



## MEETING OF TOWN OF VERONA PLAN COMMISSION

**Thursday, May 20, 2021 6:30 p.m.**

Due to the COVID-19 pandemic, the Town of Verona Plan Commission will hold its meeting as 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/98437547740?pwd=YUF5TWNTVnh5OGVBYUs4QVR3T1I6dz09>

Meeting ID: 984 3754 7740

Passcode: 352068

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](mailto: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.

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1. Call to Order/Approval of Meeting Agenda  
Review of the meeting format and identification of the people on the conference call.  
**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 April 15, 2021
4. Discussion: Land Use Application 2021-06 submitted by Noa Prieve on behalf of Stilwell Trust – Updated to reflect Condo Plat Application for parcel number 062/060-364-8990-2
5. Discussion and Possible Action: Draft Procedure for Amendments to the Town of Verona’s 2019 Comprehensive Land Use Plan
6. Discussion and Possible Action: Draft Conditional Use Permit Procedures and Process
7. Discussion: Draft Subdivision Ordinance
  - a. Update
8. Other
  - a. Marty Farm Development
  - b. Good Shepherd Annexation
  - c. Condo Plat process for creating less than 5 units
  - d. Dane County ZLR Committee Action
  - e. Other
9. Next Meeting: Thursday, June 17, 2021
10. Adjourn

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). Go to [www.town.verona.wi.us](http://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: May 14, 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, Haley Saalsaa Miller

Staff: Sarah Gaskell, Administrator

Other: Lee Stilwell, Sara Schmid, Bill Schmid, Z Stanek, Marta Stanek, Paul Spetz

1. Call to Order/Approval of Meeting Agenda – Maxwell called the meeting to order at 6:32 pm. Motion to approve the agenda by Mathies, second by Miller. Motion carried by voice vote.
2. Public Comment – none.
3. Approval of minutes from 3/18/2020 – Motion to approve minutes as corrected by Mathies, second by Miller. Motion carried by voice vote.
4. Discussion and Possible Action: Land Use Application 2021-08 submitted by Z Stanek for a CSM for parcel number 062/0608-313-9190-0 located at 1718 Spring Rose Road and 062/0608-313-8055-0 at 1645 Fritz Road
  - a. Discussion included continued farming use, future subdivision and public road dedication
  - b. Motion by Mathies, second by Paul to recommended approval of land use application 2021-8 for CSM for parcel number 062/0608-313-9190-0 located at 1718 Spring Rose Road and 062/0608-313-8055-0 at 1645 Fritz Road with the following condition:
    - i. The existing driveway be added to the CSM prior to the Town Board meeting.
  - c. Motion carried by voice vote.
5. Discussion and Possible Action: Land Use Application 2021-09 submitted by Bill, Sara and Justine Schmid for a CSM and rezone from RR-8 to RR-16 or RM-16 for parcel number 062/0608-302-8700-0 (2109 Schmid Lane) and from AT-35 to RR-16 or RM-16 for parcel number 062/0608-302-8501-0 located adjacent to 2144 Schmid Lane.
  - a. Discussion included single use roads, irregular lots lines, fire truck access to the property
  - b. Motion by Mathies, second by Paul, to recommend approval of land use application 2021-09 for CSM and rezone from RR-8 to RR-16 for parcel number 062/0608-302-8700-0 (2109 Schmid Lane) and from AT-35 to RR-16 or RM-16 for parcel number 062/0608-302-8501-0 located adjacent to 2144 Schmid Lane subject to the following conditions:
    - i. The words “preliminary”, “proposed” and “proposed zoning” be removed from the CSM prior to the Town Board Meeting.
  - c. Motion carried by voice vote.
6. Discussion and Possible Action: Draft Subdivision Ordinance
  - a. Discussion included removal of Ch. 10 – Planned Unit Developments; request the Town Attorney review inclusion of Chapter 11 – Guarantee of Construction; minimum lot sizes for Conservation Subdivisions; definition of open space; use of Town staff in place of specific positions; inclusion in the Code of Ordinances; next steps – review by Town Attorney and MSA; creation of a checklist related to ordinance
7. Other: Update on Marty Farm Proposal; Good Shepherd Church annexation

