



CITY OF VERONA

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August 16, 2024

By Hand Delivery and
Email: Lane.Roger@danecounty.gov
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Zoning and Land Regulations Committee
c/o Zoning Administrator Roger Lane and
Assistant Zoning Administrator Daniel Everson
Dane County Department of Planning & Development
City County Building, Room 116
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Re: Conditional Use Permit Application for Non-Metallic Mining
Wildcat Pit / Southwest Investments LLC

Dear Committee members, Mr. Lane, and Mr. Everson:

This letter is written on behalf of the City of Verona (the “City”) in response to the Conditional Use Permit (CUP) Application dated June 6, 2024 and filed on behalf of Southwest Investments LLC (the “Applicant”) by Michael J. Marquette of JMM LLC. As stated in the CUP Application, the Applicant is seeking a conditional use permit to construct and operate a non-metallic mining operation on four parcels in the Town of Verona (the “Town”).¹ As explained in more detail below, the City opposes the CUP Application and asks Dane County to deny the CUP Application for the reasons identified in this letter and for any other reasons identified by Dane County.²

I. Brief Procedural Background.

Based on communications from the Dane County Department of Planning & Development, it is the City’s understanding that the Dane County Zoning and Land Regulations Committee

¹ Per the CUP Application, the tax parcel numbers for the parcels are: 062/0608-282-8500-1; 062/0608-282-8000-6; 062/0608-282-9000-4; and 062/0608-282-9500-9. Area A: City Growth Area of the Boundary Agreement includes parcels 062/0608-282-8500-1; 062/0608-282-8000-6. Area B: City-Town Interest Area of the Boundary Agreement includes parcels 062/0608-282-9000-4, and 062/0608-282-9500-9.

² The City also submitted a letter to the Town of Verona dated July 23, 2024 regarding the CUP Application. While this letter and the City’s letter to the Town are similar, the City has made updates to this letter to reflect the fact that it is addressing Dane County and its processes.

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will hold a public hearing on the CUP Application at a meeting on August 27, 2024. The City respectfully requests that this letter be included in the record for the public hearing. Further, the City respectfully requests that the Dane County Zoning and Land Regulations Committee deny the CUP Application. The City appreciates the ability to provide comments to Dane County via this letter.

II. Boundary Agreement.

As Dane County may or may not know, the City and the Town of Verona (the “Town”) executed the City of Verona and Town of Verona Intergovernmental Agreement under Section 66.0301, Wisconsin Statutes, which agreement is dated June 20, 2016 (the “Boundary Agreement”). The Boundary Agreement addresses a number of boundary and growth issues related to the City and the Town. Notably, the four parcels identified in the CUP Application are located in Area A: City Growth Area and Area B: City-Town Interest Area.

While Dane County is not a party to the Boundary Agreement, the terms and conditions of the Boundary Agreement are material to Dane County’s review of the CUP Application. The Boundary Agreement provides an understanding of the City’s intention to develop certain land. That understanding is shared by the Town and memorialized in the Boundary Agreement. The subject parcels of the CUP Application are in areas identified as a primary growth area for the City and are in direct conflict with the future land uses identified in the City of Verona’s Comprehensive Plan. The CUP Application is also in direct conflict with the proposed annexation of land directly to the north of the subject parcels for use as medical facility.

As stated in its prior letter to the Town, the CUP Application conflicts with the Boundary Agreement and, for that reason alone, should be denied by Dane County. The CUP Application proposes to allow the construction and operation of a non-metallic mining operation on lands located in Area A: City Growth Area and Area B: City-Town Interest Area of the Boundary Agreement. This necessarily conflicts with the Boundary Agreement because the use undermines the City’s planned growth and expansion in violation of the Boundary Agreement.

It is undisputed that the land subject to the CUP Application is located in Area A: City Growth Area and Area B: City-Town Interest Area of the Boundary Agreement (see footnote 1 above). The Boundary Agreement states as follows for Area A: City Growth Area and Area B: City-Town Interest Area (certain text identified in italics for emphasis):

Section 8.02 Area A: City Growth Area. *Area A is designated as the primary growth area of the City in the Town for the term of this Agreement.* The parties acknowledge that territory within the City Growth Area is likely to be developed with comprehensive urban services, including but not limited to, sanitary sewers, and municipal water in conformance with the City’s Comprehensive Plan. *This area shall be regulated by the Town in a fashion which will avoid conflicts with future urban development.* The Town and the City agree to the following provisions applicable to Area A:

...

- (c) *The Town agrees that it shall not take any action that conflicts with this Section 8.02 or undermines Area A being a primary growth area for the City. Among other actions, the Town shall not approve, and shall oppose any application before Dane County for, any lot splits, land divisions, or rezones in land located within Area A unless the Joint Planning Commission has approved the lot split, land division, or rezone pursuant to Section 10.*

...

Section 8.03 Area B: City-Town Interest Area. *The Town and the City agree that the territory located in Area B is an area in which full urban development may occur under the provisions of this Agreement. The parties acknowledge that all of the land within Area B is not likely to be developed at urban densities within the term of this Agreement but may be developed in the future. While this area is designated for potential future City growth, interim and long-term Town development that does not conflict with City expansion may be permitted. The Town and City agree to the following provisions applicable to Area B:*

...

- (c) *The Town agrees that it shall not take any action that conflicts with this Section 8.03 or undermines Area B being a future growth area for the City. Among other action, the Town shall not approve, and shall oppose any application before Dane County for, any lot splits, land divisions, or rezones in land located within Area B unless the Joint Planning Committee has approved the lot split, land division, or rezone pursuant to Section 10.*

Allowing a non-metallic mining operation to proceed in Area A violates Section 8.02 because such a use clearly blocks this land from being a “primary growth area for the City.” Similarly, allowing a non-metallic mining operation to proceed in Area B violates Section 8.03 because, while certain uses are permitted in Area B, this use obviously conflicts with City expansion.

