

Minutes
DCTA Membership Meeting
Tuesday, December 17, 2013 – 7:00pm
Dunn Town Hall
4156 County Road B
McFarland, WI

Meeting called to order by Vice President Roehl at 7:08 pm.

Pledge of Allegiance

Introductions: Dane County Supervisor Miles, Dane County Supervisor Hendrick, Brian Standing – Dane County Planning, Dan Everson – Dane County Planning, Lyle Updike – Chair Sun Prairie, Greg Hyer – Chair Cross Plains, Bob Lee – Chair Dane, Mike Du Playee – Cottage Grove, Dale Beske – Chair Rutland, Denis Mandt – Deerfield, Jim Pulvermacher– Springfield, John Van Dinter – Chair Westport, Norman Monsen and Ted Olson – Dunkirk, Ed Minihan – Chair Dunn.

WTA District Report and DCTA District Report

CARPC Commissioner Update – Bob Wipperfurth resigned from CARPC. The vacancy will be posted. If anyone is interested in the appointment please contact Renée Lauber. Ed Minihan noted the importance of town representation because CARPC oversees sewer extensions that directly impact city and village annexation of town land.

Presentation on Resource Protection Corridors Proposal

Brian Standing, Senior Planner, Dane County Planning and Development gave a presentation on the impacts of climate change on Dane County and work initiated by the Dane Co. Comprehensive Plan Steering Committee to address changes.

The policy changes being considered would be implemented through changing the definition/mapped area of the Resource Protection Corridors in the Dane County Comprehensive Plan. Brian Standing explained the proposed changes as technical and policy updates. The technical updates would be changes to wetland and FEMA mapping and town plans to reflect the most current maps and town plans. Policy updates being considered are 1) to include public and nonprofit conservation lands in the Resource Protection Corridors, 2) to add lands in the “500-year” flood plain to the corridors thus increasing protected floodplain and restrict development areas from the 100 to the 500 year floodplain line, and 3) to add hydric soils to the corridors thus eliminating future development on hydric soils.

Discussion:

- Request for town by town maps of proposed changes – clearly showing the current Resource Protection Corridors and the proposed changes. Brain agreed to prepare the maps.
- Who will notify the landowners to get their input? Brain noted the relatively small number of landowners significantly impacted by the proposal. He stated that as we get into the public input sessions on this topic Dane County can send a mailing.
- What if a house in hydric soil burns down can it be rebuilt?

- What about mitigation. Mitigation is not currently in the proposal. There was a request to add options for towns. There is a need for options for building driveways across hydric soils. Additionally towns should have the option to choose a housing location that is in hydric soils if other options would conflict with their Comprehensive Plan.
- There is an assumption that this proposal is not impacting development – the fact is that the policy will take a town and a half out of development. Concern about negative impacts and the fact that cities and village will not have these restrictions.
- If cities and villages do not have similar development restrictions towns will just be holding areas for their development.
- Do other counties use 500 year floodplains? Ans: They use other strategies (higher freeboard - # of feet above floodplain).
- 5,067 land owners will be affected – they should all be notified – not just the small number deemed by staff to be significantly impacted
- Fears of this restriction growing – adding on setbacks from hydric soils and other future development restrictions.

Consider adoption of Fiscal Policy

The proposed policy was distributed. It is the policy was reviewed in May with edits suggested by Tom Wilson. Motion: Updike/DuPlayee. Adopt Fiscal Policy. Carried unanimously.

Discuss proposal from the Task Force on the Prioritized Revision of Chapter 10 to Regulate CAFOs (concentrated animal feeding operations) Tom Wilson, member of the Chapter 10 Task Force, gave a brief report explaining that the Task Force did a prioritization exercise and identified CAFOs as a top priority. The Task Force then held a public hearing that was well attended by farmers in Dane County opposing additional CAFO regulation. Renée Lauber, also a Task Force member, reported that at the last meeting discussion centered on what a CAFO ordinance could regulate. State regulations severely restrict what aspects local governments can regulate. She stated that the Task Force does not have a clear understanding of what could be accomplished with a CAFO ordinance or what the local regulatory options are. She asked for towns to share their opinions on the need for the proposed regulation. Jim Pulvermacher noted that Springfield is comfortable with the larger operations – traffic on town roads is their main issue.