8. Next Regular meeting – May 20<sup>th</sup> 2021

9. Adjournment – Meeting adjourned at 8:10pm

Submitted by Sarah Gaskell, Town Planner/Administrator

Approved:

# Planning Report

Town of Verona

May 14<sup>th</sup>, 2021

## ***1730 Beach Road/6411 Sunset Drive***

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**Summary:** The applicant is seeking approval for a Condo Plat for parcel number 062/0608-364-8790-2. The plat would create four units of approximately 5.27, 5.73, 4.31 and 4.31 acres in size.

**Property Owner:** Stilwell Trust

**Property Addresses:** 1730 Beach Road, 6411 Sunset Drive

**Applicant:** Noa Prieve  
Williamson Surveying

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### Location Map



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**Comprehensive Plan Guidance:**

The density of this area is Residential RR 4-8 acres, so 1 house per 4-8 acres. The parcel is currently zoned RM 16 so a rezone would be appropriate for this parcel.

**Current and Proposed Zoning:** The current zoning is RM 16. The new zoning would be MFR-08 for each unit because the parcel is a proposed condominium. Currently 20.26 acres, the parcel would consist of 4 units of various sized acreages.

**Extra-territorial Review/Boundary Agreement Authority:** This parcel is in Area C of the boundary agreement with the City of Verona and is in the ETJ area of the City of Fitchburg. No further action is required with the City of Verona. The City of Fitchburg has indicated they will not approve any subdivisions for land in the ETJ area for parcels less than 35 acres and have no interest in rezone applications.

**Surrounding Land Use and Zoning:** The surrounding land uses are RR 1, 2 and 4. The parcel directly south is zoned RM 16.

**Site Features:** The site features pasturelands, agricultural fields, a residence and numerous sheds and farm buildings. The topography is varied, and the applicants keep llamas on the property. There is a driveway that provides private access from Beach Road to Sunset Road. Additionally, the private drive extending south from Beach Road is utilized by two adjacent landowners.

**Driveway Access:** It is anticipated that driveway access for Unit 4 will remain unchanged. Units 1, 2 and 4 will share a driveway easement with the neighbors to the west. Currently, there are three residences utilizing the shared access. This proposal would add an additional 2 driveways to this access. The access for Unit 3 will be via Sunset Drive using the existing driveway.

**Other:** There are existing driveway easement agreements with Lot 3 CSM 5396 and Lot 1 CSM 6372 owners on Beach Road. The owners of these lots were in support of the proposal when it was proposed as a land subdivision via CSM. The applicant is working with the Ice Age Trail Alliance to dedicate the existing path that traverses the perimeter of the property on the Eastern and southern sides to the IAT. The easement is depicted on the condominium plat.

Due to the proposed size of the units, it is anticipated that stormwater concerns can be handled individually on each unit instead of via an outlot/common element. However, this may change after review by the Town's Public Works Director once driveway access is further delineated.

**Staff Comments:** Staff recommends approval of the Condo Plan and rezone with the following considerations:

- Access to Beach Road be accomplished via either a shared easement agreement for the driveways or by designating the shared driveway as a common element.
- Developer's Agreement approval
- Declaration of Covenants approval
- Preparation of Preliminary Plat



# STILWELL LIVING TRUST CONDOMINIUM PLAT DANE COUNTY, WISCONSIN WILLIAMSON SURVEYING & ASSOCIATES, LLC

## SURVEYOR'S CERTIFICATE:

I, Noa T. Prieve, Professional Land Surveyor, hereby certify that this plat is a correct representation of the condominium described and identification and location of the units and the common and limited common elements can be determined from the plat.