Notably, SSM Health Care of Wisconsin, Inc., (“SSM Health Care”) has submitted an application to the City to construct a medical facility on properties it owns directly north of the proposed site for the non-metallic mining operation. SSM Health Care’s proposed project describes an initial 40,000 square foot medical facility in the initial phase. Future phases would include additional health care and related uses, and mixed use and multi-family residential uses. As part of the application, SSM Health Care, as expected, has requested annexation of the property into the City to utilize public water and public sanitary sewer utilities. The properties owned by SSM Health Care are already included in the Urban Service Area boundary established by the Capital Area Regional Plan Commission.

SSM Health Care’s proposal received an initial review by the City of Verona Plan Commission at the July 1, 2024 Plan Commission meeting and by the City of Verona Common Council at the July 22, 2024 Common Council meeting. The proposal received favorable feedback from both the Plan Commission and the Common Council. For example, the Plan Commission was supportive of this location for a medical facility given its proximity to US Highway 18/151, providing ease of access to populations not currently served by convenient healthcare, including immediate care facilities. The investment in public water and sanitary sewer utility

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connections will be significant given the distance between existing utilities north of US Highway 18/151 and the proposed site. This investment will benefit other properties south of US Highway 18/151 by minimizing the investment necessary to extend utilities to their properties. Because of existing wetlands and floodplains in the area, only a narrow corridor exists where future development can expand south of US Highway 18/151. The establishment of a mineral extraction site within this narrow corridor would significantly reduce SSM Health Care's ability to proceed with its project and recapture its investment in water and sewer improvements. Indeed, approval of the CUP Application could kill the SSM Health Care Project, harming residents of the City, Town, and other outlying communities, and would violate the Boundary Agreement.

In addition, other sections of the Boundary Agreement demonstrate how the CUP Application violates the agreement. For example:

- In Section 4.05, Establish Agreement Upon Patterns of Growth, the Town agreed “to prohibit or restrict urban development in the City Growth Area (Area A) and to permit this area to be annexed to the City and developed to City standards served by a full range of City urban services and facilities.”
- In Section 4.05, the City and the Town agreed “to limit rural development” in the City-Town Interest Area (Area B) “that would make it difficult to efficiently extend urban services to that area in the future.”
- In Section 4.06, Provide a Full Range of Urban Services Available to Areas of Town Annexed to City, the Agreement states: “Municipal sewer and water, storm water, and transportation infrastructure will be timely constructed by the City to serve new urban development within the City Growth Area (Area A) and City-Town Interest Area (Area B). These facilities will enhance public health through protection of ground and surface waters and enhance public safety through availability of sufficient fire suppression water flows and adequate transportation systems. These public health and safety amenities will enhance the quality of life for both Town and City properties within these areas.”

Section 8.07 of the Boundary Agreement acknowledges “that Dane County has certain authority in land use planning and regulation which neither party can control. However, each party agrees to oppose actively any decisions or actions by Dane County which are inconsistent with the provisions of this Agreement.” As noted above, the CUP Application is unquestionably inconsistent with the Boundary Agreement. Thus, the City urges Dane County to deny the CUP Application. Moreover, the City asserts that it is in Dane County's interest to apply an agreement executed pursuant to Wisconsin Statutes among a city and a town within the county, as doing so will assist and promote appropriate land use and growth within Dane County.

III. Comprehensive Plans.

The Comprehensive Plans approved by the Town and the City, including the City's Southwest Neighborhood Plan, are also material to Dane County's review of the CUP Application and provide numerous bases to deny the application. Attached as Addendum A is an Analysis of

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City Comprehensive Plan, and attached as Addendum B is an Analysis of Town Comprehensive Plan. Both analyses show that the CUP Application conflicts with the comprehensive plans and, therefore, should be denied.

With respect to the City, its Comprehensive Plan was reconfirmed in 2019 and incorporates, among other documents, the Southwest Neighborhood Plan. The City's Comprehensive Plan refers to the Southwest Neighborhood Plan when discussing properties contained in the subject CUP Application. The Future Land Uses shown in map form and described in narrative identify the subject land as non-residential and further describes the non-residential uses as job creating with office, corporate headquarters, and light manufacturing. In numerous instances, the City's Comprehensive Plan acknowledges and highlights that the Southwest Neighborhood Plan, which is described in detail in Addendum A, is the more detailed future growth plan for the City of Verona in this area. For example:

- Page 40, Chapter 8 of the Comprehensive Plan described Future City Growth Areas and noted that in the summer of 2009 the City of Verona adopted a neighborhood plan which provides details for portions of the south and the entirety of the southwest future city growth areas. This plan is called the Southwest Neighborhood Plan, and a complete copy of this adopted plan – which is incorporated into this comprehensive plan as part of this Land Use chapter – is available in Appendix 8-C.
- Page 41, Chapter 8 describes the Southwest Neighborhood Plan as being the detailed plan for the Southwest area of the Comprehensive Plan. Page 43, Chapter 8 again references Appendix 8-C, Southwest Neighborhood Plan as the detailed plan for the southwest area.
- Page 45, Chapter 8 begins to describe each of the six Future Growth Areas, which includes the Southwest Area. For each Growth Area, the Comprehensive Plan provides a narrative describing new land uses, existing development, opportunities, and challenges in each area. Within the Southwest Area, which encompasses an area of 440 acres, it describes there to be naturally-occurring non-metallic mineral deposits. It further states that the City will consider allowing quarry operations within this Southwest Area (after annexation) as industrial land-uses subject to city view and approvals. **It is important to note in that same paragraph, the comprehensive plan states that only the southwestern 'quadrant' of the State Highway and USH 18-151 interchange (which includes the subject four (4) lots) is available for urban development, which is why the City has prioritized this quadrant for long-term future non-residential uses such as medical/health care and office/light-industrial development.**
- Page 52, Chapter 8 describes Land Use Goals, Objectives, and Policies. Land Use Goal Two, Objective 2-B: Utilize zoning within the City to prevent adjacent land-uses that are incompatible. The Future Land Use plan prioritized the area for medical/health care and office/light-industrial development. A quarry operation is incompatible with medical/health care. Locating a quarry adjacent to an area intended for medical/health care would be inconsistent and contrary to Land Use Goal Two, Objective 2-B of the Comprehensive Plan.

