



## PUBLIC SPEAKING INSTRUCTIONS

WRITTEN COMMENTS: You can send comments to the Town Board on any matter, either on or not on the agenda, by emailing [mgeller@town.verona.wi.us](mailto:mgeller@town.verona.wi.us) or [twithee@town.verona.wi.us](mailto:twithee@town.verona.wi.us) or in writing to Town Board Chair, 7669 County Highway PD, Verona, WI, 53593.

- 1) Call to Order/Approval of the Agenda
- 2) Pledge of Allegiance
- 3) Public Comment – Comments on matters not listed on this agenda could be placed on a future meeting agenda. If the Chair or staff has received written comments for items not on the agenda, these may be read.
- 4) Approval of minutes from January 3, 2023
- 5) Committee Reports
  - A. Plan Commission
    1. Discussion and Possible Action: Dane County Ordinance Amendment 2022 OA-57 regarding application requirements and setbacks for communication towers
    2. Discussion and Possible Action: Dane County Zoning Opt-Out Process
  - B. Public Works
    1. Discussion and Possible Action: Brush Collection Pilot Program
  - C. Ordinance Committee
  - D. Financial Sustainability Committee
  - E. Natural and Recreational Areas Committee
  - F. EMS Commission
  - G. Senior Services Committee
  - H. Town Chair's Business
  - I. Supervisor Announcements
- 6) Staff Reports
  - A. Administrator/Planner Report
  - B. Public Works Director Report
  - C. Clerk/Treasurer Report
- 7) Old Business
  - A. Discussion and Possible Action: Western Dane County Municipal Court IGA

## 8) New Business

- A. Discussion and Possible Action: MMSD Project PLUS (Phosphorus Limits & Updated Solutions)
- B. Discussion and Possible Action: Ordinance 2023-01 to Revise Committee Descriptions listed in Section 1.05(5) of Chapter 1 of the Town of Verona Code of Ordinances
- C. Discussion: Check Register Review
- D. Motion to go into Closed Session per Wis. Stats. §19.85 (1) (c) Considering Employment, Promotion, Compensation or Performance Evaluation Data of any Public Employee over which the Governmental Body has Jurisdiction or Exercises Responsibility; the purpose of the Closed Session is to discuss renewal of the contract for the Planner/Administrator.
- E. Motion to return to Open Session
- F. Discussion and Possible Action: Issues discussed in closed session.

## 9) Adjournment

Regular board agendas are published in the Town's official newspaper, The Verona Press. Per Resolution 2016-2 agendas are posted at the Town Hall and online at [www.town.verona.wi.us](http://www.town.verona.wi.us). Use the 'subscribe' feature on the Town's website to receive agendas and other announcements via email. Notice is also given that a possible quorum of the Plan Commission and/or Public Works, Ordinance, Natural and Recreational Areas, and Financial Sustainability Committees and could occur at this meeting for the purposes of information gathering only.

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 @ 608-845-7187 or [twithee@town.verona.wi.us](mailto:twithee@town.verona.wi.us). Please do so at least 48 hours prior to the meeting so that proper arrangements can be made.

Mark Geller, Town Chair, Town of Verona  
Sent to VP: 01/27/2023  
Amended: 01/31/2023



## Town of Verona Strategic Planning Summary

Two strategic planning sessions held by the Town Board, committees, and commissions on November 11, 2017 and February 17<sup>th</sup>, 2018. The purpose of these sessions was to develop an updated vision statement and outline guiding principles for work going forward.

### Town of Verona Vision Statement

To maintain the Town as an independent, financially sustainable, safe,  
and healthy rural community

### Guiding principles

- Create a welcoming and inclusive community
- Provide efficient services
- Be fiscally responsible
- Anticipate and plan for growth
- Protect and enhance cultural and natural resources
- Maintain open and transparent government
- Coordinate and collaborate with neighboring jurisdictions/key partners

**Town of Verona**  
**Town Board Meeting Minutes**  
**Tuesday, January 03, 2023 – 6:30 pm**

Town Board Members Present: Chair Geller, Mathies, Lonsdorf, Paul, and Duerst

Staff Present: Administrator/Planner Gaskell and Clerk/Treasurer Withee

Applicants Present: Bernie Coughlin, Nathan Lockwood, Dixie Schwenn, Tim Sweeney, Dale Ziegler

1. Call to Order/Approval of the Agenda – Chair Geller called the meeting to order at 6:30 pm. Motion by Duerst to approve the agenda, second by Lonsdorf. Motion carried by voice vote.
2. Pledge of Allegiance
3. Public Comment – none
4. Approval of minutes from December 6, 2022, and December 27, 2022 – Motion by Duerst to approve the minutes from December 6, 2022, second by Mathies. Motion carried by voice vote. Motion by Geller to amend 8. B. to read “motion to approve staff performance pay”. Motion by Duerst to approve the minutes from December 27, 2022, as amended, second by Lonsdorf. Mathies abstained. Motion carried by voice vote.
5. Committee Reports
  - A. Plan Commission
    1. Discussion and Possible Action: Land Use Application 2022-06 for a CSM and Rezone located at 7562 CTH PD, Verona WI 53593. Gaskell presented the staff report. Discussion by board. Motion by Geller to approve Land Use Application 2022-06 for a CSM and Rezone located at 7562 CTH PD, subject to approval by the Joint City/Town Planning Committee. Second by Duerst. Motion carried by voice vote.
    2. Discussion and Possible Action: Dane County Ordinance Amendment 2022 OA-044 regarding conditional use permit appeals. Gaskell presented the ordinance. Mathies explained the process and reason for the requested changes. Motion by Mathies to approve Dane County Ordinance Amendment 2022 OA-044 regarding conditional use permit appeals, second by Paul. Discussion by board. Motion carried by voice vote, with Duerst abstaining.
    3. Discussion and Possible Action: Town of Verona Land Division and Development Ordinance. Geller and Gaskell updated the board regarding the process. There will be a public hearing and a decision can be made regarding the changes in the next few months. Discussion by board.
      - a. Public Comment:
        - i. Tim Sweeney, 2746 Prairie Circle. He feels that Dane County controls too much of the town’s decisions. He feels it is too

bureaucratic and would be in favor of opting out. Recognizes the Town would have to add staff and expertise if we took the zoning on as a town. He hopes if we do this it would be an easier process and the cost may be worth the benefit.

4. Discussion and Possible Action: Dane County Zoning Opt-Out Process. Discussion by board. No action taken.
- B. Public Works – Duerst stated the new gas line has been placed but is not operational yet. Bridge bids have been opened. Working on single purpose roads and how they affect the town. Drop off for December 14<sup>th</sup> was canceled. There will be a Christmas tree drop off on Saturday. We have the new mower and will sell the old one.
- C. Ordinance Committee – no meeting
- D. Financial Sustainability Committee – The main topic was unrestricted reserves. State law regulates how much the town can have in reserves but the town can restrict funds for projects. The committee will work on a policy regarding the unreserved fund balance amount.
- E. Natural and Recreational Areas Committee – Lonsdorf stated they have set up some agendas for upcoming meetings and to work on their yearly goals.
- F. EMS Commission – no meeting; Lonsdorf stated the new union contract was signed.
- G. Senior Services Committee – Paul stated they held a meeting that she couldn't attend. The Town has 24 residents that use the center for classes and used the services 157 times last month.
- H. Town Chair's Business – Geller stated met with Springdale Town Chair about shared concerns and collaboration. Discussed Spring Rose Rd. Springdale is still very rural and is very different from the town with limited staff and hours. WI Towns Association is holding a district meeting on Friday, March 10<sup>th</sup> in Barneveld and he would like to see other board members attend. Neighborhood meeting at EPIC last week for Country View and County PD residents, looks like the road will come west and will create a town island for residents on Country View Rd.

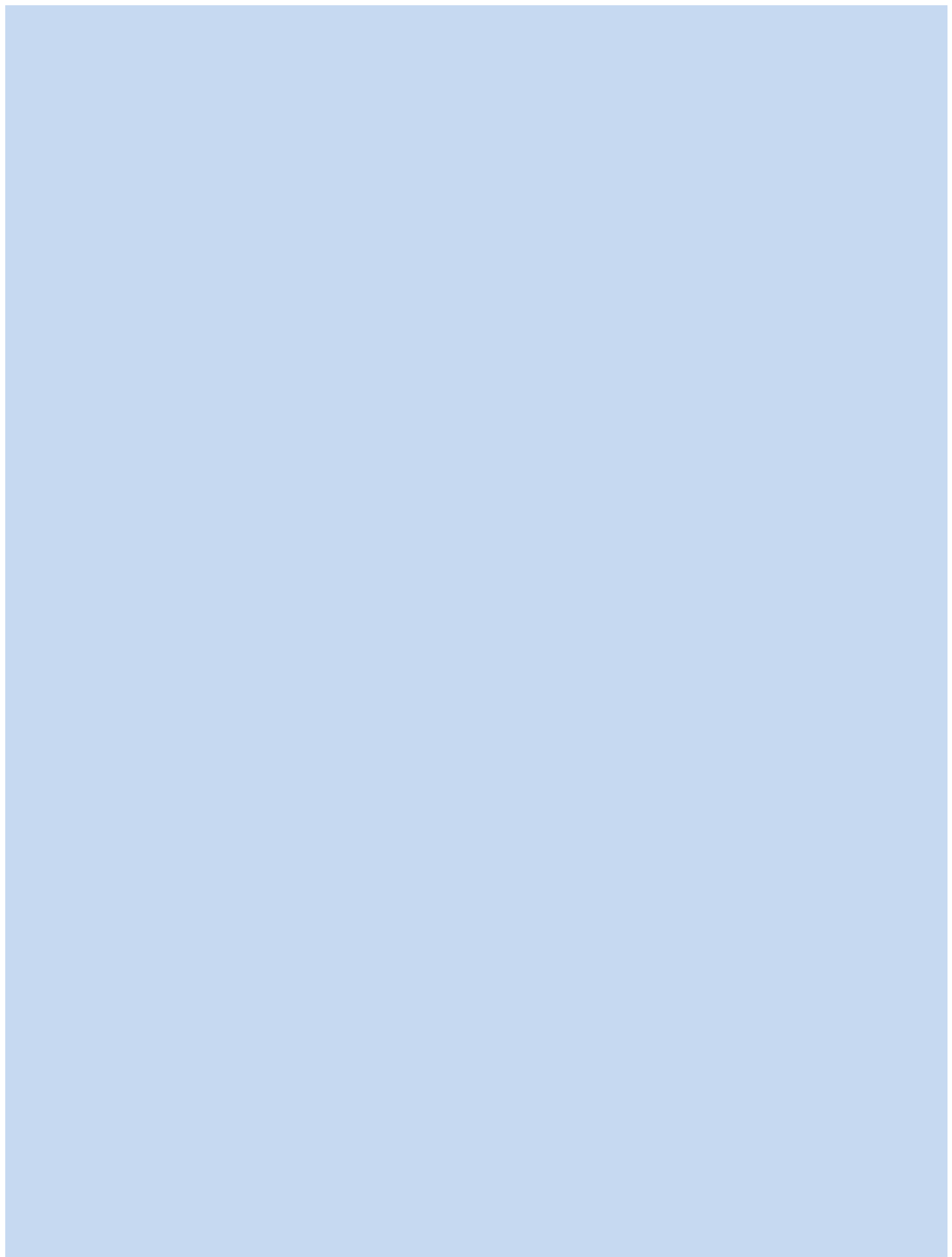
Supervisor Announcements – Mathies stated that at 7 pm on January 10<sup>th</sup> the Dane County Towns Association will host a listening session on stormwater and erosion control permitting. This is to provide feedback to the Dane County Land & Water Resources Department. Lonsdorf had previously requested staff prepare a report regarding homeowner associations and would like an update. Geller stated that they do not report to the town once they are set up and he will get him some information.

