



VILLAGE OF MOUNT HOREB

E. Main Street

Mount Horeb, WI 53572

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EXTRATERRITORIAL ZONING COMMITTEE AGENDA

Monday, September 16, 2024 at 6:00 PM

Municipal Building Third Floor Conference Room

138 E. Main Street

Mount Horeb, WI

- 1) Call to order
- 2) Agenda Items
 - a. Introduction of members
 - b. Discussion on Vermont Boundary Agreement Request
- 3) Meeting adjournment.

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR INFORMATION OR TO REQUEST THIS SERVICE, CONTACT ALYSSA GAFFNEY, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-9404.



AGENDA ITEM REPORT

MEETING DATE

September 16, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 2.b

Discussion on Vermont Boundary Agreement Request

BACKGROUND

Attached are the Town of Vermont's Draft Boundary Agreement and potential plan and ordinance changes that would be needed to be consistent with the Vermont Comprehensive Plan. The Village Plan Commission has previously reviewed the agreement and policy changes, and determined that it doesn't make sense for the Village to adopt these changes at this time, but they are open to meeting with the Town and keeping lines of communication open for ongoing issues and future consideration of the agreement.

RECOMMENDATION

ATTACHMENTS

1. Draft Vermont_Mount Horeb Intergovernmental Agreement_12.26.23
2. Potential Mount Horeb Extraterritorial Policy Issues (1)
3. Boundary Map

**INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN
THE TOWN OF VERMONT AND THE VILLAGE OF MOUNT HOREB, DANE
COUNTY, WISCONSIN RE: BOUNDARY AND LAND USE MATTERS**

The Village of Mount Horeb (the “Village”) and the Town of Vermont (the “Town”) in Dane County, Wisconsin, desire to enter into this Agreement to promote intergovernmental cooperation, joint planning, and the preservation of rural character, natural beauty, sensitive environmental areas, and farmland. Therefore, having determined it to be in the public interest, and under the authority of Wis. Stat. § 66.0301, the Village and the Town agree as follows:

1. Village Extraterritorial Jurisdiction. The Town acknowledges the Village’s 1 ½ mile extraterritorial jurisdiction for purposes of comprehensive planning, official mapping, and subdivision plat and certified survey map (land division) review. Both municipalities also acknowledge extension of the Village’s extraterritorial jurisdiction that may result from future municipal boundary changes.
2. Village Responsibilities. Over the term of this Agreement, the Village agrees:
 - a. Not to annex into the Village any lands in the Town, unless granted express approval by the Town Board or as directed under Section 281.43(1m), Wis. Stats.
 - b. Not to request expansion of the Mount Horeb Urban Service Area into any lands in the Town, unless granted express approval by the Town Board or ordered by the Wisconsin Department of Natural Resources or a court with jurisdiction.
 - c. Within six (6) months from the effective date of this Agreement, to amend, its Comprehensive Plan and Subdivision and Platting ordinance (Chapter 18) provisions governing its review of extraterritorial land divisions in a manner that (i) ensures internal consistency between such Plan and ordinance, (ii) specifies a minimum lot size of two (2) acres in its extraterritorial jurisdiction in the Town, and (iii) includes ridgetop and hillside division provisions that are consistent with the Town Comprehensive Plan as of the date of this Agreement or per any mutually agreed amendment under paragraph 4a.
 - d. Not to oppose land divisions in the Town within the extraterritorial jurisdiction of the Village, provided such land divisions are for four (4) or fewer lots and consistent with Village’s Comprehensive Plan and Subdivision and Platting ordinance as amended pursuant to paragraphs 2c and 4a.
 - e. Not to impose Village requirements for public improvements, including but not limited to curb, sidewalk, street lights, and street trees, within that part of its extraterritorial jurisdiction in the Town.

3. Town Responsibilities. Over the term of this Agreement, the Town agrees within the Village's extraterritorial jurisdiction:
 - a. To approve rezonings and land divisions for residential, agricultural, and open space purposes only in a location, density, and design consistent with the Town of Vermont Comprehensive Plan at the time of this Agreement, and any mutually approved amendments thereto under paragraphs 2c and 4a.
 - b. Not to approve any subdivision plats.
 - c. Not to approve further rezoning to any of the current or future commercial, industrial, or business zoning districts under the Dane County Zoning Ordinance, except where limited to low-impact small businesses such as those allowed in the County's Limited Commercial Zoning District and where otherwise consistent with the goals and objectives of the Town's Comprehensive Plan. Any rezoning to commercial, industrial, or business zoning districts shall be expressly approved in advance by the Village Board.
4. Village and Town Mutual Responsibilities. The Village and Town mutually agree, during the term of this Agreement:
 - a. Not to amend their respective comprehensive plans as they affect lands within that portion of the Village's extraterritorial jurisdiction in the Town, except as provided in paragraph 2c or where the other party agrees to such an amendment by approval of its Board. Any such mutually-approved comprehensive plan amendment shall control for the purposes described in this Agreement.
 - b. To maintain and enforce erosion control and storm water management standards at least as restrictive as proscribed in that version of Section 14.46 of the Dane County Erosion Control and Storm Water Management Ordinance in effect on the date of this Agreement.
 - c. To oppose any decisions or actions by Dane County which are inconsistent with the provisions of this Agreement.
5. Agreement Term. This Agreement shall be effective from the date it signed by the second of the two parties to a date that is ten (10) years following that effective date.