Notably, nowhere in the Southwest Neighborhood Plan does it suggest that mineral extraction or quarry operations are a desired Future Land Use. Rather, the plans for this land include creating jobs and employment opportunities with offices, corporate headquarters, and other business developments – like SSM Health Care’s proposed medical facility. This all makes sense – for the City, for the Town, and for Dane County – due to the land’s proximity to U.S.H. 18-151, and the CUP Application unquestionably conflicts with these smart growth plans.

IV. Conditional Use Permit Standards.

As noted in the CUP Application, the subject land is located in the Town and, therefore, is subject to Dane County Zoning. For the CUP Application to be approved, Dane County must find that all eight (8) of the following standards are satisfied. Without a doubt, the CUP Application falls well short of this burden.

Section 10.101(7)(h) of the Dane County Zoning Code states as follows (zoning code language in bold text with City comments in italics text):

(h) Requirements and standards for conditional use permits.

1. Standards for approval. Before approving any conditional use permit, the town board and zoning committee must find that all of the following conditions are met:

a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;

For the reasons stated above, the CUP Application will be detrimental to or endanger public health, safety, comfort or general welfare because it conflicts with and violates the Boundary Agreement between the City and the Town and also violates multiple provisions of the City and Town comprehensive plans. Indeed, approval of the CUP Application would negatively affect needed growth in this area. Moreover, allowing a non-metallic mining operation in this location will also harm groundwater and surface water. The proposed pit is in a sensitive groundwater-surface water interaction area. Dane County Susceptibility of Shallow Aquifers to Contamination map (<https://wgnhs.wisc.edu/pubshare/WOFR1999-04-plate02.pdf>) notes proposed pit development area as high to extreme susceptibility of contamination. Mining down to top of bedrock would remove a natural sand and gravel filter from the recharge of underlying bedrock and discharge to the Sugar River, making the City of Verona’s drinking water aquifer more susceptible to contamination.

b. That 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;

As explained above, SSM Health Care is proposing to develop land immediately adjacent to the land subject to the CUP Application for a new health care facility. Further, the development proposed by SSM Health Care is consistent with the Boundary Agreement and the City Comprehensive Plan. Unquestionably, the granting of the CUP Application in this instance would have a detrimental impact on this and other land uses in the area.

c. 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;

The CUP Application is in direct conflict with this standard. Granting the CUP Application will absolutely impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This is made clear by the numerous sections of the Boundary Agreement referenced above that are violated if the CUP Application is granted. This is also made clear by the fact that the granting of the CUP Application is in conflict with the land uses identified in the City and Town comprehensive plans referenced above and in Addendums A and B.

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

Indeed, the opposite is true. The proposed Valley Road access to the Wildcat Pit may conflict with the proposed SSM Health facility on the north side of Valley Road. The City will require turn lanes to SSM Health, and the turn lanes from SSM Health and Wildcat Pit may overlap. Moreover, the intersection of WIS 69 and Valley Road is too close to the US 18/151 ramp terminal intersections. The City is already coordinating with the Wisconsin Department of Transportation (WisDOT) on improvements needed for the intersection. The proposed pit development will likely impact the timing of improvements. A Traffic Impact Analysis should be required for this development, and it should be coordinated with the Traffic Impact Analysis being prepared for the SSM Health facility. Long term, the City anticipates that the WIS 69 and Valley Road intersection will need to be relocated to the south, potentially to the Pine Row alignment.

e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

Please see response to subsection d.

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

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This standard is not satisfied. As discussed above, the CUP Application fails to confirm to applicable regulations because it is in conflict with and violates the Boundary Agreement between the City and the Town and also violates multiple provisions of the City and Town comprehensive plans. Indeed, what is the point of municipal boundary agreements and comprehensive plans if a project such as this is allowed to proceed when it conflicts so clearly with the Boundary Agreement and comprehensive plans.

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

For the reasons identified in Addendum B, the CUP Application is not consistent with the Town's comprehensive plan.

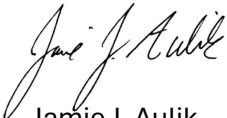
h. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).

The land subject to the CUP Application is not located within a Farmland Preservation Zoning District.

Please let me know if you have any questions regarding the City's letter.

Best regards,

CITY OF VERONA



Jamie J. Aulik
City Administrator

ADDENDUM A

CITY OF VERONA COMPREHENSIVE PLAN

The following are excerpts from the City of Verona's 2009 Southwest Neighborhood Plan and the City of Verona's 2009 Comprehensive Plan. The CUP Application conflicts with, or violates, these provisions.