#### 6. Staff Reports

- A. Administrator/Planner Report was included in the packet. Mathies asked about the municipal court. 1/2 is the deadline for someone to file to run for judge.

- B. Public Works Director Report was included in the packet.
  - C. Clerk/Treasurer Report was included in the packet. Lonsdorf asked about contested local races. Clerk Withee stated there are no contested races and all paperwork was in order.
7. Old Business
8. New Business
- A. City of Verona Road construction projects on CTH PD and Country View Road. Gaskell gave an update on the project. EPIC is paying for all the improvements to city/county roads. Geller stated that there will be 4 more campuses added with 2100 new contracted employees.
    - a. Public Comment: Tim Sweeney stated that he was not given any notice that they will be within 50 feet of his property. As a town resident this would have been a courtesy to be informed of this. It doesn't address the water issue that this will cause. EPIC borders his property on the north, east and south. As a town resident he would hope that the town would have some say about water, sound, sight and the abandoned land. He met with an EPIC employee, and he never mentioned this road project. He is asking anything the township can do to help the residents with this project.
- Paul asked if they could discontinue the road without town approval. Geller stated that EPIC owns the land on both sides of Country View Rd. Gaskell stated that the construction of PD is scheduled for 2023 and Country View is expected to start in 2024.
- B. Discussion: Check Register Review. Discussion by board.
9. Motion by Paul to adjourn, second by Lonsdorf, meeting adjourned without objection at 8:31 pm.

Prepared by Teresa Withee, Town Clerk  
Approved:



# TOWN OF VERONA

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**TO:** Town Board of Supervisors

**FROM:** Sarah Gaskell, Planner/Administrator

**DATE:** February 7<sup>th</sup>, 2023

**RE:** Administrator's Memo – February Town Board Meeting

## Plan Commission

- 1) Discussion and Possible Action: Dane County Ordinance Amendment 2022 OA-57 regarding application requirements and setbacks for communication towers

Dane County is seeking to amend ordinance 2022 OA-57 to clarify certain application requirements for new communication towers and establish a minimum setback requirement for towers proposed or adjacent to single-family residences. The Executive Board of the DCTA voted to support the proposed changes on November 29, 2022. Dane County is seeking Town input on the proposed changes.

- 2) Discussion and Possible Action: Dane County Zoning Opt-Out Process

Opt-out is available every three years and the Board decided to consider the process by submitting a Letter of Intent to the County. Opting out would mean the town would adopt a new zoning code such as the one administered by GEC for those towns that have previously opted out.

***...steps that a town would need to take to transition to its own planning, zoning, and land division administration and enforcement. At a minimum, this would entail budgeting and contracting for planning/zoning/land division administrative services , establishing town procedures (forms, fees, schedules, records maintenance, enforcement.), establishing a record of lawful land uses in existence at the time of transition, and coordinating procedures with Dane County for regulations the county will continue to administer (shoreland / floodplain / wetland zoning, erosion control / stormwater management, rural addressing, land/subdivision review in shoreland/floodplain areas, rural road naming, sanitary permitting, etc.).***  
Excerpted from the DC flowchart

Over the past several months, the Plan Commission has been discussing the opt-out process. A representative from GEC, the firm that administers the zoning



code for the towns that have previously opted out, attended as PC meeting and was available for questions. The PC briefly reviewed the GEC administered zoning code and the process to accommodate zoning changes. The GEC zoning code is significantly different from Dane County's code. For example, the zoning districts of the GEC administered code are as follows:

Agriculture Zoning District (AG)  
Exclusive Agriculture Zoning District (EA)  
Agricultural Enterprise District (AE).  
Resource Conservancy Zoning District (RC)  
Nature-Based Recreational District (NBR)  
Planned Rural Development District (PRD).  
Commercial Zoning District (COM)  
Industrial Zoning District (IND).  
Recreation Commercial Zoning District (RCOM)  
Rural-Based Business District (RBB).  
Rural Community Zoning District (RUC).  
Planned Unit Development District (PUD).  
Single Family Residential Zoning District (SFR)  
Multiple family residential zoning district (MFR)

Dane County zoning districts are as follows:

NR-C (Natural Resource Conservation) Zoning District.  
10.212 RE (Recreational) Zoning District.  
10.220 Farmland Preservation Districts.  
10.221 FP-1 (Small-lot Farmland Preservation) Zoning District.  
10.222 FP-35 (General Farmland Preservation) Zoning District.  
10.223 FP-B (Farmland Preservation-Business) Zoning District.  
10.230 Rural Mixed-Use & Transitional Zoning Districts.  
10.231 AT-35 (Agriculture Transition, 35 acres) Zoning District.  
10.232 AT-B (Agriculture Transition-Business) Zoning District.  
10.233 RM-8 (Rural Mixed-Use, 8-16 acres) Zoning District.  
10.234 RM-16 (Rural Mixed-Use, 16-35 acres) Zoning District.  
10.235 AT-5 (Agriculture Transition - 5 acres) Zoning District.  
10.240 Rural Residential Zoning Districts.  
10.241 RR-1 (Rural Residential, 1 to 2 acres) Zoning District.  
10.242 RR-2 (Rural Residential, 2 to 4 acres) Zoning District.  
10.243 RR-4 (Rural Residential, 4 to 8 acres) Zoning District.  
10.244 RR-8 (Rural Residential, 8 to 16 acres) Zoning District.  
10.245 RR-16 (Rural Residential, 16 to 35 acres) Zoning District.  
10.250 Residential Zoning Districts. 10.251 SFR-08 (Single-Family Residential, small lots) Zoning District.  
10.252 SFR-1 (Single-Family Residential, 1 to 2 acres) Zoning District.  
10.253 SFR-2 (Single-Family Residential, 2 to 4 acres) Zoning District.  
10.254 TFR-08 (Two-Family Residential) Zoning District.  
10.255 MFR-08 (Multi-Family Residential) Zoning District.  
10.260 Hamlet Zoning Districts.  
10.261 HAM-R (Hamlet Residential) Zoning District.

- 10.262 HAM-M (Hamlet – Mixed-Use) Zoning District.
- 10.270 Commercial Zoning Districts. 1
- 0.271 LC (Limited Commercial) Zoning District.
- 10.272 GC (General Commercial) Zoning District.
- 10.273 HC (Heavy Commercial) Zoning District.
- 10.280 Processing, Manufacturing and Industrial Zoning Districts.
- 10.281 RI (Rural Industry) Zoning District.
- 10.282 MI (Manufacturing and Industrial) Zoning District.
- 10.290 Special Use Zoning Districts.
- 10.291 PUD (Planned Unit Development) Zoning District.
- 10.292 UTR (Utility, Transportation and Right of-Way) Zoning District.

The Plan Commission discussed this item at their monthly meeting in January. Roger Lane and Majid Allan from Dane County Land Division and Zoning Department were present and available for questions. Discussion items included the points listed in the packet, communication, and potential issues with a new zoning code. The Plan commission voted 4-0 to recommend the Town of Verona remain with Dane County Zoning.

### **Old Business**

1) Discussion and Possible Action: Western Dane County Municipal Court IGA

The Towns of Verona and Middleton entered into an IGA for the WDCMC. The IGA stated that TOV would submit to the TOM invoices for expenditures related to the establishment of that court no later than February 1<sup>st</sup>, 2023. TOV has requested an extension of that deadline until April 1<sup>st</sup>, 2023.

### **New Business**

1) Discussion and Possible Action: MMSD Project PLUS (Phosphorus Limits & Updated Solutions)

Due to Phosphorus Rule Requirements that set maximum thresholds for phosphorus in surface waters, MMSD must develop a compliance solution for Badger Mill Creek. PLUS has three goals:

- a) Achieve Phosphorus compliance standards
- b) Minimize harm to the biology of the stream
- c) Maintain fiscal responsibility to ratepayers and owner communities

To date, the following preliminary compliance alternatives have been presented to the District's Commission:

- a) Watershed adaptive management
- b) Modification of the flow
- c) Water quality trading

- d) Site-specific criterion
- e) Variance and tertiary treatment

MMSD staff are reviewing the alternatives and will be performing this work through 2023. They are currently conducting a test whereby they are slowly reducing its contributions of flow to the Creek. Consultants will be assessing flow, stream depth and other biological impacts on the Badger Mill Creek and the Sugar River over the next few weeks.

Findings and proposed compliance solutions will be provided in May 2023 with an opportunity for public comment and feedback.



# DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703  
Fax (608) 267-1540 / [danecountyplanning.com](http://danecountyplanning.com)

REC'D

JAN 23 2023

TOWN OF VERONA

**TO: Dane County Board of Supervisors  
Town Clerks, Supervisors & Planning Commissioners**

*Planning*  
(608)266-4251, Rm. 116

**FROM: Majid Allan, Senior Planner**

*Records & Support*  
(608)266-4251, Rm. 116

**DATE: January 12, 2023**

*Zoning*  
(608)266-4266, Rm. 116

**RE: Ordinance Amendment 2022 OA-57, regarding application requirements and setbacks for communication towers**

**CC: Dane County Board of Supervisors  
County Executive Joe Parisi  
Renee Lauber, Executive Director, Dane County Towns Association**

*Ordinance Amendment 2022 OA-57, regarding application requirements and setbacks for communication towers has been introduced by the County Board. To assist town and county officials in decision making, Planning and Development staff prepare written descriptions of each proposed amendment to land use and development related ordinances. The Zoning & Land Regulation (ZLR) Committee will hold a public hearing on OA-57 on January 24, 2022 at 6:30 pm. Instructions for attending the hybrid meeting are included on the attached public notice.*

*While town action is not required, if it is taken, it must be submitted within 30 days of the ZLR public hearing. Any town action on OA-57 is due by Thursday February 23, 2023. Please direct any questions to Majid Allan at 608-267-2536, or [allan@countyofdane.com](mailto:allan@countyofdane.com).*

## **I. Summary**

The proposed ordinance amendment clarifies certain application requirements for new communication towers and also establishes a minimum setback requirement for towers that are proposed on or adjacent to land where single family residences are permitted.

State law places certain limitations on local regulation of tower siting, including the enforcement of setbacks greater than those that would apply to any other commercial structure. However, the state law also provides that local zoning codes can establish a greater setback requirement for towers proposed on or adjacent to property where single family residences are a permitted use. The current ordinance does not specify setback requirements beyond those that apply to other structures.

Ordinance amendment #57 would incorporate the state allowance and establish a minimum setback from property lines equal to or greater than the height of a proposed tower. The amendment also makes some clarifications to the existing application requirements for communication towers.

The Executive Board of the Dane County Towns Association voted to support the proposed changes at their meeting on November 29, 2022.