Review Results of Non-Conforming Mineral Extraction Site Town Poll and Discuss Next Steps

The poll results are 7 towns in favor of removing the mineral extraction exemption and 10 towns in favor of the status quo. Steve Shea, one owner of Wingra Stone, commented that they own land and need to know that those materials are available for the future. They have opened an operation in Dunn to ensure that it has active status. He views the proposed OA as a takings.

Supervisor Miles stated that he has introduced the Ordinance Amendment to remove the exemption for nonconforming mineral extraction sites. This way the proposal will go through the Chapter 10 process and towns will officially get to vote to approve or reject the OA.

Mark Hazelbaker noted that attorneys, possibly working for the Dane County Aggregate Producers, are lobbying in support of the Tiffany Bill and trying to take away local pre-emption ordinance rights. Steve Shea stated that the Dane County Aggregate Producers have not taken a position on pre-emption. He believes that the legislation is being led by the frac sand mining industry.

Jim Pulvermacher noted that the DCTA would like to work with towns that want to regulate nonconforming sites and create applicable ordinances. For example, the town of Dunn has a blasting ordinance.

Approval of CUPs was discussed. Several people were of the opinion that if the exemption is removed Dane County will not “re-approve” operation for the nonconforming sites. Patrick Miles disagreed with the presumption that the County is in the habit of not approving CUPs. He stated that in very few cases— you have to go back more than 10 years – has the County denied a mineral extraction CUP. He also stated that the vast majority of complaints are about nonconforming sites and the County does not have the ability to regulate them. He stated that we are the only county in the state that has this exemption for mineral extraction.

Jim Pulvermacher noted that Springfield’s concern is that the approval of every CUP will be a battle – it is ugly and no matter what the town wants once the decision goes to the ZLR and County Board it changes. He commented that roads are the biggest part of town budgets and this proposal will close sites and increase the cost of road materials.

What constitutes an “active” site was also discussed. Dan Everson answered that right now that question is best answered by Dane County Corp Council.

Ed Minihan noted that he chaired a Mineral Extraction committee many years ago. There are some pretty ugly sites out there without reclamation plans. If the county has a CUP process then at least towns will have a partner in the process.

Patrick Miles commented that the state already has blasting and air quality regulations. If a town adopts its own ordinance the state will not get involved in enforcement.

State Legislation

A state legislative initiative that would allow towns to opt out of county zoning was reviewed. It is being drafted right now and will apply only to towns in Dane County.

A bill to allow towns (of a certain minimum population) to create TIF (tax incremental financing) districts has been introduced and has passed the state senate.

A bill to change the structure of CARPC is being written by the Madison Area Builders Association. It will state that CARPC can only act on water quality and have a specific timeline for decisions.

There is also a proposal that would change how commissioners are appointed to MMSD (Madison Metropolitan Sewerage District). They are currently appointed by the County Executive. The proposed new structure would have a majority of appointments from cities and villages. There would be one town commissioner.

Other

Healthy Skies Initiative

There was a report on the radio today about a Dane County Blue Sky Initiative. How will it regulate development in towns? Patrick Miles commented that there was a “Healthy Skies” budget amendment that will fund collecting baseline data in the county. There is no policy associated with it. Jim Pulvermacher noted that Springfield and Berry would like the DCTA to get involved with this initiative. They would like to know more about it and asked that information be sent to towns.

Jim also asked that information on the CRANES – proposal – climate mitigation plan – be reviewed and sent to towns.

Adjourn

Motion: Pulvermacher/Wilson. 9:15 pm.