



## MEETING OF TOWN OF VERONA PLAN COMMISSION

**Thursday January 19, 2022, 6:30 p.m.**  
**Town Hall Community Room**  
**7669 County Highway PD, Verona WI**

1. Call to Order/Approval of Meeting Agenda
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 may be read.
3. Approval of Minutes from December 15<sup>th</sup>, 2022
4. Discussion and Possible Action: Dane County Zoning Opt-Out Process
5. Discussion and Possible Action: Town of Verona Land Division and Development Ordinance
6. Other
7. Next Meeting: February 16<sup>th</sup>, 2023
8. 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: 01/13/2023, Mark Geller, Chair, Town of Verona Plan Commission

## Town of Verona Plan Commission Meeting Minutes

Thursday, December 15, 2022 6:30pm

Town Hall Community Room

7559 County Highway PD, Verona WI

Members Present: Mark Geller, Lori Lukens, Tom Mathies, Haley Saalsaa-Miller, Sarah Slack

Staff: Sarah Gaskell, Administrator

Applicants: Dixie Schwenn, Nathan Lockwood, Bernie Coughlin

1. Call to Order/Approval of Meeting Agenda – Geller called the meeting to order at 6:30 pm. Motion to approve the amended agenda (item 7 moved to after item 4) by Slack, second by Lukens. Motion carried by voice vote.
2. Public Comment – none
3. Approval of Minutes from October 27th, 2022 – Motion to approve by Lukens, second by Mathies. Motion carried by voice vote, with Slack abstaining.
4. Discussion and Possible Action: Land Use Application 2022-06 for a CSM and rezone located at 7562 CTH PD, Verona WI 53593
  - a. Commissioner discussion
    - Buildings on site
    - House to be demolished must be removed before County will record the CSM
  - b. Motion to recommend approval of Land Use Application 2022-06 by Geller, second by Lukens. Motion carried by voice vote.
5. Discussion and Possible Action: Dane County Zoning Opt-Out Process
  - a. Introduction by Korey Anderson of GEC
  - b. Commissioner discussion
    - Timeline
    - Review of Zoning code of the 6 towns that have opted out that use GEC for administration – zoning categories, similarities/differences from Dane County Zoning Code
    - Fees
    - Wish for DC staff input
  - c. No action taken; DC staff to be invited to next meeting for input
6. Discussion and Possible Action: Dane County Ordinance Amendment 2022 OA-044 regarding conditional use permit appeals
  - a. Commission discussion: purpose of the amendment, town involvement
  - b. Motion to recommend approval of the amendment by Saalsaa, second by Motion carried by voice vote.
7. Discussion and Possible Action: Land Division and Development Ordinance
  - a. Commissioner discussion: lot and unit sizes; removal of traditional subdivision as an option; cover design

b. Motion to recommend approval of changes as presented by Slack, second by Saalsaa  
Motion carried by voice vote.

