite zoning.

(3) Payment, or satisfactory arrangements for payment to be made, of all fees deemed reasonable and just by the Village Board for the applicable annexation.

(4) Reimbursement of all annexation-related costs incurred by the Village as required by this chapter.

(5) Compliance with all applicable state laws and local ordinances and policies.

(6) Other terms or conditions the Village Board deems appropriate.

SECTION 82.06 Reimbursement of Village Costs.

The petitioner(s) shall reimburse the Village for all engineering, consulting, and legal fees incurred by the Village in connection with the requested annexation.

SECTION 82.07 Adoption of Annexation Ordinance.

(a) **Adoption of Ordinance With or Without Contingencies.** When the Village Board determines that an annexation should be approved in accordance with the statutes, it will proceed with adoption of an annexation ordinance with or without contingencies as appropriate.

(b) **Effective Date of Annexation.** The annexation ordinance shall not be deemed unconditionally enacted until all contingencies imposed have been satisfied and the Village President and Administrator/Clerk-Treasurer sign the annexation ordinance. Accordingly, where contingencies are imposed as part of the annexation ordinance, the effective date of the annexation shall be the date the ordinance is signed.

Action on the DEVELOPMENT PROPOSAL will be the Village's Determination on the request for Annexation.

SECTION 82.08 Variances and Waivers.

None

The Village Board may, in its discretion, grant a variance or waiver from the terms of this chapter if it determines that it would substantially impair the overall intent of this chapter and would be detrimental to the public good to enforce the terms of this chapter strictly. The granting of any such variance or waiver shall require a three-fourths affirmative vote

of the entire Village Board. A public hearing, preceded by a Class 2 notice, is required before any variance or waiver can be granted.

(8) EXISTING ORDINANCES. Ordinances in force in the territory or any part of the territory, to the extent not inconsistent with this section or ch. 61, continue in force until altered or repealed.

(9) EXISTING INTERGOVERNMENTAL AND COOPERATIVE BOUNDARY AGREEMENTS. Intergovernmental cooperation agreements entered into under s. 66.0301 and cooperative boundary agreements approved under s. 66.0307, to which a town incorporating under this section is a party, that are still in effect on the effective date of the incorporation, shall continue in force until altered or repealed, to the extent allowed under the agreements. When incorporated under this section, a village shall be considered the town's successor with respect to such agreements.

(10) INTERIM OFFICERS, FIRST VILLAGE ELECTION. Section 66.0215 (8) and (9), as it applies to a town that is incorporated as a city under s. 66.0215, applies to a town that is incorporated as a village under this section.

(11) SUNSET. This section does not apply after June 30, 2020.

History: 2015 a. 55.

66.0217 Annexation initiated by electors and property owners. (1) DEFINITIONS. In this section, unless the context clearly requires otherwise:

(a) "Assessed value" means the value for general tax purposes as shown on the tax roll for the year next preceding the filing of any petition for annexation.

(b) "Department" means the department of administration.

(c) "Legal description" means a complete description of land to be annexed without internal references to any other document, and shall be described in one of the following ways:

1. By metes and bounds commencing at a monument at the section or quarter section corner or at the end of a boundary line of a recorded private claim or federal reservation in which the annexed land is located and in one of the following ways:

a. By government lot.

b. By recorded private claim.

c. By quarter section, section, township and range.

2. If the land is located in a recorded and filed subdivision or in an area subject to a certified survey map, by reference as described in s. 236.28 or s. 236.34 (3).

(d) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant is an owner to the extent of his or her interest.

(e) "Petition" includes the original petition and any counterpart of the original petition.

(f) "Real property" means land and the improvements to the land.

(g) "Scale map" means a map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village, and that includes a graphic scale on the face of the map.

(2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. Except as provided in this subsection and sub. (14), and subject to ss. 66.0301 (6) (d) and 66.0307 (7), if a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two−thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of sub. (4). In an annexation under this subsection, subject to sub. (6), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department and the governing body shall review the advice of the department, if any, before enacting the annexation ordinance. No territory may be annexed by a city or village under this subsection unless the territory to be annexed is contiguous to the annexing city or village.

(3) OTHER METHODS OF ANNEXATION. Subject to ss. 66.0301 (6) (d) and 66.0307 (7), and except as provided in sub. (14), territory contiguous to a city or village may be annexed to the city or village in the following ways:

(a) *Direct annexation by one−half approval.* A petition for direct annexation may be filed with the city or village clerk if it has been signed by either of the following:

1. A number of qualified electors residing in the territory subject to the proposed annexation equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election, and either of the following:

a. The owners of one−half of the land in area within the territory.

b. The owners of one−half of the real property in assessed value within the territory.

2. If no electors reside in the territory subject to the proposed annexation, by either of the following:

a. The owners of one−half of the land in area within the territory.

b. The owners of one−half of the real property in assessed value within the territory.

(b) *Annexation by referendum.* A petition for a referendum on the question of annexation may be filed with the city or village clerk signed by a number of qualified electors residing in the territory equal to at least 20% of the votes cast for governor in the territory at the last gubernatorial election, and the owners of at least 50% of the real property either in area or assessed value. The petition shall conform to the requirements of s. 8.40.

(4) NOTICE OF PROPOSED ANNEXATION. (a) An annexation under sub. (3) shall be initiated by publishing in the territory proposed for annexation a class 1 notice, under ch. 985, of intention to circulate an annexation petition. The notice shall contain:

1. A statement of intention to circulate an annexation petition.

2. A legal description of the territory proposed to be annexed and a copy of a scale map.

3. The name of the city or village to which the annexation is proposed.

4. The name of the town or towns from which the territory is proposed to be detached.

5. The name and post−office address of the person causing the notice to be published who shall be an elector or owner in the area proposed to be annexed.

6. A statement that a copy of the scale map may be inspected at the office of the town clerk for the territory proposed to be annexed and the office of the city or village clerk for the city or village to which the territory is proposed to be annexed.

(b) The person who has the notice published shall serve a copy of the notice, within 5 days after its publication, upon the clerk of each municipality affected, upon the clerk of each school district affected and upon each owner of land in a town if that land will be in a city or village after the annexation. Service may be either by personal service or by certified mail with return receipt requested. If required under sub. (6) (a), a copy of the notice shall be mailed to the department as provided in that paragraph.

(5) ANNEXATION PETITION. (a) An annexation petition under this section shall state the purpose of the petition, contain a legal description of the territory proposed to be annexed and have attached a scale map. The petition shall also specify the population of the territory. In this paragraph, "population" means the population of the territory as shown by the last federal census, by any subsequent population estimate certified as acceptable by the department or by an actual count certified as acceptable by the department.

(b) No person who has signed a petition may withdraw his or her name from the petition. No additional signatures may be added after a petition is filed.

(c) The circulation of the petition shall commence not less than 10 days nor more than 20 days after the date of publication of the notice of intention to circulate. The annexation petition is void unless filed within 6 months of the date of publication of the notice.

(6) DEPARTMENT REVIEW OF ANNEXATIONS. (a) *Annexations within populous counties.* No annexation proceeding within a county having a population of 50,000 or more is valid unless the person publishing a notice of annexation under sub. (4) mails a copy of the notice to the clerk of each municipality affected and the department, together with any fee imposed under s. 16.53 (14), within 5 days of the publication. The department shall within 20 days after receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that states whether in its opinion the annexation is in the public interest or is against the public interest and that advises the clerks of the reasons the annexation is in or against the public interest as defined in par. (c). The annexing municipality shall review the advice before final action is taken.

(b) *Alternative dispute resolution.* The department shall make available on its public Web site a list of persons who identify themselves to the department as professionals qualified to facilitate alternative dispute resolution of annexation, boundary, and land use disputes. Persons identifying themselves to the department as qualified professionals shall submit to the department a brief description of their qualifications, including membership in relevant professional associations and certifications in areas such as planning and alternative dispute resolution. The department may edit the descriptions for inclusion on the list using any criteria that, in the department's determination, is appropriate. The department may include with the list a disclaimer that the department is not responsible for the accuracy of the descriptions, and that inclusion of a person on the list does not represent endorsement by the department. The department may include links from the list to other websites, such as those of relevant professional associations and county dispute resolution centers.

(c) *Definition of public interest.* For purposes of this subsection "public interest" is determined by the department after consideration of the following:

1. Whether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town or by some other village or city whose boundaries are contiguous to the territory proposed for annexation which files with the circuit court a certified copy of a resolution adopted by a two−thirds vote of the elected members of the governing body indicating a willingness to annex the territory upon receiving an otherwise valid petition for the annexation of the territory.

2. The shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city.

(d) *Direct annexation by unanimous approval.* 1. Upon the request of the town affected by the annexation, the department shall review an annexation under sub. (2) to determine whether the annexation violates any of the following, provided that the town submits its request to the department within 30 days of the enactment of the annexation ordinance:

a. The requirement under sub. (2) regarding the contiguity of the territory to be annexed with the annexing city or village.

b. The requirement under sub. (14) (b).

2. Following its review, and within 20 days of receiving the town's request, the department shall send a copy of its findings to any affected landowner, the town affected by the annexation, and the annexing city or village. If the department does not complete its review and send a copy of its findings within 20 days of receiving the town's request, the effect on the town and the annexing city or village shall be the same as if the department found no violation of the requirements specified in subd. 1. If the department finds that an annexation violates any requirement specified in subd. 1., the town from which territory is annexed may, within 45 days of its receipt of the department's findings, challenge the annexation in circuit court.

3. If the town commences an action to challenge the annexation and the circuit court rules against the town, the town shall pay the court costs and the city's or village's reasonable attorney fees incurred in defending the annexation. If the town commences an action to challenge the annexation and the circuit court rules in the town's favor and upholds the town's challenge, the city or village shall pay the court costs and the town's reasonable attorney fees incurred in challenging the annexation.

(7) REFERENDUM. (a) *Notice.* 1. Within 60 days after the filing of the petition under sub. (3), the common council or village board may accept or reject the petition and if rejected no further action may be taken on the petition. Acceptance may consist of adoption of an annexation ordinance. Failure to reject the petition obligates the city or village to pay the cost of any referendum favorable to annexation.

2. If the petition is not rejected the clerk of the city or village with whom the annexation petition is filed shall give written notice of the petition by personal service or registered mail with return receipt requested to the clerk of any town from which territory is proposed to be detached and shall give like notice to any person who files a written request with the clerk. The notice shall indicate whether the petition is for direct annexation or whether it requests a referendum on the question of annexation.

3. If the notice indicates that the petition is for a referendum on the question of annexation, the clerk of the city or village shall file the notice as provided in s. 8.37. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held not less than 70 days nor more than 100 days after the date of personal service or mailing of the notice required under this paragraph. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless within 30 days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of s. 8.40 requesting a referendum is filed with the town clerk as provided in s. 8.37, signed by at least 20% of the electors residing in the area proposed to be annexed. If a petition requesting a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held not less than 70 days nor more than 100 days after the receipt of the petition and shall mail a copy of the notice to the clerk of the city or village to which the annexation is proposed. The referendum shall be held at a convenient place within the town to be specified in the notice.

(b) *Clerk to act.* If more than one town is involved, the city or village clerk shall determine as nearly as is practicable which town contains the most electors in the area proposed to be annexed and shall indicate in the notice required under par. (a) that determination. The clerk of the town so designated shall perform the duties required under this subsection and the election shall be conducted in the town as are other elections.

(c) *Publication of notice.* The notice shall be published in a newspaper of general circulation in the area proposed to be annexed on the publication day next preceding the referendum election and one week prior to that publication.

(d) *How conducted.* The referendum shall be conducted by the town election officials but the town board may reduce the number of election officials for that election. The ballots shall contain the words "For annexation" and "Against annexation" and shall otherwise conform to the provisions of s. 5.64 (2). The election shall be conducted as are other town elections in accordance with chs. 6 and 7 to the extent applicable.

(e) *Canvass; statement to be filed.* The election inspectors shall make a statement of the holding of the election showing the whole number of votes cast, and the number cast for and against annexation, attach their affidavit to the statement and immediately file it in the office of the town clerk. They shall file a certified statement of the results in the office of the clerk of each other municipality affected.

(f) *Costs.* If the referendum is against annexation, the costs of the election shall be borne by the towns involved in the proportion that the number of electors of each town within the territory proposed to be annexed, voting in the referendum, bears to the total number of electors in that territory, voting in the referendum.

(g) *Effect.* If the result of the referendum is against annexation, all previous proceedings are nullified. If the result of the referendum is for annexation, failure of any town official to perform literally any duty required by this section does not invalidate the annexation.

(8) ANNEXATION ORDINANCE. (a) An ordinance for the annexation of the territory described in the annexation petition under sub. (3) may be enacted by a two−thirds vote of the elected members of the governing body not less than 20 days after the publication of the notice of intention to circulate the petition and not later than 120 days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to sub. (6) the governing body shall first review the reasons given by the department that the proposed annexation is against the public interest. An ordinance under this subsection may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a temporary classification, the proposed classification shall be referred to and recommended by the plan commission. The authority to make a temporary classification is not effective when the county ordinance prevails during litigation as provided in s. 59.69 (7).

