



WISCONSIN DEPARTMENT OF ADMINISTRATION

**REVIEW of the COOPERATIVE PLAN
under Section 66.0307 Wis. Stats.**

between the

**THE TOWN OF WESTPORT,
CITIES OF MADISON AND MIDDLETON, AND
VILLAGES OF DEFOREST AND WAUNAKEE
Dane County**

July 14, 2026



State of Wisconsin Department of Administration

Tony Evers, Governor

Kathy Blumenfeld, Secretary

*Dawn Vick, Division Administrator,
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From: Municipal Boundary Review

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This determination constitutes the Department's review of the proposed cooperative plan between the Town of Westport, Cities of Madison and Middleton, and Villages of Deforest and Waunakee under s. 66.0307 Wis. Stats. The Department is charged with reviewing cooperative plans for compliance with public interest standards set forth in s. 66.0307(5)(c) Wis. Stats.

In summary, it is the DETERMINATION OF THE DEPARTMENT OF ADMINISTRATION that when considering the proposed cooperative plan under Section 66.0307(5), Wis. Stats.:

Standard 1, Content of Cooperative Plan Sufficiently Detailed – Met

Standard 2, Cooperative Plan Consistent with Comprehensive Plans and
State and Local Laws and Regulations – Met

Standard 3, Adequate Provision for Municipal Services – Met

Standard 4, Provision for Affordable Housing – [Repealed & Inapplicable]

Standard 5, Compactness of Plan Territory – Met

Standard 6, Planning Period is Consistent with Cooperative Plan – Met

The facts and analysis supporting these findings are discussed in the body of this determination. The Determination of the Department of Administration is as follows:

Pursuant to s. 66.0307(5)(d), Wis. Stats., the Department of Administration hereby determines that the proposed cooperative plan is APPROVED.

Amendments or revisions to the plan can only occur with the approval of the communities, and with the concurrence of the Wisconsin Department of Administration or any successor agency granted the authority to administer the provisions of s. 66.0307(8), Wis. Stats.

Dated this 14th day of July 2026.

Dawn Vick

Administrator, Division of Intergovernmental Relations

NOTICE OF RIGHT TO APPEAL

This Notice sets forth the requirements and procedures for obtaining review for those persons who wish to obtain judicial review of the attached decision of the Department. Per s. 66.0307(9), Wis. Stats., decisions of the Department are subject to judicial review under s. 227.52. Per s. 227.53 any person aggrieved by a decision of the Department is entitled to review in circuit court. Per s.227.53 (1) (a) 1., proceedings for review are instituted by serving a petition therefore upon the agency, either personally or by certified mail, and by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Per s. 227.53 (1) (a) 2m., an appeal must be filed and served within 30 days after mailing of the decision by the agency. Per s. 227.53 (1) (b), the petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. Any petition for judicial review shall name the Department of Administration as the Respondent. Petitions for review should be served on the Department's Secretary, Kathy Blumenfeld. The address for service is:

c/o DOA, Municipal Boundary Review
101 East Wilson Street, 2nd Floor
PO Box 1645
Madison, WI 53701

Persons desiring to file for judicial review are advised to closely examine all provisions of ss. 227.52, 227.53 and 227.57 Wis. Stats. to ensure strict compliance with all requirements. The summary of appeal rights in this notice shall not be relied upon as a substitute for the careful review of all applicable statutes, nor shall it be relied upon as a substitute for obtaining the assistance of legal counsel.

Executive Summary

In accordance with s. 66.0307(5) Wis. Stats., the Wisconsin Department of Administration (Department) approves the *Cooperative Plan Between the Town of Westport, Cities of Madison and Middleton, and Villages of DeForest and Waunakee* (Cooperative Plan).

The Cooperative Plan between the Town of Westport, Cities of Madison and Middleton, and Villages of DeForest and Waunakee (Communities) contains the elements required by s. 66.0307(3)(c)–(e) and provides sufficient detail to enable the Department to make the determinations required by s. 66.0307(5)(c)1–5m. The Plan identifies the participating municipalities and contact persons, defines the territory subject to the Plan, states clear purposes, specifies boundary changes and procedures, describes service responsibilities and schedules, and per s. 66.0307(3)(F) sets a planning period and amendment/recording procedures. These components, together with the referenced exhibits and implementing ordinances and authorizing resolutions, provide the Department the factual and legal basis to evaluate the Cooperative Plan against the statutory review criteria.