## II. Background and description

The [county ordinance](#) acknowledges the value of a robust wireless communication infrastructure, protecting the rights and interests of neighboring property owners, and requires the shared use of facilities (“collocation”) when feasible in order to minimize the proliferation of communication towers. The ordinance requires approval of a Conditional Use Permit (CUP) for any new tower and includes a rigorous application procedure.

To date, the vast majority of new communication towers have been proposed in locations that pose minimal conflict with neighboring land uses. While greater setbacks could currently be imposed if deemed necessary to meet one or more standards for approval of a CUP, incorporating a greater setback into the ordinance for towers proposed on/adjacent to land where single family residences are a permitted use is nonetheless a prudent measure.

OA #57 makes other modest changes to the application requirements to better align the ordinance with terminology used in the state statute.

## III. Timeline for Town action

Town action on the proposed ordinance amendment must be provided to the County within 30 days of the County public hearing on the amendment. While it is good practice for towns to take action on text amendments to Chapter 10, it is not required.

Town officials, please review the enclosed ordinance amendment text and submit a Town Board action report by February 23, 2023. You may complete the enclosed form and submit it by mail or fax, or you may utilize the online reporting tool available on our website at <https://danecountyplanning.com/Town-Information-Page>.

Please note that while the attached public notice indicates written comments on the amendment are due by January 17, the ZLR Committee will accept written comments at any time prior to February 23, 2023.

Enclosures:

[2022 OA-57 Public Notice](#)

[2022 OA-57 Ordinance Text](#)

Town Board Action form

2022 OA-57

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,  
ESTABLISHING SETBACKS FOR COMMUNICATION TOWERS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 10.103(9)(b)1.b.ii. is amended to read as follows:

**10.103** Special requirements for Particular Uses.

**(9)** Communication Towers.

**(b)** New construction or substantial modification of communication towers.

**1.** Application Process. New or substantially modified communication towers require approval of a conditional use permit. In addition to materials required under s. 10.101(6), the applicant must provide, in a form acceptable to the zoning administrator, the following:

**b.** Project narrative. A signed project narrative explaining the need for a new or modified communication tower. The narrative should also include the following information:

**ii.** For an application to construct a new tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, that addresses the requirements of section 10.103(9)(c)1. ~~below.~~ The narrative must include a sworn statement from an individual who has responsibility over the placement of the mobile service ~~facility support structure~~ attesting that collocation within the ~~applicant's mobile service provider's~~ search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. For the purposes of this ordinance, cost savings or increased profitability shall not be considered an economic burden.

ARTICLE 3. Section 10.103(9)(b)1.c. is amended to read as follows:

**c.** Search ring map. Applicants must submit a search ring map ~~issued by the mobile service provider on letterhead of the mobile service provider drawn to a measurable scale. The search ring map shall~~ showing the area in which the ~~applicant seeks to locate their equipment~~ mobile service facility and mobile service support structure should be located to meet the radio frequency engineering requirements to provide mobile service to the geographic area or areas determined by the mobile service provider to lack adequate service from the provider's existing network. The map must ~~include a scale of miles, and~~ include road names, municipal boundaries, all existing ~~mobile service support structures telecommunication facilities~~ within 1.5 miles of the ~~center of the~~ search ring, and any tall structure over 100' in height within the search ring. The map must document and assign an identification number to all existing towers within ~~the designated radius~~ 1.5 miles of the center of the search ring and include a brief

47 statement explaining why the tower is not viable for collocation. The zoning  
48 administrator may require that the map be accompanied by a table providing  
49 additional data for each existing tower within 1.5 miles of the search ring, including  
50 but not limited to, the following: simple description of the tower, existing and  
51 maximum design height, FCC registration number; owner's name and contact  
52 information; number of collocation spots occupied and available on the tower;  
53 present percentage of use of the tower, available aperture at the requester's  
54 preferred height, type of communication technology being used.

55

56 ARTICLE 4. Section 10.103(9)(c)6. is amended to read as follows:

57 **(6)** Setbacks to property boundaries and public rights of way. **(a)** All  
58 communication towers and accessory structures must meet all front, side and rear  
59 setbacks provided by this ordinance and Chapter 11, ~~Dane County Code~~.

60 **(b)** 1. In addition to the requirements of sub (a), a communication tower on or  
61 adjacent to a parcel of land upon which single-family residential use is permitted  
62 shall be setback a distance equal to or greater than the proposed height of the  
63 tower.

64 2. The setback requirement under sub. 1 shall be measured from the lot lines of  
65 other adjacent and nonadjacent parcels for which single-family residential use is  
66 permitted.

67

68

69 *[EXPLANATION: This amendment provides for a minimum setback distance equal*  
70 *to the height of a communication tower proposed on or adjacent to property that is*  
71 *zoned to allow single family residential as a permitted use and modifies application*  
72 *requirements.]*

**TOWN BOARD ACTION REPORT  
FOR CHAPTER 10 ORDINANCE AMENDMENT**

REGARDING ORDINANCE AMENDMENT: # 57, 2022

DANE COUNTY ZLR PUBLIC HEARING DATE: 1-24-23

RETURN TO DANE COUNTY ZONING BY: 2-23-23

*PLEASE BE ADVISED: IF THIS ACTION REPORT IS NOT RETURNED TO THE DANE COUNTY ZONING OFFICE WITHIN THIRTY (30) DAYS OF THE ABOVE PUBLIC HEARING DATE YOUR ACTION REPORT WILL NOT BE CONSIDERED.*

Whereas, the Town Board of the Town of \_\_\_\_\_, having considered said Ordinance Amendment, be it therefore resolved that said Ordinance Amendment is hereby (check one):

- APPROVED
- DENIED

PLANNING COMMISSION VOTE:      \_\_\_\_\_ In Favor      \_\_\_\_\_ Opposed

TOWN BOARD VOTE:      \_\_\_\_\_ In Favor      \_\_\_\_\_ Opposed

**COMMENTS:**

I, \_\_\_\_\_, as Town Clerk of the Town of \_\_\_\_\_ County of Dane, hereby certify that the above Ordinance Amendment was acted on in a lawful meeting of the Town Board on \_\_\_\_\_.

**DATE:** \_\_\_\_\_  
Town Clerk



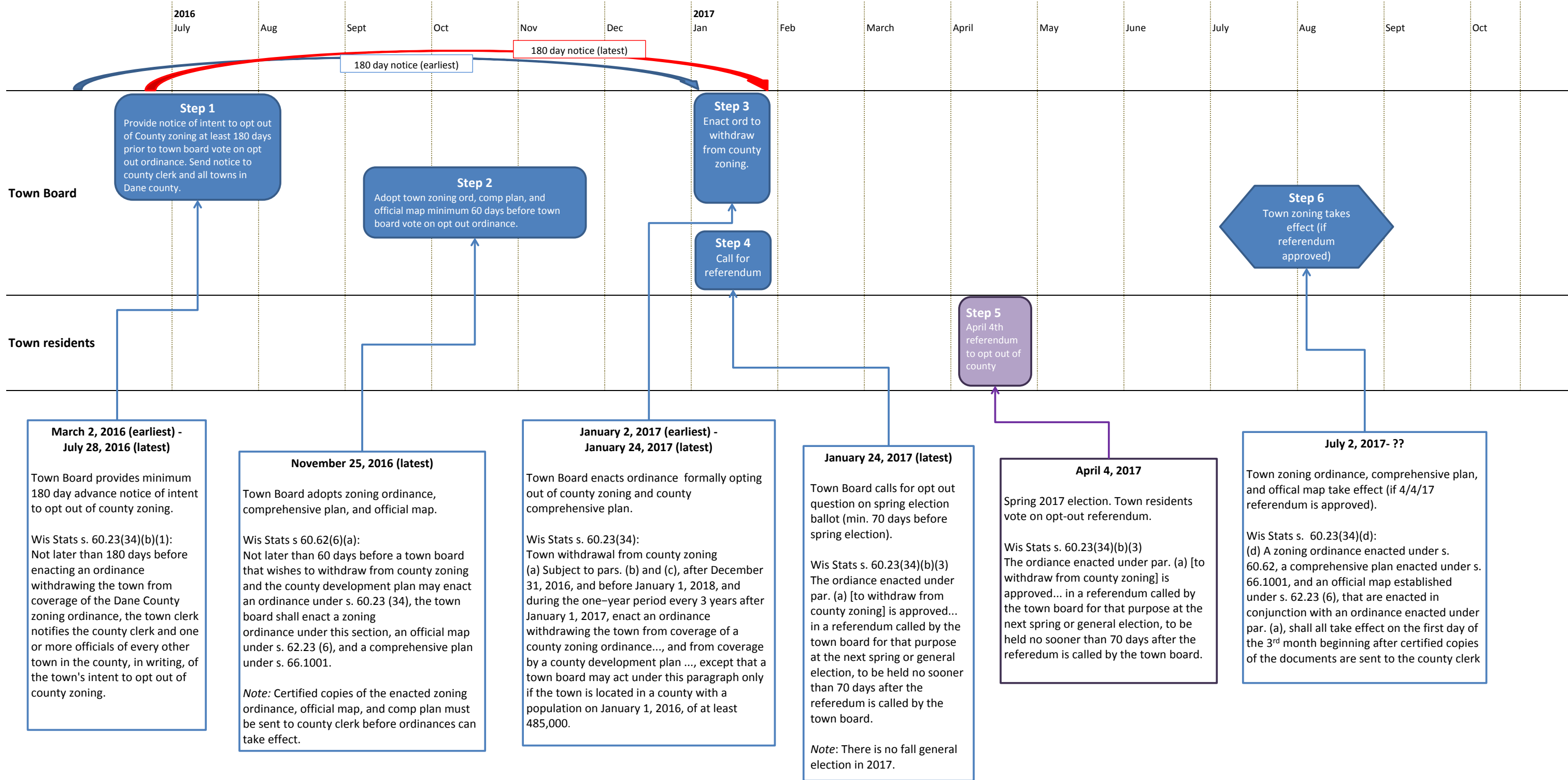


# County zoning withdrawal timeline with referendum on the April 4, 2017 election ballot

Example shows the schedule for earliest possible opt-out of county zoning (1/2/17) using referendum

The purpose of this diagram is to show the statutorily required process for a town to withdraw from Dane County zoning in 2017. The process involves the following sequence of events: 1) Town board provides 180-day advance notice of town's intent to withdraw from county zoning ; 2) Town board adopts a zoning ordinance, comprehensive plan, and official map; 3) Town board formally enacts ordinance opting out of county zoning; 4) The enacted opt-out ordinance is voted on at either the town annual meeting or in a referendum called by the town board for that purpose at the next spring or general election. This diagram shows the process utilizing a referendum on the April 4, 2017 ballot. Due to requirements associated with the referendum, the 180 day notice of intent would need to be provided as late as October 20, 2016.

This diagram does not include steps that a town would need to take to transition to its own planning, zoning, and land division administration and enforcement. At a minimum, this would entail budgeting and contracting for planning/zoning/land division administrative services ,establishing town procedures (forms, fees, schedules, records maintenance, enforcement, etc.), establishing a record of lawful land uses in existence at the time of transition, and coordinating procedures with Dane County for regulations the county will continue to administer (shoreland / floodplain / wetland zoning, erosion control / stormwater management, rural addressing, land/subdivision review in shoreland/floodplain areas, rural road naming, sanitary permitting, etc.).

