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MEMO

Beaver Dam Commerce Park

FROM: Jeff Muenkel, Foth Companies

REGARDING: Future Planning Report (Zoning/Land Use/Annexation)

DATE: January 2019

The Beaver Dam Commerce Park land is very unique in respect to the jurisdictional zoning and land uses as a future business park. The overall size of the controlled lands is approximately 522 acres with all of the property currently reside in the Town of Trenton just north of the City of Beaver Dam border.

Current Zoning

Due to being within the Town of Trenton the zoning is under the jurisdiction of Dodge County at this time. The current zoning of the Commerce Park lands is "Agricultural" (See map attached). The sequence of rezoning to industrial lands is outlined further below. Future zoning jurisdiction will be under the City of Beaver Dam.

Future Land Use

The future land use for the Beaver Dam Commerce Park properties, as adopted in the Dodge County Comprehensive Plan is all as "Industrial" uses (See map attached). Alliant Energy successfully had all these lands amended to reflect future industrial uses in as of November 13, 2018.

Intergovernmental Agreement

An Intergovernmental Agreement exists between the Town of Trenton and the City of Beaver Dam, signed in April 2004, which allows a large portion of the future Beaver Dam Commerce Park lands to be annexed into the City of Beaver Dam uncontested (City Growth Area Map from Agreement attached).

Future Planning Requirements & Timelines

Due to the boundary agreement in place and the future land use adopted as industrial uses it is the intent of all parties that once development is imminent an annexation of the lands will occur to the jurisdiction of the City of Beaver Dam. This area is within the Beaver Dam growth area and will be serviced by the City of Beaver Dam utility system.

In order not to upset the property owner's way of life, current land uses, and taxes it has been agreed by Alliant Energy that annexation will not be pursued until a development is in motion. When a development is ready to move forward the following events and timeline will take place to ensure all proper zoning and land uses are in place.

Step 1: Apply for City of Beaver Dam Annexation

The State Statute annexation process under Wis. Stat. 66.0217 will be carried out in cooperation with the City of Beaver Dam. The ultimate boundaries of the annexation will at minimum be the controlled Alliant Energy lands. However, it is possible that the City of Beaver Dam encourages other surrounding properties to be added to a future annexation that has borders that work with their future desired growth area for proper land use and infrastructure planning. Further, the City may look to utilize Tax Increment Financing (TIF) for future infrastructure needs in this area which could influence the final annexation boundary. As such, the actual annexation final boundary will be determined once a development is imminent. There are multiple ways to annex lands under Wisconsin State Statutes and it is anticipated that the "unanimous" or "one-half

approval” will be followed. The timelines for the possible two (2) Wisconsin State Statute annexation processes are as follows:

Direct Annexation by Unanimous Approval - Wis. Stat. § 66.217(2)

- 1. Annexation petition with appropriate legal description and map created. WDOA App and Petition Needs attached herein.*
- 2. Annexation petition signed by all real property owners and electors and filed with the City of Beaver Dam Clerk.*
- 3. Dodge County is considered an urban County (>50,000 in population). Thus, within five (5) days of filing the petition the Clerk shall send the petition to the Wisconsin Department of Administration (WDOA) for review. Fees required per below.*
- 4. Upon WDOA review the Beaver Dam Council may act on an annexation ordinance where a 2/3 vote of all members is required. No public notice is required.*
- 5. Upon adoption the City shall submit a copy of the ordinance to the WDOA, the County Register of Deeds, and affected school districts.*

Timeline for Annexation: 1-2 months

Direct Annexation by One-Half Approval - Wis. Stat. § 66.217(3)

- 1. Annexation petition with appropriate legal description and map created. WDOA App and Petition Needs attached herein.*
- 2. Annexation petition signed by one-half real property owners and electors and filed with the City of Beaver Dam Clerk.*
- 3. Publication of a class 1 notice of in the local newspaper indicating an intent to circulate an annexation petition takes place.*
- 4. Within five (5) days of filing the petition the Clerk shall send the petition to the Wisconsin Department of Administration (WDOA) for review. Fees required per below.*
- 5. Review by the WDOA takes place. The Department has within 20 days to review the proposed annexation's legal description and scale map, as well as its shape and homogeneity with the annexing city or village, and whether that city or village can provide services. This review is advisory, however annexing cities and villages must at least consider the Department's advice before taking final action.*
- 6. Upon WDOA review the Beaver Dam Council may act on an annexation ordinance where a 2/3 vote of all members is required. No public notice is required.*
- 6. Upon adoption the City shall submit a copy of the ordinance to the WDOA, the County Register of Deeds, and affected school districts.*

