

MINUTES

Capital Area Regional Planning Commission

November 8, 2007

City-County Building Rm 310, 210 MLK Jr. Blvd., Madison WI

7:00 p.m.

Present: Zach Brandon, Joe Chase, Kristine Euclide, Martha Gibson, Kris Hampton, Carlton Hamre, Sally Kefer, Harold Krantz, Jeff Miller, Larry Palm, Anne Sayers, Kurt Sonnentag

Absent: George Kamperschroer

Staff Present: Chris Gjestson, Michael King, Kamran Mesbah, Steve Wagner, Barbara Weber

1. Roll Call

Interim Chair Miller called the meeting to order at 5:01 p.m.

2. Approval of minutes of the October 25, 2007 meeting

Moved by Mr. Krantz, seconded by Mr. Chase, to approve the minutes of the October 25, 2007 meeting. Motion carried, with Mr. Hamre abstaining.

3. Review of agenda

No changes.

4. Public comment

Attorney Mike Lawton, Lathrop & Clark, 740 Regent St., Madison, requested that the CARPC consider adding a policy to its bylaws which would require it to hold a public hearing within 90 days after the receipt of a complete urban service area amendment application, so that applicants will have assurance that their request will be considered. He requested that the CARPC also consider requiring eight votes for all major planning decisions, including the adoption of urban service area policies and criteria, to encourage consensus and fair treatment of all four appointing bodies.

5. Consideration of Resolution CARPC No. 2007 - 6 Adopting CARPC Bylaws

Mr. King described comments by David Gault, Dane County Corporation Counsel attorney, on the draft bylaws. Mr. King noted that line 189 of the draft should be amended to read "..., including *proposed* terminations,..." to be consistent with the authority of the Personnel Committee. Moved by Mr. Hampton, seconded by Mr. Sonnentag, to approve Resolution CARPC No. 2007-6 adopting the CARPC Bylaws as amended. Ms. Gibson stated that the Commission did not make a decision at its last meeting regarding its role in the hiring of staff; she suggested that line 217 be amended to provide for Commission involvement in the hiring of its employees. Discussion followed. Ms. Gibson proposed the line to read "The Executive Director, in consultation with the Personnel Committee, shall be responsible for the hiring and firing of staff, subject to Personnel Committee or Commission approval." Mr. Palm stated that to be consistent, line 192 should include a part "iv" to reference the Personnel Committee's hiring authority. Proposed amendments recognized by Messrs. Hampton and Sonnentag as friendly, with no objection. Mr. Miller

asked if Mr. Lawton's request should be included in the bylaws; Mr. Palm did not think it was necessary; Mr. King suggested that the 90-day requirement would best be addressed as a statement of intent in the USA amendment policies, rather than bylaws. There was no objection. Main motion to approve Resolution CARPC No. 2007-6 carried unanimously.

6. Consideration of Resolution CARPC No. 2007 - 7 Adopting the CARPC Personnel Manual

Moved by Ms. Gibson, seconded by Mr. Palm, to approve Resolution CARPC No. 2007-7 adopting the CARPC Personnel Manual. Motion carried unanimously.

7. Consideration of terms and conditions of employment for Capital Area Regional Planning Commission employees that have previous service with the Dane County Regional Planning Commission and/or Dane County (CARPC Res. 2007 - 8)

Mr. King described the resolution, which provided that former DCRPC/CAPD employees accepting employment with the CARPC would retain their longevity, seniority, salary history, vacation and sick leave credits as accrued under DCRPC/CAPD service. Moved by Mr. Hampton, seconded by Mr. Sonnentag, to approve Resolution CARPC No. 2007-8. Motion carried unanimously.

8. Consideration of a motion to convene in closed session, pursuant to §19.85(1) (c) Wis. Stats., to consider offers of employment to Community Analysis and Planning Division staff for 2008.

Moved by Mr. Hampton, seconded by Mr. Chase, to convene in closed session, pursuant to 19.85(1)(c) Wis. Stats., to consider offers of employment to Community Analysis and Planning Division staff for 2008. Motion carried 12-0 by roll call.

9. Consideration of a motion to re-convene in open session, pursuant to §19.85(2) Wis. Stats., to consider offers of employment to Community Analysis and Planning Division staff members for 2008.