8. Other – updates on Ardent Glen town response

9. Next Meeting: January 19<sup>th</sup>, 2023

10. Adjourn – 9:23 pm

Submitted by Sarah Gaskell, Town Planner/Administrator

**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:

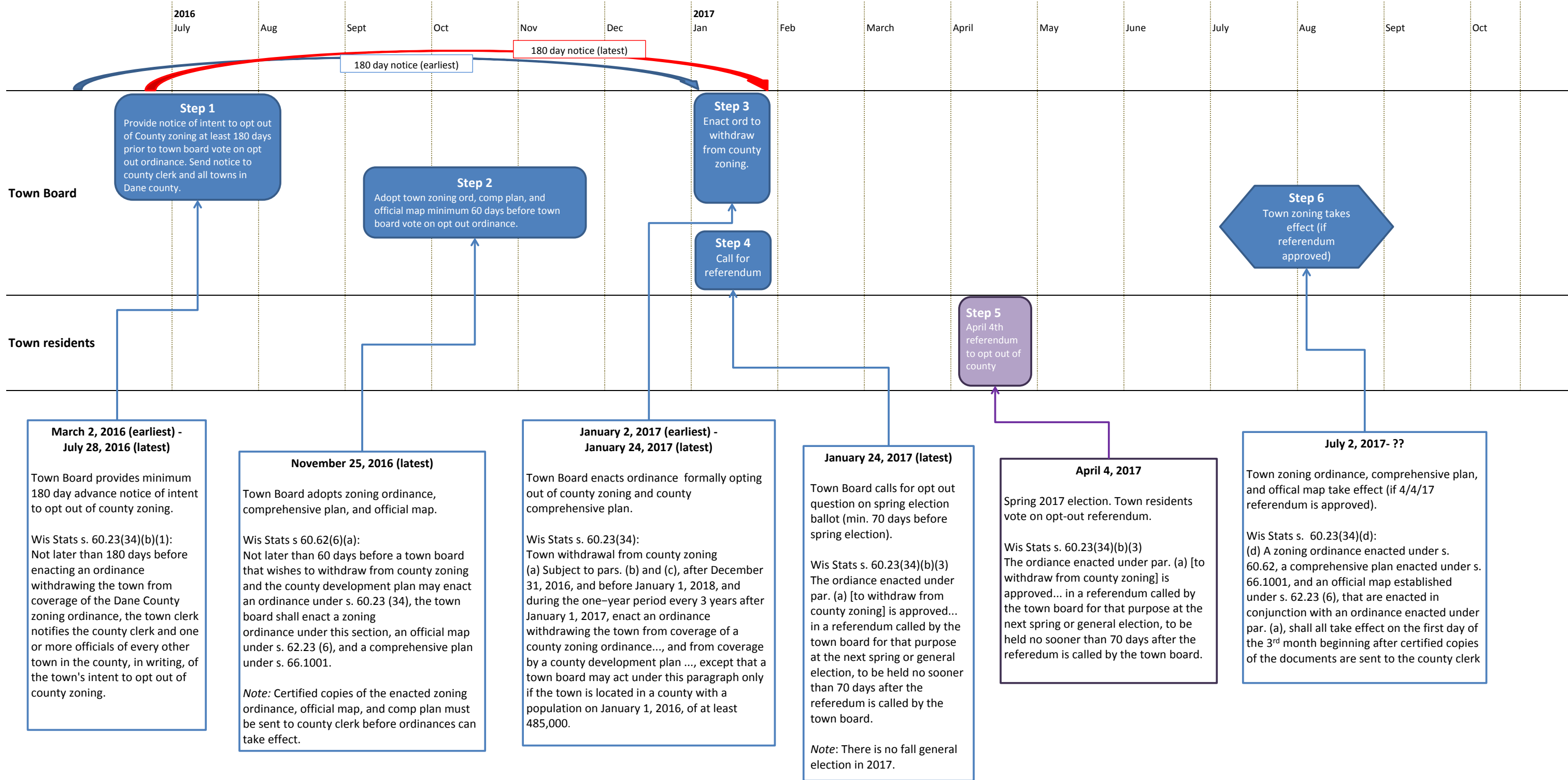
In addition to the standard conditions listed above, the town board and zoning committee may, at their discretion, impose any other conditions as necessary to meet the standards for approval...