Timeline for Annexation: 2-3 months

WDOA Fees: Filing Fee - \$350 (2 Acres or more);
Review Fee - \$2000 (200-500 acres) OR \$4,000 (Over 500 acres)

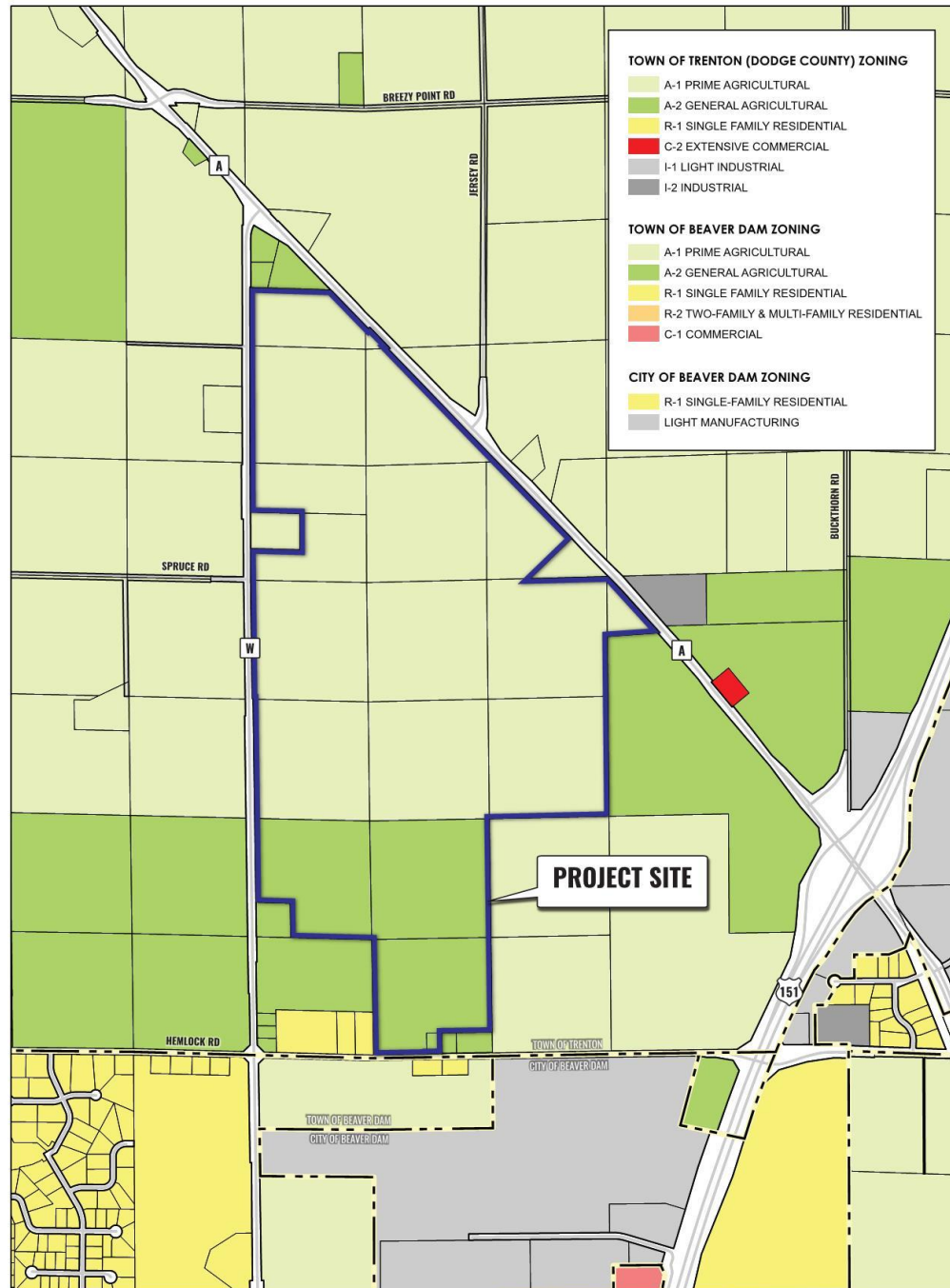
Step 2: Zoning and Future Land Use for Properties to Industrial Uses

