



MEETING OF TOWN OF VERONA PLAN COMMISSION

Thursday, June 17, 2021 6:30 PM

Due to the COVID-19 pandemic, the Town of Verona Plan Commission will hold its meeting via Zoom. The Plan Commission meeting will **NOT** be held at Town Hall, 7669 County Highway PD, Verona WI.

To join the meeting online:

<https://zoom.us/j/91325959981?pwd=aTczK3JtT3FRM05jT01YaFU5amZJQT09>

Meeting ID: 913 2595 9981

Passcode: 540633

Or dial by your location using the same meeting ID and password above
(312) 626 6799

SPEAKING INSTRUCTIONS

Oral public comments: Those wishing to speak during the Zoom meeting **MUST** be online at the beginning of the meeting. The Chair will ask the folks who have called in, if they want to comment and on what agenda item at the beginning of the meeting.

Written comments: You can send comments to the Plan Commission on any matter, either on or not on the agenda, by emailing sgaskell@town.verona.wi.us or in writing to Sarah Gaskell Town of Verona Hall, 7996 County Highway PD, Verona WI, 53593. You can also drop off comments in the dropbox in the vestibule of the Town Hall, which is open 24 hours.

Applicants: Applicants for CSMs and/or zoning changes are asked to participate via Zoom and to join 5 min before the start of the meeting. The Chair will ask for a brief update from each applicant and you should also be available for questions from the commissioners.

1. Call to Order/Approval of Meeting Agenda
Review of the meeting format and identification of the people on the zoom meeting.
Please state your name and address as a record of any persons participating in the meeting is required.
2. Public Comment - Opportunity for comment from persons in attendance on items not listed below over which this governing body has jurisdiction. Comments on matters not listed on this agenda could be placed on a future Plan Commission meeting agenda. If the Chair or staff have received written comments for items not on the agenda, these will be read.
3. Approval of minutes from May 20th, 2021 Plan Commission Meeting
4. Staff Report
 - Update on status of Subdivision Ordinance
 - Information on number of building permits issued
 - Site visit to review trees for Lot 3 of CSM on Corner of Riverside and Spring Rose Road
 - Status of landscaping on berms for recently approved projects
 - Rezoning of Cross-Country Circle area
5. Discussion and Action: Procedure for Amendment of the Comprehensive Plan
6. Discussion and Action: Procedure for Approval of a Conditional Use Permit
7. Discussion and Action: Checklist for CSM approval Process
8. Discussion: Resuming In-person meetings for Plan Commission
9. Commissioner Comments
10. Other
11. Next Meeting: Thursday, July 15, 2021
12. Adjourn

Per Resolution 2016-2 agendas are posted at the Town Hall and online at www.town.verona.wi.us. Go to www.town.verona.wi.us and sign up for the Town List Serve to receive notices via email. If anyone having a qualifying disability as defined by the American With Disabilities Act, needs an interpreter, materials in alternate formats or other accommodations to access these meetings, please contact the Town of Verona office @ 608-807-4466. Please do so at least 24 hours prior to the meeting so that proper arrangements can be made. Notice is also given that a possible quorum could occur at this meeting for the purposes of information gathering only, of the Town Board, Natural and Recreational Areas Committee, and/or Public Works Committee.

Posted: 11 June 2021, Douglas Maxwell, Chair, Town of Verona Plan Commission

Town of Verona Plan Commission Meeting Minutes

Thursday, April 15, 2021, 6:30 pm

Zoom meeting

Members Present: Doug Maxwell, Tom Mathies, Sarah Slack, Deb Paul,

Excused: Haley Saalsaa Miller

Staff: Sarah Gaskell, Administrator

Other: Lee Stilwell, Doug Wolf, Phyllis Wiederhoeft, Jim Wiederhoeft, Susan Pigorsch, Hans Pigorsch, Noa Prieve, Rosemary Bodolay, Dale Malner