Williamson Surveying and Associates, LLC  
by Noa T. Prieve & Chris W. Adams

DATE: \_\_\_\_\_

Noa T. Prieve S-2499  
Professional Land Surveyor

## DESCRIPTION:

Part of Lot 4, Certified Survey Map No. 5396, located in part of the Northwest and Southwest 1/4's of the Southeast 1/4 of Section 36, T6N, R8E, Town of Verona, Dane County, Wisconsin, and a part of vacated Beach Road per Doc. No. \_\_\_\_\_, more particularly described as follows:  
Beginning at the East 1/4 Corner of said Section 36; thence S 00°57'06" W along the east line of the Southeast 1/4, 1,517.04 feet; thence N 89°50'54" W, 1,303.60 feet to the southeast corner of said Lot 4 and to the point of beginning.  
Thence continue along said Lot 4 for the next 2 courses N 89°50'54" W, 899.03 feet; thence N 00°49'16" E, 374.27 feet to the right-of-way of Beach Road; thence along said right-of-way for the next two courses along an arc of a curve concaved northwesterly having a radius of 60.00 feet and a long chord bearing and distance of N 17°30'17" E, 114.95 feet; thence N 00°49'16" E, 422.98 feet to the northwest corner of said Lot 4; thence continue along said Lot 4 for the next 5 courses S 89°11'55" E, 370.31 feet; thence N 56°08'41" E, 287.60 feet; thence N 63°01'19" E, 171.16 feet to the centerline of Sunset Drive; thence along said centerline S 41°16'58" E, 157.37 feet; thence S 00°41'45" W, 1,023.68 feet to the point of beginning. This parcel contains 850,498 sq. ft. or 19.75 acres thereof.

## NOTES:

- 1.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT FOR THE SUBJECT TRACT OR ADJACENT AND IS THEREFORE SUBJECT TO ANY EASEMENTS, AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.
- 2.) WETLANDS AND FLOOD PLAIN, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.
- 3.) SECTION CORNER TIES FOR THE EAST 1/4 CORNER AND SOUTHEAST CORNER OF SECTION 36, T6N, R8E HAVE BEEN CHECKED AND VERIFIED PER THE LATEST TIE SHEET ON RECORD.
- 4.) ALL AREAS AND FEATURES OF THE CONDOMINIUM ARE COMMON ELEMENTS UNLESS OTHERWISE NOTED AS UNITS.
- 5.) ALL AREAS DEPICTED ON THE CONDOMINIUM PLAT AS LIMITED COMMON ELEMENTS SHALL BE GOVERNED BY THE TERMS AND CONDITIONS OF THE DECLARATION.

## TOWN BOARD ACTION

The road right-of-way dedication was hereby accepted and approved by the Town of Verona action on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

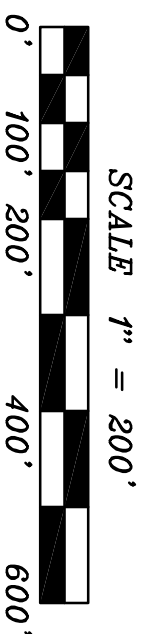
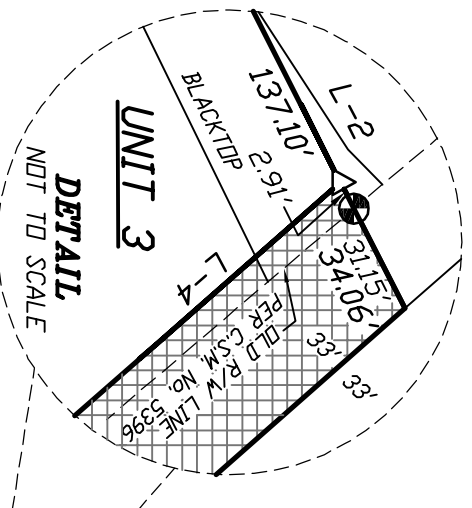
Teresa Withre  
Town Clerk/Treasurer

There are no objections to this condominium with respect to Sec. 703 Wis. Stats. and is hereby approved for recording.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