Upon annexation the Beaver Dam Commerce Park properties will be under the jurisdiction of Beaver Dam zoning and their Comprehensive Plan. It is the intent that a rezoning and future land use map amendment process will take place concurrently with a submitted annexation application process as follows:

- 1. Rezoning application for properties to be rezoned to industrial uses is submitted to the City of Beaver Dam Engineering Department concurrently with the annexation petition.*
- 2. Comprehensive Land Use Future Land Use Map amendment application for properties to be changed to future industrial uses is submitted to the City of Beaver Dam Engineering Department concurrently with the annexation petition.*
- 3. The rezoning and Comprehensive Land Use Amendment requests each require public notices (Comp Plan is 30 days before public hearing).*
- 4. Public Hearings take place in front of the Council or the Plan Commission*
- 5. Plan Commission makes a recommendation to the Council*
- 6. Council adopts ordinances*
- 7. Ordinance is complete upon posting in local newspaper.*

Timeline for Rezoning and Land Use Amendments: 2-3 months

Current Zoning Map



Surrounding Uses: Zoning

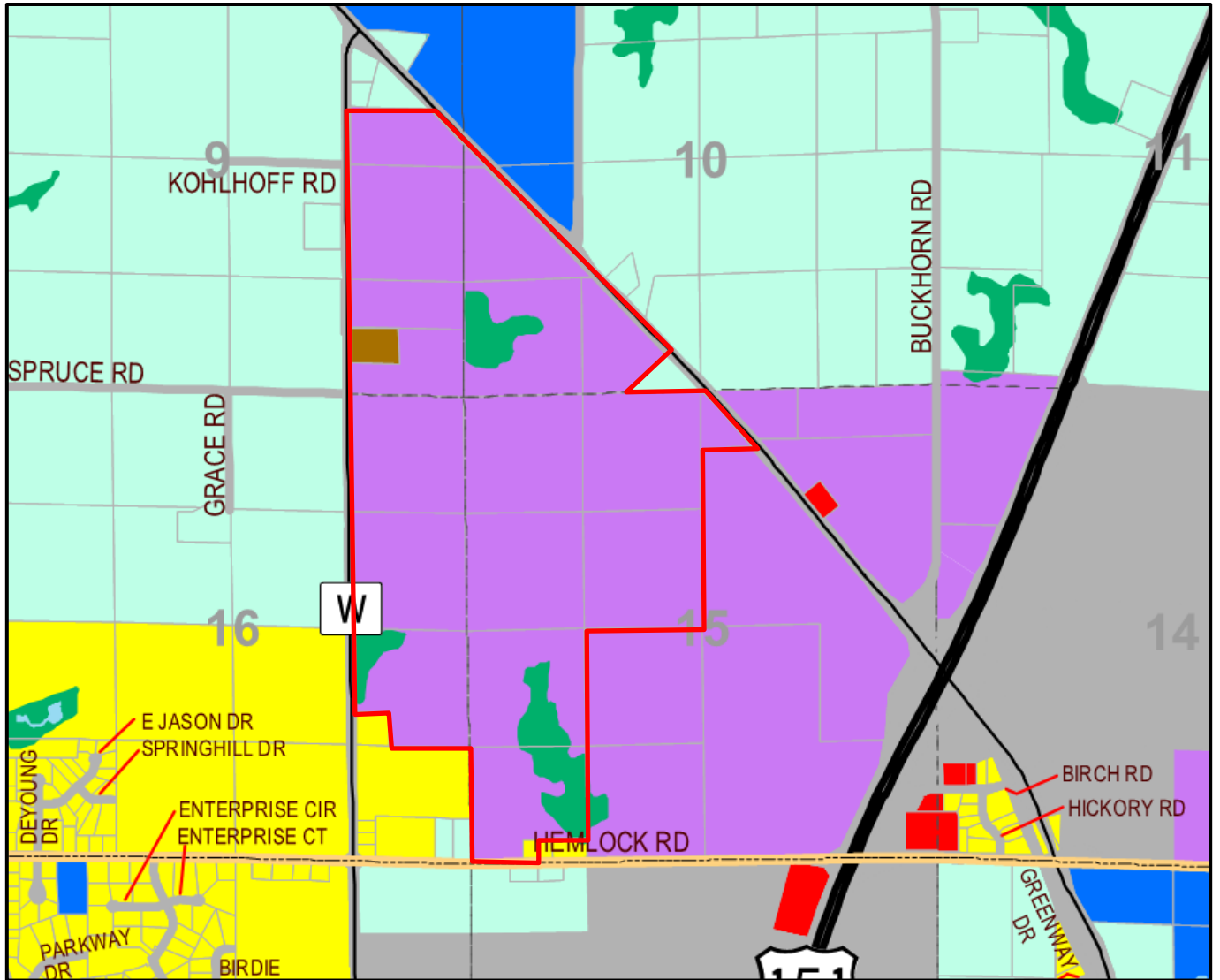
Beaver Dam Commerce Park - Beaver Dam, WI