Public Hearing, Resolutions, Referenda and other Procedural Matters

Before a cooperative plan is submitted to the Department, several procedural steps must occur. These are:

- Joint initiating resolutions passed by each participating municipality authorizing its governing body to work to negotiate and develop the plan;
- A joint public hearing to receive comments from the public and other governmental bodies; and
- Resolutions adopted by each municipality to approve a final version of the cooperative plan and forward it to the Department for review.

The following procedural steps may occur:

- An advisory referendum; and
- A public hearing held by the Department.

Authorizing resolutions – provided in Exhibit 7 – were passed by the Communities in November and December 2025 and are provided with the Cooperative Plan. As required by s. 66.0307(4)(a) Wis. Stats., these resolutions were distributed to the neighboring municipalities and other area jurisdictions.

A joint public hearing for the Cooperative Plan was held on February 11, 2026 by the Communities in Westport as required by s. 66.0307(4)(b) Wis. Stats. Three letters were

submitted opposing the plan – provided in Exhibit 10. No changes were made as a result of the public comment.

The Communities adopted resolutions approving the Cooperative Plan in March 2026 – provided in Exhibits 11 – and then forwarded the Cooperative Plan to the Department for its statutory review on April 15, 2026.

No area residents requested that an advisory referendum on the Cooperative Plan be held.

No residents requested the Department to hold a public hearing on the Cooperative Plan.

Statutory Review Standards

A cooperative plan shall be approved by the Department if the Department determines that each of the review criteria in s. 66.0307(5)(c), Wis. Stats., are met. The following paragraphs describe how the Cooperative Plan relates to these review criteria. It is important to understand that this review document is not a complete restatement of the Plan. Those wanting to learn specific details, provisions, nuances, and conditions should look to the text of the Cooperative Plan itself, which is available from the communities as well as on the Department of Administration’s website at [DOA Wisconsin Municipal Boundary Review News](#).

(1) The content of the plan under sub. s. 66.0307(3)(c) to (e) is sufficient to enable the Department to make the determinations under subds. 2 to 5. s. 66.0307(5)(c)1, Wis. Stats.

The following are the fundamental components of this Cooperative Plan:

- **Term of the Plan** – the term of the Cooperative Plan is fifty (50) years from its Effective Date, which is the date of approval by the Department of Administration. Additionally, many of the provisions of the plan are active only if the incorporation of Westport is achieved. A petition for incorporation has not been submitted to the Department as of the date of this determination. The proposed incorporation will be submitted to the Department at a later date under a separate review process.
- **Eliminate Jurisdictional Islands** – The Plan transfers specific parcels and islanded areas from Westport to the adjacent city or village identified on the map exhibits, so those isolated pockets become part of the surrounding municipality and are governed and served as contiguous territory.
- **Provide Areas for Growth** – By designating and transferring targeted areas (and by creating Village Growth Areas), the Plan reserves land where Madison, Middleton, DeForest, and Waunakee can expand in an orderly way, ensuring

each community has parcels available for future development and infrastructure investment within the Cooperative Planning Area.

- **Eliminate Irregular Boundaries** – The Plan replaces irregular, jagged lines with parcel-based attachments and mapped areas (MAD, M, D, W series), producing more compact, logical municipal edges that follow parcel lines, roads, and natural features.
- **Provide Support for Westport’s Incorporation** – The parties agree not to actively oppose incorporation so long as it conforms to the Plan; in return the Plan sets out the boundary adjustments and implementation steps between the communities.
- **Reduce Intergovernmental Competition** – By negotiating transfers, growth areas, and service commitments in advance, the Plan removes incentives for unilateral annexation or adversarial land-use battles and creates a framework for cooperative planning and development.
- **Ensure consistency with comprehensive plans** – The Plan ties each boundary change and growth area to the relevant municipality’s comprehensive plan goals and policies, documenting how transfers implement stated objectives (community separation, growth strategy, transit coordination, conservation).
- **Provide clear, administrable attachment/detachment mechanics** – The Plan prescribes how attachments occur (attachment ordinances, effective dates, recording duties), parcel-by-parcel triggers (conveyance, owner consent, time limits), and temporary zoning designations so transfers can be executed seamlessly.
- **Dispute Resolution** - the Cooperative Plan establishes a dispute resolution process should it be needed.