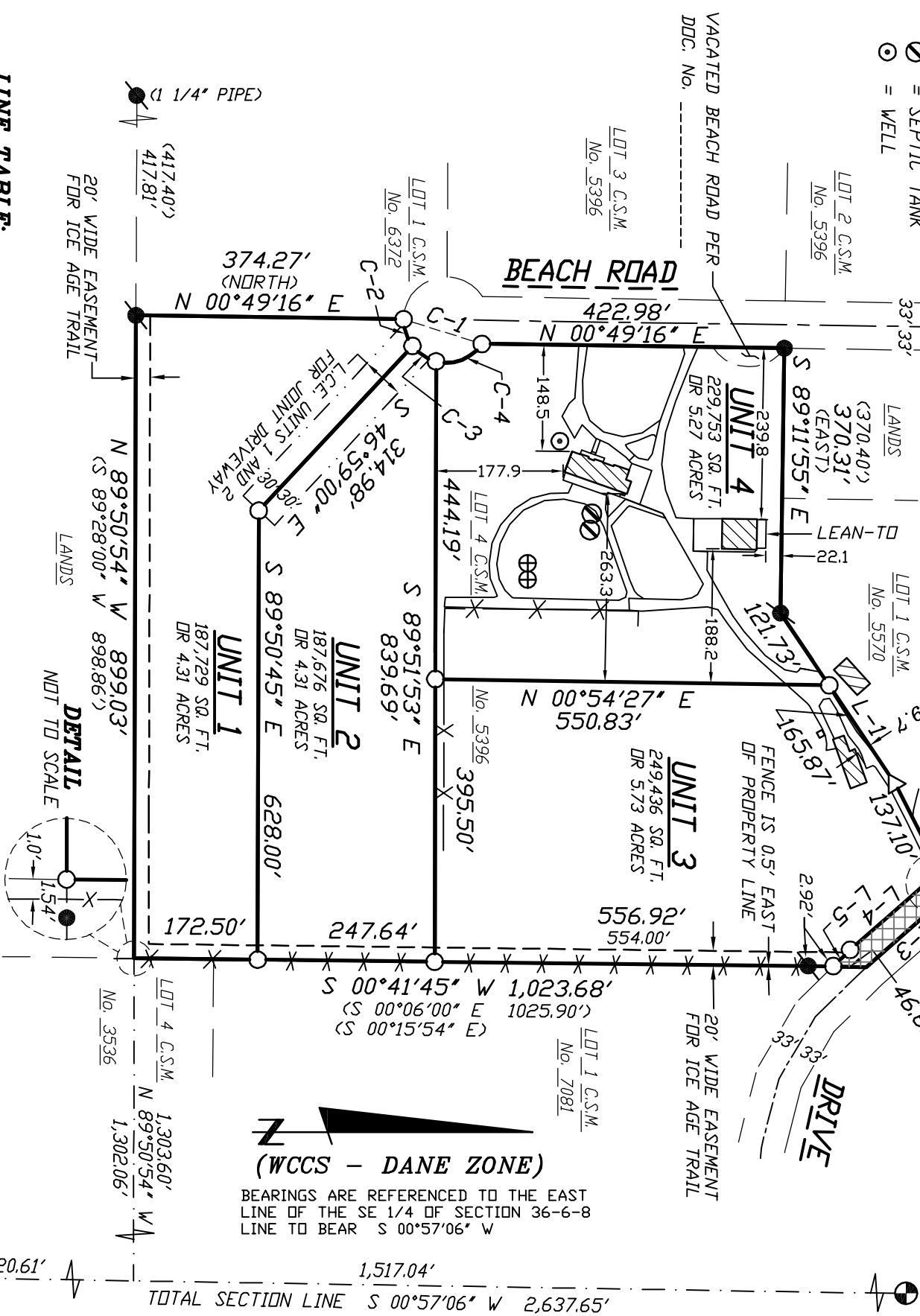
Dane County Planning and Development

- ### LEGEND
- = SET 3/4"x24" REBAR WT 15 LB PER LIN FT
  - △ = SET SURVEY SPIKE
  - = FOUND 3/4" REBAR
  - ⦿ = FOUND 1" IRON PIPE (UNLESS NOTED)
  - ⊕ = FOUND ALUMINUM MONUMENT (UNLESS NOTED)
  - (#) = RECORDED AS
  - [ ] = DEDICATED TO THE PUBLIC
  - [ ] = LIMITED COMMON ELEMENT
  - ⊕ = SEPTIC VENT
  - ⊗ = SEPTIC TANK
  - ⊙ = WELL