August 2018

0 500 1,000 2,000 Feet



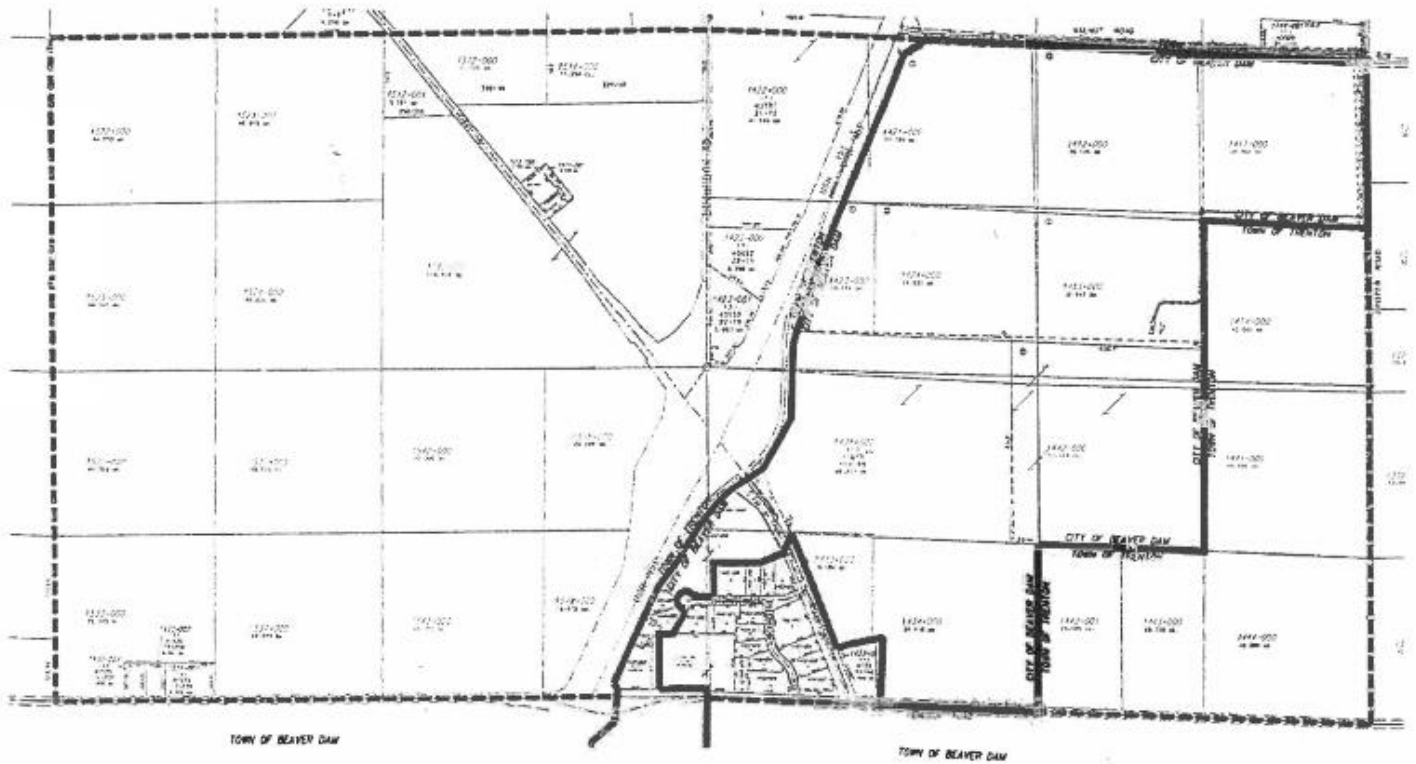
Current Dodge County Comprehensive Land Use Plan Map



