

Natural and Recreational Areas Committee Agenda
Tuesday June 14, 6:30 PM

Town of Verona Hall, 7669 County Highway PD

1. Call to Order/Approve Agenda
2. Approve Minutes from May 10, 2022
3. Public Comments
4. Updates from Chair and/or Members
5. Update from board member
6. Update on town hall's storm water pond inspection plan
7. Discuss PDR and conservation easements questions from board meeting and consolidate answers.
8. Discuss next steps for PDR and conservation easements.
9. Schedule next meeting and set agenda
10. Adjourn

Town of Verona
Natural and Recreational Areas Committee Minutes
Town of Verona meeting
5-10-22

DRAFT

Present: Bill Keen, Dave Lonsdorf, Jo Tucker, Rosemary Bodolay, Kirk Feller

Chair Keen called the meeting to order at 6:38 PM

Approval of Agenda- Motion by Tucker, Second Bodolay, passed 5-0

Approval of Minutes from April 14, 2022: Motion Tucker, Second Lonsdorf, passed 4-0

Public Comments-None

Update from Members: Each member introduced themselves to Feller.

Update from Board Member: None

Review status of Tree policy for town: Tree policy was explained to include a tree inventory on developmental areas, to preserve mature native trees and to encourage tree planting in town. NRAC will contact Bruce Allison about his thoughts on a tree policy for the town and invite him to an NRAC meeting.

Review information for Town Hall's storm water pond inspection and other storm water ponds in the town: Lonsdorf presented plan to the town board. Board chair asked that NRAC should get a professional storm water pond inspector to examine our pond and tell us how much it would cost to have it inspected. Chris Barnes is willing to provide a plan for housekeeping and maintenance of the town pond since there is no inspection plan that was included with the design documents. Tucker will ask Barnes for this plan. Lonsdorf will talk to Chair Gellar and Gaskell about getting a list of pros to look over the ponds and get their cost for inspecting not only the town pond but the other ponds in the town. If it is decided that pond inspection is good for the town, Bodolay and Tucker will work on creating an ordinance. This would be sent to the ordinance committee. Bodolay raised the question of safety of storm water ponds and that should be included in the ordinance.

Discuss PDR and conservation easement questions from board meeting and consolidate answers: PDR's and their benefits were explained to Feller. Lonsdorf presented a map showing suggested areas that would be nice to have preserved. It showed acreage that would be smaller in area than proportionally the Town of Dunn has preserved. Much emphasis was put on the fact that all of this is voluntary for the land owner. Some of the questions submitted showed that misinformation about PDR's existed.

Discuss next steps for PDR and conservation easements: After much discussion, Lonsdorf will present general answers to questions at the next board meeting:

NRAC would like to talk to agencies with the thought of how they could assist us in starting up a PDR program.

Show information from the Town of Dunn PDR program history for examples of how much money from the town was used, the groups that money came from and acres preserved.

Work, using town resources, to connect the Ice Age Trail throughout the town by using groups like Dane County Parks, cities and the Ice Age Trail Alliance where our costs would be minimal in obtaining land.

Motion to adjourn by Bodolay, 2nd by Tucker, Passed 5-0 at 8:25 p.m.

Report on Inspection of Stormwater ponds – Town of Verona
6/6/22

The Town's Stormwater detention system at the Town office was designed and built by D'Onofrio Kottke engineering firm at the time the office was built, in 2016-17. This system is now 5-6 years old. It has been functioning well but has not been inspected since it was built.

I called Bruce Hollar, an engineer with D'Onofrio Kottke (608-833-7530) who oversees their stormwater pond developments and inspections, for more information. They do stormwater system inspections for the City of Madison, City of Middleton, City of Fitchburg, and the Town of Middleton. He thinks they average about 50-60 such inspections a year. Madison and Fitchburg require these inspections yearly, and the two Middletons require it every other year. There is currently no County-wide standard for such inspections, and many other communities do not require them. Dane County is considering developing a county wide standard that "may be done sometime in the next year". There is some governmental administrative cost to requiring inspections, related to overseeing the program, record-keeping, and enforcement.