1. Page 21 of the Southwest Neighborhood Plan.

“2) **West Non-Residential Area (South of Valley Road, North of Sugar River and Badger Mill Creek)**”

- Areas south of Valley Road will have excellent accessibility to and from U.S.H. 18-151. Additionally, this area is completely flat and has a high-water table—making non-residential development (which does not require basements and is less suited to hilly areas...) particularly well-suited for this area;
- The City plans to utilize this area for creating jobs and employment opportunities for Verona residents with office, corporate headquarter, light manufacturing, and similar business developments;
- In addition to conforming with the environmental protection regulations as recommended in the “Resource Assessment and Development Analysis for the Upper Sugar River and Badger Mill Creek Southwest of the City of Verona” report, the City will require a minimum of 25% landscape areas/open space for developments within the ‘West Non-Residential’ sub-area—consistent with the City’s ‘Suburban Office’ zoning district requirements;
- Land-uses closest to Highway 69 are planned to be primarily service or retail businesses, given the excellent visibility and accessibility;
- Land-uses further west—farther away from Highway 69—are planned to be a mix of office, warehouse, distribution, educational and light-industrial land uses. Due to the large roof-areas typical of such developments, all of these land-uses present excellent opportunities for successfully treating storm water on-site and improving water-quality in the Badger Mill Creek and Sugar River as compared with the current unregulated agricultural land-uses;
- High-quality architecture and building design will be required for development within this area along Highway 69, given the higher visibility parcels will have along Highway 69 and given the fact that developments along this highway will serve as a ‘gateway’ to the City of Verona from the south. The Plan Commission will serve as the architectural review and approval board for any proposed development within this area. The City does not plan any new access points directly onto Highway 69;
- This area is not planned for development in the short-term (See **Map 6**—Phasing). However—once the ‘Northwest Medical/Institutional/Commercial’ sub-area is developed—this area will be contiguous to the City and will represent the next logical place to implement the City’s long-standing policy of ‘growing from our edges out in a planned and logical fashion’ and not ‘leap-frogging’ over developable areas. Obviously—development in Phase 1 will need to be complete before development would make sense within this sub-area.”

The property is shown as non-residential development, which per the Southwest Neighborhood Plan lists it as office, warehouse, distribution, educational, and light-industrial land uses. City Staff has

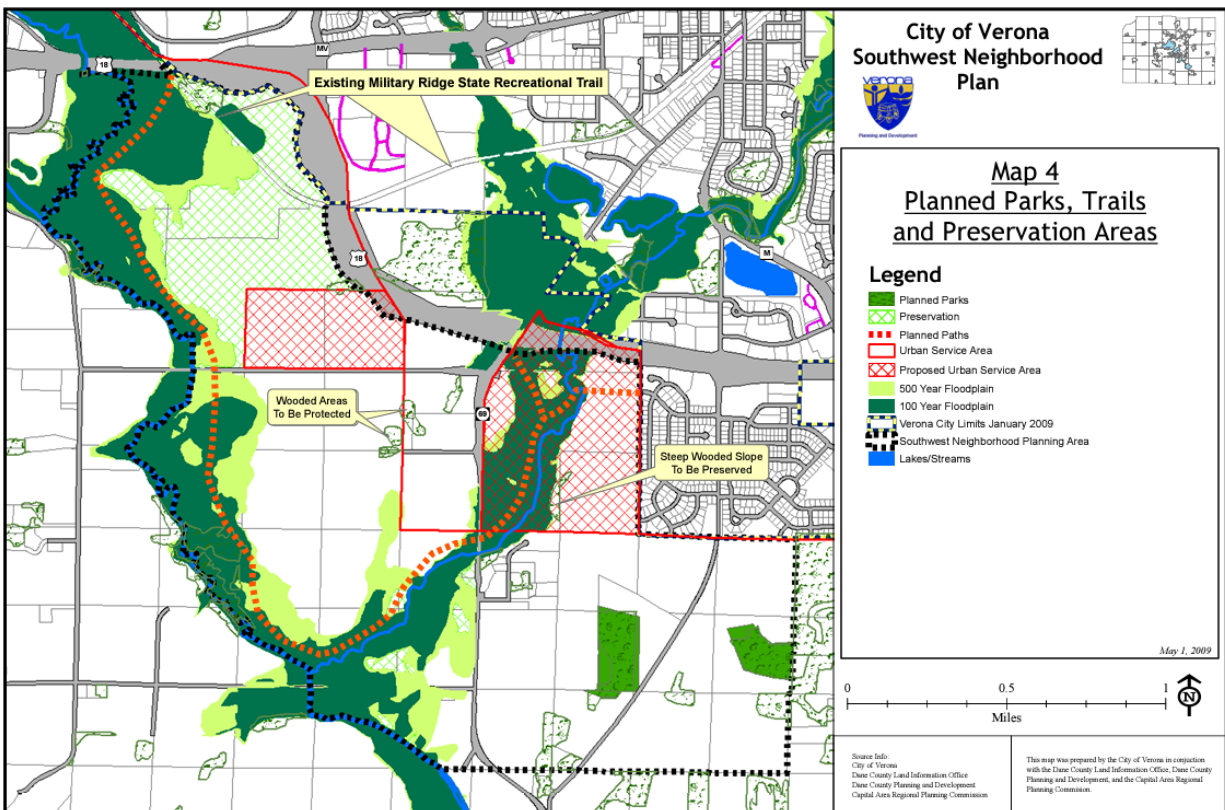
stated that this area would be developed as a business park or an employment center as there is easy access to the last full interchange with U.S. 18-151. The goals with these types of development is to improve water-quality in the Badger Mill Creek and Sugar River. The property will be contiguous to the City after the SSM Health property is annexed. The water line will be extended to this area of the City, which opens the door for future development.