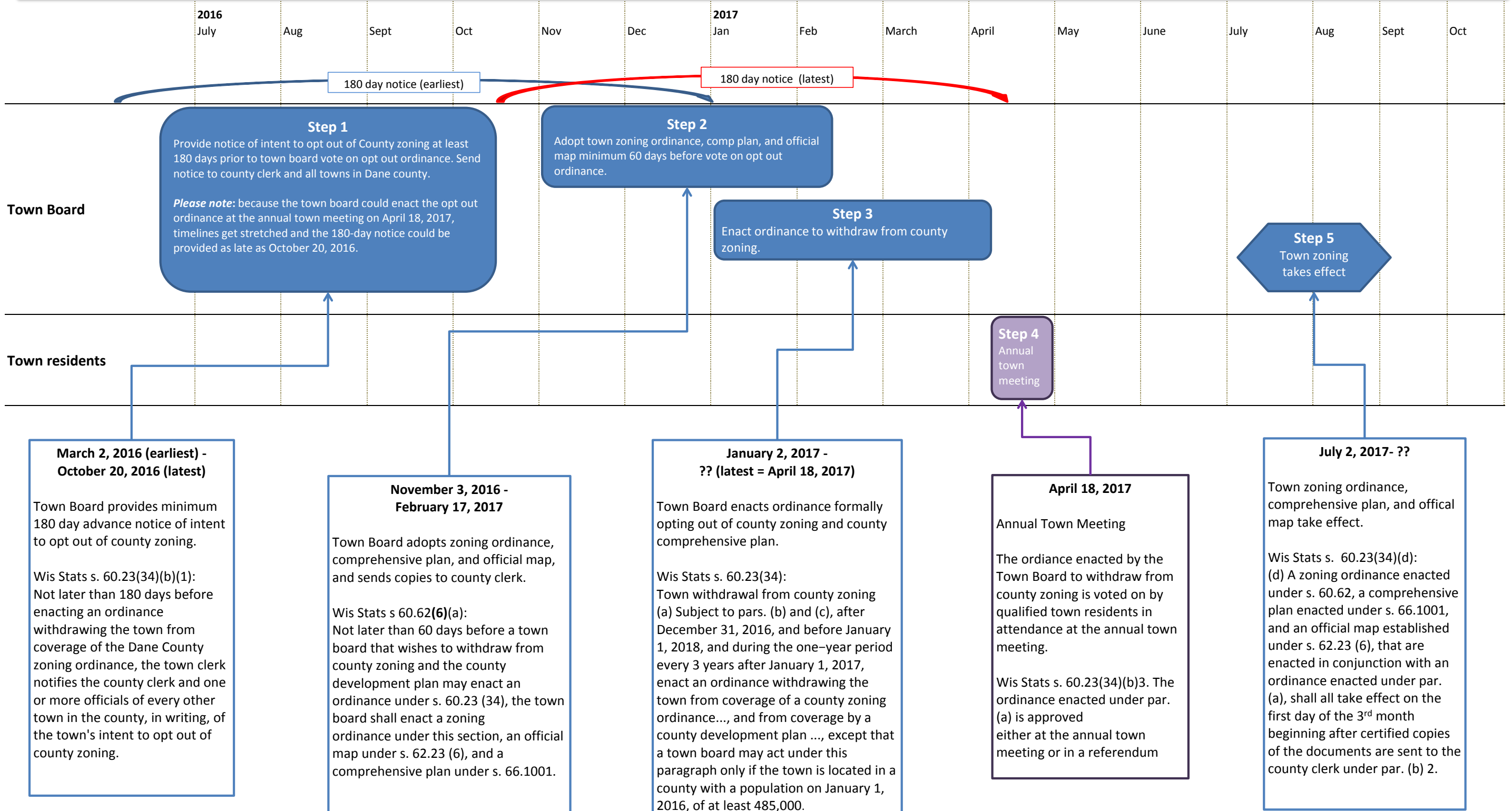


**County zoning withdrawal timeline, with vote at annual town meeting on April 18, 2017**

Example shows the schedule for the latest possible opt-out of county zoning in 2017

The purpose of this diagram is to show the statutorily required process for a town to withdraw from Dane County zoning in 2017. The process involves the following sequence of events: 1) Town board provides 180-day advance notice of town's intent to withdraw from county zoning ; 2) Town board adopts a zoning ordinance, comprehensive plan, and official map; 3) Town board formally enacts ordinance opting out of county zoning; 4) The enacted opt-out ordinance is voted on at either the town annual meeting or in a referendum called by the town board for that purpose at the next spring or general election. This diagram shows the process utilizing the town annual meeting. Because the town board could also vote on the opt out ordinance at the annual town meeting, applicable timelines get extended and the 180-day notice could be provided as late as October 20, 2016.

This diagram does not include steps that a town would need to take to transition to its own planning, zoning, and land division administration and enforcement. At a minimum, this would entail budgeting and contracting for planning/zoning/land division administrative services , establishing town procedures (forms, fees, schedules, records maintenance, enforcement,etc.), establishing a record of lawful land uses in existence at the time of transition, and coordinating procedures with Dane County for regulations the county will continue to administer (shoreland / floodplain / wetland zoning, erosion control / stormwater management, rural addressing, land/subdivision review in shoreland/floodplain areas, rural road naming, sanitary permitting, etc.).



**Town of Verona**  
**January 2023**  
**Questions for DC staff re Zoning**

**Concern #1: Dane County changes town conditions for conditional use permits.**

Example: For mineral extraction CUP #2567 in the Town of Verona, the town board approved the CUP with this condition:

Noise levels shall not exceed 70 decibels measured at the inside edge of the ROW line on the Phase II parcel.

The town board based this level on information provided by the applicant. The applicant agreed to this condition.

Dane County removed this condition and instead adopted this condition:

Noise levels from the processing site operations shall not exceed 75 decibels (dBA scale), as measured from the property line.

Question: Did Dane County rely on information in the application to set this level?

Question: CUP #2351 for a concrete batch plant operation in the Town of Springfield includes a condition for a 70 decibel limit. Is there a rationale for the different decibel levels?

Section 10.102(6) of the Zoning Code provides:

Town boards and the zoning committee may, as necessary, set decibel limits appropriate to the use and location as a condition on a Conditional Use Permit or on a conditional rezone petition.

This provision gives town boards and the zoning committee authority to set decibel limits. This wording does not provide for the town board's role to be simply advisory.

The prior version of the Zoning Ordinance said this about conditional permits:

If the town board approves the application subject to conditions and such conditions are amended or deleted by the zoning committee, the conditional use permit as approved by the zoning committee shall be submitted to the town board for approval of the zoning committee's conditions or denial of the permit. ...

This wording is not in the current version. Instead, the Zoning Ordinance now says:

In addition to the standard conditions listed above, the town board and zoning committee may, at their discretion, impose any other conditions as necessary to meet the standards for approval...

In addition, the Zoning Ordinance gives towns authority to grant, grant with conditions, or deny CUP applications:

The town board may, at a properly noticed public meeting, grant, grant with conditions or deny any application for conditional use.

This town board authority is not simply advisory. For conditional use permits, it appears that town board authority is co-equal with ZLR Committee authority.

Question: Is there a section in the Zoning Ordinance that allows Dane County to delete or modify a CUP condition imposed by a town?

**Concern #2 : Dane County changed the Zoning Ordinance boundaries on zones of contribution for municipal wells in a recent application to the Town of Verona.**

Example: Rezone petition #11824 in the Town of Verona was originally submitted as a rezone to the Rural Industry (RI) zoning district. The Zoning Code states:

The county board may not approve a petition to rezone to the RI or MI zoning districts on lands that are wholly or partially within the zone of contribution to a municipal well, as shown in the most current adopted version of the Dane County Water Quality Plan.

As confirmed by CARPC staff, the most current approved map did not show that the rezone area was in the zone of contribution for a municipal well. However, Dane County staff stated:

Given that the purpose of s. 10.280(2)(a) of the county zoning ordinance is directly tied to the protection of the public health, safety and welfare, I believe it is prudent to err on the side of caution. I think the most-inclusive map of the wellhead protection zone, that is supported by reasonable evidence, for City of Verona Municipal Well # 5 should be used in this case.

This staff view contradicts the plain language of the Zoning Ordinance and resulted in delays and additional work for the applicant. Of specific concern in this case is that this land could have been annexed into a neighboring municipality with much less time and work to achieve the same result. The Town tries very hard to keep parcels in the town and not have cumbersome processes.

Question: What authority does Dane County staff have to change zoning standards that have not been approved by the County Board and the towns that have chosen to participate in county zoning?

**Concern #3: Dane County makes administrative zoning changes that seem to contradict the Zoning Ordinance.**

Example: During discussions surrounding rezone petition #11654 in the Town of Verona, Dane County staff believed that a parcel had been illegally created. On their own initiative, Dane County staff changed the zoning of this parcel from a Rural Residential zoning district to the Utility, Transportation, and Right-of-Way (UTR) zoning district. The intent was to make the parcel ineligible for a zoning permit for construction of a residence. This zoning change was made without the consent of the landowner and without consideration by the town board or the ZLR Committee.

Question: What authority does Dane County staff have to administratively change zoning districts without consideration by towns and approval by the ZLR Committee?

Question: What procedures are followed to approve and document administrative zoning changes and to communicate these zoning changes to towns?

The staff report for this rezone petition states:

OBSERVATIONS: The existing 1.6-acre parcel was zoned UTR when new zoning maps were adopted for the Town of Verona, since the history of the parcel could not be verified at the time. Since then, it has been determined that the parcel was created prior to the adoption of the town plan, and so would have qualified for a building site under the old ordinance.

This statement is untrue. When new zoning maps were adopted the parcel was zoned RR-1. Based on emails, it is apparent that Dane County staff at the time knew the statement was untrue.

Question: Why was incorrect information reported to the ZLR Committee?

**Concern #4: Dane County arbitrarily imposes conditions on rezones.**

Example: In 2021, petition #11634 rezoned a parcel from Limited Commercial (LC) to General Commercial (GC). Similarly, in 2022, petition #11908 rezoned a parcel from LC to GC. Both parcels are in the Town of Verona and adjacent to residential parcels in the City of Verona. For the 2022 rezone, Dane County imposed a deed restriction requiring that any dumpster be screened from view of the public and surrounding residences. None of the neighboring residents requested this restriction. Such a deed restriction was not required for the 2021 rezone.

Question: This Dane County deed restriction seems arbitrary. What are the differences between the 2021 and 2022 rezone petitions that caused Dane County to impose this deed restriction?

Question: Why did Dane County not consult with the town board prior to imposing this condition? This was not a condition applied by the Town Board when they approved the application. Further, this condition was requested by the City of Verona who has no authority in this matter. The dumpster in question has been located in its existing place for several years with no complaints regarding visibility. Using the justification that the applicant was asked by the ZLR committee if it would be a hardship to screen the dumpster and they responded "no" was provided. Why would an applicant respond honestly if the impetus is that not agreeing to a condition could jeopardize approval of the application?

**Concern: Dane County is inconsistent in enforcement of the Zoning Code prohibition on junk.**

Example: In December 2020, a junk violation complaint was made to Dane County about a property in the Town of Verona.