(b) The ordinance may annex the territory to an existing ward or may create an additional ward.

(c) The annexation is effective upon enactment of the annexation ordinance. The board of school directors in a 1st class city is not required to administer the schools in any territory annexed to the city until July 1 following the annexation.

(9) FILING REQUIREMENTS; SURVEYS. (a) The clerk of a city or village which has annexed territory shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The city or village shall also file with the county clerk or board of election commissioners the report required by s. 5.15 (4) (bg). The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district. Failure to file, record or send does not invalidate the annexation and the duty to file, record or send is a continuing one. The ordinance that is filed, recorded or sent shall describe the annexed territory and the associated population. The information filed with the secretary of administration shall be utilized in making recommendations for adjustments to entitlements under the federal revenue sharing program and distribution of funds under ch. 79. The clerk shall certify annually to the secretary of administration and record with the register of deeds a legal description of the total boundaries of the municipality as those boundaries existed on December 1, unless there has been no change in the 12 months preceding.

(b) Within 10 days of receipt of the ordinance, certificate and plat, the secretary of administration shall forward 2 copies of the ordinance, certificate and plat to the department of transportation, one copy to the department of administration, one copy to the department of revenue, one copy to the department of public instruction, one copy to the department, one copy to the department of natural resources, one copy to the department of agriculture, trade and consumer protection and 2 copies to the clerk of the municipality from which the territory was annexed.

(c) Any city or village may direct a survey of its present boundaries to be made, and when properly attested the survey and plat may be filed in the office of the register of deeds in the county in which the city or village is located. Upon filing, the survey and plat are prima facie evidence of the facts set forth in the survey and plat.

(10) QUALIFICATIONS OF ELECTORS AND OWNERS; ELECTOR DETERMINATION. (a) Under this section, qualifications as to electors and owners shall be determined as of the date of filing a petition, except that all qualified electors residing in the territory proposed for annexation on the day of a referendum election may vote in the election. Residence and ownership shall be bona fide and not acquired for the purpose of defeating or invalidating the annexation proceedings.

(b) For purposes of this section, if a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6).

(11) ACTION TO CONTEST ANNEXATION. (a) An action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation shall be commenced within the time after adoption of the annexation ordinance provided by s. 893.73 (2). During the action, the application of, and jurisdiction over, any county zoning in the area annexed is as provided under s. 59.69 (7).

(b) An action contesting an annexation shall be given preference in the circuit court. The court and the parties are encouraged to consider the application of s. 802.12 to an action contesting an annexation.

(c) Except as provided in sub. (6) (d) 2., no action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation under sub. (2), may be brought by any town.

(12) VALIDITY OF PLATS. If an annexation is declared invalid but before the declaration and subsequent to the annexation a plat is submitted and is approved as required in s. 236.10 (1) (a), the plat is validly approved despite the invalidity of the annexation.

(13) EFFECTIVE DATE OF ANNEXATIONS. Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any annexation action that affects a tract of land that is the subject of an ordinance enacted or resolution adopted by any city during the period from January 1, 1990, to April 1, 1991, or any later date, expressing an intent to not exercise the city's authority to annex territory before April 1, 1991, or the specified later date, taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on June 30 of the year commencing after that census, is effective on July 1 of the year commencing after that census or at such later date as may be specified in the annexation ordinance. This subsection first applies to annexations effective after March 31, 1991.

(14) LIMITATIONS ON ANNEXATION AUTHORITY. (a) 1. Except as provided in subd. 2., no territory may be annexed by a city or village under this section unless the city or village agrees to pay annually to the town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under s. 70.65, in the year in which the annexation is final.

2. No payments under subd. 1. must be made if the city or village, and the town, enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

(b) No territory may be annexed by a city or village under this section if no part of the city or village is located in the same county as the territory that is subject to the proposed annexation unless the

town board adopts a resolution approving the proposed annexation.

(15) LAW APPLICABLE. Section 66.0203 (8) (c) applies to annexations under this section.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128; 2013 a. 80; 2015 a. 55.

Cross−reference: See s. 62.071 for special provision for annexations to cities of the first class.

In ascertaining whether a petition for annexation under sub. (2) (a) [now sub. (3) (a)] has been signed by the "owners of one−half of the land" in the proposed area of attachment, acreage within the territory constituting public streets and alleys is not to be taken into account in determining the sufficiency of the petition, no matter how owned or by whom. International Paper Co. v. Fond du Lac, 50 Wis. 2d 529, 184 N.W.2d 834 (1971).

An annexation ordinance is not void simply because it divides the town into 2 parts. Town of Waukechon v. Shawano, 53 Wis. 2d 593, 193 N.W.2d 661 (1972).

Although city limits did not extend the full width of a city−owned road, property on the other side was contiguous. When the boundaries of the parcel to be annexed were drawn by the petitioning landowners, the city could not be charged with arbitrary action. Town of Lyons v. Lake Geneva, 56 Wis. 2d 331, 202 N.W.2d 228 (1972).

When property owners, in petitioning for annexation, divide a tract so as to control one parcel by property owners and the other by population, the 2 resulting annexations are valid. Town of Waukesha v. City of Waukesha, 58 Wis. 2d 525, 206 N.W.2d 585 (1973).

Abundant benefits to the state from the annexation under review, including the provision of police, fire, and solid waste disposal services and library and recreational facilities satisfied the need factor of the rule of reason. Absent unfair inducement or pressures upon the petitioners for annexation, a showing of benefits to the annexed land can be considered on the question of need. Town of Lafayette v. City of Chippewa Falls, 70 Wis. 2d 610, 235 N.W.2d 435 (1975).

An eligible elector and a qualified elector are identical. Chapter 6 applies to annexation referendum elector qualifications under sub. (6) [now sub. (7)]. Washington v. Altoona, 73 Wis. 2d 250, 243 N.W.2d 404 (1976).

Direct annexation, not otherwise in conflict with the "rule of reason," was not invalidated because the petitioners were motivated by the desire to obtain a change in zoning of their land. Town of Pleasant Prairie v. City of Kenosha, 75 Wis. 2d 322, 249 N.W.2d 581 (1977).

When an action challenging annexation was filed before the sub. (10) (a) [now sub. (11) (a)] limitation ran and the plaintiff town board had given no explicit authorization for commencement of an action, the subsequent attempt to ratify the commencement of the action was a nullity. Town of Nasewaupee v. City of Sturgeon Bay, 77 Wis. 2d 110, 251 N.W.2d 845 (1977).

The sub. (5) (d) [now sub. (7) (d)] ballot language requirement is directory; substantial compliance is adequate. Town of Nasewaupee v. Sturgeon Bay, 146 Wis. 2d 492, 431 N.W.2d 699 (Ct. App. 1988).

Under sub. (5) (g) [now sub. (7) (g)], annexation fails in cases of a tie vote. Town of Nasewaupee v. Sturgeon Bay, 146 Wis. 2d 492, 431 N.W.2d 699 (Ct. App. 1988).

Under s. 893.73 (2) "adoption" refers to the legislative body's action of voting to approve an annexation ordinance and the statute of limitations begins to run as of that date. Town of Sheboygan v. City of Sheboygan, 150 Wis. 2d 210, 441 N.W.2d 752 (Ct. App. 1989).

An annexation ordinance must meet "rule of reason" requirements. Application of the rule is discussed. Town of Menasha v. City of Menasha, 170 Wis. 2d 181, 488 N.W.2d 128 (Ct. App. 1992).

A city could not reach across a lake to annex noncontiguous property. Town of Delavan v. City of Delavan, 176 Wis. 2d 516, 500 N.W.2d 268 (1993).

The prohibition in sub. (4) [now sub. (5)] of the withdrawal of names from a petition prevents the withdrawal of the entire petition. Town of De Pere v. City of De Pere, 184 Wis. 2d 278, 516 N.W.2d 1 (Ct. App. 1994).

A town contesting an annexation under sub. (10) [now sub. (11)] is not required to file a notice of claim under s. 893.80 against the annexing municipality. Town of Burke v. City of Madison, 225 Wis. 2d 615, 593 N.W.2d 822 (Ct. App. 1999), 98−0108.

A petition under sub. (5) (a) must be circulated by a qualified elector residing within the territory to be annexed. City of Chippewa Falls v. Town Of Hallie, 231 Wis. 2d 85, 604 N.W.2d 300 (Ct. App. 1999), 99−0832.

There are 3 prongs to the rule of reason: 1) that no arbitrary exclusions or irregularities appear in boundary lines; 2) that a need exists for the property; and 3) that the municipality commits no other misuse of discretion in the process. When direct annexation is initiated by property owners, generally, the annexing municipality is not charged with arbitrary action in drawing boundaries and the courts must be responsive to the property owners desires. The need requirement serves the purpose of furthering the policy favoring orderly growth of urban areas by preventing irrational gobbling up of territory. Town of Sugar Creek v. City of Elkhorn, 231 Wis. 2d 473, 605 N.W.2d 274 (Ct. App. 1999). 98−2514.

Separation of lands by a river does not make them noncontiguous under this section. Town of Campbell v. City of La Crosse, 2001 WI App 201, 247 Wis. 2d 946, 634 N.W.2d 840, 00−1914.

A municipality may not repeal an annexing ordinance already in effect by enacting a correcting ordinance. Town of Windsor v. Village of DeForest, 2003 WI App 114, 265 Wis. 2d 591, 666 N.W.2d 31, 02−0281.

Under the rule of prior precedence, in case of conflict between competing annexations, or between an annexation and a proceeding for the incorporation of a city or village, the proceeding first instituted has precedence, and the later one must yield. Annexation proceedings did not lose priority status when the ordinances were deemed invalid and dismissed by the circuit court but subsequently vindicated on appeal. Town of Campbell v. City of La Crosse, 2003 WI App 139, 266 Wis. 2d 107, 667 N.W.2d 356, 02−1150.

Section 66.021 (10) (now sub. (11)) does not prohibit an amendment to the complaint after the 90 days for filing the original complaint has run. Town of Campbell v. City of La Crosse, 2003 WI App 247, 268 Wis. 2d 253, 673 N.W.2d 696, 02−2541.

If the petitioners for annexation are in need of services that the town cannot provide but the city can, the need factor under the rule of reason is met. When no need is shown by the property owners, the annexing municipality must have a reasonable present or demonstrable future need for a substantial portion of the annexed territory. Whether an annexation is in the interest of the public is not one of the factors in the rule of reason and is not for the courts to decide. Even if the state issues a letter under s. 66.021 (11) (now sub. (6)) that the annexation is not in the public interest, the statute requires only that the city consider it. Town of Campbell v. City of La Crosse, 2003 WI App 247, 268 Wis. 2d 253, 673 N.W.2d 696, 02−2541.

A municipality is not required to enact a separate annexation ordinance for each of several parcels that are the subject of separate annexation petitions under sub. (2). Town of Baraboo v. Village of West Baraboo, 2005 WI App 96, 283 Wis. 2d 479, 699 N.W.2d 610, 04−0980.

Sub. (2), when read together and compared with the subs. (6) and (8), does not require the village to inform the department of its intention to annex less than all of the parcels originally proposed for annexation that were submitted for the department's review. Town of Baraboo v. Village of West Baraboo, 2005 WI App 96, 283 Wis. 2d 479, 699 N.W.2d 610, 04−0980.

Although an annexation petition may not be withdrawn by a petitioner once it is filed, neither sub. (2) nor *De Pere* prohibits a municipality from declining to annex a given parcel for any reason, including a petitioner's desire not to be annexed. Town of Baraboo v. Village of West Baraboo, 2005 WI App 96, 283 Wis. 2d 479, 699 N.W.2d 610, 04−0980.

In rule of reason cases, there is an exception to the general rule that a municipality may not be charged with any arbitrariness in the boundaries of an owner−petitioned annexation if the municipality can be shown to have been the real controlling influence in selecting the boundaries. Providing forms to prospective annexation petitioners, preparing maps and legal descriptions for the petitions, and providing other advice and technical assistance to petitioners does not render the municipality the controlling influence behind the annexation petitions nor does arranging an informational meeting of adjacent property owners only after several property owners in the area had contacted the municipality requesting information regarding a possible annexation. Town of Baraboo v. Village of West Baraboo, 2005 WI App 96, 283 Wis. 2d 479, 699 N.W.2d 610, 04−0980.

Sub. (11) (c) bars a town from contesting a direct annexation by unanimous approval under sub. (2). Under sub. (11) (c) an action to "contest the validity" of an annexation includes challenging an annexation as void. Barring such town actions does not render sub. (14) (b) 1. [now sub. (14) (b)] meaningless, as it still applies to annexations other than direct annexations by unanimous approval. While it may be true that towns may not use the threat of challenging the validity of an annexation to compel payments under sub. (14) (a) 1., that does not explain why a town could not use other means of compelling a village to pay the property tax set−off it owes the town. Town of Merrimac v. Village of Merrimac, 2008 WI App 98, 312 Wis. 2d 754, 753 N.W.2d 552, 07−2491.