2. Page 18 of the Southwest Neighborhood Plan.

“Parkland Dedication for Residential Areas

The City of Verona is committed to providing parklands and open spaces for its citizens. *In addition* to setting-aside environmentally sensitive areas such as flood plains, wetlands, and steep-wooded slopes for open space and publicly-accessible parklands through designation of environmental corridors, the City *also* utilizes parkland dedication requirements to insure that new developments provide parklands above and beyond what is set-aside as environmental corridor. The City will utilize parkland dedication requirements to protect areas that may-not meet the criteria for placement in environmental corridors through the urban service area amendment process—but which are nonetheless valuable natural resources that should be preserved. For example—there are several wooded areas within the ‘Southwest Neighborhood’ that will not meet the requirements for being placed in environmental corridors. The City will protect these existing wooded areas through our parkland dedication requirements (See Platting/Land Division under Section Three below...). See [Map 4—Parks and Trails](#)—for the location of these wooded areas that the City of Verona will preserve. And as described above—areas of archeological importance—such as Native American mound or ceremonial sites—that are not placed within environmental corridors will also be protected through the City’s use of parkland dedication requirements. While the City of Verona has a long tradition and solid track record of providing for public open space and parklands—it should be noted that urbanization in the form of low-density residential development in unincorporated areas has traditionally *not* provided for such public open spaces and parklands (although the recent trend toward ‘conservation subdivisions’ in unincorporated areas has created some semi-public open spaces. Unfortunately, unlike truly public city parks, these ‘conservation’ areas are very-often *only* open to or useable by the residents within the adjacent houses...)”

Map 4, Southwest Neighborhood Plan



Per the plans, portions of the property are designated as preservation, located in the 100-year floodplain, and have protected wooded areas. The Capital Area Regional Plan Commission (CARPC) shows a portion of the property as a stewardship area and a protection area. “The Stewardship Areas are locations recommended for consideration as an enhancement to the required environmental corridors and include potentially restorable wetlands and the 0.2% annual chance floodplain” (CARPC website for environmental corridors).

3. Page 16 of the Southwest Neighborhood Plan.

“Non-Residential Land Uses:

Non-residential land-uses within the ‘Southwest Neighborhood’ will be located *west and north* of the Badger Mill Creek. As explained within the City’s comprehensive plan—the City plans to take logical advantage of the locational benefits provided by the interchange between State Highway 69 and U.S. Highway 18-151 for non-residential land-uses in this area. Additionally, this area is characterized by very flat land and a high-water table. These attributes of the area lend themselves to non-residential development—which unlike residential development does not require basements and which is less well-suited to hilly land with significant amounts of topographic variation.

Planned land-uses include a mix of office, business-park, research, educational, light-industrial, corporate campus, service, and retail businesses. Please note that the City does not plan to have regional retail services—such as ‘big box’ retail—within the ‘Southwest Neighborhood’, nor does the City plan to have significant amounts of retail development within the Southwest Neighborhood. Rather, the City’s plans are to concentrate the bulk of retail land-uses within our downtown area and along Verona Avenue—as explained in greater detail within Chapter 8—Land Use—of our comprehensive plan. The City of Verona plans to keep the downtown area the retail and service center of the community while promoting employment and job-creation opportunities within the non-residential portion of the Southwest Neighborhood.

All non-residential developments within the Southwest Neighborhood will comply with the environmental protection recommendations included for this area in the “Resource Assessment and Development Analysis for the Upper Sugar River and Badger Mill Creek Southwest of the City of Verona” (See ‘Environmental Protection Measures’, below...).

See the ‘Northwest Medical/Institutional/Commercial’; the ‘West Non-Residential; and the ‘Northeast Commercial’ Sub-Area Plans below for additional information about planned non-residential development within the ‘Southwest Neighborhood’.”

As mentioned in the Northwest Medical/Institutional/Commercial section, “access considerations will need to be addressed to insure that new development is designed and located so that the on-off ramps between State Highway 69 and U.S.H. 18-151 function properly” (p. 20, Southwest Neighborhood Plan). This recommendation would also impact this property as access for the property is from Valley Road.

4. Page 15, Southwest Neighborhood Plan and page 49, Chapter 8 of the 2009 Comprehensive Plan.

“The following section is a copy of the land-use plans from Chapter 8 of the City of Verona’s draft Comprehensive Plan, which summarizes the City of Verona’s plans for new land-uses, existing land-uses, and opportunities and challenges within the ‘South’ and the ‘Southwest’ ‘Future Urban Areas’.

Southwest

New Land Uses

The southwest Future Urban Growth area is planned for non-residential development such as office, business, or light-industrial parks to capitalize on the proximity of this area to the full access interchange with 18-151. Commercial/retail development will be limited and will be secondary to non-retail (and non-residential) urban development. It is not the goal of the city to have a major retail shopping center in this area.

Existing Environmental Corridors to Remain

Preservation areas for environmental protection will most likely be necessary closest to the Badger Mill Creek and Sugar River in this planning area. (See [Appendices 4-H1 and 4-H2](#)—‘Badger Mill Creek—Sugar River Area Study’ for more details.)

Opportunities

The presence of a full-access interchange between State Highway 69 and U.S.H. 18-151 in this Future Urban Growth area presents excellent opportunities for the city’s desire to continue encouraging non-residential development. Unfortunately—3 of the 4 ‘quadrants’ of this interchange are severely limited for urban development due to the presence of floodplains. The southwestern ‘quadrant’ and a very small portion of the southeastern ‘quadrant’ of this interchange are available for urban development, which is why the city has prioritized these two quadrants for long-term future non-residential uses such as medical/health care, office/light-industrial and commercial development.

Challenges

The presence of the Badger Mill Creek and the Sugar River in this Future Urban Growth area presents challenges as well. Fortunately, the City has spent considerable sums of money and time to study this area and develop strategies for how this area can urbanize while minimizing impacts upon the surface waters and other natural resources in this Future Urban Growth area (See [Appendices 4-H1 and 4-H2](#)—‘Badger Mill Creek—Sugar River Area Study’ for more detailed plans for these areas.)”

5. Page 52, Chapter 8, Comprehensive Plan 2009.

“Land Use Goal Two: Prevent land-use conflicts

Objective 2-A: Direct urban development to areas designated for urbanization.