1. Call to Order/Approval of Meeting Agenda – Maxwell called the meeting to order at 6:30 pm. Motion to approve the agenda by Slack, second by Paul. Motion carried by voice vote.
2. Public Comment – none.
3. Approval of minutes from 4/15/2021 – Motion to approve minutes by Mathies, second by Slack. Motion carried by voice vote.
4. Discussion and Possible Action: Land Use Application 2021-06 submitted by Noa Prieve on behalf of Stilwell Trust – Updated to reflect Condo Plan Application for parcel number 062/060-364-8990-2
 - a. Discussion included
 - i. Appreciation for the rearrangement of the unit alignment
 - ii. Unit 1, 2 and 4 shared driveway easement potential and arrangements with lots to the West of the potential shared driveway. There would be four driveway accesses.
 - iii. Determination of building envelopes at time of plat
 - iv. Use of limited common elements vs. common element
 - v. Process to approve this as a condo plat
 - vi. Ice Age Trail easement
 - vii. Stormwater considerations
5. Discussion and Possible Action: Draft Procedure for Amendments to the Town of Verona's 2019 Comprehensive Land Use Plan
 - a. Review of language resolution vs ordinance
 - b. Developer vs property owner making an application
 - c. Deadline for application materials should be included
 - d. Draft will be reviewed for approval at the June PC meeting
6. Discussion and Possible Action: Draft Conditional Use Permit Procedures and Process
 - a. Review of need for this process
 - b. Notification process
 - c. Draft will be reviewed for approval at the June PC meeting
7. Discussion: Draft Subdivision Ordinance
8. Other: Update on Marty Farm Proposal; Good Shepherd Church annexation; Condo Plat Process for

creating less than 5 units

9. Next Regular meeting – June 17th, 2021

10. Adjournment – Meeting adjourned at 8:35 pm

Submitted by Sarah Gaskell, Town Planner/Administrator

Approved:

- May 20th

11. Adjournment – Meeting adjourned at 8:10 pm.

Submitted by Sarah Gaskell, Town Planner/Administrator

Approved:

Amendment Procedures for the Town of Verona's 2019 Comprehensive Land Use Plan

Draft, 9 June 2021

Plan Amendments to the Comprehensive Plan Document (chapter 11, Comp Plan)

Amendments to this Comprehensive Plan may be appropriate in the years following initial Plan adoption and in instances where the Plan becomes irrelevant or contradictory to emerging policy or trends. "Amendments" are generally defined as minor changes to the Plan maps or text. In general, the Plan should be specifically evaluated for potential amendments every two years. In addition, the Town may be faced with an opportunity, such as a development proposal, that does not fit the plan but is widely viewed to be appropriate for the Town. Should the Town wish to approve such an opportunity, it must first amend the plan on the outlined schedule so that the decision is consistent with the plan. Such amendments should be carefully considered and should not become the standard response to proposals that do not fit the plan. Frequent amendments to meet individual development proposals threaten the integrity of the Comprehensive Plan and the planning process and should be avoided.

Procedure for Amending the Town's Comprehensive Plan

The procedures for a comprehensive plan amendment are established by Wisconsin's Comprehensive Planning Law (66.1001, Stats.). Any future amendments to the Comprehensive Plan must be adopted by the Town Board in the form of an adoption ordinance approved by a majority vote. Two important steps must occur before the Town Board may amend the plan: the Plan Commission must recommend adoption and the Town must hold an official public hearing.

Procedures:

- a. Plan Commission initiates the proposed Comprehensive Plan amendment. This may occur as a result of a regular Plan Commission review of the Plan or may be initiated at the request of a property owner. This review process will only be initiated every odd number years, (e.g., first review, Dec. 2021). Applications for an amendment to the Comprehensive Land use plan shall be received **by the first Tuesday of November of odd number years.**
- b. The Town Plan Commission or Town Staff prepares the draft of the amendment to the Comprehensive Plan, which may include specific text or map.
- c. The Town Clerk sends a copy of the draft Plan amendment (not the entire Comprehensive Plan) to adjacent government jurisdictions and the Dane County Planning and Development Department **staff for their informal review.** These governments should ideally have at least **30 days to review** and comment on the recommended plan amendment.

d. The Town Clerk directs the publishing of a Class 1 notice, with such notice published at least 30 days before a Town Plan Commission public hearing and containing information required under State Stats. Section 66.1001(4), Wisconsin Statutes.