Sub. (11) (c) is unambiguous. Adopting the town's argument that before sub. (11) (c) can act to bar a town's suit, the city must show that the annexation under sub. (2) was valid would render the phrase "no action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation under sub. (2), may be brought by any town" meaningless. Darboy Joint Sanitary District No. 1 v. City of Kaukauna, 2013 WI App 113, 350 Wis. 2d 435, 838 N.W.2d 103, 12−2639.

The legislature can constitutionally provide for the annexation of territory without a referendum. 60 Atty. Gen. 294.

The rule of reason in Wisconsin annexations. Knowles, 1972 WLR 1125.

66.0219 Annexation by referendum initiated by city or village. As a complete alternative to any other annexation procedure, and subject to sub. (10) and ss. 66.0301 (6) (d) and 66.0307 (7), unincorporated territory which contains electors and is contiguous to a city or village may be annexed to the city or village under this section. The definitions in s. 66.0217 (1) apply to this section.

(1) PROCEDURE FOR ANNEXATION. (a) The governing body of the city or village to which it is proposed to annex territory shall, by resolution adopted by two−thirds of the members−elect, declare its intention to apply to the circuit court for an order for an annexation referendum, and shall publish the resolution in a newspaper having general circulation in the area proposed to be annexed, as a class 1 notice, under ch. 985. The governing body shall prepare a scale map of the territory to be annexed, showing it in relation to the annexing city or village. The resolution shall contain a description of the territory to be affected, sufficiently accurate to determine its location, the name of the municipalities directly affected and the name and post−office address of the

Exhibit G

SECTION 84.28 (SR-3) Single Family Residential – 3 Zoning District.

(a) **Intent.** This district intends to create, preserve, and enhance areas for moderate density single family detached dwellings at an approximate density of 3 dwelling units per acre.

(b) **Principal Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Single Family
- (2) Selective Cutting
- (3) Community Garden
- (4) Outdoor Open Space Institutional
- (5) Passive Outdoor Recreation
- (6) Essential Services
- (7) Small Scale Public Services and Utilities
- (8) Community Living Arrangement (1-8 residents) meeting the requirements of Section 84.57(h)

(c) **Principal Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Cultivation
- (2) Clear Cutting
- (3) Indoor Institutional
- (4) Community Living Arrangement (9-15 residents) meeting the requirements of Section 84.57(i)
- (5) Bed and Breakfast
- (6) Large Wind Energy System
- (7) Large Solar Energy System

(d) **Accessory Uses Permitted by Right.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Home Occupation
- (2) In-Home Daycare (4-8 children)
- (3) In-Family Suite
- (4) Residential Accessory Structure
- (5) Nonresidential Accessory Structure
- (6) Recreational Facility
- (7) Landscape Feature
- (8) Residential Kennel
- (9) On-Site Parking
- (10) Satellite Dish
- (11) Personal Antenna and Towers
- (12) Communication Antenna

(e) **Accessory Uses Permitted as Conditional Use.** Refer to Article III for detailed definitions and requirements for each of the following land uses.
- (1) Accessory Dwelling Unit

(2) Residential Chicken Coop
(3) Residential Apiary
(4) Small Wind Energy System
(5) Small Solar Energy System

(f) **Temporary Uses.** Refer to Article III for detailed definitions and requirements for each of the following land uses. (Exempt from setbacks unless specified in Article III.)
(1) Temporary Outdoor Assembly
(2) Temporary Shelter Structure
(3) Temporary Storage Container
(4) Temporary On-Site Construction Storage
(5) Temporary Contractor's Project Office
(6) Temporary On-Site Real Estate Sales Office
(7) Temporary Relocatable Building
(8) Garage or Estate Sale

(g) **Density, Intensity, and Bulk Regulations for the (SR-3) Single Family Residential – 3 District.**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	12,000 square feet	12,000 square feet
Maximum Density	3 dwelling units per acre	N/A
Minimum Lot Frontage	50 feet	50 feet
Maximum Building Coverage of Lot	45 percent	45 percent
Minimum Landscape Surface Ratio	40 percent	40 percent
Minimum Lot Width	100 feet	100 feet
Minimum Front Setback	25 feet	25 feet
Minimum Street Side Setback	25 feet	25 feet
Minimum Side Setback	12 feet	15 feet
Minimum Rear Setback	25 feet	20 feet
Maximum Principal Building Height	35 feet	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	24 feet	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear	5 feet from side, or 0 feet for shared driveway; 10 feet from right of way or rear
Minimum Parking Required	See Article III	See Article III
Minimum Garage Door Setback to Alley (if applicable)	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley	8 feet for doors parallel to alley; 3 feet for door perpendicular to alley
Accessory Building Side Setback	10 feet	10 feet
Accessory Building Rear Setback	10 feet	10 feet
Maximum Accessory Building Height	Lesser of 15 feet or principal building height	20 feet

(h) **Regulations Applicable to All Uses.** Most development will also be subject to the following requirements:

(1) Article VI: Overlay Zoning Districts
(2) Article VII: Performance Standards
(3) Article VIII: Landscaping Regulations
(4) Chapter 87: Signage Regulations

Chapter Three: Land Use

This chapter is intended to guide land use decision-making in the Village. Long-range land use planning allows municipalities to guide development and redevelopment in a manner that maintains community character and protects sensitive environmental features.

This chapter contains a compilation of background information, goals, objectives, policies, and recommended programs to guide the future preservation and development of public and private lands in the Village of Cross Plains. It includes maps showing existing land uses and recommended future land uses.

LAND USE RECOMMENDATIONS SUMMARY

- Follow the recommendations shown in Maps 4a and 4b when making land use decisions.
- Promote compact residential neighborhoods to better manage the rate of community expansion, preserve farmland, maximize developable land, and protect natural resources.
- Enhance the character of the Main Street corridor by encouraging compatible new development and redevelopment.
- Use intergovernmental discussions and extraterritorial authorities to direct intensive new development such as subdivisions, commercial, and industrial development into the Village.
- Modify local land development ordinances where necessary to implement recommendations in this Plan, minimize potential land use conflicts, guide growth and development, and ensure high-quality site development.

Existing Land Use

Existing Land Use Categories

An accurate depiction of the existing land use pattern is the first step in planning for the desired future land use pattern. The set of categories below was used to prepare the existing land use map for the planning area (Map 3).

- **Agriculture/Rural:** Areas proposed for maintenance and protection as croplands, pasture, forested lands or other recognized agricultural activity. This includes provision of residential uses for the owner/tenant. Residential uses are restricted to one unit per 35 acres.
- **Single Family Residential - Exurban:** Single-family detached residential development served by individual on-site wastewater treatment (septic) systems.
- **Single Family Residential – Urban:** Single-family detached residential development served by a public water and sanitary sewer system.
- **Duplex Residential:** Areas designated for residential structures meant for occupancy by two families in two separate dwelling units. Density limits are generally established by the plan committee. This area could include condominiums, rental units, owner-occupied units, or redevelopment of existing housing into duplexes.
- **Multi-Family Residential:** Areas designated for residential structures meant to be occupied by more than two "family" units, and usually having several units per structure. This area includes rental apartments and owner-occupied condominiums.
- **Commercial:** Areas designated for development or redevelopment as retail, sales, service, office, recreational or residential uses. Access to these developments is available by walking or bicycle in addition to car traffic. These areas also include smaller shops, restaurants, and offices.
- **Government/Institutional:** Areas of governmental, educational, religious, or medical property uses. Other quasi-public organizations such as public utility facilities are included in this category.
- **Industrial:** Areas designated for manufacturing, warehousing, and uses which may require outdoor storage of materials, product or machinery. Industrial lands generally have moderate development standards and each parcel in an industrial setting should have a minimum size requirement.

- **Extraction:** Quarries, gravel pits, clay extraction, peat extraction and related land uses.
- **Vacant:** Open lands and vacant parcels.
- **Parks:** Areas designated as public access recreational areas. These areas may include natural areas, playgrounds, picnic areas, or other facilities to be enjoyed by the general public. This category does not distinguish "ownership" by governmental jurisdiction (Village, Town, County, State, or Federal).
- **Woodlands/Open Space:** Areas on the existing land use maps, identified during the planning process as being predominantly tree covered so as to create a closed canopy over a significant geographic area.
- **Detention/Infiltration:** Areas used for stormwater detention and infiltration.
- **Surface Water:** Existing navigable waters as identified on the USGS maps. Water areas include lakes, ponds, rivers, streams, creeks or any permanent bodies of water.
- **Right-of-Way:** Areas used for or owned by public transportation agencies.

Existing Land Use Pattern

An accurate depiction of the Village's *existing* land use pattern is the first step in planning for a desired *future* land use pattern. The Village's consultant prepared a map of the Village's existing land uses. Village staff and officials had an opportunity to review and suggest corrections to the existing land use map before it was finalized.

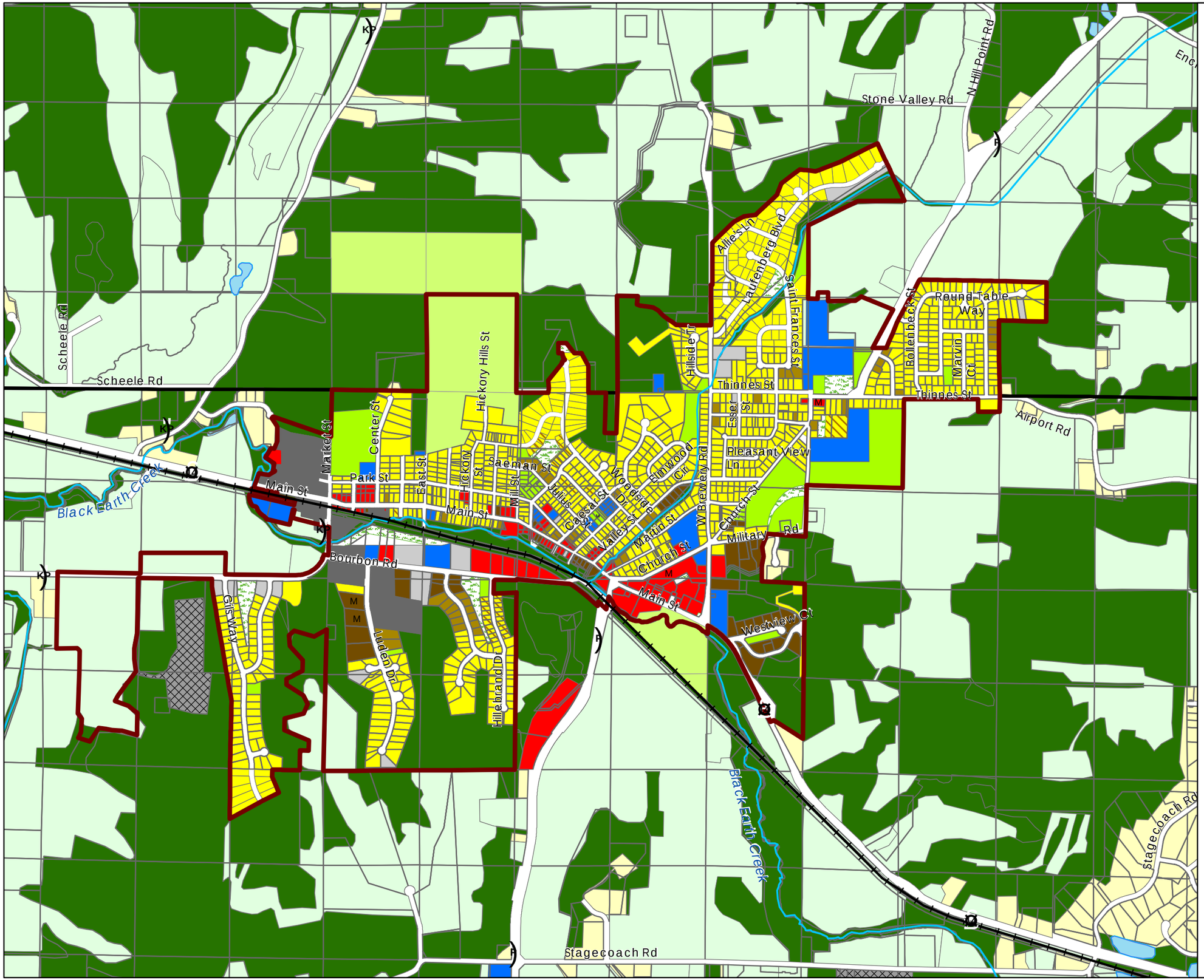
Figure 13 shows acreages for existing land uses within the village limits in 2005. As indicated, single-family residential is the primary land use with 32.4 percent (325.4 acres). The second leading land use is currently open space, with 256.6 acres (25.5 percent). Transportation is currently the third most prevalent land use (151.2 acres).