The parcel is zoned Single Family Residential and is adjacent to a parcel that is zoned Single Family Residential. The complaint noted possible violations of these sections of the Zoning Code:

1. All properties shall be maintained to be free of accumulated junk or refuse. DCCO s. 10.102(4).
  - *Junk*. Garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, paper, rags, cans or bottles. DCCO s. 10.004(81).
  - Junk, as defined in this chapter, may be stored on any premises used chiefly for residential purposes, provided that it is stored solely for eventual use on the premises, and that all such junk is at all times stored in an enclosed building thereby securing it from public view. DCCO s. 10.103(17)(a)2.
2. Outdoor storage is not a permitted or conditional use in the SFR-08 zoning district. DCCO s. 10.251.
3. Accessory uses must be incidental to and customarily associated with the residential use. DCCO s. 10.004(8).
4. In the Residential, Rural Residential, Recreational, Farmland Preservation-Business, Hamlet Mixed-Use and General Commercial districts, only motor vehicles that are accessory to a permitted and principal use on any lot may be stored or parked. DCCO s. 10.102(8)(g)2.

In January 2021, Dane County zoning staff responded that no action would be taken related to this parcel because the junk “does not rise to a level of a violation.”

Question: What criteria has Dane County established to determine when accumulated junk rises to the level of a violation?

Question: Referencing the deed restriction (discussed above) to keep dumpsters out of view, the visual impact of a dumpster is far less than the visual impact of the junk and trash as shown. Is there inconsistency between Dane County's active approach to the visual impact of one dumpster versus Dane County's decision not to act on a level of junk that has significantly greater visual impact?

In 2022, as part of the review of rezone petition 11831 in the Town of Dunn, staff identified junk on the property including "at least three motor vehicles with grass growing around them, two boats on trailers, several jugs with what appears to be used motor oil, two lawn mowers, and other debris." During ZLR Committee discussion, Zoning Administrator Roger Lane said that this junk would warrant enforcement if this were not required to be cleaned up as a condition of rezoning. As described, the amount of junk on the property in the Town of Dunn was less than the amount of junk on the property in the Town of Verona.

Question: Is the Zoning Ordinance enforced consistently? How is this evaluated?

Question: What procedures are followed to ensure that Dane County take complaints seriously?



# TOWN CONSIDERATIONS FOR STAYING IN OR OPTING OUT OF DANE COUNTY ZONING



Dane County Planning and Development Department, 210 Martin Luther King Blvd  
City County Building, Room #110, Madison, WI 53703  
[www.countyofdane.com/plandev](http://www.countyofdane.com/plandev)

## Background and Purpose

The state legislation allowing Dane County towns – and *only* Dane County towns – to opt out of county zoning (Act 178), was recently passed by the legislature and signed into law by Governor Walker on February 29, 2016.

Towns will now have the ability to opt out of county zoning beginning in 2017, and again in future 3 year intervals (e.g., 2020, 2023, 2026, etc.).

Planning and Development staff have followed this legislation closely over the past several months and have identified numerous unresolved issues as to how the law will affect the future of land use planning and regulation in Dane County.

The department believes the existing county zoning framework works well for both towns and the county. Judging from our discussions with town leaders, and the fact that 10 towns actively opposed the opt-out legislation, it is clear that many towns feel the same way.

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The purpose of this bulletin is to provide some background information and a list of key questions and considerations for Towns regarding whether or not to opt out of county zoning.

Planning and Development staff is available to meet with communities should they like to explore this issue in more detail. Please call 267-2536, or send an email to [allan@countyofdane.com](mailto:allan@countyofdane.com) to arrange a meeting.

### A sampling of unresolved issues and questions with town opt-out legislation

- How will towns pay for the cost of planning, zoning, and land division administration?
- Will town property tax payers see an increase in taxes?
- Will applicants for zoning permits pay higher fees?
- Can a private sector consultant provide direct customer service on a daily basis, or are services going to be compromised?
- What impact will opting out have on relationships with neighboring towns, cities, and villages?
- What impact will towns opting out have on the county's ability to provide planning and zoning services to towns that remain with county zoning?

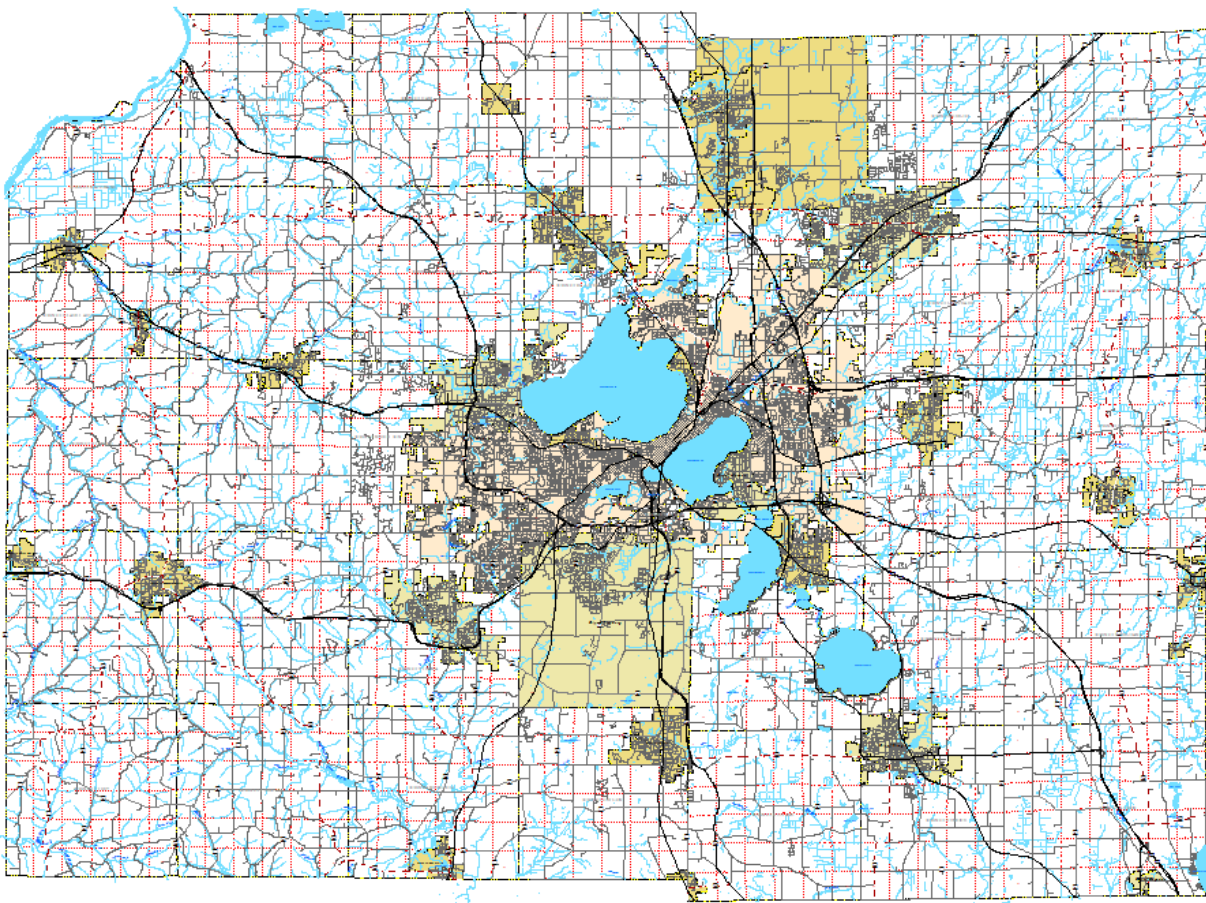
## Considerations

The following observations illustrate the Planning and Development Department's position on the opt-out legislation and the value of the existing county planning and zoning framework.

The county has long assisted towns in facilitating responsible rural growth while preserving farmland and the rural character town residents cherish. Because of the economy of scale at which it operates, the county is able to provide a wide range of products and services to towns in an efficient, cost effective, and responsive manner.

Towns that choose to opt out will need to replicate many of those products and services at considerable cost. County staff are responsive to the needs of the towns, as evidenced by the many longstanding relationships we've developed with town officials and residents.

Dane County communities face many future challenges, both individually and collectively. These challenges will require a regional perspective, and that we work together in cooperation if we are to protect the wonderful quality of life we now enjoy.



## Taking Stock of the Town/County Land Use Partnership

Supporters of the opt-out legislation claim that the county opposes rural growth and is preventing towns from growing their tax base through development.

If this were true, one would expect to discover a high rate of zoning petitions and land divisions being denied by the county. However, fewer than 1 percent of zoning petitions – less than 1 out of every 100 – have been denied by the county over the past 6 years.

Over that same time period, 680 Certified Surveys and 18 subdivision plats consisting of 2,056 lots were approved in towns, with an average of 219 permits / year issued for new single family home construction.

Ultimately, it is the adopted land use policies contained in town comprehensive plans govern the amount, type, and location of potential future development.

In addition to referring to town plans for detailed land use policies, the county comprehensive plan explicitly acknowledges that higher density development is perfectly appropriate where towns plan for it (see *Regional Planning Framework, Policies & Programs*, pages 82-83, Dane County Comprehensive Plan).

The towns of Albion, Bristol, Middleton, Springfield, Roxbury, Verona, and Vienna (and others) all identify residential development areas in their plans where higher density development

Fewer than 1 percent of zoning petitions – less than 1 out of every 100 – have been denied by the county over the past 6 years

is allowed. Residential and commercial subdivisions have been approved in the towns that plan for it with little opposition or interference by the county.

At the same time, 28 of the county's 33 towns participate in the state farmland preservation program. The majority of towns place a high value on limiting growth to a very low density in agricultural areas, and directing higher density development to defined areas (if at all), and this is reflected in the policies of the adopted plans.

Towns have the freedom to plan for their communities as they see fit. Under the existing system, towns also have the backing of county staff across multiple departments to assist them in developing, administering and implementing those plans. Towns that opt out of county zoning will have to contract for those services in the private sector at considerable expense.

## Land Use Coordination is at Risk

There are numerous laws and permitting processes related to zoning under the purview of other county and state agencies that are coordinated through the Dane County Planning and Development Department. Detaching county zoning administration from these processes will result in less coordinated, more confusing, and inefficient processes for the public.

Examples of such laws and processes include, but are not limited to: sanitary permits; shoreland/floodplain/wetland regulation and permits; non-metallic mine reclamation; Wisconsin Farmland Preservation Tax Credit Program requirements; land division/subdivision review; and countywide rural address assignments.

How will development in opt-out towns be coordinated with applicable county regulations?

The opt-out legislation has the potential to create numerous rippling and unforeseen complications and inefficiencies in numerous development review processes for all stakeholders, but particularly for farmers and rural property owners and their agents. All of these functions and processes have been integrated and coordinated for decades at the county level.

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## Dane County's Economy of Scale

In addition to being efficient, coordination of land use processes at the county level is also cost effective. The county has the resources and staff to administer, implement, and enforce multiple land use regulations for all towns in the county, creating an economy of scale.

Towns that choose to opt out of county zoning may not be prepared for the full financial impact of such a decision, and property owners could face a decrease in services and increase in fees for rural development review under a town-only system.

The legal costs of prosecuting or defending just one significant zoning enforcement action are substantial.

Costs of many general services including zoning or planning advice over the phone or in-person, attendance at town meetings, mapping assistance, etc., are not currently charged to the towns or to individual property owners. County staff provide thousands of hours per year for these types of

services, every hour of which would be charged at a premium if sought in the private sector.