Moved by Ms. Euclide, seconded by Mr. Hampton, to reconvene in open session, pursuant to 19.85(2) Wis. Stats., and to communicate to CAPD staff along with its offers of employment that the Commission intends to review and consider the recommendations of the salary study currently underway, considering all the funds that could be made available for the purpose of salary and benefit adjustments within the 2008 Commission's budget. Motion carried unanimously.

10. Workshops continued: Discussion of Urban and Limited Service Area and Environmental Corridor policies and Urban and Limited Service Area amendment criteria.

Mr. King referred to the draft policies and criteria (Review Draft dated 11/1/07) in the agenda packet materials. Commissioners discussed the draft and asked questions of staff. Ms. Kefer expressed concern that the stormwater management criteria was not sufficiently tied to groundwater recharge; Mr. Mesbah stated that stormwater recharge of groundwater was included in NR 151, and the RPC approach to stormwater management was inclusive of both ground and surface water. Ms. Kefer asked how "maximum extent practicable" was determined. Mr. Mesbah answered through groundwater modeling and determination of projected baseflow loss, with consideration of the natural resources in

the amendment area. Discussion continued. Ms. Gibson suggested that the term “maximum extent practicable” was vague and lacked transparency; she asked that staff spell out much more specific criteria. Mr. Mesbah stated that staff could add detail, but it was not possible to prevent all water quality and quantity impacts of development. Ms. Euclide agreed with the request for significantly more detail, which would better inform both Commissioners and applicants on what the criteria are. Ms. Sayers described the importance of maintaining a permanently adequate water supply for the region, and asked what the Commission could do to encourage the sustainable approach to water usage in USA amendment proposals, consistent with the CARPC goals and objectives. Mr. Mesbah stated that staff worked with applicants to try to achieve sustainable usage; he noted that the most effective measure to maintain groundwater supplies was through recycling, which requires a multi-jurisdictional approach with local support. Ms. Sayers stated that reducing demand should be stressed as much as possible. Ms. Kefer requested that recharge standards be described in the criteria. Mr. Mesbah stated that staff could add more detail to the draft policies in response to Commission requests. Discussion followed.

Commissioners discussed Section 2 Paragraph D Agricultural Loss Mitigation. Mr. Hampton suggested that a CARPC work group could be created to discuss potential mitigation measures. Mr. Miller described the lack of support from cities and villages concerning this criterion. Ms. Euclide suggested retaining the criterion, and expressed support for CARPC initiating a work group to identify possible criteria, after which it could collaborate with local jurisdictions for adoption. She suggested that in the interim Paragraph D could be abbreviated to read “The CARPC desires to promote approaches to mitigate the loss of farmland to urban development.” (No action taken.)

Ms. Euclide referred to Section 1 Paragraph I regarding the flexibility margins, which reflected current practice. She stated that the policy was not consistent with the CARPC goal for more efficient use of land, such as encouraging the use of infill and increased density, since the policy provided twice the projected need for developable land (in Outer USAs). Discussion ensued. Moved by Ms. Euclide, seconded by Mr. Hampton, to delete the second sentence of Paragraph I. Discussion followed. Ms. Euclide stated that she was not opposed to flexibility margins, but they should be looked at more closely before adopting them as policy. Discussion continued. Motion to delete carried 7-5 on a voice vote.

Ms. Euclide referred to the density criteria (Section 2 Paragraph C) and suggested that the goal should be to increase overall density in urban service areas. The requirement would not necessarily be that amendment areas have higher densities than the current USA, only that an analysis and demonstration that an overall increase has occurred, even if the increase is due to infill or redevelopment projects within the existing USA. She suggested that the language could be amended to make this more clear. Discussion followed. Mr. Brandon agreed the language should be clarified, and should emphasize the need to increase densities at a regional level.

Moved by Ms. Euclide, seconded by Ms. Sayers, to add new Paragraph G to Section 2 to require demonstration of consistency with local and regional adopted plans. This criterion would match the USA amendment submittal policies. Motion carried unanimously. Discussion continued.

