

DCTA Membership Meeting
Wednesday, December 10, 2014
Town of Westport - Kennedy Administration Building
5387 Mary Lake Road
Waunakee, WI 53597

DCTA Executive Board Present: Bob Lee, Steve Schultz, Jerry Derr, Jim Pulvermacher, Tim Roehl.

Meeting called to order by President Derr at 7:04 pm.

Pledge of Allegiance led by Chair Van Dinter.

Introduction of Guests: Ron Ferrell, Dane County Board Supervisor; Todd Violante, Director Dane County Planning and Development.

WTA District Report: copies of the Wisconsin Towns Association legislative agenda finalized last Friday were distributed. It was also noted that district meetings are coming up. Towns are free to attend meetings in other districts.

Review/Discuss State Legislation to Allow Towns to Opt out of County Zoning

Mark Hazelbaker gave a power point presentation. The DCTA is promoting state legislation to allow Dane County towns to opt out of county zoning. Mark noted that 1/3 of towns in WI already have their own zoning. He emphasize two points: 1) No town in Dane County will be allowed to be without any zoning, and 2) no town will be forced to leave Dane County, this is a voluntary option.

Presentation attached to minutes.

The DCTA will work as an association to develop a zoning code and a shared zoning administration system. Costs of administration can easily be covered by towns charging the existing county application fees and transferring current tax revenue (using the levy limit transfer statute) to pay for zoning administration. Towns can contract privately for zoning administration, do it themselves, or the preferred option is to contract with current county staff.

The County will retain shoreland and floodplain zoning authority. Farmland preservation plans and zones will continue so farmers will not lose tax credits.

Questions

Q: How would it impact annexation?

A: It will not change annexation law but it will change the dynamic. Right now if a property owner wants to develop their property they have to be annexed to be developed. The changes will allow towns to have an option to offer development. The Cities and Village can freeze land in their extra territorial areas for two years so they will still have an advantage, but towns will have more tools to resist them.

Q: Why don't we also go for shoreland and floodplain zoning authority?

A: That might not be politically doable and if we take on those areas we might bring the DNR into the political conversation. Also there is very little in the county ordinance that is not mandated by state law.

Q: This requires a uniform ordinance for all the towns? What happens when the towns don't agree on the ordinance?

A: We will craft an ordinance (likely using a model from another municipality) that will have many options. How towns map and use the ordinance is up to each town. There will be enough options in the ordinance for all towns.

Whether towns use their zoning authority to preserve farmland more vigorously or to develop – it is their choice.

Review/Discuss Model Implements of Husbandry Ordinance

A model ordinance was sent to all towns about two weeks ago. It was drafted with Dane County for consistency. DCTA recommends that every town adopt an ordinance equivalent to option e in the state statutes. That is what the model ordinance does. Towns need to use the same language as the county to make it easier for the Sheriff's Department to enforce.

The most important thing is communicating with the farmers in your towns. It might take letters to all of your operators. It is not about shutting them down but them understanding the road damage associated with heavy loads.

There will likely be a state amendment in the next state legislative session.

Lyle Updike noted that Sun Prairie adopted the ordinance last night with two changes. A reference to the existing ordinance and adding the WI State Patrol to Dane County for enforcement. This will give towns an option for an enforcement contract with the State Patrol in the future.

An ordinance needs to be adopted by January 15, 2015 or towns have to wait until 2016. It is important to get something adopted.

Update on Resource Protection Corridor Proposal

Renée commented that the committee developing the proposal met last in May. Mark described the proposal which would add hydric soils and 500 year floodplains to mapped areas restricted from development.

The DCTA Executive Board attended a Dane Co. Planning informational meeting in November in Mazomanie. At the meeting staff gave an update on the areas proposed to be covered by the corridors. There is a problem with the information staff provided at the meeting. The maps provided at the meeting and sent to towns for comment showed significantly reduced areas that do not reflect the work (current proposal) of the committee. It represents what staff would like the proposal to be.

Lyle Updike noted that we need specific mapping guidelines. There are often problems with the USGS soil map boundaries. County staff should be able to take a boring and determine the boundary – the USGS maps were not designed for property line level of accuracy. Renée noted that, as with other county policy, the burden of proof is on the land owner not the county. So if a landowner believes the maps are not correct, they will have to provide evidence. There is no proposal to have the county prove the accuracy of the USGS maps. Jim Pulvermacher asked that large maps be sent to all towns and for every landowner to be notified. He stated that towns cannot trust the County to determine wetland or hydric soil boundaries. Springfield has already experienced a lack of trust on these issues and was required to use multiple engineering companies. If a person puts a line on a map it is going to affect property values. It was also noted that no towns have come to Dane Co. asking for this regulation. The idea came from downtown to impose on the towns.

Consider Continuation of Task Force on the Prioritized Revision of Chapter 10 (Dane County Zone Code)

The Task Force has expired. Renée noted that the Task Force has helped make many changes to improve the zoning code. The “easy to fix” issues have been addressed. Is there any reason to pursue changes to the zoning code and continue the Task Force? Two people spoke in opposition to continuing – the Task Force has run its course. Supervisor Downing was given credit for working to fix things that needed to be fixed but now the goal is to allow towns to opt out.

Motion: Brixy/Van Dinter. To not renew the Task Force. Carried unanimously.

Dane County/City of Madison Initiative to Improve Pet Licensing

Public Health Madison and Dane County are starting a quality improvement initiative focused on pet licensing. The goal is to streamline to increase compliance. They contacted DCTA asking for a town representative. Wilson and Van Dinter volunteered Bob Anderson, Westport Deputy Clerk Treasurer.

Update on State Legislation

There is a bill circulating to limit the time CARPC has to review USA applications (60 days) and to not allow the DNR to designate CARPC at the official water quality agency for Dane County.

CARPC, DaneCom, Lakes and Watershed Commission, Clean Lakes Alliance Updates

CARPC: Renée reported on a meeting of representatives from the four appointing authorities. They were brought together by the Realtors Association. There is a feeling that if nothing is done the DNR will take over USA decisions. Do we want that to happen? Do we want regional planning in Dane County? Mr. Wipperfurth spoke to the importance of regional planning. Mark Geller noted that since he has been on CARPC they have not had time for any regional planning discussions. They have pressure to get things passed. What we spend our time on is frustrating. Jerry Derr noted that Joe Ball has resigned from CARPC. It was also noted that we have never been able to get a comprehensive CARPC audit.

DaneCom: The plan is to add additional towers to boost the system. Supervisor Ferrell noted that money for towers was included in the budget. Within a year they should build something.

Lakes and Watershed: Lyle Updike, DCTA representative, talked about their phosphorus reduction initiative and a new initiative dealing with chlorides (water softeners – both urban and rural and landscape companies). They will be hiring a full time position for community engagement.

Clean Lakes Alliance: Lyle Updike, DCTA rep on their community board, talked about Yaraha Pride – a group of farmers in the watershed finding effective on the ground practices and sharing it with other farmers. James Tye is now the President of the organization.

9:15 Adjourn. Motion: Hampton/Roehl. Carried.