Figure 13: Existing Uses, 2005

Land Use Type	Acres	Percentage
Agriculture	64.4	6.4%
Commercial	29.2	2.9%
Gov/Institutional	73	7.3%
Industrial	29.8	3.0%
Open Space	256.6	25.5%
Parks and Rec	25.6	2.5%
Res Duplex	18.6	1.9%
Res Multi-Family	30.9	3.1%
Res Single Family	325.4	32.4%
Transportation	151.2	15.0%
TOTAL	**1004.7**	**100%**

Village of Cross Plains Comprehensive Plan

Map 3: Existing Land Use



Village of Cross Plains Boundary
Town Boundaries
Parcels
Railroads
Surface Water

Single Family Residential-Exurban
Single Family Residential-Urban
Duplex Residential
Multi-Family Residential
Commercial
Government/Institutional
Industrial
Extraction
Vacant
Agriculture/Rural
Conservancy
Parks
Woodlands/Open Space
Detention/Infiltration
Right-of-Way

0 500 1,000 2,000 3,000 Feet

Vandewalle & Associates
Planning - Creating - Rebuilding
© Vandewalle & Associates 2002

Date: June 9, 2008
Sources: Existing Land Use: MSA, V & A
All other data Dane County LIO

Page intentionally left blank

Net Residential Density

In 2000 there were 1,228 dwelling units in the Village on 415.5 acres. This works out to an average residential density of just under three dwelling units per acre.

Nonresidential Intensity

Commercial and Industrial land uses each make up 4 percent of Village land area for a total of less than 8 percent of the acreage in the Village.

Land Market Trends

Trends in the Village of Cross Plains land market suggest increasing land values and lot prices. This reflects the accelerating demand for new development in the area, and the increasing relationship between the Village and surrounding higher-priced markets. The State Department of Revenue reported an increase in the total equalized values of the Village between 2000 and 2005 from $151,886,300 to $296,850,500.

Raw land values have increased in the Cross Plains area over the past several years. New residential lots in the Village sell for approximately $100,000. Land intended for commercial uses sell for between $5.00 and $12.00 per square foot, depending on location.

Building Permits

As depicted in Figure 14, the number of building permits for the Village of Cross Plains has increased steadily since 1998 with a high in 2002 of 52 building permits, 50 of which were residential. Assuming that those units granted permits in 2000 were not counted in the 2000 US Census, total dwelling units increased to about 1,418 through the end of 2004, a 15.5 percent increase in those 5 years. There was an average of 25 permits for single family houses issued between 1998 and 2006.

Figure 14: Recent Building Permits (1998 - 2006)

Building Permits					**Year**				
Use	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**
Residential									
Single-Family	1	10	22	33	49	47	37	23	6
Duplex					1			1	1
Commercial		1			1	1			
Municipal					1*				
Total:	1	11	22	33	52	48	37	24	7

*Fire Station

Source: U.S. Census Bureau

Existing and Potential Land Use Conflicts

Existing land use conflicts in the Village mainly occur where homeowners and businesses have occasional conflicts around the issues of noise and truck traffic associated with USH 14. Proximity near vacant or significantly underutilized buildings—such as the Zander Creamery site—can create challenges to property values and enjoyment of adjacent properties as well. This *Comprehensive Plan* is focused on minimizing potential future land use conflicts though thoughtful placement of possibly conflicting new uses, high quality design, and buffering of possibly conflicting uses.

Projected Demand for Future Land Uses

The interaction of local and regional dynamics will continue to drive population change, household size, the balance of residential and non-residential uses, and the density of development in the Cross Plains area. These factors, in turn, determine the demand for land development. The following calculations assume the average number of persons per household will decrease slightly from 2.56 to 2.5 and the number of houses per acre will increase slightly from 3 to 3.5 through the planning period. The fluctuations in acreage demands are a result of these assumptions.

Because the market for land is not only driven by demand, but is also dictated by the motivations and desires of land owners and developers, it is important to factor in an allowance for uncertainty. In other words, a given parcel of land may not be available for development when the market is ripe for development. Therefore, incorporating a flexibility factor into the projection ensures that the supply of areas designated as appropriate for development will accommodate future demand. These projections utilized a 100 percent flexibility factor (i.e. total projected land use needs were doubled).

Projected non-residential demand will be distributed in 5-year increments as follows. Land in commercial uses are projected increase by 26 acres from 2005 to 2010, 25 acres from 2010 to 2015, 26 acres from 2015 to 2020, 25 acres from 2020 to 2025, and 23 acres from 2025 to 2030 – a total of roughly 125 acres of additional commercial land use demand. Land in industrial uses are projected to increase by 26 acres from 2005 to 2010, 23 acres from 2010 to 2015, 20 acres from 2015 to 2020, 18 acres from 2020 to 2025, and 15 acres from 2025 to 2030 – a total of roughly 103 acres of industrial land uses. These may include some of those uses described on the Future Land Use Map as "Office/Research", "Light Industrial", and "General Industrial." This breakdown of projected commercial and industrial land uses reflects the historic balance of commercial and industrial uses in the Village, with some additional emphasis on commercial uses.

In general, agricultural land in the Village is expected to be an interim use pending development. Agricultural land uses in the Village will decline over the planning period, following current trends of agricultural land conversion in the Village. The amount of land in agricultural uses in the Village is projected to decline by roughly the amount of residential, commercial, and industrial land added to the Village every 5-years. The Village intends to work with neighboring towns to ensure that a significant portion of the land base in the Village's extraterritorial jurisdiction remains rural and in agricultural uses.

Figure 15: Projected Land Use Demand

	2005-2010	2010-2015	2015-2020	2020-2025	2025-2030	Total
Projected Number of New Residents	493	493	493	493	493	2,465
Projected Number of New Housing Units	193	194	196	197	197	977
New Residential Acreage Demand	64	62	61	59	56	302
New Non-Residential Acreage Demand	53	48	46	43	38	227
Land for Roads, Utilities, Stormwater Management, etc.	24	23	22	21	20	110
Flexibility Factor	2.0	2.0	2.0	2.0	2.0	
Total New Residential and Non-Residential Acreage Demand	257	243	237	224	208	1,168

Future Land Use

This section of the *Plan* has the intent of guiding land use and development in the Village through the year 2030. The Future Land Use Map (Maps 4a and 4b) is the centerpiece of this chapter and the *Plan*'s land use direction. Maps 4a and 4b were prepared based on an analysis of a variety of factors, including overall development trends, location and availability of vacant land in the Village, location of areas logical for future development based on existing development, environmental constraints, public and property owner input, and this *Plan*'s overall vision (see Element One: Issues and Opportunities).

The Future Land Use Map and related policies described below should be used as a basis to update the Village's regulatory land use tools, such as the Zoning Map. They should also be used as a basis for all public and private sector development decisions, including those within the Village's extraterritorial jurisdiction. These include annexations, rezonings, conditional use permits, land divisions, extension of municipal utilities, and other public or private investments. Changes in land use to implement the recommendations of this *Plan* will generally be initiated by property owners and private developers. In other words, this *Plan* does not automatically compel property owners to change the use of their land.

Not all land shown for development on the Future Land Use Map will be immediately appropriate for rezoning and other land use approvals following adoption of this *Plan*. Given service demands and other factors, careful consideration to the amount, mix, and timing of development to keep it manageable and sustainable is essential. The Village advocates the phased development of land that focuses growth in areas and types that advance the vision of the community and can be efficiently served with transportation, utilities, public services, and other community facilities.

Wisconsin Statutes specifically allow cities and villages to prepare plans for lands both inside and outside their municipal boundaries—up to the edges of their extraterritorial jurisdictions. To effectively manage growth, this *Plan* identifies desirable land use patterns both within the existing Village limits and in unincorporated areas around the Village. This approach recognizes that Village (and regional) growth and economic health can be either facilitated or impeded by the patterns of growth and preservation in adjacent areas. Not surprisingly, implementing many of the land use recommendations of this *Plan* will be greatly aided by intergovernmental cooperation, with opportunities described more fully in the Intergovernmental Cooperation Element. The Village may also take unilateral action as allowed by law to attempt to carry out its land use vision.

Each of the future land use categories shown on the Future Land Use Map are described below. Each land use category description includes summarizes where that type of land uses should be promoted, the appropriate zoning districts to implement that category, policies related to future development in areas designated by that category, and overall approaches for achieving the Village's overall vision for the future.

Land Use Goals, Objectives, and Policies

Goal:

1. Ensure that the character and location of all types of land uses within the Village contribute to the general health, safety, and welfare of Cross Plains' residents and property owners.

Objectives:

1. Provide for the complete range of land uses in the Village of Cross Plains by designating areas most appropriate for such uses on the Village's Future Land Use Map.
2. Achieve a compact, efficient development pattern in the Village to enhance the provision of municipal services.
3. Ensure that all new development can be adequately served by existing municipal services and facilities before development projects are approved.
4. Through the implementation of comprehensive planning and detailed area plans, work towards achieving the highest and best use of all vacant and underutilized lands and buildings in the Village of Cross Plains.

5. Protect established, viable residential neighborhoods from intrusions by more intensive land uses, such as intensive commercial and industrial uses, through the use or zoning or mitigation measures such as buffer yards, vegetative or structural screening, high quality site planning, sound-proofing, traffic access and control of parking lot lighting are incorporated into the design.
6. Regulate development in areas which may be annexed to the Village as identified for protection in the Water Quality Corridors in order to mitigate impacts on the area streams and maintain or enhance the base flow of those streams.
7. Improve the visual quality and physical design of the Village of Cross Plains by developing and enforcing new signage, landscaping, property maintenance, site plan review, building design, parking and outdoor storage regulations.
8. Consider the visual impacts of developments during the approval process and prevent development on or near slopes and bluffs in and around the Village.
9. Enforce parks and open space requirements for new developments.
10. Encourages cooperative planning with neighboring townships and counties to ensure that urban development is guided to the Urban Service Area and that very low density rural development (one dwelling unit per 35 acres owned and a maximum lot size of 2 acres) is encouraged in areas where municipal sanitary sewer service is not available or authorized.

Policies:

1. Follow the land use recommendations that are mapped and described in this *Plan* when reviewing new rezoning requests and making detailed land use decisions.
2. Guide new development to areas adjacent to existing development and where logical extensions to streets, sewer lines, and water lines may occur.
3. Require annexation prior to urban development to ensure that such development is consistent with Village plans, zoning and subdivision design standards, and Village utility systems.
4. Encourage agricultural preservation and natural resource protection and discourage the development of unsewered subdivisions in areas of the towns within the Village's extraterritorial jurisdiction.
5. Use cooperative planning, extraterritorial zoning and other techniques to direct intensive new development–such as subdivisions, commercial development, and industrial development–to the Village as a way to relieve pressure to develop in the towns.
6. Preserve and enhance the character of the Main Street corridor by encouraging compatible new development and redevelopment.
7. Preserve architecturally, culturally, and historically significant structures, buildings, and sites.
8. Disperse mixed-residential development throughout the Village, rather than creating large concentrations of this type of development in a just a few areas.
9. Ensure that incompatible land uses are not located close to one another, or, where necessary, require adequate buffering between incompatible land uses
10. Promote road and pedestrian connections between existing and new development areas.
11. Adopt and use high-quality standards for building, site, landscape, signage, and lighting design in new development projects.
12. Protect the visual quality of major community thoroughfares by requiring all development and redevelopment along these entry corridors to include site plan and design review.
13. Modify local land development and environmental protection ordinances where necessary to implement the goals, objectives, and recommendations in this *Plan*, minimize potential land use conflicts, guide growth and development, ensure high-quality site development, and adequately protect water quality.

Residential Land Use Categories

Single Family – Exurban

Description

This future land use category is intended for single family residential development on private well and on-site waste treatment (septic) systems, generally at densities between 1 dwelling unit per acre and 1 dwelling unit per 35 acres. This area is mapped in the Village's extraterritorial jurisdiction only, in limited areas where substantial single family residential development of this type has already occurred.

Recommended Zoning

This category is mapped in areas outside the municipal boundary, and is therefore subject to County zoning and/or in the Town of Cross Plains joint extraterritorial zoning and policies.

Policies and Programs

1. Allow land divisions in these extraterritorial jurisdiction areas where applicable zoning and the Village subdivision ordinance allows for them.
2. Consider amending the Village's land division ordinance to limit new development to a density of one residential dwelling unit per 35 acres with a maximum lot size of 2 acres.
3. Require sensitivity towards natural resources and water quality with new development projects, including assurances that concentrations of on-site waste treatment systems will not negatively affect groundwater quality and that stormwater will be properly managed according to best practices.
4. Assure that new development in these areas does not impede the logical future extension of municipal utilities or Village growth.

Single Family – Urban

Description

This future land use category is intended for existing and planned groupings of single-family detached residences that are served by public sanitary sewer and water systems. Small public and institutional uses—such as parks, schools, churches, and stormwater facilities—may also be built on lands within this category. This category is mapped in various parts of the Village of Cross Plains where the desire is to promote or retain single family character.

Recommended Zoning

The Villages R-1 single family zoning district is the most appropriate for areas mapped in this future land use category.

Policies and Programs

1. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
2. Develop new single family residential areas in accordance with carefully-considered development plans including progressive erosion control and stormwater management techniques.
3. Pursue residential infill opportunities where feasible.
4. As maintenance and rehabilitation needs arise, work with the County, State and local lenders to assist homeowners and landlords with rehabilitation projects.
5. Refer to the Housing Element for detailed housing recommendations.