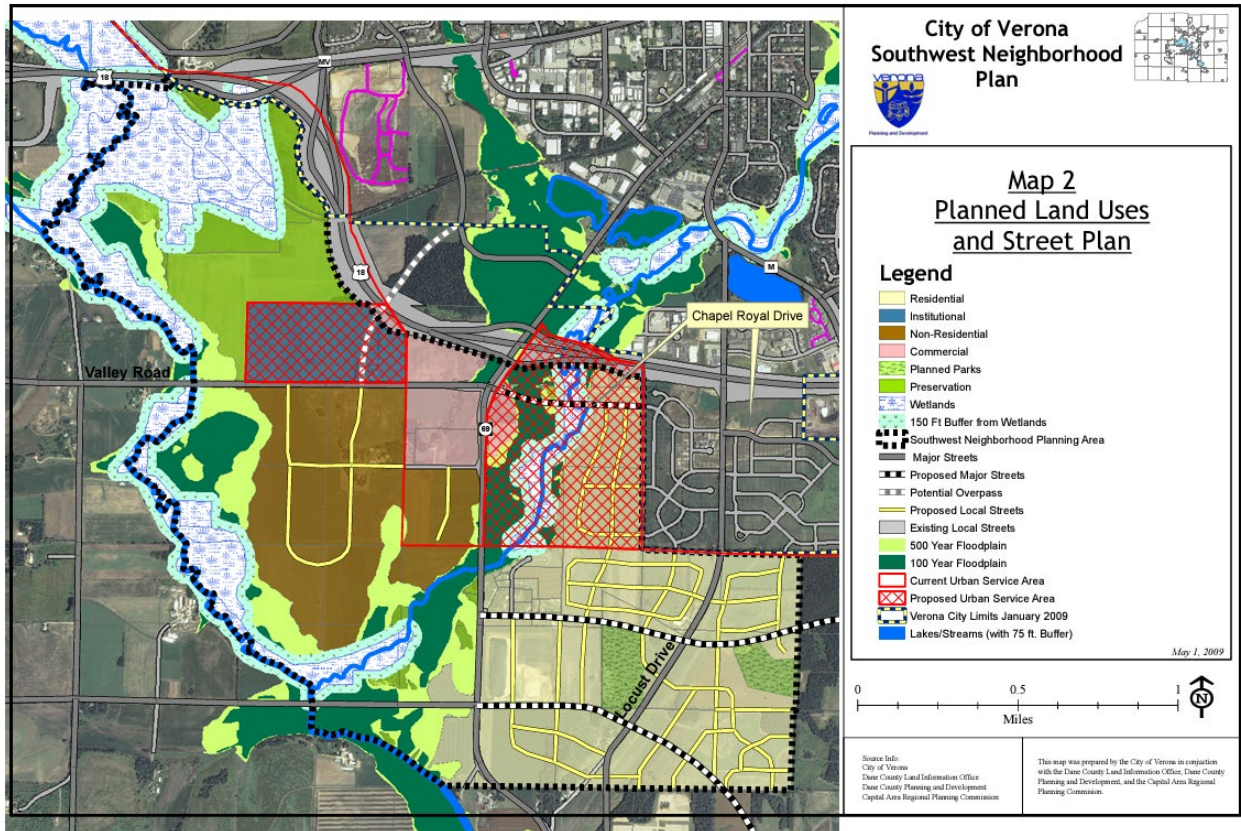
Policy: Continue to exercise extraterritorial plat approval jurisdiction to prevent low-intensity urbanization outside of the city limits within the planning area.

Objective 2-B: Utilize zoning within the city to prevent adjacent land-uses that are incompatible.

Policy: Encourage office and similar non-residential development adjacent to the USH 18-151 by-pass.”

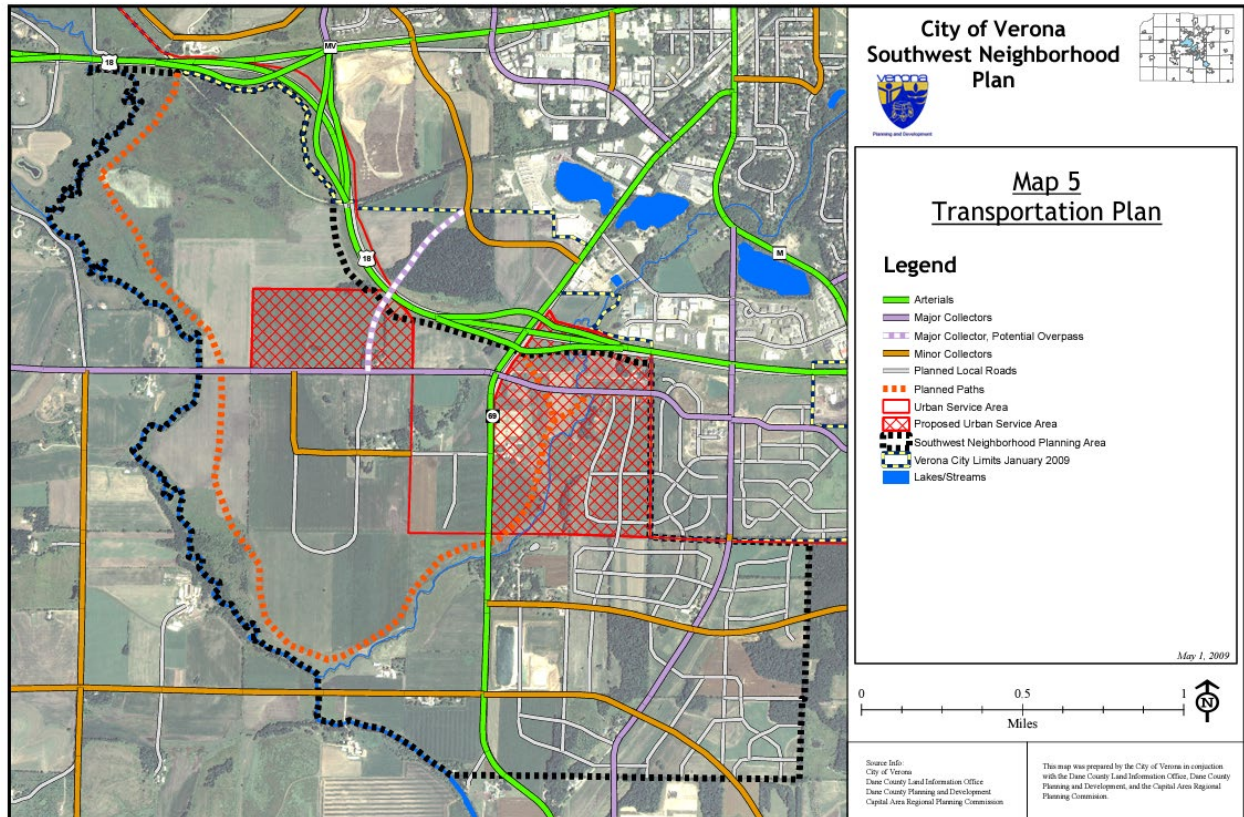
Appendix 8-C, found online under Chapter 8 of Comprehensive Plan