Consistent and timely zoning enforcement is a fundamental service that town officials and residents depend upon to protect property values and community character.

Yet the cost of Dane County zoning enforcement is almost wholly uncompensated: The county responds to over 600 zoning violations in any given year, all of which are addressed in some fashion, and virtually none of which result in any offsetting revenues to recoup the costs of this work.

With the resources and staff necessary to provide a wide range of services, the current framework is the most cost-effective system for the towns, Dane County, and the taxpayers.

Economy of scale: Any saving in costs that results from an increase in the scale of an operation.

## County Land Use Services: More than Meets the Eye

Below is a sampling of the wide array of services Dane County staff provide to towns. While many of these services are available to towns from private sector providers, existing county services come at little or no cost to the towns or town residents. With the county serving all 33 towns, those services are delivered in a far more effective and efficient manner than may be provided by private sector firms due to the shared economy of scale that currently exists.

In addition, the county's career civil servants have developed personal relationships with town officials and residents over many years, along with the "institutional memory" that has proven very useful in anticipating and resolving issues that arise.



### County Land Use Services Include...

#### **Zoning & Land Division:**

- enforces county regulations and applicable provisions of State Statutes and Administrative Code;
- provides accurate and consistent zoning information to the public;
- eliminates unnecessary litigation through early identification of potential zoning violations;
- inspects and monitors properties for compliance with ordinances, and conducts enforcement actions;
- provides information to citizens, attorneys, surveyors, and public officials on land use regulations;
- investigates complaints, processes and reviews zoning map and text amendments;
- staffs Board of Adjustment for variances and appeals of zoning code interpretation;
- maintains official zoning maps, permitting systems, and historical records;
- collaborates with owners, agents, and elected officials to address issues with development proposals;
- attends town meetings as needed to discuss pending zoning actions;
- issues rural addresses, determinations of nonconforming structures/uses, waterway navigability;
- reviews Certified Survey Maps and plats for technical accuracy, code compliance, and design standards;
- conducts detailed title research to determine legal status of historic parcels

#### **Planning:**

- conducts research, administers planning programs, and provides planning assistance to towns, county decision-makers, other departments, and the general public;
- prepares, administers, and implements comprehensive plans;
- reviews development proposals for consistency with town and other applicable plans and ordinances;
- prepares density study reports to assess development potential, consistent with town plans;
- ensures Farmland Preservation, Shoreland, Wetland and Floodplain ordinances meet current federal and state standards, and maintaining eligibility for tax credits, flood insurance and other programs/benefits
- drafts and distributes informational products explaining various land regulations and processes
- responds to property owner/realtor/developer/town official questions before, during, and after development proposals are submitted;
- prepares resolutions, ordinance amendments, and other legal documentation (e.g., deed restrictions);
- provides mapping and GIS services and analyses to town government at little or no cost;
- coordinates with other units of government on a wide array of issues (shared services, cooperative planning / boundary agreements, extra-territorial plat review, shoreland zoning, erosion control / stormwater permitting, highway access permitting, private on-site wastewater treatment permitting, etc.)

## Weighing the Costs of Opting Out of County Zoning

The county budgets approximately \$1.2 million dollars annually for the majority of current planning and zoning administrative services listed on the previous page. All Dane County municipalities, including cities and villages, currently share in the cost of providing county land use services. The county tax levy is roughly supported 80 percent by the cities and villages, and 20 percent by the towns, yet towns are receiving almost all of the direct benefits from county planning and zoning services.

Just one controversial quarry, communication tower, development proposal, or zoning violation can take hundreds of hours of staff time across multiple departments over a period of months, and 10s of thousands of dollars in costs to resolve.

Towns that choose to opt out of county zoning will be solely responsible for the cost of providing most of those services through permit fees and tax revenue.



This includes legal staff in the Corporation Counsel's office, Information Management staff that maintain the county website and geographic data, capital costs to cover licenses for various software products, hardware, fuel & maintenance costs of vehicles, as well as other overhead costs.

It's important to note that there are other costs involved with zoning administration not reflected in the department's budget, such as personnel and capital costs from other departments involved.

The current system ensures that those costs are shared broadly by county taxpayers in the form of professional staff that provide a wide array of services for the salaries they receive.

### Every year, county staff...

Field thousands of inquiries regarding land use requirements

5000+  
Inquiries

Process approximately 1000 zoning permits

1000+  
Permits

Investigate over 600 potential zoning violations

600+  
Complaints

Review and report on hundreds of land use proposals

 200 Density/parcel rpts	 160 Zoning petitions	 150 Land divisions
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## County Zoning – Next Steps

Numerous updates to the county ordinance have been made over the years, including many updates prioritized by the towns through the Chapter 10 Task Force.

From a small lot exclusive agriculture zoning category (A-4), to development of a Planned Unit Development District, to granting towns disapproval authority over Conditional Use Permits, the process resulted in over a dozen significant changes to the code.



More recently, the county board responded to concerns about rural representation on the zoning committee by amending its rules to require that a majority of the 5 member committee represent rural areas under county zoning.

Dane county will be undertaking a comprehensive revision of the zoning code over the next 18 months.

Perhaps even more significantly, the April 2014 elections saw a complete change in the county board leadership. Over the past two years there have been very few substantive issues raised at the county level with land use proposals approved by the towns.

By now you are likely aware that the county will be undertaking a comprehensive revision of the zoning code over the next 18 months.

The rewrite will be overseen by a subcommittee including representatives from towns and other stakeholder groups, with a goal to accomplish the rewrite by September of 2017. The process will be fair and open, with numerous and varied opportunities for town input.

## The Value of a Regional View

Watersheds, forests, prairies, roads, school, fire, and EMS districts... these natural and man-made features and systems require a regional perspective to match their regional boundaries.

Dane County covers 1,200 square miles and contains 61 units of local government. A single town is typically 36 square miles. Countywide planning and zoning promotes continuity in the land use pattern across a larger land area and enables a concerted response to matters that transcend town jurisdictional boundaries.

It also fosters predictability for property owners, developers, and the public in terms of process, timing, cost, outcome, policy development, decision making, etc. Creating an environment where land use decisions can be made completely in isolation, wholly separate from the larger county context, is unreasoned and shortsighted.



What impact will opting out have on relationships with neighboring towns, cities, and villages and how our county grows as a region?

## Impact on Intergovernmental Relations

In various forms, DCTA has argued that the opt out legislation is about town "survival." They believe that the bill will provide towns the ability to offer expanded development opportunities to property owners who may otherwise annex into a city or village.

However, it's important to note that the opt out legislation made no changes to the authority of cities and villages to engage in extraterritorial plat review and/or zoning. In addition, most of the urbanizing towns have already entered into cooperative planning or extra-territorial zoning agreements with their neighboring cities and villages.

Will cities and villages now be more inclined to use their annexation and extraterritorial authorities, unaffected by the new legislation, to protect their peripheral interests?

Given the opposition expressed by the Dane County Cities & Villages Association, the proposed legislation represents a course of action that is more likely to exacerbate existing tensions between towns and cities and villages, and may very well spur more annexation activity by cities and villages as they seek to secure their peripheral interests.



## Shared Services/Shared Solutions

Towns and counties have a lot in common and there are many benefits to shared involvement and authority over a variety of issues, including zoning and land use.

There is good reason that state law provides for county zoning: as noted above, there is an economy of scale and cost efficiency created by the organization and delivery of certain public goods and services at the county level.



Law enforcement, emergency management, public safety communications, highway and transportation network, parks system, human services, land and water conservation and management, etc. are just a few examples.

Undoubtedly these public goods and services could be provided individually by each town, city, and village. But, it doesn't always make sense to do so.

The current town/county planning and zoning framework works well. If there is a major problem with the statutory framework that's been in place for decades, then a statewide solution should have been openly discussed rather than singling out one county.



## Working Together Works Better

The current zoning framework requires both the towns and county to make land use decisions jointly. Land use decisions can have far reaching consequences on the landscape and the character of our communities. Mutual respect, understanding, and cooperation are needed now more than ever if we are to protect and enhance the things that make our communities wonderful places to live, work, and raise families.

Just as the whole is greater than the sum of its parts, there is value added by involvement of both towns and Dane County as partners in the planning and zoning process as it exists now.

There are inherent 'checks and balances' built into a joint town-county planning and zoning framework that lessen the potential for abuses of power at any single level of government. The process outcome is better by both jurisdictions being involved, often prompting compromises that better serve the public good.

If and when there are instances of disagreement between town and county officials, the solution is not to revise the statutes in a way that benefits one unit of government over another. The solution is to work cooperatively for a resolution that respects the rights and interests of each.



# TOWN OF VERONA

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**TO:** Town Chair and Board of Supervisors

**DATE:** January 31, 2023

**FROM:** W. Christopher Barnes, Public Works Director

**SUBJECT:** Brush Collection Program - Update

One of the Town Board of Supervisors' goals for 2021 was to review the Town brush and yard waste collection policy. At that time, the only way for Town residents to dispose of their yard waste and brush was through their own means. The Public Works Department picks up and disposes brush generated by a tree or limb downfall in the public right-of-way. There are several options available to residents to dispose of woody brush and debris with chipping, burning, and composting being the chief methods. As of 2023, Dane County Landfill will accept clean brush for a cost between \$13.50 and \$54.00 depending on load size.

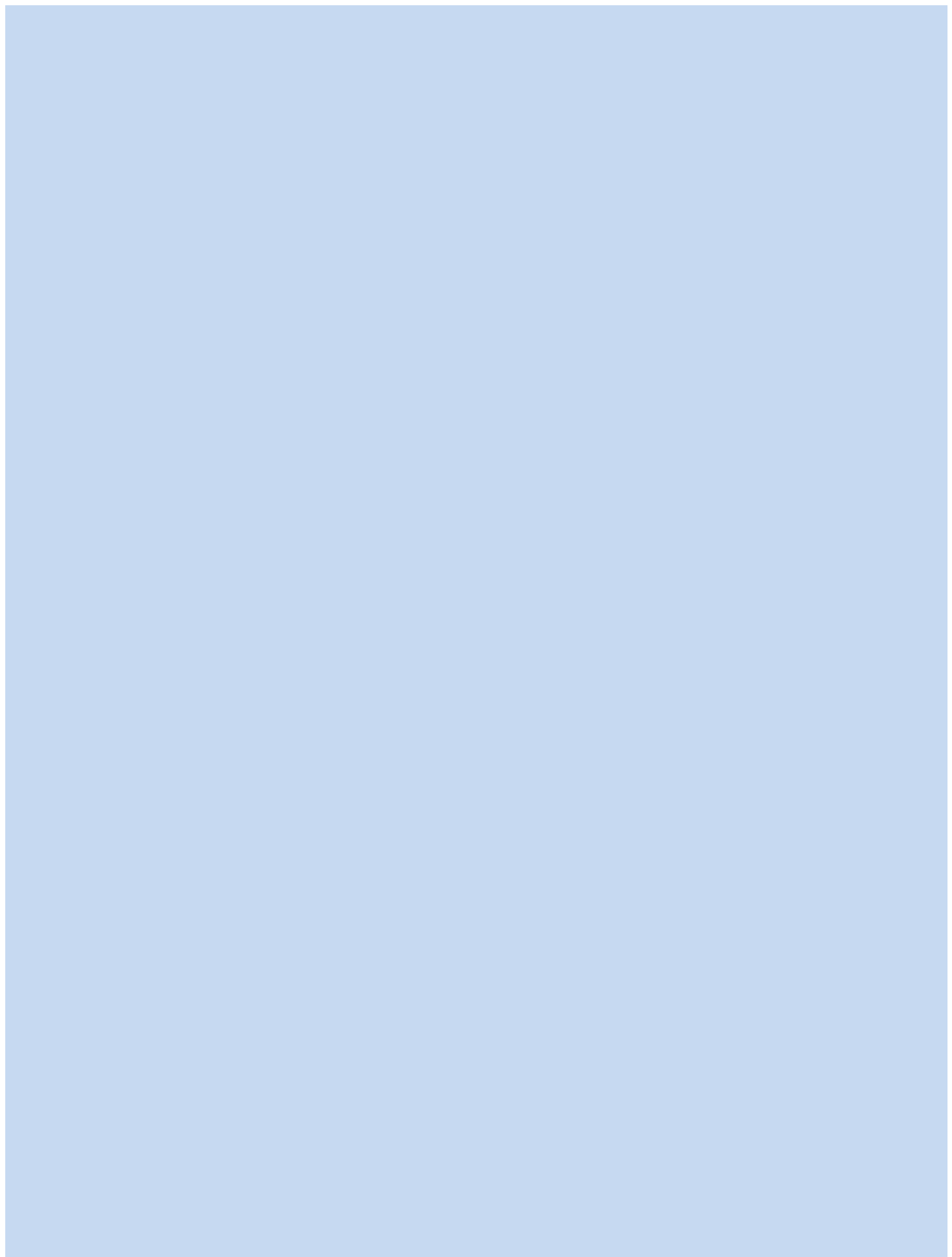
In April of 2022, Town staff initiated a postcard survey to gauge interest in a program and to gather relative geographical locations of the respondents. A total of 856 survey postcards were sent out, and 423 were returned for a response rate of 49.4%. Responding to a question regarding a Town drop-off site, 52.5% were in favor of a drop-off site at the Town facilities for a fee, and 44.7% were not in favor of any service for an additional fee.