Two-Family/Townhouse

Description

This designation is primarily intended to allow groupings of attached single family residences with individual entries (e.g., zero lot line homes, townhouses, rowhouses, condominiums) and duplexes that are or will be served by public sanitary sewer and water systems. Small public and institutional uses—such as parks, schools, churches, and stormwater facilities—may also be built within this designation, if appropriate zoning is granted as considered on a case by case basis. The Two-Family/Townhouse development is mapped in areas of existing development. A limited amount of Two-Family/Townhouse uses may also be included in portions of new Planned Neighborhoods.

Recommended Zoning

The Villages R-2 two-family zoning district is the most appropriate for areas mapped in this future land use category.

Policies and Programs

1. Incorporate Two-Family/Townhouse residential uses in Planned Neighborhoods.
2. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
3. As maintenance and rehabilitation needs arise, work with the County, State and local lenders to assist homeowners and landlords with rehabilitation projects.
4. Refer to the Housing Element for detailed housing recommendations.

Mixed Residential

Description

This future land use category is intended for a variety of residential units focused on multi-family housing (3+ unit buildings), served by public sanitary sewer and water systems. Single-family detached housing, attached single family residences with individual entries (e.g., townhouses, rowhouses), senior housing, and small public and institutional uses—such as parks, schools, churches, and stormwater facilities—may also be within lands mapped in this category, if appropriate zoning is granted as considered on a case by case basis. Mixed

Residential uses are mapped in existing multi-family development and a limited amount of multi-family housing may also be included in portions of new Planned Neighborhoods.

Recommended Zoning

The Village's RM multiple-family zoning district is the most appropriate district to implement this future land use category.

Policies and Programs

1. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
2. Encourage multiple-family residential building sizes of between 4 and 6 units. In any case, the size of the building shall be in scale with the surrounding neighborhood.
3. Meet minimum site, building, landscape, lighting, and other design standards included in the Housing Element and the zoning ordinance.
4. Discourage large concentrations of multi-family and duplex/townhouse developments. Rather, this type of development should be dispersed throughout Planned Neighborhood areas.
5. Support projects that include a strong program for maintaining the quality, value, and safety of the development over time.

Planned Neighborhood

Description

The Planned Neighborhood future land use category is intended to provide for a variety of housing choices and a mix of non-residential uses such as parks, schools, religious institutions, and small-scale shopping and service areas. They are really a collection of different land use categories listed in this chapter. Planned Neighborhoods should be carefully designed as an integrated, interconnected mix of these use categories. They are by no means intended to justify an "anything goes" land use pattern. Overall, the composition and pattern of development should promote neighborhoods that instill a sense of community with their design.

The Planned Neighborhood concept encourages a mix of Single-Family Residential – Urban, Two-Family/Townhouse Residential, Mixed Residential, Community Facilities, Parks, and Neighborhood Business uses. Maintaining a minimum of 65 percent Single Family Residential – Urban uses has the effect of dispersing higher density development throughout the community and limiting the concentration of any one type of development in any one area. Appropriate commercial uses include neighborhood-oriented shopping opportunities, such as a small grocery store, barber shop, bakery, or pharmacy; smaller employment opportunities (usually located on the edges of these neighborhoods); and educational facilities (usually elementary schools) for area residents. Large areas of Planned Neighborhood area mapped at the edge of the Village.

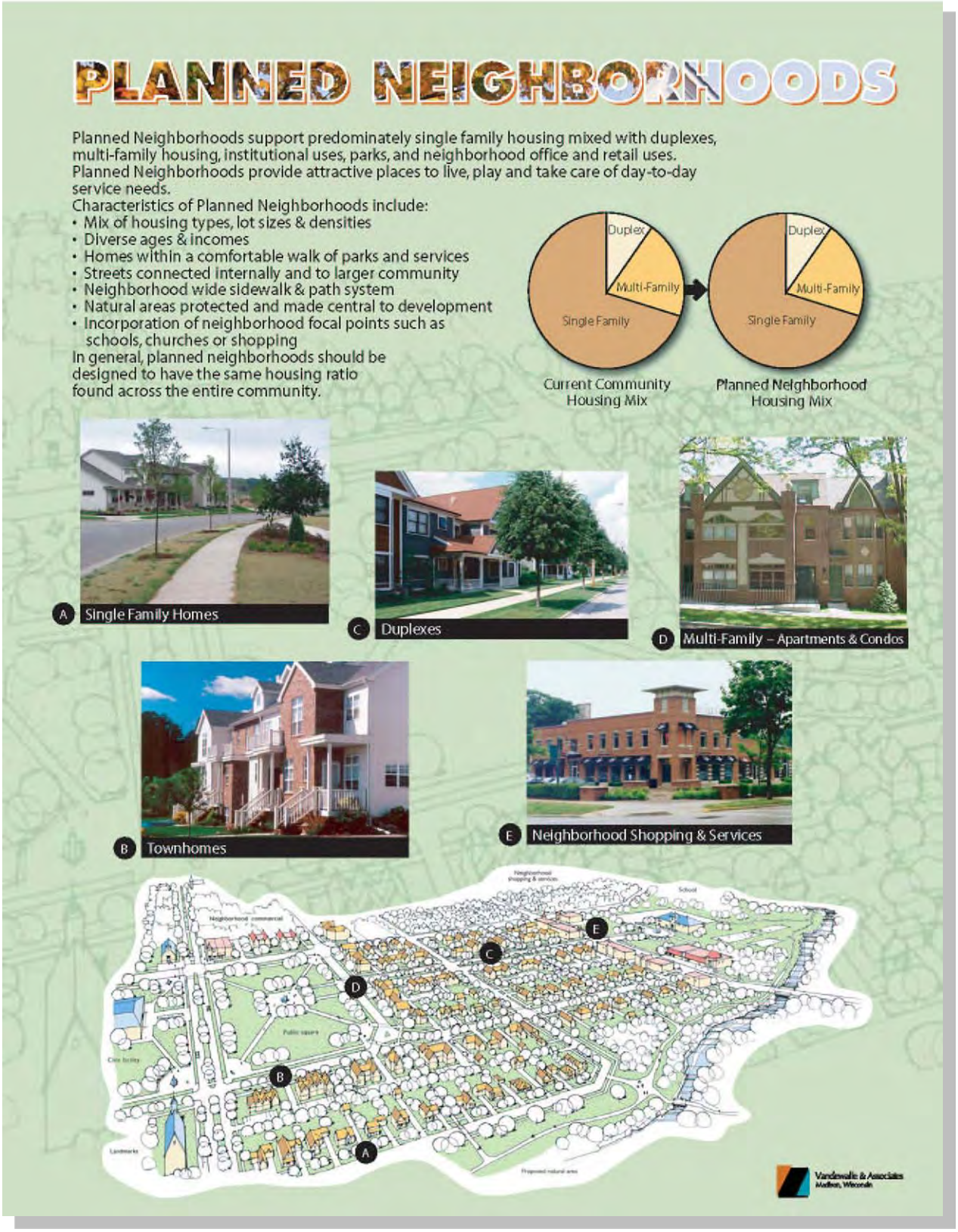
Recommended Zoning

The Village's PDD residential planned development zoning district is the most appropriate district to implement this future land use category.

Policies and Programs

1. Maintain overall residential development densities within Planned Neighborhoods of between 3 and 5 dwelling units per residential acre.
2. Accommodate a mixture of housing types, costs, and densities, while maintaining the predominance of single-family housing in the community. In Planned Neighborhoods, seek a housing mix where not less than 65 percent of all housing units are in single family detached residences, with a maximum of 15 percent of units in two-family dwellings and a maximum of 20 percent of units in multiple family dwellings.
3. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
4. Avoid rezoning any area designated for Planned Neighborhood development until public sanitary sewer and water service is available and a neighborhood development plan and specific development proposal is offered for the site.
5. Require each Planned Neighborhood to be developed following preparation of a detailed neighborhood development plan by a developer or the Village, ideally adopted as a component of the Village's *Comprehensive Plan*. Such plans shall specify land use mix, density, street layouts, open space, erosion control, and stormwater management. See Chapter Six: Housing and Neighborhood Development.
6. Develop and adopt a conservation subdivision ordinance in accordance with Wis. Stat. 66.1027.
7. Develop and adopt a traditional neighborhood zoning district ordinance to allow for implementation of the traditional neighborhood design concept.
8. Adhere to the following design objectives for Planned Neighborhood areas depicted in Figure 16:
   - Create a distinct sense of place and charming human scale. Strategies include bringing buildings close to the sidewalk and local streets; providing public focal points with public plazas, greens and squares; creating visual interest; and designating prominent building sites.
   - Connect Planned Neighborhoods internally and to adjacent areas through a network of paths, sidewalks, and streets that discourage high travel speeds but still allow access to emergency and maintenance vehicles (e.g. fire trucks and snow plows).
   - Design neighborhoods with interconnected open space systems for recreation and progressive stormwater management.
   - Integrate a mix of uses and densities within and around the neighborhood commercial centers
   - Preserve and focus attention on environmentally sensitive areas and unique natural features.
   - Lay out streets, buildings, and public open spaces which take advantage of sweeping views created by local topography.

Figure 16: Planned Neighborhoods



Non-Residential Land Use Categories

Office/Research

Description

This future land use category is intended to facilitate high-quality office, research and development, recreational, and business park support uses (e.g., day care, hotel, health club, bank). Development will include generous landscaping, screened storage areas, and modest lighting and signage. Office/Research areas are mapped northeast of the Village along CTH P.

Recommended Zoning

The Village's BOR office and research business zoning district is most appropriate for areas within this future land use category.

Policies and Programs

1. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
2. Encourage the use of high quality building materials, improved window treatments, high- quality loading and storage screening devices and landscaping.
3. Ensure that future office/research development is appropriately buffered from existing and planned residential development areas.
4. Adhere to adopted site and building design guidelines for office/research projects, and ordinances on other aspects of those projects like signage, landscaping, and lighting.
5. Require that all projects submit and have approved detailed building elevations and site plans, showing the proposed locations of the building(s), parking, storage, loading, signage, landscaping, and lighting prior to development approval.

Neighborhood Business

Description

This future land use category is intended for neighborhood-scale residential, office, and neighborhood supporting institutional and commercial land uses that mainly serve the surrounding neighborhoods on public sewer, public water, and other urban services and infrastructure. There are several areas throughout the Village—general in close proximity to existing or future residential neighborhoods—that are mapped in this category.

Recommended Zoning

The Village's BN neighborhood business zoning district is the most appropriate district to implement this future land use category.

Policies and Programs

1. Encourage neighborhood-oriented retail and service businesses in areas that will conveniently serve Village neighborhoods.
2. Require that all proposed commercial projects submit a detailed site plan, building elevations, lighting plan, grading/stormwater management plan, and signage plan prior to development approval.
3. In Neighborhood Business areas, require the use of high-quality building materials and designs that are compatible with residential areas, including residential roof materials such as shingles; generous window placements; and exterior materials such as wood, cement board, vinyl siding, brick, decorative block, stone, and other materials approved by the Plan Commission.
4. Require calm, low-key, and attractive lighting and signage that are compatible with residential areas.

Planned Business

Description

This future land use category includes large-scale commercial and office land uses, including national and regional retailers, which serve the entire community and people from nearby communities on public sewer, public water, and other urban services and infrastructure. Planned Business land uses are located south of Church Street west of Brewery Road.

Recommended Zoning

The Village's PDD business planned development district or the BN neighborhood business zoning district are the most appropriate districts to implement this future land use category.

Policies and Programs

1. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
2. Adhere to site, building, signage, landscaping, and lighting design guidelines for commercial, large scale retail, and mixed use development projects.
3. Adhere to established standards for highway access control, shared driveways, and cross access.
4. Require that all commercial projects submit and have approved detailed building elevations and site plans, showing the proposed locations of the building(s), parking, storage, loading, signage, landscaping, and lighting prior to development approval.
5. Prohibit the unscreened outdoor storage of equipment or materials, except for automobiles.
6. Consider the relationship between development in the Planned Business areas and existing and future development behind these sites. Avoid inhibiting future access to sites behind commercial properties and creating an unattractive appearance which will inhibit future development of these sites.
7. Encourage uses that are most appropriate for the Village's Downtown areas to develop or remain in the Downtown, rather than in locations designated as Planned Business.

Downtown

Description

The unique incorporation of the two hamlets into one Village created two areas of downtown character development in Cross Plains along Highway 14. These areas are intended to remain the civic, social, and commercial hub of the community. This opportunity has recently been enhanced through the revitalization planning efforts along Highway 14.

This category is intended for a mix of retail, commercial service, office, institutional, governmental, and residential (mainly upper stories) uses arranged in a pedestrian-oriented environment with on-street parking;

minimal front and side yard building setbacks; and building designs, materials, placement, and scale that are compatible with the character of existing development. The Downtown future land use category is mapped over the historic Downtown areas.