Mr. Brandon requested that those Commissioners who have advocated for preservation of farmland and groundwater supply should try to propose clear, specific criteria. Ms. Sayers suggested that the water quality work group could meet to discuss. Discussion followed. Messrs. Miller and Hamre described the role of intergovernmental agreements (IGAs) in farmland preservation, which identified lands which would remain zoned exclusive agriculture for 10-year periods. Discussion continued on the agricultural mitigation criteria, including the creation of a work group. Mr. Hampton suggested that Section 2 Paragraph D regarding agricultural loss mitigation should remain as written as a placeholder which expresses the Commission's intent, while a work group works on the details to report back to the Commission. Mr. Miller expressed approval for the creation of a work group, but stated that the language was too vague to be included as adopted criteria; Mr. Brandon agreed. Discussion continued.

Moved by Ms. Kefer, seconded by Mr. Hampton, to keep Paragraph D but amend to the effect that CARPC desires to promote approaches to mitigate the loss of farmland to urban development through the use of, for example, intergovernmental agreements, TDR and PDR programs, etc. Ms. Kefer stated that the intent of the language would be to initiate discussions with amendment applicants on effective mitigation measures. Ms. Gibson asked if easements should be an included measure in the language; Ms. Kefer agreed they should. Commissioners continued to discuss the legalities and economics of the preservation of agricultural land. Ms. Kefer moved to amend the proposed language of the main motion to include "...to support the economic viability of the farming industry and protect wildlife habitat, recharge for streams, springs, and drinking water." Recognized by Mr. Hampton as a friendly amendment; there was no objection. Motion carried 7-5 on roll call vote.

Moved by Ms. Euclide, seconded by Ms. Gibson, to add subparagraph 5 to Section 3 Paragraph A to add as a submittal requirement "an analysis of the infill and redevelopment potential in the existing urban service area and a description of the need for the urban service area expansion." Ms. Euclide stated that this would be consistent with the other criteria and would provide that the applicant do this work rather than the staff. Motion carried unanimously.

Moved by Ms. Euclide, seconded by Ms. Sayers, to add the USA criteria in paragraphs A through E and new G to the LSA criteria in Section 3. Motion carried unanimously. Commissioners continued discussion.

Moved by Ms. Kefer, seconded by Ms. Gibson, to amend Paragraph A subparagraph 13 of the Environmental Corridors ("ECs") section to prevent the installation of stormwater facilities in corridors that would negatively affect the environmental function of the corridor. Mr. Mesbah explained that the purpose of subparagraph 13 was to ensure stormwater facilities installed in developed areas are designated as ECs; the intent of the motion to prevent stormwater facilities from being added to sensitive ECs which degrade the function of ECs would best be addressed as an added criterion. Ms. Kefer amended her motion to add new Paragraph G with the proposed language; recognized as friendly by Ms. Gibson with no objections. Motion carried unanimously.

Moved by Ms. Kefer, seconded by Ms. Euclide, to amend Paragraph E subparagraph 3 of the Environmental Corridors section by adding “woodlands.” Discussion followed. Motion carried 11-1 on voice vote.

11. Consideration of approving discussion drafts: CAPRC Goals and Objectives; Urban and Limited Service Area and Environmental Corridor Policies; and Criteria for the Review of Urban and Limited Service Area Amendments. Consideration of the intergovernmental and public review process for discussion drafts.

Mr. Miller stated that staff should provide the draft documents for Commission review prior to considering for distribution to local units of government for review and comment. Moved by Ms. Gibson, seconded by Mr. Palm, to defer consideration of the draft documents to the meeting of November 29. Motion carried unanimously.

12. Discussion of Natural Resources Work Program 2008-2013

Moved by Mr. Sonnentag, seconded by Ms. Gibson, to defer to the meeting of November 29. Motion carried unanimously.

13. Report of Interim Chair / Discussion

Mr. Miller stated that a communication to local units of government and stakeholders was being drafted to provide an update on the Commission’s status, and November 28 was the date established for Executive Director interviews.

14. Report of Division Administrator / Discussion of Reports

Mr. King stated that the public hearing notice for the Town of Burke CUSA amendment (included in the agenda packet) included language explaining why the amendment was being considered by the Commission. He reported on the November 8 annual meeting of the Association of Wisconsin Regional Planning Commissions.

15. Future Agenda Items

None.

16. Adjournment

Moved by Mr. Hampton, seconded by Mr. Krantz, to adjourn. Motion carried at 10:35 p.m.

Recorded by Chris Gjestson