PREPARED FOR:  
STILWELL LIVING TRUST  
1730 BEACH ROAD  
VERONA, WI 53593

EAST 1/4 CORNER  
SECTION 36-6-8  
FD. ALUMINUM MONUMENT



### LINE TABLE:

L-#	BEARING	DIST.
L-1	(N 55°15'57" E) (N 55°14'00" E) (N 56°08'41" E)	287.60'
L-2	(S 62°06'15" E) (N 62°14' E) (N 63°01'19" E)	(174.01') (173.92') (171.16')
L-3	(S 42°15'51" E) (S 41°01'00" E) (S 41°16'58" E)	(157.702') (157.37') (166.73')
L-5	(S 44°22'08" E)	33.76'

### CURVE TABLE:

C-#	RADIUS	CHORD BEARING AND DIST.	ARC	DELTA
C-1	60.00'	N 17°30'17" E	114.95'	146°37'59"
C-2	60.00'	N 71°36'51" E	39.48'	38°24'50"
C-3	60.00'	N 33°12'01" E	39.48'	40.23'
C-4	60.00'	N 20°54'34" W	68.66'	69°48'18"

RECEIVED FOR RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AND RECORDED IN VOLUME \_\_\_\_\_ OF CONDOMINIUM PLATS, PAGE \_\_\_\_\_ AS DOCUMENT NO. \_\_\_\_\_ REGISTER OF DEEDS

**WILLIAMSON SURVEYING & ASSOCIATES, LLC**

104 W WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597.  
NOA T. PRIEVE & CHRIS W. ADAMS  
PROFESSIONAL LAND SURVEYORS  
PHONE: 608-255-5705 FAX: 608-849-9760 WEB: WILLIAMSONSURVEYING.COM

DRAWN BY: NETL BORTZ  
DRAWING NO.: 20W-349  
SHEET: 1 OF 1

DATE: 5-3-21  
DATE: 4-22-21



# Draft Procedures for Amendments to the Town of Verona's 2019 Comprehensive Land Use Plan

May 3, 2021

## Plan Amendments from the 2019 Comprehensive Plan Document (Chapter 11, TOV Comprehensive 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 plan and the planning process and should be avoided.*

## Procedure for Amending the Town's Comprehensive Plan

The procedures for Comprehensive Plan amendments 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: (1) the Plan Commission must recommend adoption and (2) the Town must hold an official public hearing.

### Required Steps:

- 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 or developer. This review process will only be initiated in December of odd number years, (e.g., first review Dec. 2021).
- b. The Plan Commission prepares or directs the preparation of the specific text or map amendment to the Comprehensive Plan.
- 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 bodies 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 Section 66.1001(4)d, 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 Location of a copy of the amendment for inspection before the public hearing

e. Following the public hearing, the Plan Commission will make a recommendation on the Plan amendment to the Town Board by adopting a Plan Commission **resolution** by majority vote of the entire Commission, if appropriate.

f. The Town Board holds the formal public hearing on an **ordinance** that would incorporate the proposed amendment into the Comprehensive Plan.

g. 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.

h. 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.

i. The Town Clerk sends copies of the adopted Plan amendment 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 to incorporate the Town Plan amendment into the County plan.

### **Plan Commission Recommendation**

The Plan Commission may recommend 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.

### **Town Board action**

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.

## Dane County Approval of Amendment

Need to check with Dane County on the procedure to follow.

