Standing, Brian

From: Renee Lauber [renee@lauberconsultingllc.com]
Sent: Tuesday, September 06, 2011 2:38 PM
To: Hendrick, John; Clausius, Bill; Richmond, Kyle; Jensen, Gerald; Jim Welsh
Cc: Standing, Brian
Subject: Comments from DCTA on Farmland Preservation Plan

Greetings Subcommittee,

Following are comments from Mark Hazelbaker that I thought had been sent to Brian and the County Board.

The Dane County Towns Association Board adopted several principles to guide its discussion with the County of the new Farmland Preservation Plan. My summary of these principles (this wording has not yet approved by the DCTA Board) is as follows:

1. Town Plans

The Towns’ Association believes that the policy should clearly indicate that the County, in administering farmland preservation, shall follow Town land use Plans. The County has incorporated the Town land use Plans into its comprehensive Plan. There are no separate maps or other land use elements in the County’s comprehensive Plan. Accordingly, we believe that the County has no basis to do anything other than simply follow the Town Plans. It is important to us that this Plan indicates affirmatively and unequivocally that the foundation of farmland preservation planning is the excellent planning work by the Towns in Dane County. This is especially significant because over the past fifteen (15) years, the Dane County Towns have demonstrated that their commitment to farmland preservation is strong and consistent.

2. Avoid Imposing or Referencing any Development or Infrastructure Standards Other Than Those of the Individual Towns.

Towns have driveway standards, road construction standards, site plan review standards (if they choose to do so), and other local regulations. This is appropriate because the Towns are the local municipality in the unincorporated part of the County. The County is not a municipality, and has no authority to regulate infrastructure or development build-out standards.

There are a number of references in the draft Plan that appear to indicate that driveways must be placed in a fashion which meets County standards or provides for some kind of County Plan review or other issues. The County has no authority to impose any such standards, and, more importantly, has no competence to do so. The Plan must consistently reference compliance with Town standards and refrain from imposing any review or alternate standards.

3. Simplify the Plan by Moving Informational Items to Appendices.

Brian Standing, drafter of the Plan, did a commendable job in incorporating a large amount of informational material in the Plan draft. That material answers almost certainly be questions about the meaning of aspects of this complex document. Indeed, if the Plan had not been drafted with
information provided, someone probably would have criticized it for failing to identify important policies and procedures. To allow the Plan document to be more compact, we believe it would be appropriate to pull all the informational items that are meant to be supportive of the policies in separate appendices following the Plan.

4. Use a Consistent Plan Format Making it Easy to Follow.

It would be helpful if the Plan were written a format similar to that of comprehensive plans in which the material goes from general objectives to specific policies and then, to implementation strategies. This general to specific format makes it easier to identify both the spirit and the letter of the Plan, and would make for a better structure. Further, we would like the Plan to include, as an appendix, a chart which graphically summarizes the planning matrix for farmland preservation planning. This would be helpful in following the available options for Town planners and County officials dealing with farmland preservation issues.

5. Non-Farm Development Area Policies

The Plan contains a section with significant policies governing the development of non-farm areas in towns. The decision about whether an area should be planned for nonagricultural development is part of the land use element of the comprehensive plan. As noted previously, only the Towns have adopted land use plans for their areas, because the County has simply adopted the Town plans. This is an important issue because in the development of some of the comprehensive plans, County officials have objected to portions of the Town plans which, in their judgment, contain too much nonagricultural development.

This is an important issue. Counties have no authority to tell Towns how to plan for themselves, and they have no authority under the Farmland Preservation Law to regulate areas that will develop within the next fifteen (15) years. In turn, because Dane County has no land use plan of its own, the determination of whether land will develop within the next fifteen (15) years belongs to the Town, not the County. This will be an important and essential element of our position as this matter moves forward.

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Renee Lauber
Dane County Towns Association Policy Advisor
Lauber Consulting, LLC
608.577.9997