- 1) Date, time and place of the public hearing
- 2) A summary of the proposed amendment, which may include a map
- 3) Contact person, who can provide additional information
- 4) Where a copy of the amendment may be inspected before the public hearing

e. Following the public hearing, the Plan Commission makes a recommendation on the Plan amendment to the Town Board by adopting a Plan Commission resolution by majority vote of the entire Commission. Plan Commission meeting will be the third Thursday of December. **If there is an objection to the proposed the Amendment, the action by the Plan Commission will be delayed one month.**

The Plan Commission recommends adoption of the amendment by passing a resolution that very briefly summarizes the plan and its various components. The **resolution** should also reference the reasons for the amendment and the public involvement process used during the review process. The resolution must pass by a majority vote of the entire Commission. The resolution is forwarded to the Town Board for action.

f. The Town Board approves (or denies) the **ordinance** adopting the proposed Plan amendment. Adoption must be by a majority vote of all members. The Town Board may require changes from the Plan Commission recommended version of the proposed plan amendment.

g. The Town Clerk sends a copy of the adopted ordinance and Plan amendment (not the entire Comprehensive Plan) to all adjacent and surrounding government jurisdictions as required under Sections 66.1001(4)b and c, Wisconsin Statutes.

h. The Town Clerk sends copies of the adopted Plan amendment, adopted ordinance, to the Dane County Planning and Development Department for incorporation in the Dane County Comprehensive Plan. The County will hold its own hearing before acting on the amendment.

Materials to be provided by the applicant for the amendment

The request to amend the land use shall be specific and use the categories associated with the Comprehensive Plan Future Land Use Map. 9.6. Information shall include the following:

- a) The location of the parcel in the context of the surrounding parcels.
- b) The current land use associated with Map 9.6.

- c) Proposed land use narrative. This should include a rationale for the proposed land use change and how the proposed change is consistent with the intent of the Comprehensive Plan. Information on how the change might impact on the services provided by the Town and any perceived to the Town should also be detailed. Information on how the proposed change will impact the potential use of the adjacent land should be included in the narrative.
- d) Information about the parcel, such as vegetation and topography.
- e) A map of the parcel which includes the boundaries.
- f) A map of the vegetation coverage.
- g) Information on the presence or absence of historical sites.
- h) A topographical map.

Fees and costs for Application:

The applicant will be responsible for the costs associated with the publication of the class one notification and associated fees per the Town Fee Schedule.

Time Schedule:

- 1) Application submitted to Town Staff **by first Tuesday of November.**
- 2) Town Staff sends draft amendment to adjacent municipalities and Dane County Planning and Development Department by end of second week of November.
- 3) Publication of Class I notification for a public hearing at Plan Commission meeting. This must be 30 days before the Plan Commission meeting.
- 4) Public Hearing and Plan Commission Meeting on the third Thursday of December.
- 5) Board Meeting on the first Tuesday of the month following approval by the Plan Commission.

(Amendment procedures for the comp plan-9 Jun 2021.docx)

Town of Verona Conditional Use Permit (CUP) Process and Procedures

Draft – 9 June 2021

I. Overview The issuance of a conditional use permit is governed by both State Statute and Dane County Ordinance. Reference documents may be found under the Section VIII.

CUPs are part of Dane County Zoning (<https://plandev.countyofdane.com/zoning/Conditional-Use-Permits>). The Town of Verona (ToV) Planning Commission and the ToV Board evaluates a CUP application using the eight standards listed below as required by Dane County Zoning. The determinations of the Planning Commission and Town Board are provided to Dane County.

II. The Application Process

Applicants are encouraged to contact both county staff and town staff to discuss the proposal prior to submitting an application.

The process begins with a Dane County CUP Application submission and Application submission to the Town.

CUP Application (<https://plandev.countyofdane.com/documents/pdf/Zoning-Forms/Conditional-Use-Permit-Application-Revised-3-18-20.pdf>)

As part of the application process applicants must reasonably prove to both the ToV and Dane County that they meet the eight (8) specified standards, listed below.

Criteria 1 The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Application guideline: Explain how the proposed land use will fit into the neighborhood. If there is going to be lighting, noise, outdoor storage, traffic, or other outside activities, explain how the activities will be limited to a reasonable level.

