

# AGENDA

## Meeting of the Capital Area Regional Planning Commission

May 13, 2010

City-County Building Room 315, 210 Martin Luther King Jr. Blvd., Madison WI

7:00 p.m.

### RPC Meeting Procedures and Deadlines

**Registering and Speaking at RPC Hearings and Meetings:** Persons wishing to speak on any RPC public hearing or agenda item must register and give the registration form to the meeting recorder before the item comes up on the agenda. The time limit for testimony by registrants will be between 3 and 5 minutes as determined by the Chair. Speakers may *not* yield their time to other speakers; however, applicants for USA/LSA amendments may be granted from 10 to 25 minutes which may be allocated to one or more speakers. The RPC may alter the order of the agenda items at the meeting.

**Deadlines for Written Communications:** Written communications intended to be provided to the Commission and considered as part of the information package for a public hearing or agenda item should be received in the RPC office no later than noon, 7 days prior to the meeting. Written communications received after this deadline will be reported and provided to the Commission at the meeting.

**RPC Action Scheduling:** If significant controversy or unresolved issues are raised at the public hearing, the RPC will usually defer or postpone action to a future meeting.

1. Roll Call
2. **Approval of minutes of the April 8, 2010 meeting (*actionable item*)**
3. Review of agenda
4. Public comment for items not on the agenda
5. New business
6. **Re-Consideration of Resolution CARPC No. 2009-10 amending the *Dane County Land Use and Transportation Plan* and *Dane County Water Quality Plan* by revising the *Verona Urban Service Area* boundary and *Environmental Corridors* in the *City of Verona* (*actionable item*)**
7. Public Hearing: Consideration of Resolution CARPC No. 2010-7 amending the *Dane County Land Use and Transportation Plan* and *Dane County Water Quality Plan* by revising the *Oregon Urban Service Area* boundary and *Environmental Corridors* in the *Town of Oregon*
  - a. Staff Presentation
  - b. Open Public Hearing to take testimony from registrants; close Public Hearing
  - c. **Consideration of Resolution CARPC No. 2010-7 (*actionable item*)**
8. Public Hearing: Consideration of Resolution CARPC No. 2010-8 amending the *Dane County Water Quality Plan* by adopting stormwater runoff volume control standards
  - a. Staff Presentation
  - b. Open Public Hearing to take testimony from registrants; close Public Hearing
  - c. **Consideration of Resolution CARPC No. 2010-8 (*actionable item*)**
9. **Consideration of policy governing public comment at CARPC and CARPC standing committee meetings (*actionable item*)**
10. **Consideration of a motion to convene into closed session pursuant to Wis. Stat. 19.85(1)(c) for considering employment, promotion, compensation or performance evaluation data of**

**any public employee over which the governmental body has jurisdiction or exercises responsibility, so that CARPC staff may discuss personnel matters with the Commission; and also pursuant to 19.85(1)(g) to confer with legal counsel who is rendering oral or written advice concerning strategy to be adopted with respect to litigation in which it is likely to become involved with the Village of Mazomanie and the Department of Natural Resources. The Commission intends to re-convene into open session immediately following this closed session item (*actionable item*)**

11. **Re-convene into open session (*actionable item*)**
12. Report and Discussion on the FUDA planning process
13. Report and Discussion on the CARPC RFP for the Yahara Lakes Legacy Partnership CLEAN project
14. Communications
15. Report of Chair / Discussion
  - a. Report of Executive Committee meeting of May 13, 2010
16. Report of Deputy Director / Discussion
17. Future agenda items (next meeting is scheduled for June 10, 2010)
18. Adjournment

<p>If you need a sign language interpreter, materials in alternate formats, or other accommodations to access this meeting, please contact CARPC staff at 266-4137, or TDD 266-4529, at least 72 hours in advance of the meeting.</p>
---

# MINUTES

## Capital Area Regional Planning Commission

April 8, 2010

City-County Building Rm 315, 210 MLK Jr Blvd, Madison WI

7:00 p.m.

---

Present: Curt Brink, John Imes, Peter McKeever, Jeff Miller, Ed Minihan, Larry Palm, Susan Studz, Caryl Terrell (by telephone), Phil Van Kampen

Absent: Zach Brandon, Martha Gibson, John Murray

Staff Present: Chris Gjestson, David Greene, Mike Kakuska, Kamran Mesbah

### 1. Roll Call

Chair Van Kampen called the meeting to order at 7:08 p.m.; roll was recorded. Ms. Terrell attended by telephone.

### 2. Approval of minutes of the March 11, 2010 meeting

Moved by Mr. Miller, seconded by Mr. Sonnentag, to approve the minutes of the March 11, 2010 meeting. Motion to approve carried unanimously.

### 3. Review of agenda

Ms. Terrell requested that the staff stormwater runoff presentation as part of Item #14 be presented in conjunction with Item #6. Mr. Van Kampen stated that without objection, the request would be granted by unanimous consent; there were no objections.

### 4. Public comment for items not on the agenda

Arnold Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, requested that those who oppose USA amendment requests be given the same opportunity as applicant communities to make presentations. He described the importance of public participation, and stated that three minutes of public comment was not sufficient.