IN WITNESS WHEREOF, the Parties certify that this Agreement has been duly approved by their respective boards in accordance with state and local laws, rules, and regulations; and each has caused their duly authorized officers to execute this Agreement on the dates written before their respective signatures.

SIGNATURES ON FOLLOWING PAGES

POTENTIAL EXTRATERRITORIAL LAND DIVISION POLICY ISSUES—VILLAGE OF MOUNT HOREB/TOWN OF VERMONT

1. Village’s Future Land Use map in its 2022-updated comprehensive plan identifies most of its ETJ in Town (except existing house lots) for future “Agriculture” land use, with 20+% slopes and floodplain also designated as “Environmental Corridor”.
 - a. Within future areas planned for “Agriculture” use, the Village plan states: “Support land developments in this area only when they are clearly consistent with the category description and when proposed housing density is not greater than one residence (or other non-farm use) per 35 acres. **A maximum buildable lot size of two acres is recommended.**”
 - b. Within “Environmental Corridor” policies allow continued agricultural and open space use, but “generally, prohibit new development in mapped environmental corridor areas.”
 - c. Policy 1 on page 16 reads “Preserve environmental and open space corridors by prohibiting new buildings in wetlands, stream banks, floodplains, and on slopes greater than 20 percent. Development should also be discouraged on slopes between 12 percent and 20 percent, where other more appropriate sites are available.”
2. Section 18.11(2) Village subdivision ordinance includes following extraterritorial land division policies:
 - a. Such land divisions will be permitted if not exceeding an overall density of one dwelling unit for 35 acres, exclusive of any farmstead demonstrated by the land divider to the satisfaction of the Village to be existing as of the effective date of this chapter. Lots for nonresidential use will be handled on a case-by-case basis. The standards used to review these land divisions will be the same as the standards contained in the Dane County Farmland Preservation Zoning District Ordinances that are used for considering rezonings. The only exceptions to this policy are when a boundary agreement exists with a neighboring township that dictates otherwise, or lots resulting from the infill of existing subdivisions.
 - b. **The minimum lot size within the extraterritorial limits of the Village shall be one acre. The maximum lot size shall be five acres.** In all instances, the density provisions of Subsection (2)(b), immediately above, shall also apply.
 - c. The Village will attempt to seek consistency between its plans and locally adopted town plans. The Village shall permit the rounding of the density calculation to the nearest whole number of new buildable parcels, provided that such rounding does not result in more new buildable parcels than permitted by either the town or Dane County. To the extent that the policies of the Village are more restrictive in regard to the protection of the public health, safety, welfare, environmental quality, or in terms of implementing the Village's Comprehensive Plan or Official Map, the Village's policies shall prevail, including the protection of areas planned for rural or natural character in the Village's Plan. All land divisions within extraterritorial limits will be subject to the land reservation or dedication requirements of this chapter. This specifically means the following:

- i. Any public right-of-way area identified on the Village's Comprehensive Plan or Official Map shall be dedicated in conformance with requirements of this chapter.
 - ii. Any waterway or stormwater management area identified on the Village's Comprehensive Plan or Official Map shall be dedicated in conformance with requirements of this chapter.
 - iii. **If any lands fall within the limits of an environmental corridor, as mapped by the Village or Dane County, the land divider shall record a public open space easement specifying that the restricted area shall not be further divided or otherwise developed while in the Village's extraterritorial land division area.**
 - d. Such land divisions shall meet all of the development layout design standards contained later in the ordinance.
 - e. Such land divisions shall follow the erosion control requirements established by the Village in this chapter or in any other ordinance or regulation.
 - f. The plat, condominium plat, or certified survey map shall include the entire original parcel of land from which any new lots or parcels are created, and a note shall be placed on the face of the plat or certified survey map indicating areas necessary for placement within a conservation easement or similar development limitation acceptable to the Village, and written in favor of the Village, for compliance with the density standard established herein.
3. Section 18.11(3) of Village Subdivision ordinance includes procedures for ETJ land divisions, which include a pre-application step. Is this step being applied?
4. Town of Vermont Comprehensive Plan includes the following land division policies:
- a. 1:35 acre density policy, which allows one potential development right per 35 acres owned as of January 1, 1985, detailed on pages 16-18 of the Plan.
 - b. **Minimum lot size of 2 acres** (page 18).
 - c. **Ridgetop protection siting standards** that include height and other standards for new residences and accessory buildings within the mapped Ridgetop Protection Area, located above the shoulder of the ridge. The shoulder is the point at which the local slope changes from greater than 20% to less than 20%.
 - d. Refers to the Town driveway ordinance, which has the following slope related provisions:
 - i. No land with a slope of more than 30% over a distance of 50 feet shall be disturbed for the construction, establishment, reworking or improvement of a driveway.
 - ii. No land with a slope of more than 20% over a distance of 50 feet shall be disturbed unless erosion control measures are installed to limit soil loss from the construction site to no more than 7.5 tons per acre.

- iii. Maximum grade of the driveway or any portion of the driveway shall be no more than 13% over a distance of 20 feet.

Town of Vermont

Stewart Park

Village of Mount Horeb