Criteria 2 The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

Application guideline: Explain how the proposed land use will fit into the neighborhood and what will be done to avoid potential nuisances, such as limiting the hours of operation, noise control measures, paving the parking area, or the screening of outdoor storage.

Criteria 3 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Application guideline: Explain how the proposed land use will not interfere with the development of the surrounding property.

Criteria 4 . That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

Application guideline: Explain what impact the proposed use has on such things as water, septic, storm water, electricity, and traffic. Provide information on improvements that may be needed or if additional buildings are needed.

Criteria 5 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Application guideline: Provide information on vehicle traffic that the proposed use will generate. Include frequency and types of vehicles. Propose a plan for ingress and egress for the property.

Criteria 6 That the conditional use shall conform to all applicable regulations of the district in which it is located.

Application guideline: Review the ToV Comprehensive Land Use Plan to ensure your project is compliant and in line with land use guidelines.

Criteria 7 That the conditional use is consistent with the adopted town and county comprehensive plans.

Application guideline: Review the ToV Comprehensive Land Use Plan to ensure your project is in compliant and in line with land use guidelines.

Criteria 8 If the conditional use is located in a Farmland Preservation Zoning district, the town and zoning committee must also address the findings described in Dane County zoning ordinance 10.220(1).

Application guideline: Review the Dane County zoning ordinance chapter 10.220(1) (p.10-50) for requirements:

Conditional Use Standards in Farmland Preservation Districts. In addition to the requirements of section 10.101(7)(d), the zoning committee must find that the following standards are met before approving any conditional use permit in any Farmland Preservation zoning district.

1. The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.
2. The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

Submit CUP applications to Dane County Zoning Division as well as a copy to ToV:

Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd
Madison, Wisconsin 53703-3342

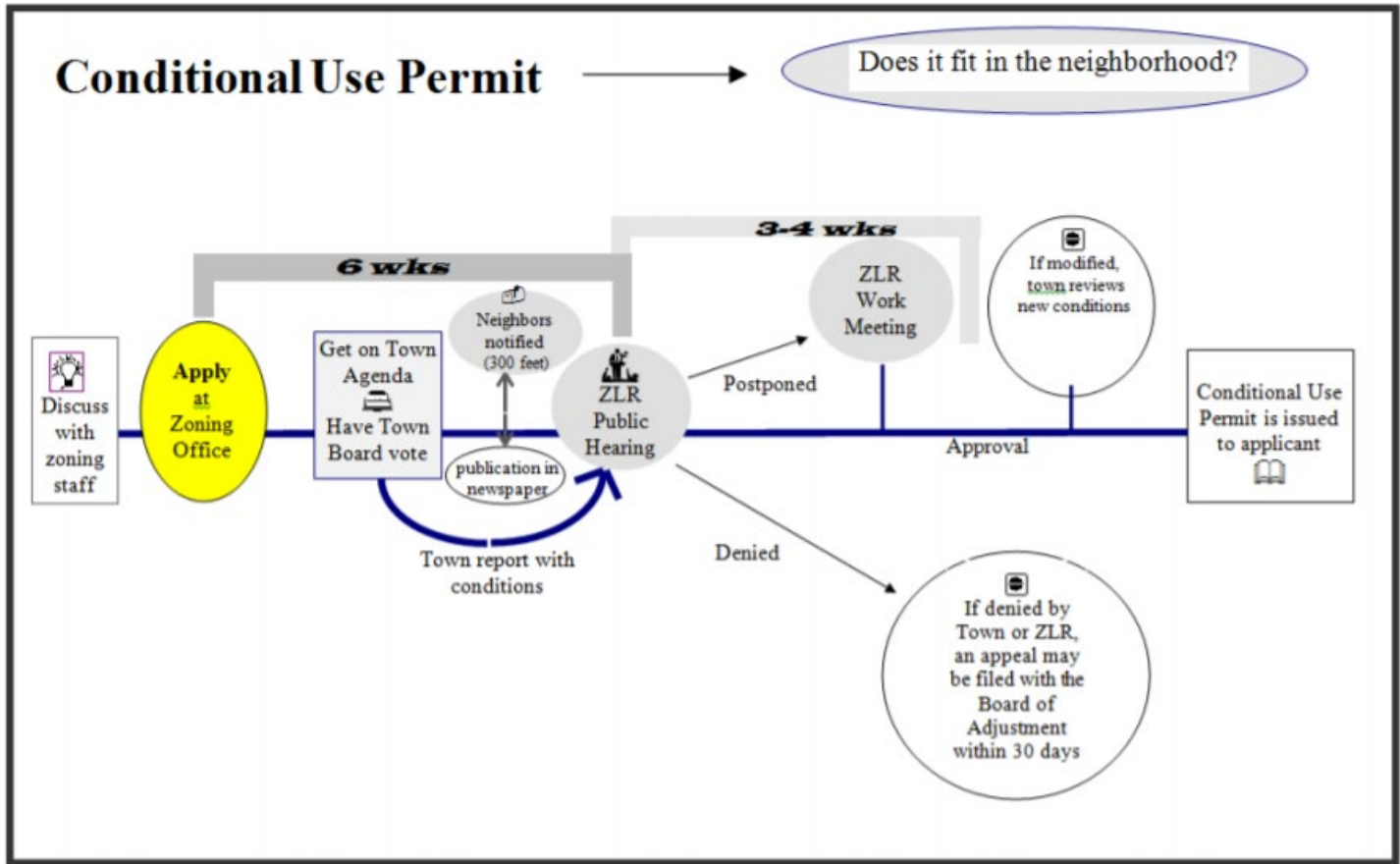
Phone: (608) 266-4266
Fax: (608) 267-1540