### 5. New business

None.

### 6. Discussion of recommendation from CARPC Environmental Resources Technical Advisory Committee (ERTAC) regarding stormwater runoff volume control

Mr. Rupiper made a PowerPoint presentation on stormwater runoff volume and different standards for control. He described the ERTAC membership, which is a cross-section of public-private experts appointed by CARPC, and its participation over four meetings. Ms. Studz asked about those members who did not attend meetings; Mr. Rupiper stated that absences were due to scheduling conflicts or personal decisions, although all members were provided meeting materials including minutes. Ms. Studz asked if there were any gaps in the final recommendations created by the absences; Mr. Rupiper answered none were expressed. Mr. McKeever expressed disappointment that biological aspects were missing from the process. Mr. Mesbah noted that the biological aspects were the basis for referring the issue to the TAC and are well covered by research papers that have been published in recent years and months. These biological findings were presented to the TAC and were accepted. Therefore the biological aspects of hydrologic change were not at issue, the practicability of different control measures and standards was. Current

research and activities by USGS and WDNR would indicate that we may be just a few years from being able to model the streams in the region to predict the biotic susceptibility of each stream reach to varying changes (increase and decrease) in flow volumes. Until these efforts bear fruit, we are unable to predict the impact of such changes on the biological health of a stream. Mr. Rupiper continued the presentation.

Mr. Kakuska made a presentation on the natural resources aspect of FUDA planning; he answered questions posed by commissioners.

Moved by Ms. Terrell, seconded by Mr. McKeever, to direct staff to schedule a public hearing to consider the adoption of the TAC recommendations. Motion carried unanimously on voice vote.

**7. Consideration of Resolution CARPC No. 2009-10 amending the *Dane County Land Use and Transportation Plan* and *Dane County Water Quality Plan* by revising the *Verona Urban Service Area boundary and Environmental Corridors in the City of Verona***

The following individuals registered in support of the proposal: Phil Salkin, 127 N. Main St., Verona, and Steve Gaffield, Montgomery Associates, 119 S. Main St., Cottage Grove, representing City of Verona. The following individual registered to speak in opposition to the proposal: Stefi Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment. Mr. Van Kampen stated that the public hearing was previously held for this item; no public comments would be made. Mr. Palm noted that the agenda referenced persons wishing to speak on agenda items, not only public hearing items. Discussion followed. Moved by Mr. McKeever, seconded by Ms. Terrell, to allow public comment on the item; Mr. McKeever stated that CARPC should follow the language of the posted agenda. Mr. Miller expressed opposition since he had already spent hours during the day taking phone calls regarding the item, and the public hearing had already been conducted; discussion continued. Motion carried on voice vote. Ms. Harris stated that staff supported 100% volume control when the amendment was originally proposed in 2009, but now supported 90% control which did not provide adequate protection from stormwater impacts. She referred to a storm sewer map of the City; the basins were built in the '80's when lower standards were applied. Money was not available to retrofit the facilities to capture the state-required capture of 40% of total suspended sediments. She stated that the proposal was not good for water resources.

Moved by Mr. Miller, seconded by Mr. Sonnentag, to approve Resolution CARPC No. 2009-10 with the conditions and recommendations in the cover sheet for the agenda item. Mr. Miller stated that a large amount of data was available for this proposal, including that from a study costing the City \$90,000. He stated that the TAC, the CARPC-appointed body of experts, had recommended a stormwater standard to which the City had agreed. Commissioners discussed the proposal.

Ms. Terrell stated that the TAC report indicated that because some areas could not be practically controlled for 100% stay-on, it could not be required as a county-wide standard, although recent USA amendments included areas that would be protected by the 100% standard. She stated that based on the TAC conclusions, CARPC should defer action on the proposal until such time that TAC evaluates a study demonstrating volume control to 100% of pre-development volume can be met by construction BMPs. She stated that CARPC responsibility was to protect the water quality and quantity of a state exceptional resource water (under §281.15 Wis. Stats.) and designated cold water

communities of the Upper Sugar River and Badger Mill Creek (under NR 102) and associated wetlands. She urged denial of the proposal.

Mr. Miller asked staff if TAC addressed Ms. Terrell's concerns. Mr. Rupiper stated that the Commission should consider discussing the recommendations with TAC members directly. He stated that with 100% pre-development stay-on there would be no impact; 90% stay-on presents a gray area: current science does not provide a determination of degree of impact. The cumulative impacts would be greater than immediate impacts. Mr. Miller asked if the five-year evaluation period proposed by TAC would result in impacts on the receiving streams; Mr. Rupiper stated that given the amendment area was a small percentage of the total watershed, TAC likely determined that five years would not present significant cumulative impacts on the streams, but may provide enough time for results from more volume control studies which would better inform the proposed standard. Commissioners continued to question staff.

Mr. Miller asked if the applicant supported a watershed-wide study; Mayor Hochkammer answered yes, and referred to his letter to CARPC dated April 8, 2010 (at members' places). He stated that the City was imposing a stormwater utility fee effective July 1, which would provide funding for maintenance and retrofit of facilities. He described the consistent City commitment to the proposal.