Map 2, Southwest Neighborhood Plan



Appendix 8-C, found online under Chapter 8 of Comprehensive Plan

Map 4, Southwest Neighborhood Plan

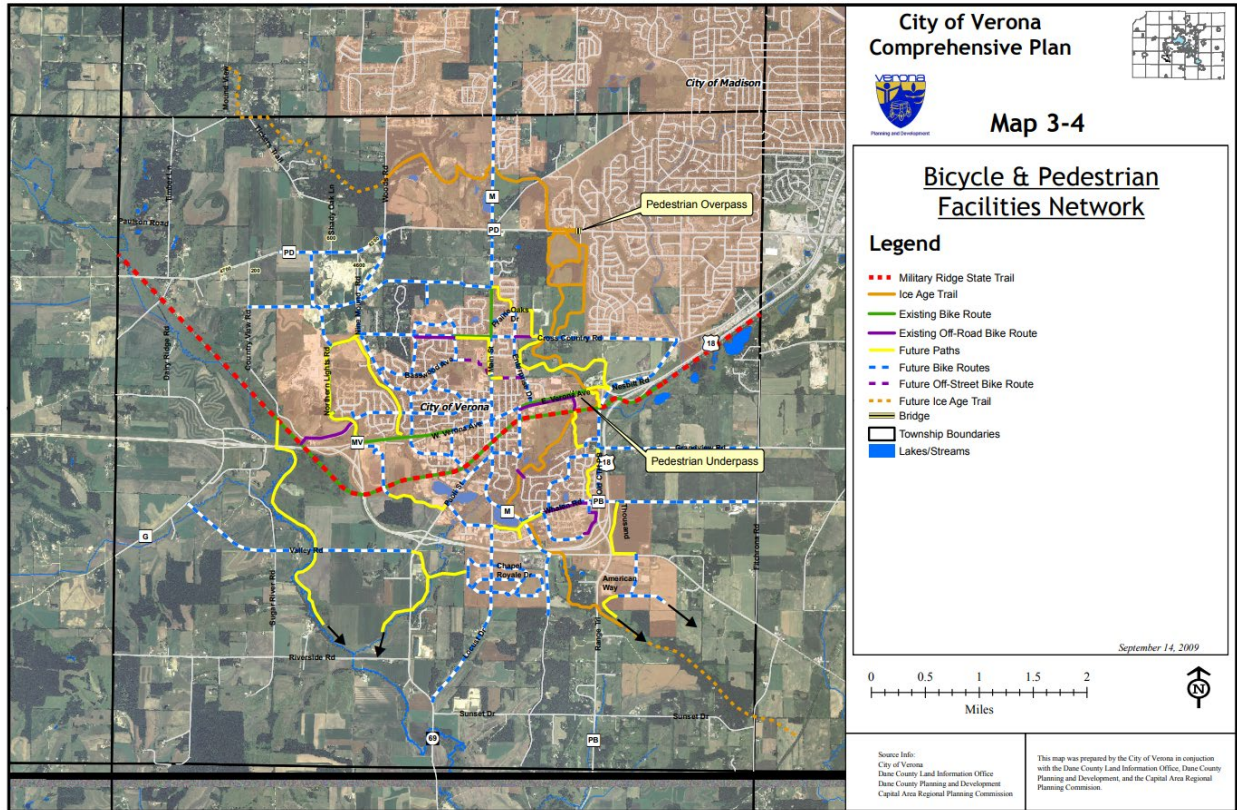


6. Page 18, Chapter 3, Comprehensive Plan.

“As development continues southwest of the Paoli Street interchange, local traffic needs an alternate route to cross the freeway. The Plan shows a new freeway crossing between the STH 69 interchange and the Verona Avenue/Epic Lane interchange. This route will help preserve the function of the existing interchanges and facilitate development south of the freeway.”

Access for this property will come from Valley Road; however, additional local roads and a minor collector are proposed for this property. The ultimate goal is to shift Valley Road intersection south to connect to STH 69 in an effort to give larger spacing for the on and off ramps for U.S. 18-151.

Map 3.4, found online under Chapter 3 of Comprehensive Plan



The properties north of Valley Road and east abutting this property are in the Urban Service Area (USA) which means these properties can be added to the USA through an USA amendment with CARPC.