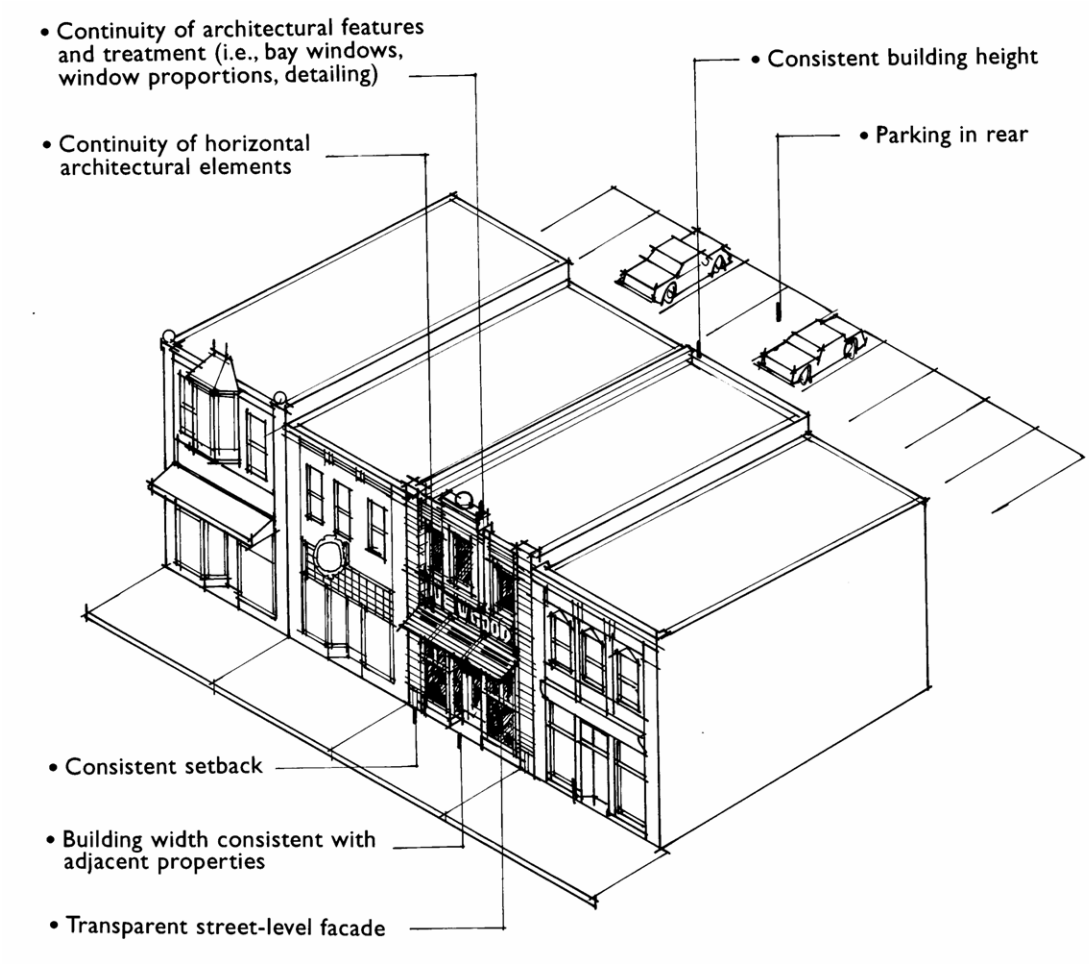
Recommended Zoning

While the Village's BC(O) central business overlay zoning district will accommodate this future land use category, the Village should consider adopting a stand alone downtown zoning district to implement this future land use category.

Policies and Programs

1. Follow the recommendations of the Cross Plains Downtown Revitalization Plan, which provides additional detail on desired future land uses along Highway 14 in the Village.
2. Preserve the architectural and historic character of the Downtown areas and buildings by requiring that new development, expansions, and exterior renovations comply with general design standards in the Downtown Revitalization Plan.
3. Grant development approvals only after submittal, public review, and approval or site, landscaping, building, signage, lighting, stormwater, erosion control, and utility plans.
4. Encourage commercial developments that are most appropriate for the historic Downtown areas to locate or remain there, rather than in other business districts in the Village.
5. Promote the expansion, retention, and upgrading of specialty retail, restaurants, financial services, offices, professional services, residential, and community uses through marketing, investment and incentive strategies.
6. Adopt a central business zoning district to preserve the character of Downtown areas consistent with the characteristics of Figure 17 and the guidelines identified in "Cross Plains Main Street Design Standards" including use, two story minimums, and "build to lines".

Figure 17: Appropriate Historic Downtown Development



Planned Mixed Use

Description

This future land use category is intended to facilitate a carefully controlled mix of commercial and residential uses on public sewer, public water, and other urban services and infrastructure. This category advises a carefully designed blend of Planned Business, Light Industrial, Mixed Residential, and Community Facilities land uses. Planned Mixed Use land uses are focused along Bourbon Road.

Recommended Zoning

The Village's PDD business planned development zoning district is the most appropriate district to implement this future land use category.

Policies and Programs

1. Carefully review all projects in Planned Mixed Use areas to ensure an appropriate mix of uses which are compatible with neighboring properties and the Village's vision for the area. The precise mix of uses and zoning districts should be at the Village's discretion, rather than the property owner.
2. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
3. Grant development approvals only after submittal, public review, and approval or site, landscaping, building, signage, lighting, stormwater, erosion control, and utility plans.
4. In Planned Mixed Use areas, require the use of high-quality building materials and designs as approved by the Plan Commission.
5. Adhere to established standards for highway access control, shared driveways, and cross access.

Light Industrial

Description

This future land use category is intended to facilitate indoor-oriented manufacturing, warehousing, and distribution land uses with moderate landscaping and signage, served by public sewer, public water, and other urban services and infrastructure. Light Industrial areas are mapped northeast of the Village east of CTH P and on the west side of the Village on Main Street.

Recommended Zoning

While the Village's I industrial zoning district will accommodate this future land use category, the Village should consider adopting a new light industrial zoning district.

Policies and Programs

1. As opportunities for reinvestment and redevelopment of existing industrial properties occur, improve the appearance of building facades exposed to the public view, including loading docks and storage areas.
2. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
3. Encourage the use of high quality building materials, improved window treatments, high- quality loading and storage screening devices and landscaping.
4. Ensure that future industrial development is appropriately buffered from existing and planned residential development areas.
5. Adhere to adopted site and building design guidelines for industrial projects, and ordinances on other aspects of those projects like signage, landscaping, and lighting.
6. Require that all industrial projects submit and have approved detailed building elevations and site plans, showing the proposed locations of the building(s), parking, storage, loading, signage, landscaping, and lighting prior to development approval.
7. Enforce the Performance Standards outlined in the zoning ordinance to limit the impact of Light Industrial land uses on adjacent and nearby property, including limits on excessive, noise, odor, glare, vibration, storage of hazardous and/or waste materials, and emanations of solid, liquid, and gaseous waste products.
8. Consider adopting a new light industrial zoning district to implement this future land use category.

General Industrial

Description

This future land use category includes indoor manufacturing, warehousing, distribution, and office uses, often with significant outdoor storage or processing of materials. New development should adhere to high-quality building design, generous landscaping, modest lighting, screened storage and processing areas, and limited and attractive signage. These areas should be located near arterial roads and away from existing or planned residential areas and high visibility community gateways whenever possible. The Village has not mapped any specific areas in this category at this time. Instead, the Village will consider applications for rezoning and *Plan* amendment for general industrial uses on a case-by-case basis.

Recommended Zoning

The Village's I industrial zoning district is most appropriate for areas within this future land use category.

Policies and Programs

1. As opportunities for reinvestment and redevelopment of existing industrial properties occur, improve the appearance of building facades exposed to the public view, including loading docks and storage areas.
2. Future development in this designation will be served by the Village's public sanitary sewer and water systems and comply with the erosion and stormwater management requirements of the Village's subdivision ordinance.
3. Encourage the use of moderate quality building materials, improved window treatments, effective loading and storage screening devices and landscaping.
4. Ensure that future industrial development is appropriately buffered from existing and planned residential development areas.
5. Adhere to adopted site and building design guidelines for industrial projects, and ordinances on other aspects of those projects like signage, landscaping, and lighting.

6. Require that all industrial projects submit and have approved detailed building elevations and site plans, showing the proposed locations of the building(s), parking, storage, loading, signage, landscaping, and lighting prior to development approval.
7. Enforce the Performance Standards outlined in the zoning ordinance to limit the impact of General Industrial land uses on adjacent and nearby property, including limits on excessive, noise, odor, glare, vibration, storage of hazardous and/or waste materials, and emanations of solid, liquid, and gaseous waste products.

Community Facilities

Description

This future land use category is designed to facilitate large-scale public buildings, schools, religious institutions, power plants and substations, hospitals, and special care facilities. The Future Land Use Map generally shows existing locations of such facilities. Future small-scale institutional uses may also be located in areas planned for residential, commercial, office, industrial, or mixed uses, while larger-scale institutional uses should generally be avoided in planned residential areas.

Recommended Zoning

While community facilities are conditional uses in all zoning districts, the Village should consider adopting an institutional or community facilities zoning district to implement this future land use category.

Policies and Programs

1. Require and review a detailed site and operations plan before new or expanded institutional uses are approved.
2. Existing residential uses shall be adequately buffered from the institutional use via the use of decorative fencing, vegetative screening, berms or similar features.
3. Existing institutional uses shall work with the surrounding neighborhood to discuss potential long-term expansion plans and how these plans would impact the area. Pre-identified institutional expansion areas shall be delineated by institutions whenever possible to minimize the potential for future land use conflicts.
4. As a general rule, institutional uses should not generate on-street parking in residential neighborhoods. All parking needs for institutional uses should be met on-site.
5. Institutional uses shall be designed to be easily served by transit vehicles.
6. Continue to work with the Middleton-Cross Plains School District to coordinate uses and activities on district-owned land.
7. Encourage collaboration among the Public Works, Fire, and Police Department, and other providers of Village services, on accommodating future service needs, as described in greater detail in the Utilities and Community Facilities Element.
8. Adopt an institutional or community facilities zoning district to implement this future land use category. Such a district should allow major public and quasi-public uses such as cemeteries, municipal buildings, parks, and schools.

Rural/Environmental Land Use Categories

Agriculture/Rural

Description

The Agriculture/Rural future land use category is established and mapped on Maps 4a and 4b within the Village's extraterritorial jurisdiction to preserve productive agricultural and forest lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and maintain farmer eligibility for incentive programs.

This category focuses on lands actively used for farming, with productive agricultural soils, with topographic conditions suitable for farming, and with long-term suitability for farming. This category also includes scattered open lands and woodlots, farmsteads, agricultural-related uses, such as implement dealerships, associated home occupations and small family businesses which do not interfere with the interests of nearby property owners, small-scale forest production and processing, and limited single-family residential development at densities at or below one home per 35 acres, with a maximum lots size of 2 acres.

Recommended Zoning

These lands are subject to Town zoning or joint extraterritorial zoning, and should generally be zoned for exclusive agricultural use.

Policies and Programs

1. Continue to act as an approval authority on proposed land divisions within the Village's extraterritorial jurisdiction to help assure the implementation of this desired future land use designation.
2. Support land developments in this area only where clearly related to the description above and where proposed housing (or other non-farm use) is at very low densities.
3. Do not extend sanitary sewer service or public water service into Agriculture/Rural areas until and unless the Village changes the future land use category for such areas through a *Comprehensive Plan* amendment.
4. Work with the adjoining Towns and County to achieve these policies and programs in a cooperative manner.

Parks

Description

This category generally includes publicly-owned land designated as Village parks or other recreational facilities owned by public or non-profit agencies. Some Park areas may also be accommodated within other land use categories, such as in Single Family Residential – Urban areas and Planned Neighborhoods.

Recommended Zoning

While parks are conditional uses in all zoning districts, the Village should consider adopting an institutional or community facilities zoning district to implement this future land use category.

Policies and Programs

1. Continue to review the Village's park impact ordinance to ensure that new residential development provides public park and recreational facilities, or fees in lieu of such facilities, following State statutory requirements.
2. Follow the Village's Parks and Open Space Plan when making decisions related to the park system, and update that plan every five years.

3. Ensure that all land use decisions take into consideration the recommendations included in the Utilities and Community Facilities Element of this *Plan*.
4. Design future planned neighborhoods around and with access to environmental corridors and Parks areas without negatively affecting them from an environmental standpoint.

Conservancy

Description

This category generally includes publicly-owned land designated as State or County natural areas or other recreational facilities. Conservancy is mapped along Black Earth Creek through the Village and conservation-owned land.

Recommended Zoning

The Village's C conservancy zoning district is most appropriate for areas within this future land use category.

Policies and Programs

1. Continue to work with local and state agencies and organizations to protect sensitive natural areas.
2. Ensure that future development is appropriately buffered from existing and planned Conservancy areas.
3. Continue to work with WisDNR, Dane County, and others to coordinate possible connections between public recreation areas and the Village.
4. Ensure that all land use decisions take into consideration the recommendations included in the Agricultural, Natural, and Cultural and Community Facilities Elements of this *Plan*.
5. Low impact harvesting for conservation areas; if no special restriction.
6. Allow low impact timber harvesting in Conservancy areas, is no special restrictions exist.

Woodlands

Description

This category generally includes tracts of woodlands and scattered open space lands. Woodlands are mapped throughout the planning area, particularly on hilltops.