### Materials to be provided by the applicant for any proposed amendment

**The proposed amendment.** This amendment should be specific and reference the categories associated with the 2019 Comprehensive Plan Future Land Use Map. 9.6. Information should include the following:

- location of the parcel in the context of the surrounding parcels.
- The current land use associated with Map 9.6
- The proposed land use
- Information about the parcel, such as vegetation and topography.
- A map of the parcel should be provided with includes the boundaries, and the vegetation coverage.
- Information on the presence or absence of historical sites.
- A topographical map
- A rationale for the proposed land use change and how this change is consistent with the intent of the 2019 Comprehensive Plan
- Information on how the change might impact services provided by the Town.
- The benefit of this change to the Town
- Information on how the proposed change will impact the potential use of the adjacent lands
- Any boundary agreement implications

Once these materials have been provided to Town Staff, they will be reviewed for completeness. The applicant will be contacted if changes are necessary. Once all is in order, a Class I notification will be published at least 30 days before the Public Hearing at the Plan Commission meeting.

The applicant will be responsible for the fees associated with the publication of the Class I notification and all other fees associated with the land use change.

(Amendment procedures for the comp plan 3 May 2021.docx)

# Town of Vermont Conditional Use Permit (CUP) Process and Procedures

June 2019

<https://www.vermonttownship.com/land-use/conditional-use>

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

CUPs fall under Dane County Zoning (<https://plandev.countyofdane.com/zoning/cup.aspx>) The Town of Vermont (ToV) Planning Commission and the ToV Board evaluates a CUP application using the eight standards listed below. The determination of the ToV Planning Commission and ToV Town Board are then provided to Dane County. In most cases, Dane County follows the recommendations of the Town.

## II. The Application Process

The process begins with a Dane County CUP Application submission.

**CUP Application** [https://plandev.countyofdane.com/zoning/pdf/CUP\\_Application.pdf](https://plandev.countyofdane.com/zoning/pdf/CUP_Application.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. It's possible that there may already be limitations on development on the surrounding properties such as being deed restricted to just agriculture.*

**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.*

**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 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 s.10.220(1).

*Application guideline: Review the Dane County s.10.220(1) for requirements:*

Conditional Use Standards in Farmland Preservation Districts. In addition to the requirements of s. 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

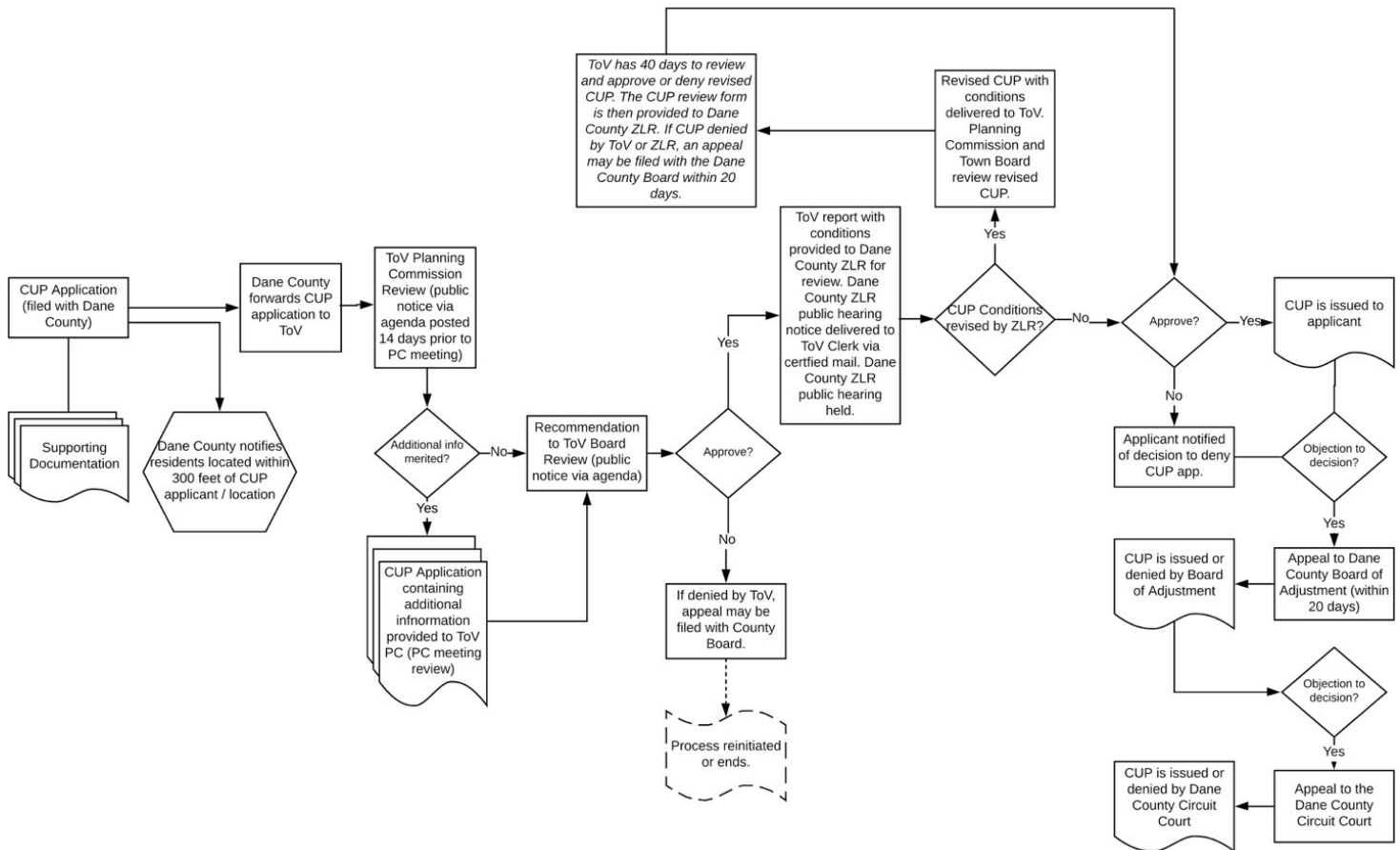
Phone: (608) 266-4266  
Fax: (608) 267-1540