The above information, along with other information included in the Cooperative Plan, provides sufficient detail to enable the Department to find that the standards in s. 66.0307(3)(c)1. Wis. Stats. are met.

(2) Is the cooperative plan consistent with each participating municipality’s comprehensive plan and with current state laws, municipal regulations and administrative rules that apply to the territory affected by the plan? s. 66.0307(5)(c)2 Wis. Stats.

Alignment with Comprehensive Plans

The cooperative plan between the Communities satisfies the statutory requirement in s. 66.0307(5)(c)2 Wis. Stats. by demonstrating clear consistency with each participating municipality’s comprehensive plan and with all applicable state laws, municipal regulations, and administrative rules governing the territory affected by the plan.

Each municipality maintains an adopted comprehensive plan under s. 66.1001, and the cooperative plan shows direct consistency with those documents.

- **Westport–Waunakee Joint Comprehensive Plan** The cooperative plan advances goals related to community separation, coordinated land-use planning, and long-term boundary stability. The transfer of lands and preservation commitments in the northeast quadrant directly implement policies calling for permanent open space and intergovernmental boundary agreements.
- **City of Madison Comprehensive Plan** Madison’s plan emphasizes coordinated growth, avoidance of annexation conflicts, and long-term boundary clarity. The negotiated attachments (MAD1–MAD4) and commitments to regional transportation planning fulfill these objectives.
- **City of Middleton Comprehensive Plan** Middleton identifies future growth areas and encourages cooperative boundary setting. The plan’s M-series attachments provide Middleton with orderly expansion areas consistent with its land-use and infrastructure planning.
- **Village of DeForest Comprehensive Plan** DeForest’s plan calls for intergovernmental agreements with Westport, preservation of agricultural lands, and maintenance of community separation. The D attachment area and the Preservation Area commitments directly implement these policies.
- **Village of Waunakee Comprehensive Plan** Waunakee’s plan supports cooperative boundary agreements and structured growth. The W-series attachments and the coordinated sewer service provisions reflect these goals.

Across all five communities, the cooperative plan demonstrates that each boundary change, growth area, and preservation commitment is grounded in adopted comprehensive-plan policies, satisfying the statutory requirement for plan consistency.

Consistency with State Law

The cooperative plan is drafted under the authority of s. 66.0307 and complies with all procedural and substantive requirements:

- Joint initiating resolutions, a joint public hearing, and final adoption resolutions were completed in accordance with s. 66.0307(4).
- Attachment and detachment procedures follow s. 66.0217, as incorporated by s. 66.0307(10), including ordinance adoption, effective dates, and recording requirements.
- The 50-year planning period is permissible under s. 66.0307(5)(c)6.

- The plan acknowledges that state and federal law supersede its provisions where applicable.

No conflicts were identified with Wisconsin statutes governing annexation, land division, zoning, or municipal powers.

Consistency with Municipal Regulations and Administrative Rules

The plan does not require any municipality to violate its own ordinances. Instead:

- Each municipality continues applying its zoning, subdivision, and service-delivery ordinances within its boundaries.
- Temporary zoning classifications upon attachment are consistent with standard municipal practice.
- Conservation easements, stormwater regulations, and transportation rules remain enforceable.
- MMSD sewer service area rules are respected, and the plan encourages cooperative expansion of service areas.

No inconsistencies were identified with Dane County ordinances or regional administrative rules.

Regional Planning Consistency

The cooperative plan aligns with regional planning objectives, including:

- Compact, orderly growth
- Preservation of agricultural and open-space lands
- Coordinated transportation and stormwater planning

These principles reflect the Capital Area Regional Planning Commission (CARPC) Regional Development Framework, which encourages cooperative boundary management and efficient urban expansion.

For these reasons, the Department finds that the cooperative plan is consistent with each participating municipality's comprehensive plan and with current state laws, municipal ordinances, and administrative rules, and therefore meets the standard in s. 66.0307(5)(c)2 Wis. Stats.