Moved by Mr. Miller, seconded by Mr. Sonnentag, to amend the motion by adding a recommendation of approval for the City to engage municipalities upstream in the Upper Sugar River watershed as part of a CARPC-coordinated watershed assessment process, and by adding a condition of approval for the City to assume responsibility for stormwater facility failures should those facilities fail, and by adding a "whereas" clause to the Resolution which includes monitoring and adaptive management activities as part of implementation of the stormwater management plan. Discussion continued. Motion to amend carried unanimously on voice vote.

Ms. Terrell stated that there was risk with any approval in this area, which was very special. Even additional conditions of approval may not prevent a tipping point when sensitive cold-water communities become overwhelmed by the impacts of development. Anything less than a 100% stay-on standard was likely unacceptable in this area.

Moved by Mr. Van Kampen, seconded by Mr. Murray, to recommend that the City endeavor to engage in substantive talks with the Town of Verona to commence no later than June 1, 2010 with the goal of laying the groundwork for long-term cooperation between the City and Town of Verona. The target date to complete the foundation of this collaboration will be no later than January 1, 2011. CARPC staff and commissioners who may choose to do so will offer whatever assistance they can toward furthering this process.

Discussion continued. Mr. Miller asked if the TAC recommendation recognized that a 90% control standard would be sufficiently protective of the amendment area; Mr. Mesbah answered no, the recommendation spoke to attainability and practicability, not whether it was sufficiently protective, which would be investigated by the watershed-wide study. He stated that the Commission could deny a proposal based on water quality impacts if it can be confident that the proposal will cause damage; it is difficult to determine if 90% would cause damage. Discussion continued.

Ms. Terrell stated that much of the research referenced by TAC was on urban streams, and a smaller amount of research was on cold water streams. The research was much more hesitant on protection with BMPs of cold water streams than urban waters. If TAC had been asked to come up with a standard for cold water resources, it would likely recommend a higher standard; however, no meeting minutes were available to review. She expressed concern for relying on adaptive management processes to protect cold water resources. The research showed that water temperatures could be a factor in watersheds with cold water fisheries. The low impact development strategies, some of which were proposed in the amendment request, were largely controlled by ambient air temperatures, the runoff was statistically warmer in the low impact development basins compared to conventional basins, and the detention of runoff in the low impact basin allowed for solar heating. Mr. Mesbah stated that the minutes of the TAC meetings were posted on the CARPC website. He stated that the study referenced by Ms. Terrell was dated: what was considered "low impact" in that study was approximate to low impact development in 1980's; solar impacts referenced were not relevant to the kinds of volume control measures discussed by TAC. He stated that TAC members have extensive technical expertise, and know the elements of each study to which more weight should be given.

Mr. McKeever stated that while the motion to amend was well intentioned, the Town of Verona, or their comprehensive plan, did not appear to be sufficiently considered in the proposal. Ms. Studz stated that she had spoken with Manfred Enberg (Town Supervisor and Town Plan Commission member) regarding the Town perspective; it would be helpful if communication between the town and city stakeholders could be encouraged and improved. Mr. Minihan expressed preference to defer action on the resolution, he expressed support if the motion to amend provided a true commitment from the City towards cooperation with the Town. Discussion continued. Motion to amend carried unanimously on voice vote.

Mr. Imes stated that while the proposal was a good effort by the City, he was not comfortable with supporting it as proposed, due to the extraordinary resources of the amendment area. He expressed support for higher goals for protective measures, such as the 100% volume standard, especially for Area E, and support for deferral with hopes of modifications. Mr. Miller asked how DNR might view CARPC denial of the proposal; Mr. Mesbah stated that DNR would likely ask for evidence or analysis of damage that would be done by a 90% standard at this location. Discussion continued. Mr. Brink expressed support for the amendment; he stated that the proposal could set the standard for water quality protection on a national basis. TAC was an expert body which has proposed very high standards; higher standards could be applied in the future after they have been researched and tested, but the proposal should be based on current standards. Mr. McKeever stated that the percentage of stormwater volume stay-on was not the critical piece in his view; other concerns had not been addressed. USA amendments in this amendment area ought to reflect developments that are state-of-the-art with the highest standards. He described a hierarchy of regulation; the highest standards improve the current system. He stated the thermal impacts have not appeared to have been addressed. The quality of both streams in the area have been understated by staff and the Montgomery Study; Badger Mill Creek is currently an active fishery. He expressed concern for impacts of chloride increases due to street salt; he questioned the rationale for the location of the medical clinic in a highly visible, highly valuable area such as Area W. He stated that stream biotics have not been adequately addressed. (Mr. Minihan left the meeting.) Mr. McKeever suggested that a 90% volume control standard should be a minimum standard; certain areas in the county which were less sensitive could use the 90% standard. He disagreed with staff that denial of the proposal needs to be based on an

expected damage to the resource; even if it is unknown whether damage would occur, the resource was too valuable to gamble on. Discussion continued; staff responded to questions.