Recommended Zoning

The Village's HILL(O) hillside/hilltop protection zoning district is most appropriate for areas within this future land use category.

Policies and Programs

1. If development is proposed in areas where Woodlands have been mapped or are adjoining, the landowner or developer is responsible for determining the exact boundaries of the Woodlands and preserving these areas.
2. Continue to work with local and state agencies and organizations to protect sensitive natural areas.
3. Continue to work with WisDNR, Dane County, and others to coordinate possible connections between public recreation areas and the Village.
4. Ensure that all land use decisions take into consideration the recommendations included in the Agricultural, Natural, and Cultural and Community Facilities Elements of this *Plan*.

Environmental Corridor

Description

The Environmental Corridor category includes generally continuous open space systems based on lands that have sensitive natural resources and limitations for development. This designation includes WisDNR identified wetlands subject to existing State-mandated zoning, FEMA designated floodplains, shoreland setback areas, and slopes of 20 percent or greater. Environmental Corridor areas are generally located along the creeks.

Recommended Zoning

The Village's NR(O) natural resource protection overlay zoning district is most appropriate for areas within this future land use category.

Policies and Programs

1. New development in mapped Environmental Corridor areas should be prohibited.
2. If development is proposed in areas where environmental corridors have been mapped or are adjoining, the landowner or developer is responsible for determining the exact boundaries of the Environmental Corridor based on the wetland, floodplain, or steep slope that comprise the corridor.
3. Continue to allow existing agricultural uses (cropping, grazing, or other preexisting agricultural uses) within Environmental Corridors.

Water Quality Corridors

Description

This designation is an overlay to identify areas within the Village's extraterritorial jurisdiction where development may have particularly significant impacts on streams so that special protection measures are taken to protect stream water quality and base flow should these areas be annexed.

Recommended Zoning

See the underlying future land use category for the most appropriate Village zoning district.

Policies and Programs

See the Natural Resources section of Chapter Two: Agricultural, Natural, and Cultural Resources for policies and programs for this overlay future land use category. In addition, the policies and programs of the underlying future land use category should apply.

Other Land Use Recommendations

Opportunities for Redevelopment

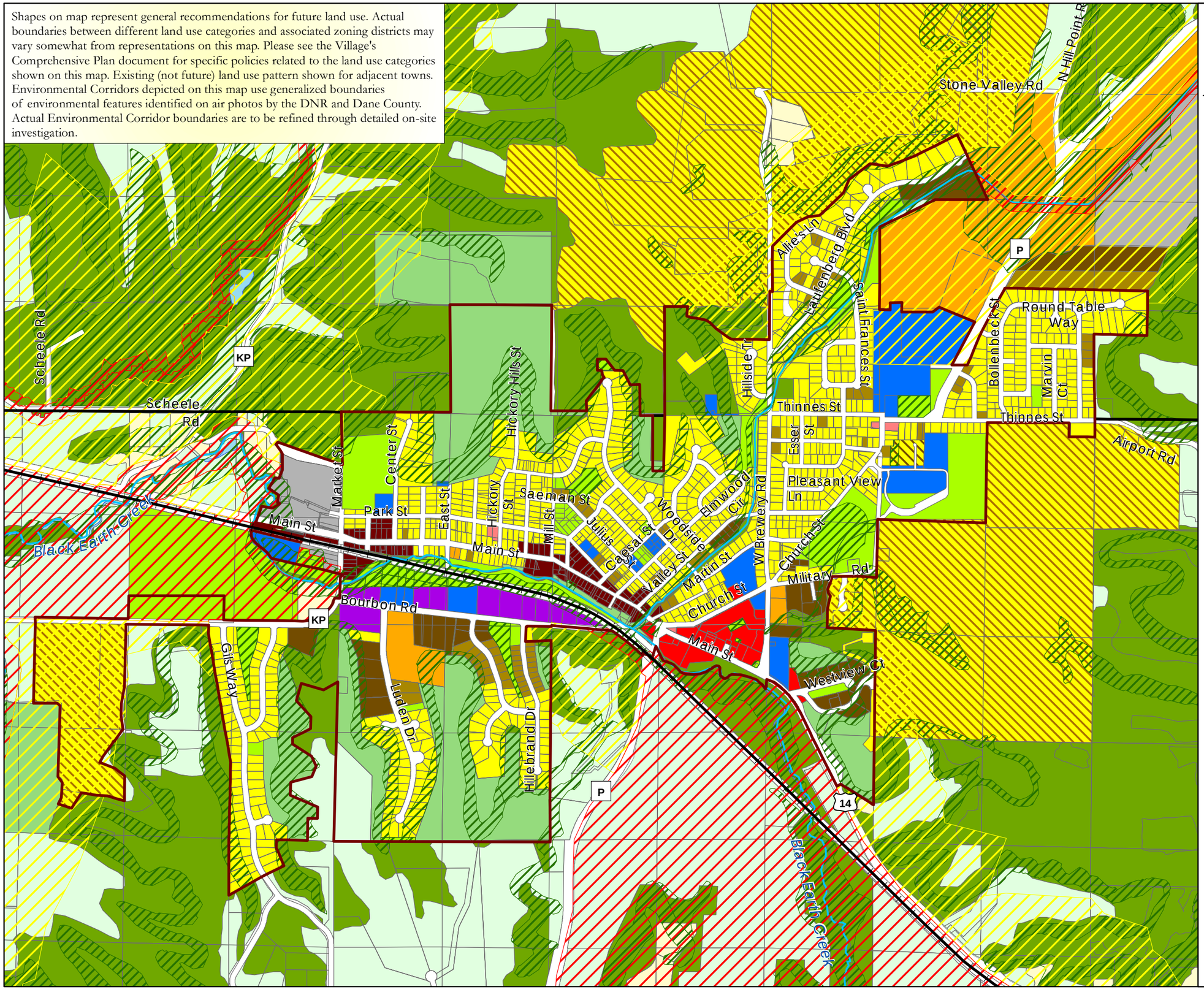
There are several vacant lots and buildings within the Village's downtown area that could be put to better use. One site in particular is a high priority for redevelopment due to its size, location and potential value: the Zander's Creamery. The Creamery was closed in 2004 due to a listeria outbreak and subsequent product recall. Attempts to eliminate the source of contamination proved unsuccessful. A more detailed review of this and other redevelopment opportunities is planned as part of the Downtown BUILD project.

"Smart Growth" Areas

"Smart Growth" Areas are defined by the State of Wisconsin as "areas that will enable the development and redevelopment of lands with existing infrastructure and municipal, State, and utility services, where practical, or that will encourage efficient development patterns that are both contiguous to existing development and at densities which will have relatively low municipal, State governmental, and utility costs."

In Cross Plains, Smart Growth areas are located in two areas along Main Street: from CTH P to Hickory Street and Spring Street to the Village boundary. Redevelopment and infill development in these areas will not only be cost efficient, but it will help the Village enhance its image, character, and non-residential tax and job base.

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. Please see the Village's Comprehensive Plan document for specific policies related to the land use categories shown on this map. Existing (not future) land use pattern shown for adjacent towns. Environmental Corridors depicted on this map use generalized boundaries of environmental features identified on air photos by the DNR and Dane County. Actual Environmental Corridor boundaries are to be refined through detailed on-site investigation.



Village of Cross Plains Comprehensive Plan

Map 4a: Future Land Use-Village View

- Village of Cross Plains Boundary
- Town Boundaries
- Extraterritorial Boundary
- Parcels
- Railroads
- Surface Water

Water Quality Corridors
- Red Zone
- Yellow Zone

- Single Family-Exurban
- Single Family-Urban
- Two-Family/Townhouse
- Mixed Residential
- Planned Neighborhood

1. Single Family-Urban
2. Two-Family/Townhouse
3. Mixed Residential
4. Community Facilities
5. Office/Research
6. Planned Business
7. Parks

- Office/Research
- Neighborhood Business
- Planned Business
- Downtown
- Planned Mixed Use

1. Office/Research
2. Mixed Residential
3. Community Facilities
4. Planned Business

- Light Industrial
- General Industrial
- Community Facilities
- Agriculture/Rural
- Parks
- Conservancy
- Woodlands
- Environmental Corridor

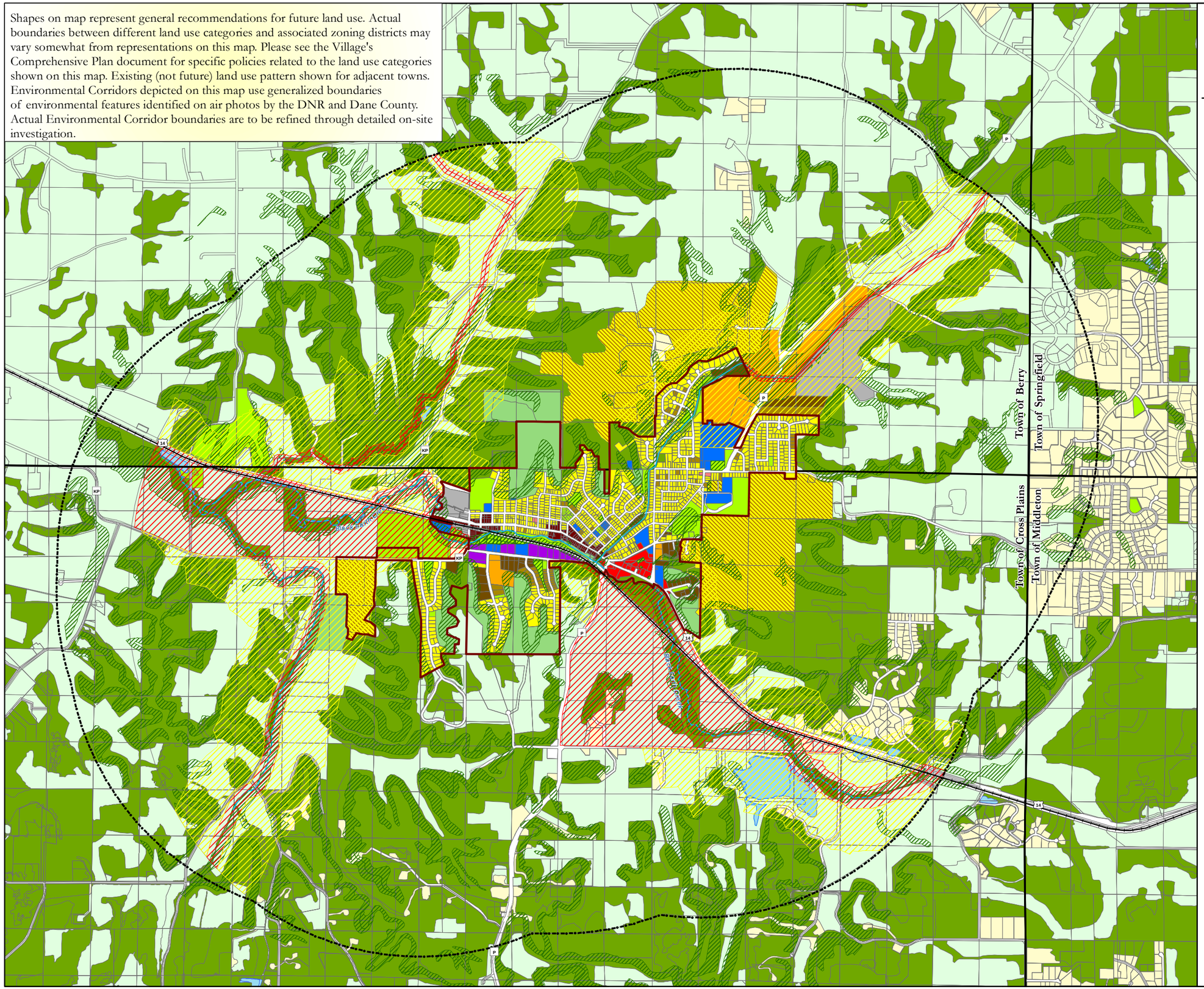
0 500 1,000 2,000 Feet

VANDEWALLE & ASSOCIATES INC.

Adopted: May 19, 2014
Sources: V & A, Dane County LIO

Page intentionally left blank

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. Please see the Village's Comprehensive Plan document for specific policies related to the land use categories shown on this map. Existing (not future) land use pattern shown for adjacent towns. Environmental Corridors depicted on this map use generalized boundaries of environmental features identified on air photos by the DNR and Dane County. Actual Environmental Corridor boundaries are to be refined through detailed on-site investigation.



Village of Cross Plains Comprehensive Plan

Map 4b: Future Land Use-ETJ View

- Village of Cross Plains Boundary
- Town Boundaries
- Extraterritorial Boundary
- Parcels
- Railroads
- Surface Water

Water Quality Corridors

- Red Zone
- Yellow Zone

- Single Family-Exurban
- Single Family-Urban
- Two-Family/Townhouse
- Mixed Residential
- Planned Neighborhood

1. Single Family-Urban
2. Two-Family/Townhouse
3. Mixed Residential
4. Community Facilities
5. Office/Research
6. Planned Business
7. Parks

- Office/Research
- Neighborhood Business
- Planned Business
- Downtown
- Planned Mixed Use

1. Office/Research
2. Mixed Residential
3. Community Facilities
4. Planned Business

- Light Industrial
- General Industrial
- Community Facilities
- Agriculture/Rural
- Parks
- Conservancy
- Woodlands/Open Space
- Environmental Corridor

0 1,000 2,000 4,000 Feet

VANDEWALLE & ASSOCIATES INC.