ADDENDUM B

TOWN OF VERONA COMPREHENSIVE PLAN

Below is listing of conflicts between the mineral extraction proposal and the Town of Verona Comprehensive Plan. Sections of the Plan are shown with bullet points and in quotes followed by text in italics demonstrating how the CUP Application conflicts with, or violates, the Town's Comprehensive Plan.

General Information

- Map 9.6: Future Land Use (page 98 of pdf)
 - All four parcels shown as Transitional Agricultural with some of the area on the west side and southeast corner within an Environmental Resources Protection Corridor
- Map 9.7: Farmland Preservation Lands (page 99 of pdf)
- Land directly to the west identified as Agriculture Preservation Lands

Chapter 4: Transportation, Goal 1, Objective 3 (page 37 of pdf)

- “Support biking, walking and other modes of transportation by promoting the Ice Age Trail and other trails, keeping roads safe, and coordinating with other jurisdictions.”

The proposed intensity and type of machinery proposed to use Valley Road for the mineral extraction use would negatively impact the road which is used by bicyclists and Iron Man competitors.

Chapter 5: Utility and Community Facilities, Goal 1, Policy 2: Water Supply (page 46 of pdf)

- “The Town may require that the property owner, or their agent, fund the preparation of a groundwater impact analysis from an independent soil scientist or other related professional prior to approving new development.”

Concerns for groundwater contamination by proposed mineral extraction use need to be analyzed independently.

Chapter 5: Utility and Community Facilities, Goal 1, Policy 11: Special Needs Facilities (page 48 of pdf)

- “The Town will along with Dane County and adjacent towns maintain and improve access to special needs facilities (i.e. health care, social services, meals on wheels, food pantries) for Town residents.”

The proposed use will restrict the anticipated development of land directly to the north for use as a medical clinic and immediate care facility.

Chapter 6: Agriculture, Goal 1, Policy 2: Limitations on Non-Farm Development (page 51 of pdf)

- “i) The Town will encourage any proposed nonfarm residential development to be placed such that it minimizes impacts on neighboring agricultural uses, minimizes disruption of existing natural features, and prevents visual predominance over the surrounding landscape.
ii) The Town will discourage placement of a residence in the middle of a productive

agricultural field. iii) The Town will direct development that is incompatible with agriculture towards areas that are more appropriate.”

The proposed use will have a predominance over the surrounding landscape, which is in conflict with the Town Comprehensive Plan and will negatively impact surrounding properties. The location is elevated above surrounding areas, including Highway 69 to the east and the Sugar River to the west. The proposed use will have a negative visual and geological impact on the natural environment and recreational use of the Sugar River. It will also negatively impact the existing floodplain and wetlands located on the subject properties.

Chapter 7: Natural and Cultural Resources, Goal 1, Objective 1 (page 61 of pdf)

- “Protect, preserve, and enhance the Town’s unique renewable and non-renewable natural environmental resources, including but not limited to physical geography, soils, surface waters and wetlands, woodlands, and grasslands.”

The proposed use will impose a negative impact on the existing wetland and floodplains on the subject properties.

Chapter 7: Natural and Cultural Resources, Policy 1, Natural Areas Features (page 61 of pdf)

- Site plan provided in application fails to show the wetlands and floodways in area as indicated in Dane County Mapping.

Chapter 7: Natural and Cultural Resources, Policy 4, Surface Water and Groundwater Resources (page 61 of pdf)

- “The Town will work to protect and improve the quality of surface and groundwater within its boundaries. This should, include better understanding phosphorous run off into local streams and rivers.”

The proposed pit is in a sensitive groundwater-surface water interaction area. Dane County Susceptibility of Shallow Aquifers to Contamination map (<https://wgnhs.wisc.edu/pubshare/WOFR1999-04-plate02.pdf>) notes proposed pit development area as high to extreme susceptibility of contamination.

Mining down to the top of bedrock would remove a natural sand and gravel filter from the recharge of underlying bedrock and discharge to the Sugar River, making the City of Verona’s drinking water aquifer more susceptible to contamination.

Chapter 7: Natural and Cultural Resources, Policy 7, Protection of Floodplains and Wetlands (page 62 of pdf)

- “The Town, through coordination with Dane County, will protect floodplains and wetlands from development, damaging stormwater runoff and degradation in order to avoid future drainage and flooding problems, retain them as essential components of the hydrologic system, and maintain their value as wildlife habitat and points of natural beauty.”

Floodplain exists on the subject properties with both 1% and 0.2% annual chance flood hazard.

Chapter 8: Economic Development, Goals 2, Policy 1, Prevent Development Conflicting with Farming (page 71 of pdf):

- “With the goal of preserving tax base, the Town will consider limited commercial uses that do not conflict with adopted farmland preservation policies and is properly sited to minimize conflict with existing agricultural uses and natural or environmentally sensitive areas. In general, the Town discourages development of non-agricultural related commercial and industrial development within rural portions of the Town and encourages it near urban areas, where there is easier access to public services and facilities to support such development.”

The proposed use includes industrial development which is discouraged by the Town Comprehensive Plan in rural areas.

Chapter 9: Land Use, Goal 1, Policy 1 (page 77 of pdf)

- “The Town has mapped sensitive environmental features that require special consideration for protection including steep slopes, wetlands and floodplains (Map 9.6). The Town will maintain regulations and development review procedures that protect these areas consistent with the policies of this Chapter and any County, State or other applicable laws.”

Map 9.6: Future Land Use (page 98) of the Town Comprehensive Plan shows Environmental Resources Protection Corridors running through three (3) of the four (4) subject properties.

Additional Review of Application

The report prepared by GZA, Surface Water Concerns (page 85 of application) stated under Discussion of Concerns that “There are no wetlands on the proposed mine property,” however, the Dane County DCiMap with data provided by the Wisconsin Department of Natural Resources shows there to be a wetland as well as soil suitable for wetlands.