- | | |
|--|--|
| Single Family Residential | Utilities & Community Services |
| General Residential | Recreation |
| Commercial | Conservancy |
| Industrial | Agriculture |
| Cities & Villages | |
| Transportation | |

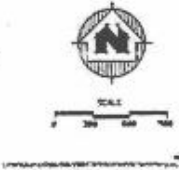
Boundary Agreement Growth Area Map

EXHIBIT A CITY GROWTH AREA



THIS MAP DEPICTS ALL OF SECTION 14 AND 15 OF TOWN 12 NORTH, RANGE 14 EAST, DODGE COUNTY, WISCONSIN.

SEE SECTION 2 OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF BEAVER DAM AND THE TOWN OF TRENTON.



WDOA Application and Petition Needs

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner Information	
Name: _____	Office use only:
Address: _____	

Email: _____	
1. Town where property is located: _____	Petitioners phone: _____
2. Petitioned City or Village: _____	
3. County where property is located: _____	Town clerk's phone: _____
4. Population of the territory to be annexed: _____	
5. Area (in acres) of the territory to be annexed: _____	City/Village clerk's phone: _____
6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel): _____	

Contact Information if different than petitioner:

Representative's Name and Address:	Surveyor or Engineering Firm's Name & Address:
_____	_____
_____	_____
_____	_____
_____	_____
Phone: _____	Phone: _____
E-mail: _____	E-mail: _____

Required Items to be provided with submission (to be completed by petitioner):

- ☐ Legal Description meeting the requirements of [s. 66.0217 \(1\) \(c\)](#) [see attached annexation guide]
- ☐ Map meeting the requirements of [s. 66.0217 \(1\) \(g\)](#) [see attached annexation guide]
- ☐ Signed Petition or Notice of Intent to Circulate is included
- Indicate Statutory annexation method used:
 - ☐ Unanimous per [s. 66.0217 \(2\)](#), or,
OR
 - ☐ Direct by one-half approval per [s. 66.0217 \(3\)](#)
- ☐ Check or money order covering review fee [see next page for fee calculation]

(2012)

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$ _____ **Initial Filing Fee** (required with the first submittal of all petitions)
\$200 – 2 acres or less
\$350 – 2.01 acres or more

\$ _____ **Review Fee** (required with all annexation submittals except those that consist ONLY of road right-of-way)
\$200 – 2 acres or less
\$600 – 2.01 to 10 acres
\$800 – 10.01 to 50 acres
\$1,000 – 50.01 to 100 acres
\$1,400 – 100.01 to 200 acres
\$2,000 – 200.01 to 500 acres
\$4,000 – Over 500 acres

\$ _____ **TOTAL FEE DUE** (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee received: _____

Payee: _____ Check Number: _____

Check Date: _____

Amount: _____

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- ☐ State the purpose of the petition:
- Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.
- ☐ Petition must be signed by:
- All owners and electors, if by unanimous approval.
 - See 66.0217 (3) (a), if by one-half approval.
 - See 66.0217 (3) (b), if by referendum.
- ☐ State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- ☐ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- ☐ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- ☐ The land may NOT be described only by:
- Aliquot part;
 - Reference to any other document (plat of survey, deed, etc.);
 - Exception or Inclusion;
 - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- ☐ The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
- A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
 - Bearings and distances along all parcel boundaries as described.
 - All adjoiners as referenced in the description.
- ☐ The map must include a **graphic scale**.
- ☐ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- ☐ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- ☐ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).
- ☐ If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]