# 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.).

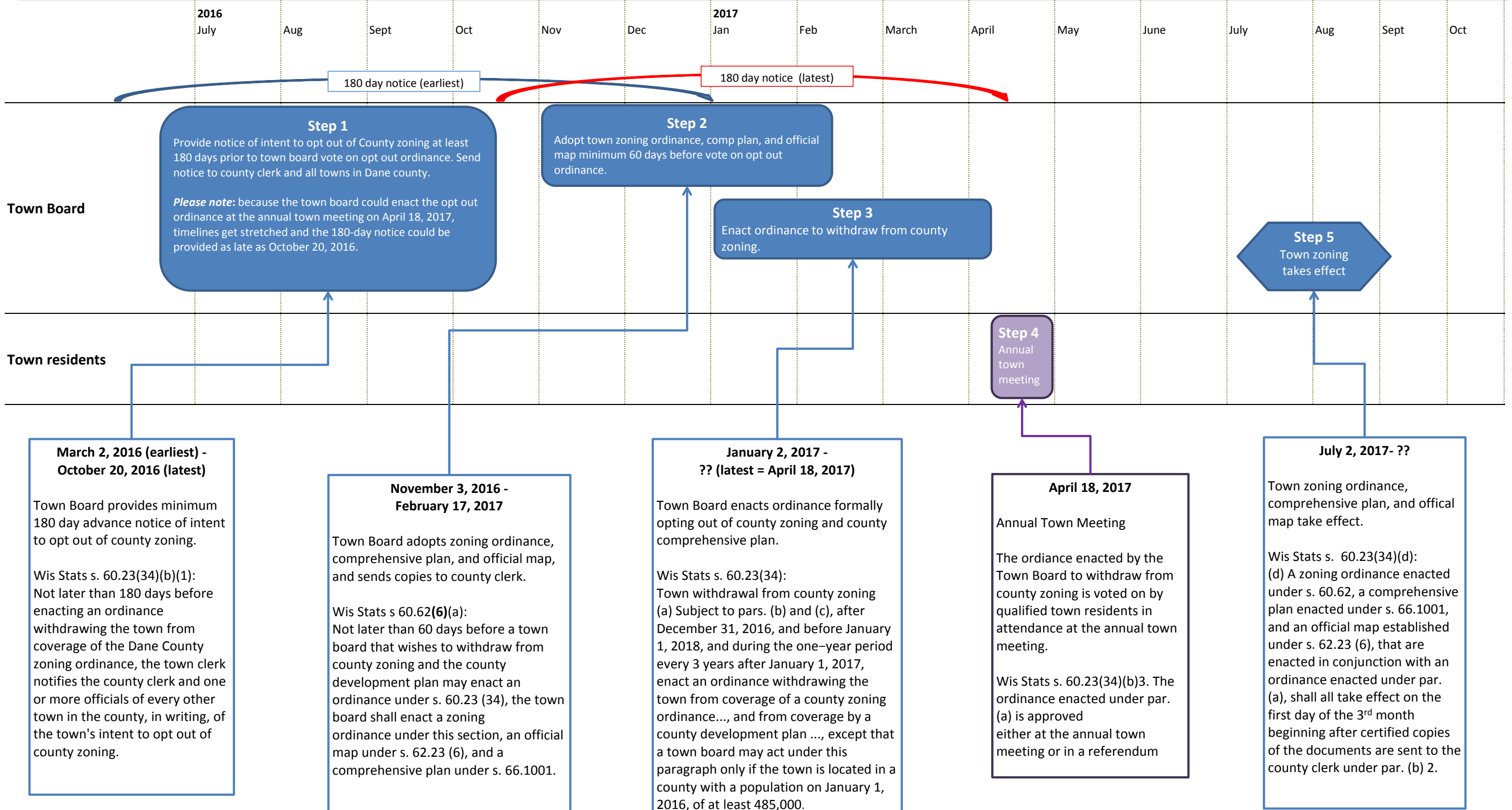


**County zoning withdrawal timeline, with vote at annual town meeting on April 18, 2017**

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.).



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.

### INSIDE

Background and Purpose	1
Considerations	2
Taking Stock of the Town/County Land Use Partnership	3
Land Use Coordination is at Risk	4
Dane County's Economy of Scale	4
County Land Use Services - More than Meets the Eye	5
Weighing the Costs of Opting Out	6
County Zoning - Next Steps	7
The Value of a Regional View	8
Impact on Intergovernmental Relations	8
Shared Services/Shared Solutions	9
Working Together Works Better	9

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@countydane.com](mailto:allan@countydane.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?