Town of Vermont Planning Commission  
4017 County Road JJ  
Black Earth, Wisconsin 53515

[plancommission@townofvermont.com](mailto:plancommission@townofvermont.com)

*Continued...*

### III. Dane County / ToV CUP Process Flow



### 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 the Statutory posting requirements of a Wisconsin Class 2 notification. Agendas are posted 17 days prior to ToV Planning Commission and ToV Board meetings as per Class 2 guidelines.

### 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: [plancommission@townofvermont.com](mailto:plancommission@townofvermont.com)

Via mail or courier addressed to:  
Planning Commission  
Vermont Town Hall  
4017 County Road JJ  
Black Earth, WI 53515

Written testimony must be received by the day of the meeting, thirty minutes prior to the scheduled meeting time.

*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 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 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 during individual testimony and input and are not allowed to interject during individual input or testimony.
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) In this subsection:

- II. "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.

III. "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) 1. 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.

2. The requirements and conditions described under subd. 1. 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

(c) Upon receipt of a conditional use permit application, and following publication in the county of a class 2 notice under ch. 985, the county shall hold a public hearing on the application.

(d) 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.

(e) 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 s. 59.694 (10).

## VII. CUP Information and References

Dane County Conditional Use Permit overview:

<https://plandev.countyofdane.com/zoning/cup.aspx>

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

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

2017 Wisconsin Act 67:

<https://docs.legis.wisconsin.gov/statutes/statutes/59/VII/69/5e>

Town of Vermont Comprehensive Land Use Plan:

[https://www.vermonttownship.com/Documents/LandUse/ComprehensivePlan\\_071017.pdf](https://www.vermonttownship.com/Documents/LandUse/ComprehensivePlan_071017.pdf).

The entire ordinance text can be found on page 64 of the revised Chapter 10:

[https://plandev.countyofdane.com/documents/pdf/CompZoningRevision/Ordinance\\_Text/Chapter\\_10\\_Revised.pdf](https://plandev.countyofdane.com/documents/pdf/CompZoningRevision/Ordinance_Text/Chapter_10_Revised.pdf)