Adopted: May 19, 2014
Sources: V & A, Dane County LIO

Page intentionally left blank

Exhibit I

Village of Cross Plains
PO Box 97, 2417 Brewery Road
Cross Plains, WI 53528
Phone: (608) 798-3241
Fax: (608) 798-3817

Memorandum

To: Sundance Development, LLC
From: Matthew G. Schuenke, Village Administrator/Clerk-Treasurer
Date: January 12, 2016
Re: **Sundance Property** – *Development Timeline*

Executive Summary

The following schedule is established in order to conform to the requirements of Chapter 82 (Annexations) and Chapter 83 (Land Division) as well as meet the Developer's expectations for completing the development review in an efficient manner. There are several phases to this process including (1) Pre-Annexation Agreement; (2) Preliminary Procedures; (3) Development Proposal; (4) Annexation Ordinance; and (5) Land Division. Please see the following regarding the proposed timeline for Development Review to work through these phases as is required.

Phase 1 – Pre-Annexation Agreement (Section 82.05) *COMPLETE*

Phase 2 – Preliminary Procedures (Section 82.03)

There are three items in order to fulfill the requirements of the Preliminary Procedures: (a) Statutory Procedure for Annexation; (b) Development Plan; and (c) Financial Analysis. The first item is addressed by both the Developer and Village based on the property to be annexed, and the third item is a responsibility of the Village. The Developer is solely responsible for preparing the requirements of (1) – (8) in Item (b) as the Development Plan.

- ~~June 2, 2015 – First Staff Meeting to discuss draft Development Plan.~~
- ~~July 7, 2015 – Second Staff Meeting to discuss draft Development Plan.~~
- ~~July 28, 2015 – Third Staff Meeting to discuss draft Development Plan.~~
- ~~July 29, 2015 – Tour of property proposed for annexation.~~
- ~~September 1, 2015 – Fourth Staff Meeting to discuss draft Development Plan.~~
- ~~September 21, 2015 – Kyo and Matt attended Town of Berry Board Meeting to discuss the future use and improvement of Brewery Road.~~
- ~~September 29, 2015 – Meeting between Matt and Kyo to discuss draft Development Plan.~~
- ~~September 30, 2015 – Meeting with Scott Faust (Parcel #0707-031-8503-0, #0807-343-9500-3, and #0807-344-9001-0) to discuss proposed annexation of neighboring property.~~
- ~~October 13, 2015 – Fifth Staff Meeting to discuss draft Development Plan.~~
- ~~November 19, 2015 – Sixth Staff Meeting to discuss draft Development Plan.~~
- ~~December 2, 2015 – Matt and Gary Bewick (3037 Hillside Trail) meet to discuss annexation of neighboring property.~~

- ~~December 9, 2015 – Matt, Kyo, and Ron met to discuss draft Development Plan in relation to the use of property at 3037 Hillside Trail following December 2nd meeting.~~
- ~~December 17, 2015 – Seventh Staff Meeting to discuss draft Development Plan.~~
- ~~December 28, 2015 – Updated site plan for the use of property at 3037 Hillside Trail submitted for Staff Review.~~
- ~~December 29, 2015 – Updated draft of Development Plan submitted for Staff Review.~~
- January 18, 2016 – Final draft of Statutory Procedures letter (Subsection (a)) and Development Plan (Subsection (b)) submitted for Staff Review.
- January 19, 2016 – Village will provide Financial Analysis (Subsection(c)) and review of Annexation Factors (Section 82.03) to Developer and Staff for review. The Financial Analysis will be combined with the Developer submittal to complete the Preliminary Procedures requirements. The review of Annexation Factors will be partnered with the Preliminary Procedures to complete the Development Proposal to be reviewed by all in preparation for final submittal to Plan Commission.
- January 20, 2016 – We will meet at 9:00 am to discuss the Preliminary Procedures (Section 82.03) and Annexation Factors (Section 82.04) as one complete Development Proposal. Comments provided in the meeting will be addressed by the Developer and Village as directed in the discussion.
- January 27, 2016 – Final submittal of the Development Proposal by the Developer and Village as is appropriate and/or necessary. All final revisions and comments from last meeting will have been addressed. Assuming there are no outstanding issues at this point, then the Development Proposal shall move onto the Plan Commission.

Phase 3

(A) Development Proposal – This constitutes the Preliminary Procedures (Section 82.03) and Annexation Factors (Section 82.04) that are to be completed as of January 27, 2016. The Plan Commission will conduct its review of the Proposal and make a recommendation to the Village Board. The Village Board will consider the Plan Commission's recommendation in order to make a determination on the annexation as outlined in the Proposal.

- February 1, 2016 – This will be the first meeting of the Plan Commission to consider a recommendation on the Proposal. All public meetings are held at 7:00 pm unless otherwise stated. There is not a public hearing required at this stage in the process but general public comment should be expected. Given the size of the project, at a minimum two meetings will be scheduled to complete the review.
- March 7, 2016 – This will be the second meeting of the Plan Commission in order to make their recommendation.
- March 28, 2016 – The Village Board will take up the recommendation of the Plan Commission, conduct its review, and take action on the Proposal. If the Proposal is approved, this will serve as the Village Board's determination that the annexation should be approved.

(B) *USA Amendment* – Nearly all of the property proposed for annexation will need to be included as an addition to the existing USA through the prescribed amendment process facilitated through CARPC and authorized by the DNR. Village Staff will hold a preliminary meeting with CARPC and the DNR to generally discuss the project following the Plan Commission's first meeting on the development. Assuming approval of the Development Proposal is granted at the Plan Commission's second meeting in March , the Village will then proceed with a preliminary submittal of a draft application. The following schedule will then be pursued to address the amendment and is subject to change following contact with involved parties:

- February 15, 2016 – Preliminary meeting to discuss proposed project with CARPC and DNR Staff.
- March 15, 2016 – Preliminary Urban Service Area Amendment (USAA) Application submitted by Village to CARPC for initial review.
- April 15, 2016 – Comments/Questions on the USAA Application are returned by CARPC to the Village for follow-up.
- April 30, 2016 – Final USAA Application submitted by Village to CARPC as response to comments/questions.
- May 9, 2016 – Public Hearing notice posted.
- June 1, 2016 – Final CARPC Staff analysis complete.
- June 9, 2016 – Public Hearing and Final Action on Recommendation by CARPC.
- June 17, 2016 – Application materials and CARPC recommendation forwarded to DNR for consideration.
- July 1, 2016 – DNR issues Administrative Decision on USA Amendment.

Phase 4 – Annexation Ordinance (Section 82.07)

The final step in the Annexation process is the consideration for an Annexation Ordinance. The Ordinance will likely include several contingencies before it can be made effective. This is outlined in Section 82.07 with the effectiveness of the annexation code. The petition for annexation will also fall within this phase as it triggers the Village's need to respond with the ordinance all of which is prepared according to the Proposal that will be approved near the outset of this process.

- March 9, 2016 – The Village Attorney will prepare a draft Ordinance for distribution to and consideration by the Developer and Village Staff. The Village Board's acceptance of the Development Proposal shall be its determination that an annexation should be approved in accordance with Statutes. With the Proposal set for consideration on March 28th, this will allow for the board to proceed with the adoption of annexation ordinance with contingencies as follows (details under Land Division Phase):
    - Dedication Requirements – Map used during property acquisition discussion should be acceptable as an exhibit to satisfy this requirement.
    - USA Amendment – Phase 3(B)
    - Preliminary Plat including Zoning Ordinance Approval – Phase 5(A)
    - Final Plat – Phase 5(B)
    - Development Agreement – Phase 5(C)

- March 16, 2016 – Staff Meeting to discuss proposed Ordinance drafted by Village Attorney as needed. Also will provide an opportunity for final issues on the Development Proposal. Assuming there are no outstanding issues with the draft ordinance, then it will go to the next Plan Commission meeting after the Annexation Petition has been filed.
- March 28, 2016 – Village Board approves Development Proposal. Phase 3(A).
- April 1, 2016 – Assuming the Development Proposal has been approved, then the Annexation Petition can be filed at any time. This date represents the last possible date to file in order for the Ordinance to be on the next Plan Commission meeting.
- April 4, 2016 – This will be the first meeting with the Plan Commission regarding the draft Annexation Ordinance with contingencies as previously drafted/discussed by Developer and Village Staff.
- April 25, 2016 – The Village Board will take up the recommendation of the Plan Commission and take action on the Ordinance as presented. The Ordinance will be effective upon the successful completion of all contingencies adopted.

Phase 5 – Land Division (Chapter 83)

In order to complete the various steps remaining following Ordinance approval, it will be necessary to overlap the various reviews to be conducted by Village Staff, Plan Commission, and Village Board. As the Plan Commission and Village Board are working on their review of various issues, the Developer and Staff will be preparing the next item for consideration. Please note the following contingencies required through the Annexation Ordinance:

(A) Preliminary Plat – Requirements defined under Section 83.33-83.41 of the Village Code. This phase of the review will also include approval of an ordinance establishing the zoning for the property.

- March 9, 2016 – First draft of Preliminary Plat submitted for Staff Review. May be incomplete with remainder of the information to be provided with future submittals.
- March 16, 2016 – The first meeting with Village Staff to review the draft Preliminary Plat submitted.
- April 4, 2016 – Second draft of Preliminary Plat submitted for Staff Review.
- April 6, 2016 – The second meeting with Village Staff to review the draft Preliminary Plat submitted.
- May 2, 2016 – Developer will provide final draft of Preliminary Plat to Village for Staff Review.
- May 4, 2016 – The final meeting with Village Staff to review the final draft for the Preliminary Plat. Comments provided in the meeting will be addressed by the Developer as directed by the discussion.
- May 19, 2016 – First run of Class II Notice for February 1st Plan Commission meeting.
- May 25, 2016 – Final submittal of the Preliminary Plat with all final revisions and comments from the last meeting addressed. Assuming there are no outstanding issues at this point, then the Preliminary Plat shall move onto the Plan Commission.
- May 26, 2016 – Second and final run of Class II Notice for February 1st Plan Commission meeting.

- June 6, 2016 – This will be the first meeting of the Plan Commission to consider a recommendation on the Preliminary Plat and ordinance to adopt zoning for the property. Plan Commission will hold a public hearing (Class II Notice), conduct its review, and make a recommendation to the Village Board.
- June 27, 2016 – The Village Board will take up the recommendation of the Plan Commission, conduct its review, & take action on the Preliminary Plat & Zoning Ord.

(B) Final Plat – Requirements defined under Section 83.45-83.52 of the Village Code.

- May 25, 2016 – First draft of Final Plat submitted for Staff Review. May be incomplete with remainder of the information to be provided with future submittals.
- June 1, 2016 – The first meeting with Village Staff to review the draft Final Plat submitted. Also will provide an opportunity for final issues on the Preliminary Plat scheduled for consideration by the Plan Commission on June 6th.
- July 1, 2016 – Developer will provide final draft of Final Plat to Village for Staff Review.
- July 6, 2016 – The final meeting with Village Staff to review the final draft for the Final Plat. Comments provided in the meeting will be addressed by the Developer as directed by the discussion.
- July 22, 2016 – Final submittal of the Final Plat with all revisions and comments from the last meeting addressed. Assuming there are no outstanding issues at this point, then the Final Plat shall move onto the Plan Commission.
- August 1, 2016 – This will be the first meeting of the Plan Commission to consider a recommendation on the Final Plat.
- August 22, 2016 – The Village Board will take up the recommendation of the Plan Commission, conduct its review, and take action on the Final Plat.

(C) Development Agreement (Section 83.11) – This will be prepared by the Village Attorney to memorialize and finalize the approvals for the project overall. Review of this document will likely not need meetings with the entire Village Staff. At a minimum will include Village Administrator, Village Attorney, Developer, and Developer's Attorney. Other individuals can be consulted as needed but this step is typically a formality to put all actions taken on the official record.

- August 1, 2016 – First draft of Development Agreement submitted from Village to Developer for review. A month of lead time is forecasted to review these types of documents, but more can be provided if need be. No other meetings with Staff are projected but can be scheduled upon request by either party.
- September 5, 2016 – This will be the first meeting of the Plan Commission to consider a recommendation on the Development Agreement.
- September 26, 2016 – The Village Board will take up the recommendation of the Plan Commission, conduct its review, and take action on the Development Agreement.

Village will consider combining Final Plat and Development Agreement Phases of the process once the Preliminary Plat has been submitted to Plan Commission (~May 25th).

Village Staff will continue to monitor timeline through the different phases of work and will provide updates at the completion of each milestone. Times and dates are subject to change as needed in order to move the project forward. Please be advised some topics may not be completed in one public meeting (i.e. – Village Board, Plan Commission, etc.) Adjustments may be needed also throughout the process to accommodate the different review authorities in order for them to fulfill their responsibilities.