Town of Verona
7669 County Highway PD
Verona, Wisconsin 53593

Phone:
FAX:

Continued...

III. Dane County CUP Process Flow



(<https://plandev.countyofdane.com/Zoning/Conditional-Use-Permits/CUP-Process#Flowchart>)

Timeline

Per Dane County CUP guidelines, the Dane County Town governments have 60 days from the date of the Dane County public hearing to act, with the ability to request a 40-day extension.

IV. Notifications

1. Dane County Zoning is responsible for notifying property owners of the proposed CUP that are located within 300 feet of the proposed CUP activities.
2. Notifications of ToV CUP applications under review at the ToV Planning Commission and Town Board will follow be as follows: Agendas are posted 7 days prior to ToV Planning Commission and Class 2 Guidelines will be followed for the ToV Board meeting. All land owners within 300 ft of the site will be mailed notices.

V. Testimony, Input Submissions and Meeting Guidelines

While Dane County is statutorily responsible for conducting the formal Public Testimony Hearing as part of the CUP application process, the ToV may host a public hearing session as part of a Plan Commission or joint Board and Plan Commission meeting. Some applications may not require a joint meeting.

Individuals that have provided written testimony will have the opportunity to sign up to provide verbal input or testimony 30 minutes prior to the meeting. Testimony and input will be limited

to three to five minutes depending upon the number of people that sign up at the beginning of the scheduled meeting. This will be the only time for public testimony. Testimony and input will be recorded and become part of the public record. Written testimony should be addressed to the ToV Planning Commission:

Via email: sgaskell@town.verona.wi.us

Via mail or courier addressed to:
Planning Commission Verona Town Hall
7669 County Hwy PD
Verona, WI 53593

Written testimony must be received by the day before the meeting.

Note: All submissions, phone conversations, and email correspondence will become part of the public record and may be posted on the ToV public website. Phone conversations to any ToV officials may be recorded and electronically transcribed to a written document and may also be posted to the ToV public website.

ToV Review of CUP public forum agenda items will adhere to the following process:

1. At the beginning of the meeting, the meeting chair will walk attendees through the format of the meeting and explain the rules that the public forum will follow.
2. Written input received prior to the meeting will be discussed by members of the ToV Planning Commission. Verbal input by individuals will not be allowed during this review.
3. Public verbal testimony will be accepted from individuals that have signed up prior to the meeting. Individuals will have the opportunity to address the Planning Commission and provide additional input of three to five minutes maximum, dependent upon the number of individuals that have signed up
 - a. The order of speakers will follow the order of the names indicated on the sign up list. Attendees that have signed up will be called upon to speak for the limited time as noted.
 - b. Attendees will be allowed only one time to speak and will be required to keep comments relevant to the item being considered.
 - c. Comments repeating previous points will be limited.
4. The Planning Commission may then deliberate and ask questions among themselves. Individuals are not allowed to ask questions of the Planning Commission members during their testimony and are not allowed to interject during testimony of other individuals.
5. If individuals are deemed out of order, they may be asked to remove themselves from the premises.
6. The Planning Commission will then make a determination. This could be to approve the CUP, request additional information if the CUP application does not explicitly and clearly address and support the eight CUP criteria, or deny the CUP application.
7. No further input will be allowed if the CUP application is denied or deliberation is tabled to the next meeting.

VI. Substantial Evidence is outlined in 2017 Wisconsin Act 67

59.69 (5e) CONDITIONAL USE PERMITS.

(a) Definitions in this subsection:

- i) **“Conditional use”** means a use allowed under a conditional use permit, special

exception, or other special zoning permission issued by a county, but does not include a variance.

ii) “**Substantial evidence**” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) i) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

ii) The requirements and conditions must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, limits on hours, noise, screening, etc. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.

(b) Upon receipt of a conditional use permit application and following publication by the county of a class 2 notice under State Statute 985.07 and 985.075, the county shall hold a public hearing on the application.

(c) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the county may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the county zoning board.

(d) If a county denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in State Statute 59.694 (10).

VII. CUP Information and References

Dane County Conditional Use Permit overview:

<https://plandev.countyofdane.com/zoning/Conditional-Use-Permits>

Dane County Zoning ordinance Chapter 10

<https://countyofdane.com/documents/pdf/ordinances/ch010-1-31-19.pdf>

Class 2 Wisconsin Chapter 985, Publication of Legal Notices; Public Newspapers; Fees:

<https://docs.legis.wisconsin.gov/statutes/statutes/985>

The 2017 Wisconsin act 67:

<https://docs.legis.wisconsin.gov/2017/related/acts/67>

Town of Verona Comprehensive Land Use Plan:

<https://www.town.verona.wi.us/land-use/pages/comprehensive-plan>

(This document was drafted using a document prepared by the Town of Vermont, Dane County.)

Town of Verona Checklist for Certified Survey Maps

(draft, 9 June 2021)

Existing Site Features

- Buildings labeled by use (residence, barn, shed, silo, old foundation, etc.)
- Building sizes - footprint
- Building setbacks when needed to determine zoning compliance
- Wells (include any abandoned)
- Septic tanks and drain fields (include any abandoned)
- Other structures (include any abandoned): retaining walls, swimming pools, manure storage facilities, underground tanks, etc.
- Drainage: ditches, sewers, culverts, drainpipes, drain tiles, etc.
- Wetlands, waterways, and other topographical features
- Berms
- Road access locations

Existing and Proposed Use Restrictions

- Easements (including utilities, access, drainage, vision triangle, conservation)
- Encroachments
- Deed restrictions
- Location of proposed shared driveway
- Vision corridors

Existing and Proposed Roads

- Road names
- Road centerlines
- Road rights of way
- Dedications to the public
- Access restrictions (for safety reasons or for Dane County highways)

Technical Requirements

- Boundaries shown with distances and survey coordinates
- Type of markers and location of these markers (noted in a legend)
- Information about past CSMs
- Lots numbered with area in square feet, show net and gross areas of lots (net area is gross area minus road right-of-way).
- Scale legend
- Wisconsin coordinates
- Name of surveyor
- Legend: Date, F.N., CSM No., Doc. No., vol. and sheet

Other

- No unpaid taxes or charges on any of the lands included in the CSM

Supplemental Information if Applicable Maybe Required (The documents required shall be submitted separately from the CSM. Check with Town Staff to determine what additional information is needed.) Some potential items are listed below:

- Steep slopes (> 12%)
- Floodplains
- Potential wetlands
- Woodlands- tree inventory maybe required
- Shallow bedrock (< 5 feet)
- Active conditional use permit(s)
- Potential building envelope
- Natural or historical features maybe identified
- Concept plan showing how proposal could fit with possible future development of adjacent lands

(check list for CSM – 9 June 2021.docx)