Motion as amended failed on roll call vote, 6 ayes and 3 nays (Imes, McKeever and Terrell voting no). Mr. Gjestson noted that under CARPC Bylaws the Resolution would automatically be re-considered at the May meeting (the number of votes in support plus the number of absentees equaled 8 or more). The meeting recessed for five minutes by unanimous consent without objection.

**8. Consideration of *Farmland Loss in Dane County* issue paper**

Recess concluded. Jon Becker, 4233 Kenwood St., Madison, expressed support for the transparent, public process used in preparing the paper; he suggested a public hearing be held on the report. He described the importance of the public process and input, and how it had improved previous processes. Mr. McKeever expressed support for a wide dissemination and public hearing for the paper. Mr. Mesbah stated that a public hearing may most appropriately be held after the completion of the entire series of papers. Moved by Mr. McKeever, seconded by Mr. Palm, to approve the publication of the issue paper. Motion to approve publication carried unanimously by voice vote.

**9. Consideration of Resolution CARPC No. 2010-5 expressing appreciation to Kristine Euclide for her service and contribution to the Capital Area Regional Planning Commission**

**10. Consideration of Resolution CARPC No. 2010-6 expressing appreciation to Steve Hiniker for his service and contribution to the Capital Area Regional Planning Commission**

Motion by Mr. Palm, seconded by Mr. Imes, to adopt Resolution CARPC Nos. 2010-5 and 2010-6. Motion carried unanimously on voice vote.

**11. Consideration of letter in response to the Wisconsin State Legislature solicitation of comments to provide input on the Groundwater Protection Act**

Motion by Ms. Terrell, seconded by Mr. McKeever, to table indefinitely. Ms. Terrell stated that the paper was not appropriate and missed the mark; she had submitted her comments to staff, who had not replied. She offered to assist staff in writing a better letter. Mr. Mesbah stated that he had not had time to reply to the late e-mail, but agreed with Commissioner Terrell's request. He noted that the legislation may miss the deadline for the end of the legislative session, but if time allows he looks forward to working with Commissioner Terrell on the letter. Motion to table carried unanimously on voice vote.

**12. Consideration of letter in response to the Wisconsin Department of Natural Resources proposed revisions to three Administrative Code rules (NR 102, NR 217, and NR 151) aimed at controlling phosphorus discharge to the waters of the state**

Moved by Ms. Terrell, seconded by Mr. McKeever, to approve the letter. Motion carried unanimously on voice vote.

**13. Consideration of Recruitment Brochure**

Mr. Gjestson noted that Budget and Personnel Panel members were to review and offer edits; Mayor Hochkammer had requested a reference to local hospitals be added to the description of the Dane County area. Moved by Mr. McKeever, seconded by Mr.

Sonnentag, to approve the brochure with changes made at the discretion of staff. Motion carried unanimously on voice vote.

**14. Report and Discussion on the FUDA planning process**

(Staff report on this item provided with Item #6; no other discussion was held).

**15. Discussion of affiliation with Dane County Lakes & Watershed Commission**

Mr. Gjestson reported that Gerald Jenson, Dane County Lakes & Watershed Commission member, prior to leaving the meeting earlier had requested that the item be discussed at the May meeting. Ms. Terrell requested that staff arrange a meeting with CARPC and DCLWC Executive Committees to discuss the agencies' relationship; there were no objections.

**16. Communications**

The following were provided at members' places: 1) E-mail dated April 8, 2010 from Chair Van Kampen providing the text of his motion on item #7; 2) letter dated April 8, 2010, from Mayor Jon Hochkammer, City of Verona, indicating support for CARPC coordination of an assessment of the Upper Sugar River watershed, monitoring and adaptive management processes in stormwater management, and assuming responsibility of City stormwater management facilities if they fail; 3) letter dated April 8, 2010, with attached August 12, 2009 letter, from CRANES regarding the TAC recommendation and the Verona USA proposal; 4) memo from Dane County Towns Association requesting deferral of action on the Verona USA proposal; 5) memo dated April 5, 2010, with attached memo dated August 5, 2009, from Western Dane County Coalition for Smart Growth and Environment opposing the Verona USA proposal; 6) letter dated April 5, 2010, from MMSD requesting district customers to comment to DNR on proposed phosphorus regulations; and 7) note from staff indicating April 7 telephone request from Mayor Hochkammer to amend the Executive Director recruitment brochure.

**17. Report of Chair / Discussion**

**a. Report on Executive Committee meeting of April 8**

Vice-Chair Palm stated that the Committee had approved payment of bills, and had received a quarterly report (4Q 2009) on staff work activities and finances. He suggested that the work activity report provided good detail on staff work activities; the report is available to members upon request.

**18. Report of Deputy Director / Discussion**

None.

**19. Future agenda items**

None requested.

**20. Adjournment**

Moved by Mr. Palm, seconded by Mr. Sonnentag, to adjourn; motion carried at 11:05 p.m.

