



## Legislation Text

File #: 03731, Version: 1

### Fiscal Note

Adoption of this resolution would have no direct fiscal impact. Establishment of the planning entity anticipated in this resolution would essentially recreate the regional planning commission structure that was in place in Dane County from 1975 until 2004 and would facilitate the continued amendment of the central urban service area boundary to allow provision of sewer and other urban services in conformance with the comprehensive plan.

### Title

Petitioning the Governor of Wisconsin to create a Capital Area Regional Planning Commission.

### Body

WHEREAS, the need to preserve the natural resources and beauty of the region surrounding Wisconsin's capital require that local units of government work together to address environmental concerns which transcend municipal boundaries; and

WHEREAS, cooperative efforts can pool scarce resources to create a public agency which can act as a resource for the community development efforts of local units of government in the capital area of Wisconsin; and

WHEREAS, the most appropriate legal means available for engaging in such cooperative efforts appears to be creation of a regional planning commission under sec. 66.0309, Wis. Stats.; and

WHEREAS, that statute provides that the Governor may create a regional planning commission upon petition of a local unit of government and if the creation is consented to by local units representing fifty percent of the population and fifty percent of the equalized value of the proposed region; and

WHEREAS, the statute further provides in sec. 66.0309 (3)(b) that the membership composition of a regional planning commission shall be in accordance with resolutions adopted by a majority of the local units in the region having at least one-half the population of the proposed region; and

WHEREAS, Section 66.0301 of the Wisconsin Statutes allows counties, towns, villages and cities jointly to exercise any power they possess, and the parties hereto intend that the agreements contained herein be binding on each of them and on the CARPC, once created, under authority of that statute.

NOW, THEREFORE, be it resolved, pursuant to secs. 66.0301 and 66.0309, Wis. Stats., that:

1. The recitals set forth above are incorporated herein by reference and made part of this Resolution.
2. The territory of the proposed Capital Area Regional Planning Commission shall be all of Dane County.
3. The City of Madison hereby petitions the Governor of Wisconsin to create the Capital Area Regional Planning Commission with membership as defined in this resolution.
4. The City of Madison hereby consents to creation by the Governor of Wisconsin of the Capital Area Regional Planning Commission with membership as defined in this resolution.
5. The City of Madison hereby states its support for having the Governor of Wisconsin designate, under NR 121.06(2), the Capital Area Regional Planning Commission as the agency capable of developing effective area wide water quality plans for Dane County.
6. The membership plan of the Capital Area Regional Planning Commission shall be as follows:
  - a. The thirteen members to consist of :
    - i. Four members appointed by the Mayor of the City of Madison from the area of and representing the City of Madison;
    - ii. Three members appointed by the Dane County Cities and Villages Association from the area of, and representing cities and villages;
    - iii. Three members appointed by the Dane County Towns Association from the area of and representing towns; and
    - iv. Three members appointed by the Dane County Executive, one from each of the three areas enumerated in subparagraphs 6 a.i. through iii above.
  - b. No more than three of the thirteen members of the Commission may be members of the Dane County Board of Supervisors.
  - c. Any modifications in the sewer service areas shall require at least eight (8) votes.
  - d. Each member of the Commission shall serve a term of three (3) years. The initial members from each appointing authority shall be appointed by the appointing authority for initial terms of one, two or three years such that the terms of the members are staggered and one-third of the Commission is appointed each year. The appointing authority shall determine which members shall serve the various terms.

e. A member of the Commission may be removed by the appointing authority for cause, as defined in the Commission's by-laws.

f. There shall be a Budget and Personnel Panel of the Capital Area Regional Planning Commission which shall consist of:

i. The Mayor of the City of Madison;

ii. The Dane County Executive;

iii. The President of the Dane County Towns Association;

iv. The President of the Dane County Cities and Villages Association;

v. The chairperson of the Regional Planning Commission, as a non-voting member.