Based on the survey results, the Town established a one-year pilot program for brush drop-off at the Town Garage site. A cost of \$25.00 per load was established based upon the labor rate for an attendee and the disposal costs quoted by Barnes Landscaping. A voucher payment system was developed for residents to pay for disposal, and the program was offered on alternating Saturdays as well as on Wednesdays, September 10, 2022 through January 11, 2023. The pilot program was suspended over the winter months. To date, one town resident has taken advantage of the program. No residents chose to drop off Christmas trees.

The Public Works Committee reviewed the program at their January 2023 meeting. Following the committee's review and discussion, the consensus was the program's unfavorable cost/benefit ratio warranted canceling the pilot program after the spring 2023 reopening. There was some discussion regarding that the Town could open the site to residents to drop off brush after recognized major storm events. The drop off would still be a fee based drop off.

Should you have any questions, please let me know.

cc: Sarah Gaskell, Town Planner and Administrator



# TOWN OF VERONA

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**TO:** Town Board of Supervisors

**FROM:** Sarah Gaskell, Planner/Administrator

**SUBJECT:** Administrator Report for February 2023

## **Upcoming Meetings**

- Financial Sustainability Committee – January 16<sup>th</sup> 2:30pm
- Plan Commission – January 16<sup>th</sup>, 6:30pm Town Hall
- Public Works – January 21<sup>st</sup>, 7:00am Town Hall
- NRAC – January 21<sup>st</sup>, 6:30pm Town Hall

## **General**

- Audit underway – Auditors on site January 31<sup>st</sup>

## **Work Plan**

- 2022 Budget Amendments if needed
- Western Dane County Joint Municipal Court set up
- Trash and Recycling Contract
- Open Space and Parks Plan 2024 – 2029
- Vault reorganization
- Communications Plan
- Succession Plan
- Emergency Plan
- Impact Fee Analysis

# TOWN OF VERONA

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**TO:** Town Board of Supervisors  
Public Works Committee

**DATE:** February 1, 2023

**FROM:** W. Christopher Barnes, Public Works Director

**SUBJECT:** Monthly Report – January 2023

The monthly Public Works Department Activity report is submitted for the information and review of the Board and the Committee. December was an active month with the beginning of the seasonal winter operations, tree clearing and equipment maintenance. Numerous citizen and resident concerns and action requests were received and addressed on a daily basis. If you should have any questions, please let me know.

## **Road Maintenance Activities**

- 9 snow events and multiple wind drifting call outs.
- Performed tree removal on Range Trail (large dead oak)

## **Equipment and Facility Activities**

- Cancelled brush drop off event on January 11th.
- MG&E installed gas service for conversion from propane to natural gas for the facility. Dave Jones is waiting on final gas conversion equipment for installation and change over.
- Replaced front tire on the Case tractor
- Made miscellaneous plow and diesel effluent fluid system repairs

## **Sanitary Sewer Utility Activities**

- Reviewed 65% complete plans with Madison Metro Sewerage District (MMSD) staff about the upcoming Badger Mill Pump Station 17 Force Main relief project.
- Participating in data collection of the Badger Mill flow study.

## • **Engineering Activities**

- Continued working with the City of Fitchburg on the successful WISDOT grant application for Fitchrona Road reconstruction Nesbitt to Lacy. City of Fitchburg

executed a State/Municipal Agreement for a total grant amount of \$2,886,086. Construction is likely 2025.

- Completed route survey and quantity calculations for the 2023 Road Projects. MSA is completing plans and bidding documents.
- IMEG Corp has been selected by WSDOT to perform the construction engineering for the Valley Road bridge. The town will have a 20% share of the construction engineering cost with half of that amount reimbursed by Dane County. The overall project cost is currently on budget. Construction to start in Spring 2023.
- Reviewed the current County Highway PD expansion plans.

c: Sarah Gaskell, Town Planner/Administrator  
Mark Judd, Road Patrolman

# TOWN OF VERONA

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**TO:** Town Board of Supervisors

**FROM:** Teresa Withee, Clerk/Treasurer

**SUBJECT:** January 2023 Clerk/Treasurer Report

## Clerk

- Attended January town board meeting and recorded minutes
- Received, recorded and verified all election paperwork for three town board candidates for the spring election
- Updated election page on website
- Submitted DHS Tobacco License Report

## Treasurer

- Reviewed invoices and prepared checks.
- In the process of training and implementing a new accounting software program
- Completed and returned an audit request for deposit scanning for Capitol Bank
- January settlements were made to Dane County, Verona Area School and MATC for a total of \$2,229,542
- Collected \$2,129,840 through January 25, 2022 in property tax payments, the second settlement is due February 20<sup>th</sup>
- Received payment from DNR for PILT and distributed to MATC, Verona Schools and Dane County.
- Audit prep work and Audit Fieldwork completed by Johnson Block
- Completed the Quarterly Survey of Property Tax Collections and submitted to the US Census Bureau





This is the resolution from an MMSD meeting in 1993 that approved the return of the wastewater effluent to the Badge Mill Creek originally.

12. The Chief Engineer and Director presented a draft position statement for the Dane County Regional Planning Commission Hearing on changes to the Dane County Water Quality Plan regarding the City of Verona.

After discussion, it was moved by Commissioner Schten and seconded by Commissioner Lautz that the following resolution be adopted:

WHEREAS, the Facilities Plan for the City of Verona recommends the abandonment of the City of Verona Treatment Facilities and subsequent pumping of wastewater to the Nine Springs Wastewater Treatment Plant for treatment, and

WHEREAS, pumping wastewater from the City of Verona to the Nine Springs Wastewater Treatment Plant would divert treated water from the Sugar River Basin to the Yahara River basin, and

WHEREAS, the Madison Metropolitan Sewerage District has a concern that permanent diversion of water or wastewater from one basin to another can present short and long term water quality and fisheries impacts,

THEREFORE, BE IT RESOLVED, that the Dane County Regional Planning Commission recognize in any changes to the Dane County Water Quality Plan that permanent interbasin water or wastewater transfer is inherently detrimental to maintaining long-term water quality goals, and

BE IT RESOLVED, that any diversion of wastewater to the Nine Springs Wastewater Treatment Plant be considered temporary in nature, and

BE IT RESOLVED, that the Dane County Water Quality Plan direct that effluent should supplement water flows in the Sugar River basin at a future date either through diversion of Nine Springs Wastewater Treatment Plant effluent back to the basin or through the construction of a regional wastewater treatment plant in the Sugar River basin.

The motion was carried.

Ayes: Commissioners Hovel, Lautz, Polkowski, and Schten.  
Nays: None.

DRAFT DRAFT DRAFT DRAFT

Dane County Executive Joe Parisi

Michael Mucha, Chief Engineer  
Madison Metropolitan Sewerage District

(we might also address this to MMSD Commissioners)

The Madison Metropolitan Sewerage District (MMSD) is seriously considering stopping the discharge of highly treated and aerated effluent to Badger Mill Creek to comply with its regulatory requirement to reduce the amount of phosphorus released to the creek. Such an action will, we believe, harm the creek now and much more as the effects of climate change intensify. MMSD has at least two viable alternatives to the drastic action of reducing the flow of Badger Mill Creek, adaptive management or filtration of the Badger Mill effluent. We respectfully ask that MMSD adopt one of those alternatives and that the County support MMSD in that decision.

## BACKGROUND

1. **BADGER MILL CREEK.** Badger Mill Creek is a productive trout stream with a robust population of wild brown trout, many other native fish, and a healthy diversity of aquatic invertebrates. It is also a key tributary of the Sugar River, another important trout stream. For a current and scientific assessment of Badger Mill Creek and the Sugar River as trout streams, please use this link to the DNR's just released comprehensive assessment of those streams.

Besides that scientific evidence, local anglers fish Badger Mill frequently and catch a lot of trout there. In light of its productivity as a trout stream and its location in one of the fastest growing urban areas of Dane County, the County, local governments, and conservation organizations have spent considerable resources in protecting the stream and creating better access for the public. In the last three years, Dane County has spent at least \$3.3 million in land acquisition and stream restoration. Last year, the City of Verona completed another restoration at a cost of \$100,000. Over a span of 30 years, the Southern Chapter of Trout Unlimited (SWTU) has donated funds to those projects and volunteered hundreds of hours of labor to stabilize stream banks and improve access.

One reason Badger Mill is a productive trout stream is that it is a spring and groundwater fed stream. The role of groundwater is vital to Badger Mill Creek. It filters through the gravel that forms much of Badger Mill's stream bed and provides excellent spawning conditions for the stream's brown trout.

2. THE EFFLUENT. When MMSD began treating Verona's wastewater, it addressed an important environmental issue. All of Verona's wastewater originates as groundwater. MMSD's treatment of the Verona wastewater at the Nine Springs Plant. If the treated effluent is discharged to Badfish Creek with the rest of MMSD's treated wastewater, millions of gallons of water is annually diverted from the Sugar River watershed to the Yahara River watershed.

After considerable study and discussion, MMSD decided to return the Verona portion of its wastewater to the Sugar River water in the form of highly treated and aerated effluent to Badger Mill Creek near the headwaters of the main stem of the creek. While the treated wastewater does not have all the qualities of groundwater, it is a healthy source of water that sustains the flow of the stream. It buffers Badger Mill against the lowered groundwater levels that occur as Verona and the surrounding urban area grow and the wells that serve that area pump more. The MMSD decision meant that the returned effluent has positive and public environmental and conservation effects for the Verona area.