Recorded by Chris Gjestson

**Re: Reconsideration of Resolution CARPC No. 2009-10 amending the *Dane County Land Use and Transportation Plan* and the *Dane County Water Quality Plan* by revising the Verona Urban Service Area boundary and Environmental Corridors in the Town of Verona**

**Decision Items:**

1. Reconsideration of Resolution CARPC No. 2009-10

In May 2009, the City of Verona requested an expansion to the Verona USA by adding 265 acres to two areas southwest of the existing USA. CARPC held a public hearing on the request at its meeting of August 13, 2009. Action was deferred until the October 8, 2009 meeting, when action was again deferred in order to provide six months for the CARPC-appointed Environmental Resources Technical Advisory Committee (TAC) to recommend guidance regarding proper stormwater volume control standards to be applied to development in the entire Upper Sugar River watershed to protect or restore fisheries in its streams. At the April 8, 2010 meeting, the Commission received the TAC recommendation and considered the Verona “southwest” proposal. The proposal failed to receive the eight votes required for approval, but because the number of “aye” votes (six) plus the number of absences (four; three members were absent from the meeting, and a fourth left the meeting prior to the vote) equaled eight or more, the CARPC Bylaws require that the proposal be automatically scheduled for re-consideration at the May meeting.

At the April meeting, the Resolution, which was moved for approval with the conditions and recommendations proposed by CARPC staff, was amended by the addition of 1) a WHEREAS clause which recognizes the City will use monitoring and adaptive management activities in its stormwater management; 2) a condition of approval requiring the City to take responsibility of stormwater facilities in the event of their failure; 3) a recommendation that the City engage other municipalities in the Upper Sugar River watershed as part of a CARPC-coordinated watershed assessment process; and 4) a recommendation that the City engage in substantive talks with the Town of Verona to pursue long-term cooperation between the two communities.

**Materials Presented with Item:**

1. Revised Resolution CARPC No. 2009-10

**Contact for Further Information:**

Kamran Mesbah, Deputy Director  
266-9283  
KamranM@CapitalAreaRPC.org

## Revised Resolution CARPC No. 2009-10

### **Amending the *Dane County Land Use and Transportation Plan* and *Dane County Water Quality Plan* by Revising the Verona Urban Service Area Boundary and Environmental Corridors in the Town of Verona**

WHEREAS, the Capital Area Regional Planning Commission has adopted, amended and reaffirmed the *Dane County Land Use and Transportation Plan* and *Water Quality Plan*; and

WHEREAS, said plans delineate urban service areas as amended through April 2010; and

WHEREAS, the City of Verona has requested an addition to the Verona Urban Service Area, and has based the request in part on the Southwest Neighborhood Plan, adopted in July 2009; and

WHEREAS, a staff analysis of the proposed amendment has been prepared, which indicates that the amendment is generally consistent with adopted regional plans and policies; and

WHEREAS, the City of Verona has agreed that it will conduct monitoring and adaptive management activities, which require review and corrective action as needed, as part of its stormwater management planning.

NOW, THEREFORE, BE IT RESOLVED that in accordance with §66.0309, Wis. Stats., and Sec. 208 of Public Law 92-500, the Capital Area Regional Planning Commission amends the *Dane County Land Use and Transportation Plan* and recommends the amendment of the *Dane County Water Quality Plan* by revising the Verona Urban Service Area boundary and environmental corridors as shown on the attached map.

Adoption of this amendment is based on the land use and urban service plans submitted in support of this amendment, and conditioned on the City of Verona pursuing the following:

1. Submit a detailed stormwater management plan for CARPC and DCL&WCD staff review and approval prior to any land disturbing activities in the amendment area. The stormwater management plan should include the following:
  - a. Install stormwater practices prior to other land disturbing activities. Protect infiltration practices from compaction and sedimentation during land disturbing activities
  - b. Control peak rates of runoff for the 1, 2, 10, and 100-year 24-hour design storms to “pre-settlement” levels (i.e. maximum Runoff Curve Number = 58 for hydrologic soil group B)
  - c. Maintain the post development stay-on volume to at least 90% of the pre-development stay-on volume for the one-year average annual rainfall period, as defined by WDNR
  - d. Maintain pre-development groundwater recharge rates from the Wisconsin Geological and Natural History Survey’s 2009 report, *Groundwater Recharge in*

*Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model (an average of 10 in./yr. for the amendment area) or by a site specific analysis*

- e. Provide deep tilling or rototilling and compost addition to restore open areas compacted during construction. If compaction mitigation is not performed then soil types must be lowered one permeability class for hydrologic calculations and post development recharge rates in pervious areas must be reduced to half of pre-development rates.
  - f. Maintain wetland water level fluctuations within acceptable limits using criteria provided by the Minnesota Board of Water and Soil Resources 2006 and minimize the discharge of excess nutrients into the wetlands
  - g. Mitigate the thermal impacts of stormwater discharge to meet WDNR cold water standards
  - h. Provide at least 80% sediment control for the amendment area in accordance with existing ordinances
  - i. Stormwater practices should be publicly managed, or have a perpetual legal maintenance agreement finalized with the City
  - j. Provide stringent measures for construction erosion and sedimentation control, especially for Area E east of Badger Mill Creek.
  - k. If buildings with sump pumps are allowed in areas with seasonal high groundwater, then the stormwater management plan must account for this additional water volume in the design of the stormwater management facilities.
2. Delineate environmental corridors based on detailed delineation of wetland, floodplain, and stream resources and to meet the CARPC requirements.
  3. Develop and implement a restoration plan for the intermittent tributary to Badger Mill Creek in the amendment area as conceptually proposed in Montgomery Associates August 7, 2009 memo to the City of Verona.
  4. Locate burial mounds in the amendment area prior to land disturbing activities and require dedication of these resources to the public and designate these areas as environmental corridors.
  5. Should stormwater facilities fail, the City will assume their responsibility.