(3) *Adequate provision is made in the cooperative plan for the delivery of necessary municipal services to the territory covered by the plan.* s. 66.0307(5)(c)(3), Wis. Stats.

The cooperative plan provides a clear and workable framework for ensuring that all necessary municipal services continue without interruption as boundary changes occur. Each municipality remains responsible for delivering services within its own jurisdiction, and this responsibility transfers when parcels attach to Madison, Middleton, DeForest, or Waunakee. This structure guarantees continuity in core services such as police and fire protection, emergency response, public works, zoning administration, and utilities.

The plan also addresses areas where service delivery requires coordination. Sanitary sewer service north of State Highway 19 and west of County Highway I depends on facilities in Area W2, and the plan commits Westport and Waunakee to cooperate so that sanitary sewer extensions can occur in a manner consistent with MMSD requirements. This ensures long-term feasibility for development and utility access in the affected area.

Transportation and infrastructure needs are handled similarly. The plan outlines how road and right-of-way responsibilities shift with boundary changes and identifies specific locations where shared maintenance is appropriate. It also commits the parties to working together on broader regional transportation issues, including transit and regional path development.

Stormwater and water quality are recognized as regional concerns, and the plan commits the municipalities to collaborate as needed to meet environmental standards and manage watershed impacts as development proceeds.

(5) The shape of any boundary maintained or any boundary change under the cooperative plan is not the result of arbitrariness and reflects due consideration for compactness of area. Considerations relevant to the criteria under this subdivision include quantity of land affected by the boundary maintenance or boundary change and compatibility of the proposed boundary maintenance or boundary change with natural terrain including general topography, major watersheds, soil conditions and such features as rivers, lakes and major bluffs. s. 66.0307(5)(c)(5), Wis. Stats.

The cooperative plan meets the requirement in s. 66.0307(5)(c)5 Wis. Stats. because the boundary changes it establishes are deliberate, geographically grounded, and designed to produce more compact and functional municipal limits. The plan also reflects careful consideration of natural terrain and environmental features. Several adjustments align with watershed divides, floodplain edges, and long-standing conservation easements, particularly in the Preservation Area near DeForest, ensuring that municipal boundaries respect topography, soil conditions, and environmental constraints. This approach avoids cutting across sensitive landscapes and reinforces boundaries that match how the land is used and managed.

Transportation corridors further support compactness. Attachments along State Highway 19, County Highway I, and other major routes follow logical service areas and ensure that road maintenance responsibilities align with jurisdictional authority.

Where right-of-way transfers are appropriate, the plan provides clear rules; where boundary roads make more sense, the plan preserves centerline jurisdiction. These choices demonstrate intentional design rather than arbitrary line-drawing.

Finally, the amount of land transferred in each area is proportionate to the purpose of the adjustment. Madison's attachments eliminate islands, Middleton's provide contiguous growth areas, DeForest's reflect extraterritorial planning and agricultural preservation, and Waunakee's resolve irregularities and support coordinated utility planning. In each case, the scale of the change matches the functional need.

For these reasons, the Department finds that the cooperative plan's boundary changes are compact, rational, and not the result of arbitrariness, and therefore meet the standard in s. 66.0307(5)(c)5 Wis. Stats.

(6) Any proposed planning period exceeding 10 years is consistent with the plan.
s. 66.0307(c)6 Wis. Stats.

The cooperative plan establishes a 50-year planning period, which is permissible under s. 66.0307(5)(c)6 Wis. Stats. and is fully consistent with the structure and purpose of the agreement. The plan's long duration reflects the scale of the boundary adjustments, the need for stability following Westport's potential incorporation, and the time required for municipalities to implement coordinated growth, transportation improvements, and utility planning. Because many attachments occur upon incorporation or upon future conveyance, a longer horizon ensures that these transitions can occur predictably and without forcing premature development decisions.

The plan also specifies that the planning period continues until all transfers identified in the agreement have been completed, reinforcing that the term is tied to the plan's substantive commitments rather than an arbitrary date. This alignment between duration and purpose demonstrates that the extended planning period is reasonable, functional, and fully consistent with the cooperative plan.

For these reasons, the Department finds that the plan meets the standard in s. 66.0307(5)(c)6 Wis. Stats.