The usual cost is "around \$400" per inspection, and it is paid by the landowner, or homeowner association if applicable. The inspection involves a checklist of items, and the professional engineer who does it will then complete a standard "certification form" provided by the municipality and return it to them to indicate that the inspection has happened. If there are deficiencies found or recommended improvements, a follow up inspection may be needed.

Mr. Hollar indicated that his firm would be willing and available to inspect our Town pond if we request it. He thought that there should be a "maintenance agreement" that either the Town or his firm (or both) would have on file that should specify what kinds of things need to be maintained about the ponds. He indicated that his firm would also likely be able to help the Town perform regular inspections on other stormwater systems at our recent housing developments should we decide to require them, similar to our neighboring municipalities.

David Lonsdorf

Town of Verona Board Report

Answers to questions about the NRAC Purchase of Developmental Rights (PDR) proposal

Prologue: After the PDR power point presentation to the Board on April 12th, there were many questions asking for more detail or clarification of some of the points presented. Four people submitted written questions or comments (Debra Paul, John Senseman, Tom Mathies, and Doug Maxwell). The NRAC committee reviewed all these questions, organized them into groups, and developed comments or answers on them below. Due to time and space limitations, not every question was addressed in this document.

- 1) Why is a PDR program needed at all? Aren't existing measures (Comp Plan, Boundary Agreement, Zoning laws, etc.) enough to protect land in the Town?

The PDR program is designed to put "conservation easements" on selected lands in the Town, which would **permanently** prevent development. Most easements would have several partners (e.g. the Town, a Land Trust, Dane County, Ice Age Trail), that would all have to agree to end the easement in order to make the land available for development. In an unusual situation a higher body of government (State, Federal) could exercise "eminent domain" to undo an easement, but that would be unlikely.

Current Town measures of land protection are all much more easily undone – the Comp Plan can be changed every two years and expires in 2038. The Boundary agreement with the City of Verona expires in 4 years and didn't prevent annexation and development of the Marty property. It has little to say about land protection and is more of a blueprint for directing development activities. Zoning laws can be changed through a county committee on an as needed basis. Farmland Preservation designations are not permanent, only add a small measure of tax savings to the landowner and are relatively easily undone if the owner decides to pursue development.

- 2) The current City-Town Boundary agreement will not allow the Town to protect or preserve land in areas A or B.

The Boundary agreement is almost entirely about where and how to direct development in the period covered by the agreement. There is no language about protection or conservation of land except in Sections 14 (Ice Age Trail Corridor) and 15 (Farmland Preservation). The language in these sections is somewhat vague ("agree in concept with ... establishing permanent preservation...", and ... "The City agrees to consider impacts on farmland..."), and inadequate to provide actual protection.

Individual landowners are not subject to the Boundary agreement and can decide to pursue a conservation easement on their property as they choose. Whether the Town can assist them with this effort in areas A and B, might need a legal opinion to clarify, but there is no specific language prohibiting it.

- 3) How much Town land should be protected or preserved? Don't we have enough already?

How much land to protect from development is a subject for the Town citizens and Board to discuss and debate. Currently there is 8 % of the Town land that is not subject to taxes, but that is not all land available to the public. For example, this figure includes an 18-acre parcel on Locust Drive owned by the Verona School District, and a 7-acre parcel on County PD and M owned by WP&L. Some of the land owned by the DNR and DC Parks has no or limited public access or is still being farmed so it is not available for public recreation.

There is no hard figure or percentage that can answer this question. As more land is developed, the public concern over loss of "open spaces" and "rural character" increases, and there is increased pressure to protect or preserve more land.

- 4) We need "realistic examples" of how PDR might work in the Town. Are there examples from the Town of Dunn? We should get appraisals of Town lands that might be subject to PDR.

It is very costly and not practical to get appraisals of land in the absence of an impending sale or transaction. But we do have an example of a recent land protection transaction in the Town of Dunn with all the costs included (see attached). PDR purchases do not necessarily need to be large tracts of land (100 acres or more) to be significant. If the Town of Verona starts a PDR program, it is likely that the initial transactions will be relatively small ones.