It is also recommended that the City of Verona pursue the following:

1. Attempt to maintain the post development stay-on volume to 100% of the pre-development stay-on volume for the one-year average annual rainfall period, as defined by WDNR
2. Prepare a restoration plan and implementation approach for the environmental corridors, which includes restoring the wetland buffer areas with native vegetation, and provide a copy of the report to the CARPC for review and comment
3. Require an on the ground archaeological survey of the amendment area to be performed by a qualified archaeologist, and provide a copy of the report to the CARPC.

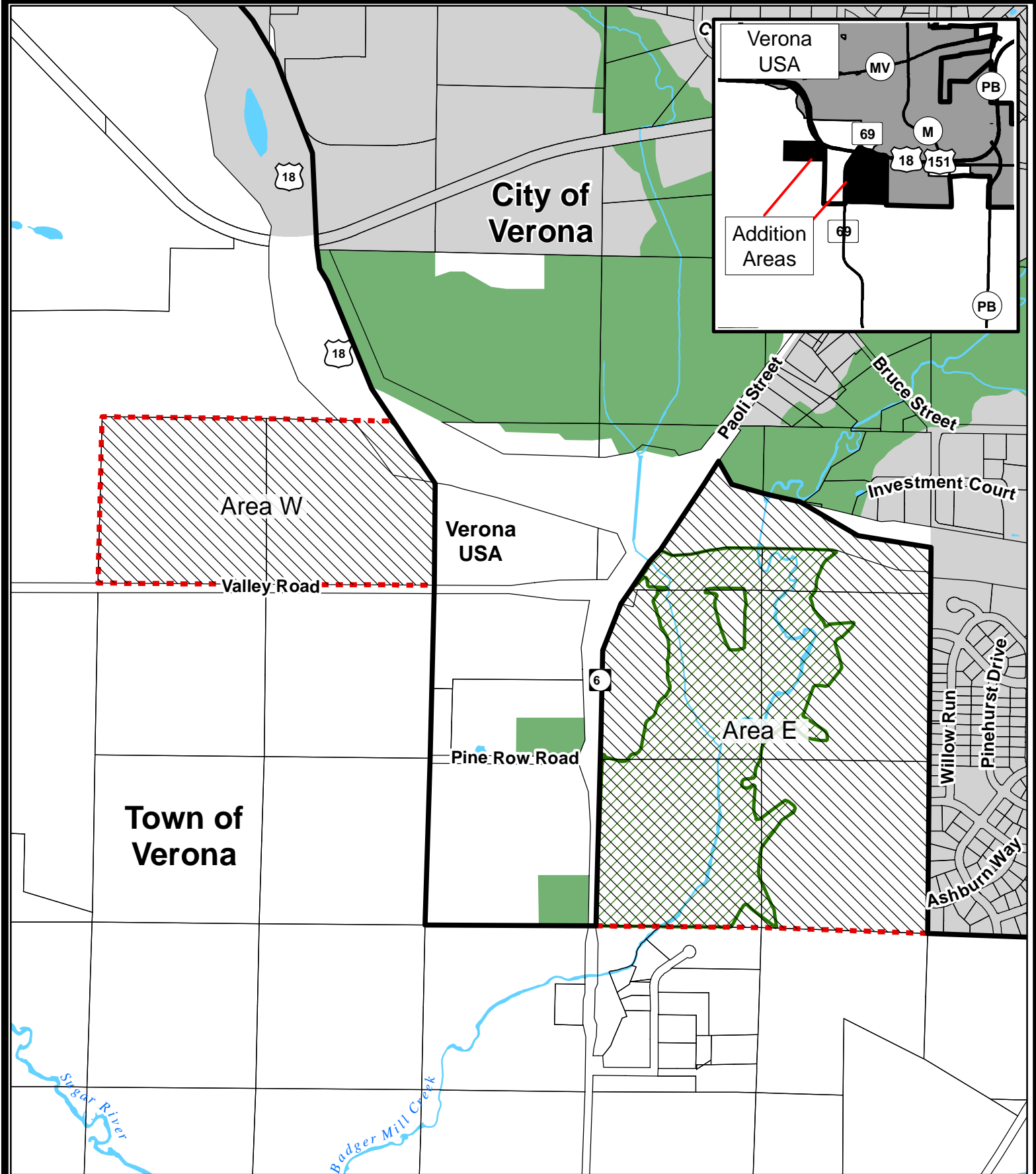
4. The institutional-related residential use and the health-related uses (clinic/hospital, etc.) planned for Area W are uses for which some type of transit service will be needed. It is recommended that the City of Verona consider the possible establishment of a shared-ride taxi system (as the Cities of Stoughton and Sun Prairie have established) to supplement its limited bus service.
5. The planned paths along the Badger Mill Creek and Sugar River will provide wonderful recreational facilities. It is recommended, however, that the City also plan for some “short-cut” paths within the residential development planned for Area E to provide a finer-grained pedestrian/bicycle network.
6. When the City starts planning for development in the rest of the study area, it should base any such effort on the *Resource Assessment and Development Analysis for the Upper Sugar River and Badger Mill Creek Report* to develop a prescriptive and detailed neighborhood plan with clearly designated conservation areas, resource area restoration, and impact mitigation design elements which are integrated into the urban design of the neighborhood.
7. Continue to work with other municipalities in mitigating regional groundwater declines resulting from municipal well withdrawals and diversion of wastewater, including participating in the update of the regional groundwater model, enhanced recharge, water conservation and reuse practices.
8. City to engage municipalities upstream in the Upper Sugar River watershed as part of a CARPC-coordinated watershed assessment process.
9. Endeavor to engage in substantive talks with the Town of Verona to commence no later than June 1, 2010 with the goal of laying the groundwork for long-term cooperation between the City and Town of Verona respectively. The target date to complete the foundation of this collaboration will be no later than January 1, 2011. CARPC staff and commissioners who may choose to do so will offer whatever assistance they can toward furthering this process.