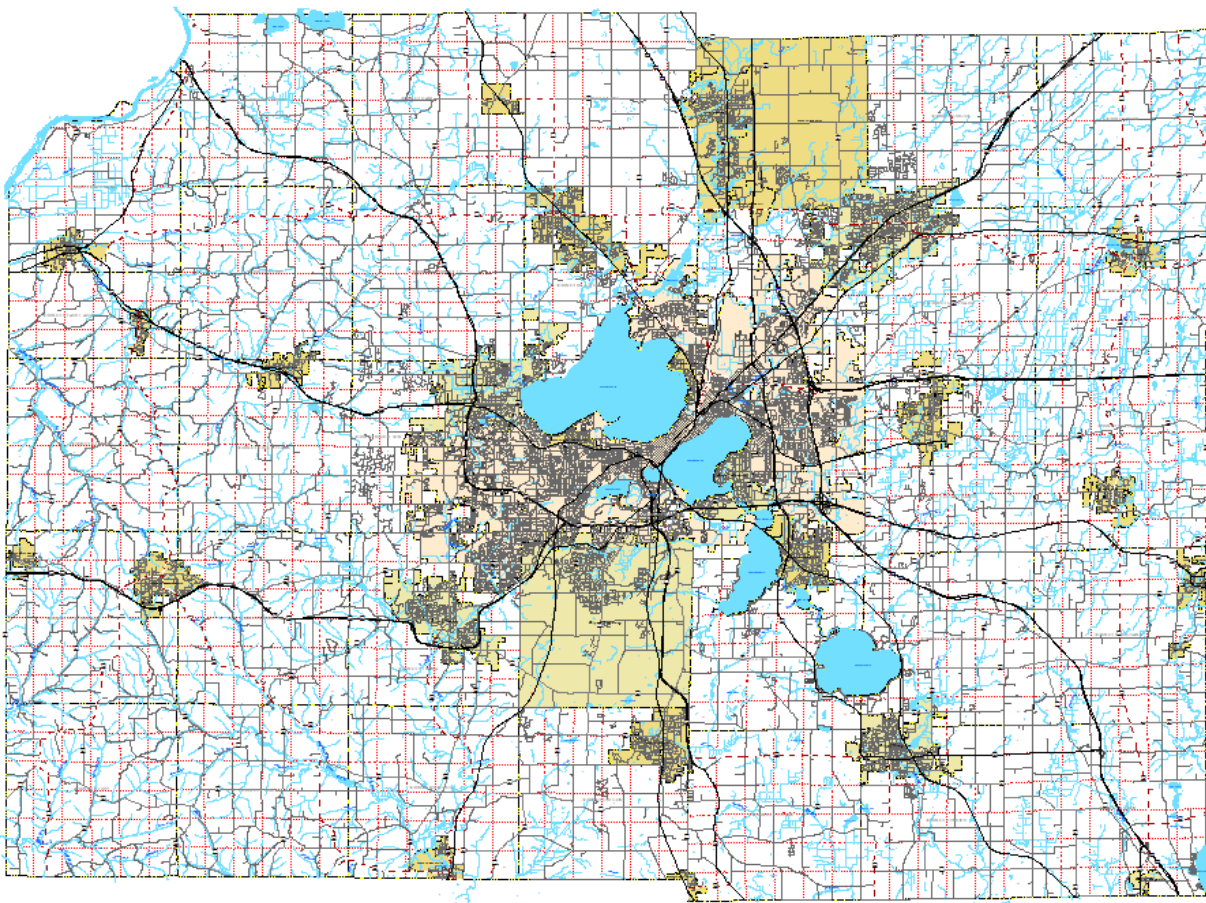
## Considerations

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.

---

## 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.





## 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 <table style="width: 100%; text-align: center;"> <tr> <td> 200 Density/parcel rpts</td> <td> 160 Zoning petitions</td> <td> 150 Land divisions</td> </tr> </table>	 200 Density/parcel rpts	 160 Zoning petitions	 150 Land divisions
 200 Density/parcel rpts	 160 Zoning petitions	 150 Land divisions				



## 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.