- 5) How does PDR discourage annexation from neighboring Cities?

When land is placed in a conservation easement and permanently protected from development, neighboring cities are no longer as interested in it as a site for annexation since the landowner can't develop it. A small area under a conservation easement would not be sufficient, but a larger area or several clustered areas can effectively stop annexation by a city. The 20-year example of the Town of Dunn shows this strategy to work. Despite having four cities on its border (Madison, Fitchburg, McFarland and Stoughton), Dunn has maintained its Town borders and size almost entirely because of its PDR program.

- 6) Would farmers support this program?

At this point, the NRAC committee has not surveyed any Town of Verona farmers to determine the level of support for this program. We would be glad to do so with permission from the Board.

In the Town of Dunn, the voluntary PDR program has been strongly supported by the farm community and is largely credited with keeping farm prices affordable for new farmers and

supporting family-owned farms in the township. Benefits to landowners include making it financially feasible to keep farming by providing cash assets for estate planning, retiring debt and farm improvement.

- 7) Would Town of Verona residents support a PDR program? What level of additional taxation would they support? How did NRAC come up with the number of \$50 per \$100,000 property value as a levy figure?

NRAC proposes a series of educational programs to be held in the Town Hall to explain the program and the rationale for land protection to the citizens. There is already strong support in for preserving the Town's "rural character", and a lot of anger over the recently planned and approved Marty Farm development. NRAC feels that with proper education, most Town residents would support a modest tax levy to help preserve land. We propose surveying Town residents (like the recent survey on brush collection) to determine the level of support, but we would propose doing that after a series of informational meetings. The \$50 figure in our original proposal was meant for illustration purposes only. A more meaningful figure could be determined after a survey.

- 8) Even if a tax levy passes, the Town would only raise a modest amount of money (e.g. \$200,000 per year). How could this small amount of money fund a PDR program? What partners might we work with to protect land, and how much would they contribute?

There are many organizations interested in preservation of land and protecting it from development. These include Groundswell Conservancy (who has worked extensively with the Towns of Dunn and Dunkirk), the Ice Age Trail Alliance (for land in the IAT Corridor), Dane County, the State of Wisconsin, and other non-profit Land Trusts. Each land protection "deal" is put together differently, but most have several "partners" who contribute varying amounts of money. The Town would likely NOT be the biggest contributor but act more as a catalyst to help the deal get done. When several partners act together to protect a land parcel it is better protected, because any one partner could not later try to un-do the protection.

- 9) Who owns and manages the land once it is protected? Will the Town have a large administrative burden once several parcels are protected?

Land ownership is not changed by a purchase of developmental rights – the original owner still retains all ownership rights other than the right to develop. Farmers will still decide how best to manage their own land, and which crops to produce. The land can be sold to another owner at market value, or passed on as an inheritance, but the conservation easement will still apply.

Conservation easements require an annual inspection to be sure that the easements are still being followed. This can be often done by a partner agency (e.g. land trust), and simply reported to the Town. The administrative burden on the Town is relatively slight.

- 10) Would preservation of certain lands simply push development elsewhere?

Yes. This is the central idea of a PDR program – to protect desirable lands and keep them free from development. A PDR program gives the Town an opportunity to permanently protect farmland or natural areas from development.

11) Who pays for appraisals and other costs of purchasing and protecting the land?

Every land transaction is handled differently. Costs associated with the transaction (appraisals, surveying, legal fees, etc. are negotiable and can be paid by any party, including from the PDR fund.

12) How much staff time would be involved with a PDR program? Would the town have to hire another administrative person?

Some staff time will be needed to help manage a PDR program, just like any other Town program. Currently Town of Verona staff spend a lot of time associated with development and helping the Plan Commission. In the Town of Dunn, they have a “Land Trust Commission” consisting of 8 volunteer members which meets four times a year and oversees the PDR program. After 20 years of running a program with 38 easements covering almost 3800 acres, only two Town of Dunn employees are associated with working for the program – one at 60% of their time and the other at only 10%.