---







Date Adopted

---

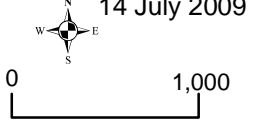
Phil Van Kampen, Chairperson



**Map 1**  
**Amendment to the**  
**Verona Urban Service**  
**Area and Environmental**  
**Corridors in the Town**  
**of Verona**

-  Service Area to be added (265 acres)
-  Proposed Environmental Corridor (84.2 acres)
-  Existing Environmental Corridor
-  Incorporated Area
-  Existing Urban Service Area Boundary
-  Proposed Urban Service Area Boundary

14 July 2009



0 1,000  
 Feet

Prepared by staff  
 of the CARPC.

**Re: Consideration of Resolution CARPC No. 2010-7 amending the *Dane County Land Use and Transportation Plan* and the *Dane County Water Quality Plan* by revising the Oregon Urban Service Area boundary and Environmental Corridors in the Town of Oregon**

**Decision Items:**

1. Consideration of Resolution CARPC No. 2010-7

The proposed amendment will add 8.9 acres to the Oregon Urban Service Area, west of Alpine Parkway and south of Netherwood Road, in the Town of Oregon. Planned development for the amendment area includes 2.71 acres for the future site of First Presbyterian Church, 0.44 acres for residential development of two housing units, 0.49 acres of right-of-way, and 0.6 acres for stormwater management. Approximately 4.7 acres will be open space for gardens, an athletic field, and potential future expansion of the church.

The proposed amendment provides the full range of urban services and is within the twenty-year service area land demand for the Oregon Urban Service Area. There are no significant natural resources in the amendment area that would require inclusion in environmental corridors. Stormwater management facilities should be included in environmental corridors as a matter of practice.

The Village of Oregon has proposed stormwater management performance standards that are more stringent than those in NR 151 and the Dane County Chapter 14 to help mitigate the adverse impacts of the proposed development. The amendment area is a small percentage (<0.1%) of the Oregon Branch Watershed and an even smaller percentage of the Badfish Creek Watershed. However, the cumulative effects of increased peak flow rates and volumes of stormwater runoff warrant stringent standards on a consistent, watershed-wide basis.

The peak flow rate control requirement in the Village of Oregon stormwater ordinance covers a larger design storm (100-yr 24-hr) than required by NR 151 or Dane County Chapter 14. Increased peak flow rates from smaller storms can also result in erosive velocities and flashier stream flows. The channel forming discharge is generally between the 1-year and 2-year storm event. Therefore, CARPC staff recommends that the 1-yr 24-hr storm also be included in the range of design storms used for peak flow rate control.

The Environmental Resources Technical Advisory Committee's recommendations recognized the potential benefits of a runoff volume control standard to 100% of pre-development volumes, however it had several concerns related to the achievability and the cost versus benefit of adopting a standard of no increase in pre-development runoff volumes. Therefore, the TAC proposed that the CARPC adopt the standard that both residential and nonresidential developments design practices to control sufficient runoff volume so that post-development stay-on volume shall be at least 90% of the pre-development stay-on volume, based upon average annual rainfall. In consideration of the TAC recommendations, CARPC staff recommends a *condition* of maintaining the post development stay-on volume to at least 90% of

the pre-development stay-on volume and a *recommendation* of attempting to maintain the post development stay-on volume to 100% of the pre-development stay-on volume. The preliminary stormwater management plan includes a number of infiltration practices that will have significant benefits in controlling the volume of stormwater runoff. Almost all of the amendment area has sub-soils with the potential for very high rates of infiltration. These factors indicate that at least 90% a post development volume control standard is feasible in the amendment area. If necessary, retrofit practices could be implemented in other areas of the sub-watershed to meet the volume control and groundwater recharge standards on a sub-watershed basis.

