

Minutes  
Executive Board  
July 18, 2012 – 7:00pm  
Madison Town Hall  
2120 Fish Hatchery Road, Madison

**Present:** President Jerry Derr, Ted Olson, Tim Roehl, Jim Pulvermacher, Bob Lee, Pat Downing.

**Absent:** Steve Schulz.

**Also Present:** Renée Lauber, Policy Advisor; Mark Hazelbaker, Legal Counsel.

Meeting called to order by President Derr at 7:05 pm.

**Minutes**

Motion: Roehl/Pulvermacher. Approve 5/23/12 minutes. Carried unanimously.

Motion: Roehl/Olson. Approve 6/13/12 minutes. Carried unanimously.

Motion: Roehl/Pulvermacher. Approve 6/27/12 minutes.

Amendment: Pulvermacher/Downing. Remove last sentence on 2<sup>nd</sup> page. Roehl opposed. Amendment approved.

Amendment: Downing/Pulvermacher. Replace the word “themes” with the word “discussed” on page 3. Carried unanimously.

Vote on main motion. Roehl opposed. Motion carried.

**Monthly financial statement**

A memo dated 7/16/12 and balance sheet prepared by Kimberly Cater, Paralegal/Office Manager, Hazelbaker and Associates, were reviewed. It was noted that the annual budget should be reviewed the August board meeting.

**Consider Farmland Preservation Plan and A1 Ex, A-4 and A-B zoning changes**

The A1-Ex Ag, AB and A-4 Ordinance Amendment OA's were not introduced at the July County Board meeting. Instead they will go out to towns with a request for comments. They will likely be introduced at the August County Board meeting.

The OA's are a product of the Chapter 10 Task Force. They provide additional opportunities for rural economic development and flexibility. Changes to these zoning districts are required for Dane County to maintain its Farmland Preservation Certification and tax credit options.

Using the towns veto power with Chapter 10 OAs as leverage on Farmland Preservation Plan was discussed. The memo Mark authored suggesting this approach was discussed.

No Executive Board action was taken on the OA's. Action will be taken after comments from towns have been reviewed.

Farmland Preservation Plan

No action was taken on the Farmland Preservation Plan. The Subcommittee developing the plan will meet again on 7/23/12 to address the 20% slope issue and other issues raised by towns.

The importance of language stating the authority (not overriding) of town plans was discussed. If necessary the DCTA could go to DATCP to address this issue. State statues clearly states (91.10(2)) that the Farmland Preservation Plan

“shall ensure that the farmland preservation plan is consistent with the comprehensive plan.” Town plans that were not adopted by the county are part of the county comprehensive plan.

Direction was given for Renée and Mark to read through the Farmland Preservation Draft Plan to make sure language clearly stated that the Farmland Preservation Plan requirements were “consistent with town plans adopted by the county” and that decisions are consistent with town plans.

Misinformation on the state deadline for approval of the Farmland Preservation Plan was discussed. It was noted that section 91.10 has a 2016 deadline for plans but this is overridden by section 91.34 that gives earlier deadlines based on county population. The deadline for Dane County was December 31, 2012. Based on a request from the Towns Association, DATCP granted Dane County a one year extension. The new deadline is December 31, 2013.

### **Consider proposed OA for the keeping of chickens in single family residential**

Ted Olson stated that 80 to 90 people came to Dunkirk meetings on this issue – not one person spoke against it. Dunkirk restricted chickens to 4.

Q: Can a subdivision keep them out?

A: Mark’s opinion was that with regard to chickens, neighborhood covenants would override the OA.

Problems with the “one size fits all” nature of the OA were discussed.

The WI Supreme Court Cooks Valley decision related to licensing a quarry was discussed. The opinion was that this case gave towns the authority to create licensing or permitting ordinances that could be used to regulate chickens in residential zoned districts.

Motion: Downing/Pulvermacher. Urge acceptance of OA.

Amendment: Olson/Pulvermacher. Amend Article 4(2)(a) to add the word outdoor – thus allowing indoor slaughter. Approved unanimously.

Amendment: Roehl/Pulvermacher. Add (e) to subsection 2 stating “any licensing or permitting ordinance adopted by a town.” Downing opposed. Motion carries.

Amendment: Derr/Roehl. Clearly define that neighborhood covenants and deed restrictions supersede the OA. Carried unanimously.

Vote on main motion. Carried unanimously.

### **Update on amending chapter 75.19(6)(b) by specifying that the public road frontage requirement may be met either through, “*fee ownership or permanent easement that runs with the land*”.**

Pat Downing pointed out the Chapter 75 clause that “every parcel has to have frontage on a public road” has been interpreted by staff to mean fee ownership. When most town roads are easements that interpretation makes no sense. Also fee ownership can be wetlands or steep slopes not useable for access.

The first version of this OA only changed a few words to specifically allow easements. Staff had issues with that version and the longer more detailed version was created with their input.

Motion: Roehl/Pulvermacher. Support Sub 1 to OA 11 2011-2012 with changes suggested by Mark Hazelbaker to Section 75.19(8) (f) (5) (ii) in a previous email. (“The easement must grant permanent and unimpeded access to the lots served by the easement for emergency service responders and other access which could be had by a public road.”) Carried unanimously.

### **Discuss CARPC – Dissolution/reforms**

The DCTA Exec. Board on two occasions passed directives to hire an Exec. Director within the existing CARPC budget. Jerry Derr was asked why he did not work toward that at the BPP meeting. Jerry responded that he didn't think there would be 3 votes for the motion.

Motion: Pulvermacher /Roehl. Send note out to clarify town chairs meeting. We are focusing on resolving issues with CARPC, but we are not stopping the dissolution process and will continue to collect the resolutions. The Town Chairs did not take dissolution off the table. We are taking this parallel track to keep the momentum going. The DCTA is not going to take any formal dissolution action without meeting again with the Town Chairs. Carried unanimously.

Waiting three months for the next BPP meeting was discussed. Concern that the time lag may not work for Towns that are wanting timely progress on CARPC reforms was expressed. Jerry directed Renée to ask Chris Gjeston to set up an early September BPP meeting.

#### **Consider CARPC Commissioner Appointment**

Ed Minihan is ready to be done with CARPC. Jim Pulvermacher asked Kris Hampton if he would fill the vacancy. Consensus was to not appoint a temporary replacement but to interview the two remaining candidates. Interviews will be on August 22<sup>nd</sup>.

#### **Long driveway discussion group – suggestion from Patrick Miles**

Patrick Miles contacted Renee with concerns that there were no standards for long driveways and that might lead to consistency issues in the future. He suggested a group to discuss this issue. The DCTA noted that doing anything that would implicitly give authority to regulate length. Most towns already have driveway standards. If the ZLR has an issue with a town – work with them instead of creating new rules that will impact all the towns. The DCTA does not want to take issue up right now.

#### **Resolutions for Wisconsin Towns Association**

WTA takes ideas for resolutions up until the middle of next month.

#### **Membership Meeting**

Todd Violante contacted Renee about Broad Band in Dane County. Consensus was to invite him to speak about Broad Band at the August 15<sup>th</sup> meeting.

#### **Other**

Josh Westcott contacted Renee about the amended Dane Com agreements. The DCTA will ask towns again to send in the amended agreements.

#### **Adjourn**

Motion: Roehl/ Olson. 10:05pm