g. The Budget and Personnel Panel shall have the power, on behalf of and with advice of the CARPC:

i. To establish the levy and user fees and adopt the annual operating budget for the CARPC. The Budget and Personnel Panel may adopt a levy less than the statutory maximum;

ii. To hire the Executive Director from a list of three candidates selected by the CARPC;

iii. To remove the Executive Director, at pleasure;

iv. The Budget & Personnel Panel may act on the business referred to in paragraphs i through iii only at a meeting at which all four members of the Panel are present; and

v. At any time after the CARPC has been in existence for one year following its creation by the Governor of Wisconsin, the Budget and Personnel Panel may, by a vote of three of its four members, change or transfer to the CARPC its responsibilities referred to in paragraphs ii and iii.

h. The undertaking municipalities agree and hereby contract that the annual levy charged by the CARPC shall not exceed .0017 percent of equalized value under CARPC's jurisdiction and within the region. The annual increase in the levy for the CARPC may not exceed the increase allowed under any levy limitations which apply to Dane County. The parties agree that there shall be user fees charged, not to exceed actual costs incurred, to review sewer extension requests from local units of government, town sanitary districts, town utility districts, and metropolitan sewerage districts. The user fees shall be in addition to the net levy for the subsequent budget year as established by the Panel. The parties also agree that the Budget and Personnel Panel shall submit its proposed levy to Dane County no later than August 1 of each year. If the Budget and Personnel Panel or CARPC fail to timely submit a levy or budget, then the levy and budget in effect for the current year shall continue for the next year.

7. The CARPC shall work with communities to update the Dane County Water Quality Plan. In addition to the elements required by NR 121 of the Wisconsin Administrative Code, the Water Quality Plan shall also define areas that should be protected from development based on provisions to protect water quality as contained in NR 121 of the Wisconsin Administrative Code. The Plan shall also define areas that can be developed with measures to protect, restore or minimize degradation of water quality.

The Plan shall also define a 25-year Future Urban Development Area with 5-year updates. The Plan shall be developed in cooperation with area communities, including towns, and shall consider adopted comprehensive plans and intergovernmental agreements. The Plan shall be developed as follows:

a. CARPC staff shall provide communities with environmental condition reports consisting of maps, text, and information identifying environmental issues that should be addressed.

b. The CARPC shall give priority to areas of the highest environmental sensitivity and growth pressure. These areas are: all communities within the Central Urban Service Area; all communities within the Northern Urban Service Area; all urban service areas with a year 2000 Census population of 3,000 or more; and the Black Earth Urban Service Area. The CARPC should, in general, provide assistance with planning for the Future Urban Development Area of other urban service areas after assisting the priority communities. The CARPC's Executive Director shall provide to the CARPC a 3-year work plan with points of reference and an annual progress report with recommendations.

c. The Plan, which will identify the 25 Future Urban Development Area, shall be based on the requirements of NR 121 and shall also consider other factors including the impacts on natural and built systems, the efficient use of land including urban densities, and the ability to efficiently provide services to support the development and farmland preservation planning.

d. There shall be separate rules and policies for limited service areas.

e. The CARPC shall adopt policies and procedures for the considerations of amendments to the Water Quality Plan between five-year updates of the Water Quality Plan.

f. The CARPC shall provide the information described in Item a. to areas with the highest environmental sensitivity and growth pressure within three years of the date of CARPC commences operations.

g. Communities shall submit their proposed Future Urban Development Area within 24 months of the date they receive the data from the CARPC. If a community does not meet this time line, the CARPC shall not act on any individual USA expansion request until the proposed plan is submitted. CARPC may grant one six-month extension to this time line.

h. The CARPC shall act on the proposed Future Urban Development Area plan within a year of the plan's submission. If

CARPC fails to do so, the plan shall be acted upon by the Budget and Personnel Panel.  
i. The CARPC may not shift its staff work and analysis responsibilities to the local communities.