The reason for MMSD's return of water to the Sugar River watershed via Badger Mill still holds and has been strengthened by the growth, current and projected, of Verona. MMSD has not offered any reason why that fundamental decision should be reversed.

## THE CURRENT SITUATION AND MMSD'S DECISION

### 1. THE FUTURE OF BADGER MILL AND THE SUGAR RIVER

As noted, currently Badger Mill and the Sugar River are healthy and productive. In addition to the County's projects on Badger Mill, the County has spent several million more on land and public access easements and stream restorations on the Sugar as far downstream as Basco. Joining those efforts with funds and volunteer hours are local conservation organizations such as the Upper Sugar River Watershed Association (USRWA), SWTU, and the Dane County Conservation League. The creek continues to find new advocates, the latest being the Friends of Badger Mill Creek (FBMC). However, DNR climate change modeling shows that the Sugar River and Badger Mill Creek are the Dane County trout streams most vulnerable to climate change. Vulnerable meaning they would cease to be trout streams.

The MMSD discharge to Badger Mill now helps maintain the health of the stream. As far as we know MMSD has not determined how much the discharge contributes to the stream on a monthly or weekly basis with consideration to changes in precipitation or water usage. However, it appears that the discharge is about 20% of average flow. That amount sustains a variety of habitat for trout in all their life stages and other forms of aquatic life. That discharge will be extraordinarily helpful or necessary to the health of the stream as a reliable source of water during the heat waves and droughts that result from the changed

climate. Badger Mill's more stable condition will, in turn, sustain the Sugar River. Please note that the climate model does not describe those heat waves or droughts as merely possible or probable.

They will occur.

At the in-person MMSD public meeting (11/30), Martin Griffin, MMSD's Director of Ecosystem Services, made and repeated the absolute promise that MMSD would not harm Badger Mill Creek in addressing its phosphorus issues. Respectfully submitted, MMSD cannot keep this public promise if it stops the discharge to the creek.

## 2. MMSD OPTIONS

We accept that some of MMSD's alternatives to deal with phosphorus are probably impractical or too expensive. With Verona and southwest Madison's current and planned development trading is probably not an option.

Shutting off the effluent is easy, fast, and saves money and energy. As noted, though, that option hurts the creek.

Based on our understanding of MMSD's discussions with the DNR, we believe MMSD has two viable options that address the phosphorus requirement and protect the creek.

The first is a treatment/filtration option that would remove phosphorus from the Badger Mill discharge at an initial cost of about \$7 million. While that amount is significant, MMSD funds many capital projects over that amount every year. As a capital project, the costs would be spread over many years and minimize impacts to ratepayers.

The second is adaptive management focused on the Badger Mill and upper Sugar River watersheds. This option would have many and extremely worthwhile results, the most obvious being Badger Mill continuing to receive the effluent. Perhaps as or more important over time, the measures MMSD and partners would take to reduce phosphorus-laden run-off to the creek would also mitigate the effects of climate change on the creek and river. For example, conversion of fields from row crops to prairie or grasslands or the use of cover crops would increase infiltration and protect or enhance the base flow of both streams.

Adaptive Management (AM) is difficult and has a long time line. It requires MMSD to have partners as it does in the Yahara Lakes watershed. Dane County has been a good partner in that project. We believe and expect it can play that role in the Badger Mill and upper Sugar watersheds in light of its investments in both watersheds, the conservation history of the upper Sugar (the Aldo Leopold Riley Game Cooperative project), and the changing nature of the landscape and agriculture in that area. Local governments, such as the City of Verona and Towns of Verona and Montros, are extremely concerned over the reduction of Badger

Mill's flow and will welcome a positive alternative. USRWA, SWTU, FBMC, and other conservation organizations will meet MMSD's decision to research and implement AM with acclaim and appreciation. They shall help however they can.

MMSD's decision to implement AM in the Yahara watershed has huge practical advantages. It saved MMSD millions of dollars, secured a variance from the phosphorus standard for AM's timeline, and will allow MMSD to apply AM's phosphorus reduction should the project not fully meet its targets. With regard to Badger Mill and the Sugar, AM will not have all those advantages. It will cost more time, money and energy than shutting off the effluent to the creek (wholly stopping the discharge to Badfish Creek was not an option in the Yahara watershed). However, one key and essential similarity exists. AM in the Yahara watershed showed the public that MMSD and its partners were willing to make an extraordinary effort to preserve and improve an extraordinary public resource, the Yahara Lakes. That decision has generated well deserved appreciation for MMSD and created the opportunity for many other partnerships as the District faces wastewater and energy challenges.

AM in Badger Mill and Sugar River watersheds will also reward MMSD for its tough but excellent decision. While they don't have the stature of the Yahara Lakes both are extraordinary public resources that are consistently attracting more attention and use. One simply does not find a superb, easily accessible trout stream like Badger Mill in the middle of an urbanized and rapidly growing area. The Sugar is also easily accessible and supports an even wider range of outdoor recreation. MMSD's decision to adopt AM in these watersheds will become the single most important step in securing the healthy futures of those resources. The public will appreciate MMSD's decision to protect and enhance these wonderful streams.

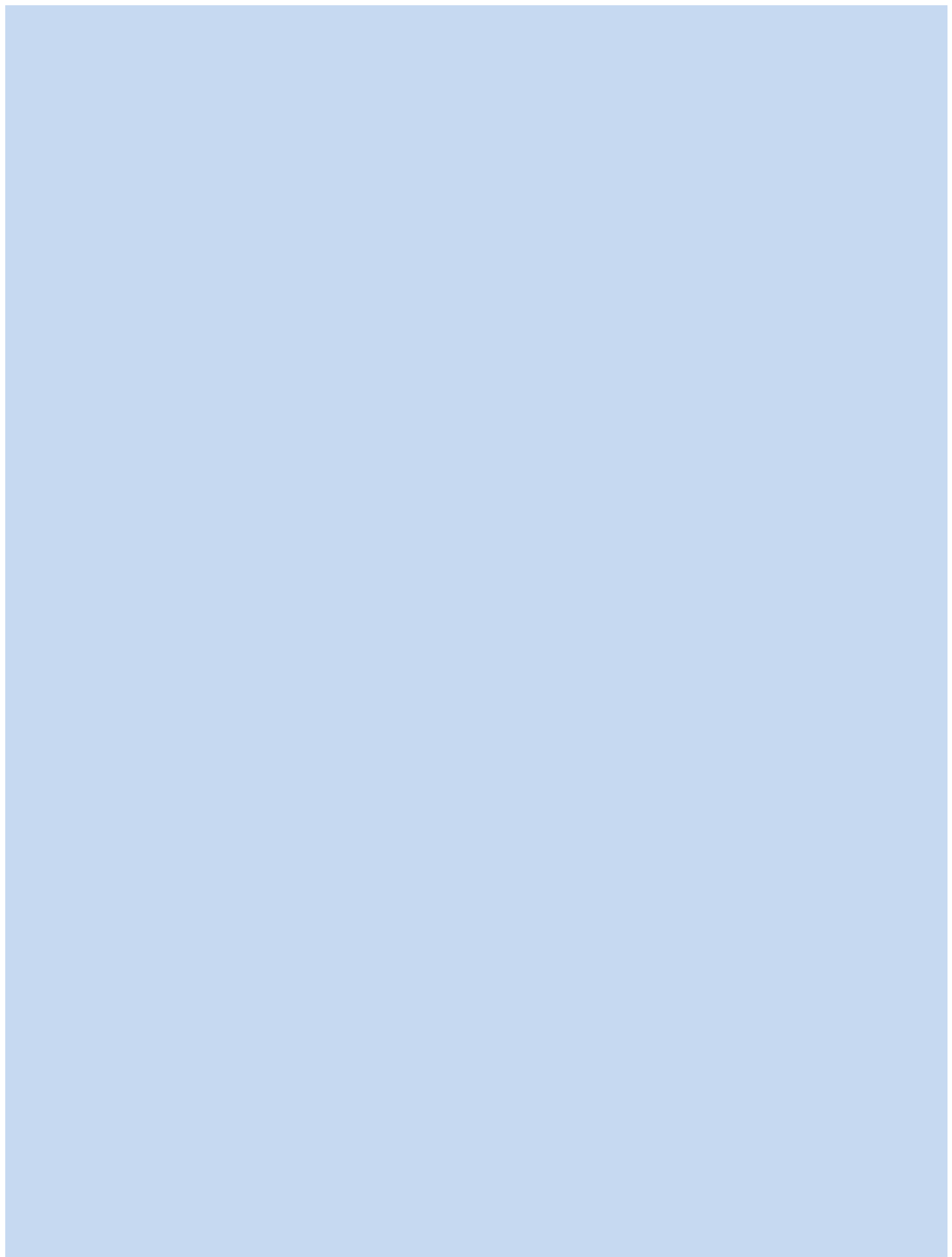
While we prefer the AM option we respectfully request that MMSD choose either AM or the treatment/filtration option and continue the discharge of treated and aerated effluent to Badger Mill Creek.

We think the public will accept either of the two choices MMSD can make to protect and avoid harm to Badger Mill Creek. MMSD also has a good answer for those who might question spending money on either option when a cheaper alternative is available. MMSD saved millions and millions in using AM to address phosphorus regulations with regard to most of its discharge to Badfish Creek. Using a small part of those savings to protect and enhance some of MMSD's, Verona's, and Dane County's most valuable natural resources is responsible stewardship of MMSD's fiscal resources. Protecting Badger Mill Creek fits MMSD's fundamental mission to manage its wastewater in the best interests of the public and our environment.

MMSD Commissioners and Managers often bridle at the term wastewater. They quite rightly want the community to see wastewater as a valuable resource itself. The treated and aerated effluent MMSD discharges to Badger Mill Creek is a valuable resource. Dumping it to Badfish Creek would be wasteful.

Thank you for your consideration of this request.

Author - Topf Wells





ORDINANCE NO. 2023-01

Town of Verona  
Dane County, Wisconsin

ORDINANCE TO REVISE COMMITTEE DESCRIPTIONS

The Town Board of the Town of Verona, Dane County, Wisconsin does ordain as follows:

Section 1.05(5) of the Town of Verona Code of Ordinances shall be amended as provided below by adding the underlined language and deleting the language that is stricken :

(e) Committees. The following committees are established:

i. ~~Financial Sustainability~~ Finance and Policy Committee. Duties of the ~~Financial Sustainability~~ Finance and Policy Committee include advising the Town Board and Town staff on ~~account balance goals and methods to increase revenue~~ financial affairs, ordinances, policies, and application forms.

ii. Natural and Recreational Areas Committee. Duties of the Natural and Recreational Areas Committee include advising the Plan Commission and the Town Board on open space preservation and improvement.

iii. [Reserved] ~~Ordinance Committee. Duties of the Ordinance Committee include advising the Town Board and Town staff on creating and revising ordinances, policies, and applications.~~

iv. Public Works Committee. Duties of the Public Works Committee include advising the Town Board on road capital improvements, road maintenance, and capital equipment purchases, and reviewing road access.

This ordinance shall take effect upon publication or posting as required by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mark Geller, Chairperson

Attest:

\_\_\_\_\_  
Teresa Withee, Clerk/Treasurer