13) How are lands selected for inclusion in the PDR program?

Participation in the PDR program is entirely voluntary. Landowners who are interested would apply to have their land considered. The Town would develop a set of ranking criteria like those of the Town of Dunn: <https://www.townofdunnwi.gov/applying-to-the-pdr-program>

14) Which lands in the Town of Verona would be selected for the PDR program?

The Town would not select the lands itself – landowner participation is voluntary, and they would apply to the program. The selection criteria, however, could be set to favor prime farmlands, important natural areas with exceptional features, lands in a certain location near to other protected lands or in the Ice Age Trail or Sugar River corridors. Again, the Town of Dunn has an excellent resource for this which we would likely use to develop our own set of criteria to guide PDR purchases:

https://www.townofdunnwi.gov/files/ugd/7ab7a6_3378edad508b4b14a32ce8df23420510.pdf

Meeting with Mike Foy
Groundswell
May 24, 2022

Dave & Rosemary met with Mike Foy at Groundswell offices, Madison, WI

Groundswell has just begun working with The Town of Dunkirk; In the past they have done lots of work in Black Earth Creek area, the Town of Dunn, and the Town of Westport around Cherokee Marsh; and they work where other synergies exist.

Dunkirk raised \$200,000 first year – now at \$400,000

- Locally generated monies VERY valuable; used to leverage other funds from other sources.
- No program will go greater than 50% of total, so what is done is LAYERING of funds
- Can't combine federal grant monies with other federal monies; CAN combine federal funds with State funds

“Public lands are not same as “protected lands”

e.g. Not all “protected lands” allow public access

some lands have limited public access; some have developed trails.

Projects can take from 1 year – 10 years to organize and finalize.

Groundswell “spends” grant money and the amount available depends on what grants are available when projects are brought forward.

Groundswell requires \$10,000 per easement for legal needs & insurance when working on a project. Town is responsible for funds for lawyers, surveys etc – most of this money may be refundable when grant monies come through

Groundswell is working at full capacity right now.

Another helpful organization for land trust support is Gathering Waters. Their office is near Groundswell in Madison.

Mike Foy is happy to come to the Town and talk about all this.

Ben Kollenbroich <bkollenbroich@town.dunn.wi.us>

To:

- DAVID B LONSDORF

Tue 5/31/2022 9:07 AM

Hi David,

Here's what I was able to pull for our most recent typical purchase. A couple bits of information:

1. This was a property with two development rights/splits/potential homesites. The landowner sold both rights as part of this PDR transaction and could only put up agricultural buildings following the completion of the easement. Most of the properties we deal with have an existing home and the person will sell the additional development rights but keep the right to replace the existing home.
 2. Some additional legal and survey fees were needed for this property because the title showed an antiquated fence/property line agreement that needed to be mapped and removed (since you have worked on land deals in the past, you're probably familiar with the fact that it's not unlikely to have an oddball thing show up on a title that needs to be resolved before closing). Typically we have our attorney review any strange title work and the easement language itself. Typically a surveyor will provide a legal description of the entire property, and survey a building envelope.
- Easement Value: \$185,000
 - Dunn Contribution: \$92,500
 - NRCS ALE Grant Contribution: \$92,500
 - Appraisal: \$2,750 (Dunn pays)
 - Survey: \$3,200 (Dunn pays)
 - Legal Fees: \$1,131 (Dunn pays)
 - Title Work (Owner's Policy, GAP Coverage, Settlement/Closing Fees): \$1,225 (Dunn pays)
 - Endowment Fees: \$8,000 (Dunn pays this same amount to Groundswell Conservancy for every property closing. It is used by Groundswell to cover any future monitoring/legal fees)

There are two people who work on the PDR program in Dunn. Although we are both full time, our entire time/budget is not spent on PDR itself. For me, 60% of my time is for PDR and the other employee has 10% of her time for PDR.

I hope this helps and if you have any additional questions, please let me know.

Thanks!

Ben