The proposed stormwater plan also provides additional storage for runoff that currently accumulates in a naturally low area in the rear lot areas of residential lots to the south of the propose church. The proposal corrects existing drainage problems in the vicinity of the amendment area.

The Villages ratio of average daily wastewater (1.12 MGD) to average daily water demand (0.75 MGD) indicates a significant problem with infiltration and inflow into the wastewater collection system. CARPC staff recommends that the Village use its wastewater collection system televising and inspection program to identify infiltration problem areas and implement corrective measures to reduce clear water inputs into the collection system.

### **Staff Recommendation**

Staff recommends approval of the proposed amendment based on the proposed land uses and services and on the Village of Oregon pursuing the following:

1. Submit a detailed stormwater management plan for CARPC and DCL&WCD staff review and approval prior to any land disturbing activities in the amendment area. The stormwater management plan should include the following:
  - Install stormwater practices prior to other land disturbing activities and protect these practices from compaction and sedimentation during land disturbing activities or restore them after land disturbing activities are completed
  - Provide at least 80% sediment control for the amendment area in accordance with existing ordinances
  - Provide oil and grease control from commercial parking lots in accordance with local ordinances
  - Account for the existing kettles when determining pre-development peak flow rates and stay-on volumes
  - Control peak rates of runoff as follows:
    - i. To predevelopment rates for the 1- and 2-year 24-hour design storms (i.e. maximum Runoff Curve Number = 68 for hydrologic soil group B)
    - ii. To the 2-year 24-hour predevelopment rate for the 10-year 24-hour design storm in accordance with the Village's proposed stormwater ordinance
    - iii. To the 10-year 24-hour predevelopment rate for the 100-year 24-hour design storm in accordance with the Village's proposed stormwater ordinance

- Maintain the post development stay-on volume to at least 90% of the pre-development stay-on volume for the one-year average annual rainfall period, as defined by WDNR
- Maintain pre-development groundwater recharge rates from the Wisconsin Geological and Natural History Survey's 2009 report, *Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model* (9 to 10 inches per year for the amendment area) or by a site specific analysis
- Provide deep tilling or roto-tilling and compost addition to restore open areas compacted during construction. If compaction mitigation is not performed then soil types must be lowered one permeability class for hydrologic calculations and post development recharge rates in pervious areas must be reduced to half of pre-development rates.
- If buildings with sump pumps are allowed in areas with seasonal high groundwater, then the stormwater management plan must account for this additional water volume in the design of the stormwater management facilities.
- Stormwater practices should be publicly managed, or have a perpetual legal maintenance agreement finalized with the Village, providing easements for Village access if maintenance is required.
- Include stormwater management facilities in environmental corridors

It is also recommended that the Village of Oregon pursue the following:

1. Attempt to maintain the post development stay-on volume to 100% of the pre-development stay-on volume for the one-year average annual rainfall period, as defined by WDNR
2. Use the Village's wastewater collection system televising and inspection program to identify infiltration problem areas and implement corrective measures to reduce clear water inputs into the collection system.
3. Continue to work with other municipalities in mitigating regional groundwater declines resulting from municipal well withdrawals, including participating in the update of the regional groundwater model, enhanced recharge, water conservation, and reuse practices.
4. Update the Village official map to reflect the planned street system shown in its comprehensive plan. The submittal references an official map dated May 1998.

**Materials Presented with Item:**

1. State Historical Society letter of comment dated April 19, 2010
2. NOTE: CARPC staff analysis was mailed to commissioners and posted on April 13, 2010, and may be downloaded at [http://danedocs.countyofdane.com/webdocs/PDF/capd/2010\\_SAs/FINAL\\_SA\\_Oregon1stPresb\\_04.13.10.pdf](http://danedocs.countyofdane.com/webdocs/PDF/capd/2010_SAs/FINAL_SA_Oregon1stPresb_04.13.10.pdf)

**Contact for Further Information:**

Kamran Mesbah, Deputy Director  
 266-9283  
 KamranM@CapitalAreaRPC.org



19 April 2010

K. Mesbah  
Community Analysis and Planning Division  
City-County Building, Room 362  
210 Martin Luther King Jr. Boulevard  
Madison, WI 53703-2558

RE: Amending the *Dane County Land Use and Transportation Plan* and the *Dane County Water Quality Plan* by Revising the Oregon Urban Service Area Boundary and Environmental Corridors in the of Town of Oregon.

Dear Mr. Mesbah:

No previously recorded archaeological sites or cemeteries have been recorded for the project area. Archaeological investigations in the vicinity of a similar landform did not result in the identifications of any archaeological sites. As a result, considering the location and nature of the parcel, we do not believe that an on-the-ground archaeological survey of the project area needs to be completed.

Under Wisconsin law, Native American burial mounds, unmarked burials, and all marked and unmarked cemeteries are protected from intentional disturbance. If anyone suspects that a Native American burial mound or an unmarked or marked burial is present in an area, the Wisconsin Historical Society should be notified. If human bone is unearthed during any phase of a project, **all work must cease**, and the Wisconsin Historical Society **must be contacted** at 1-800-342-7834 to be in compliance with Wis. Stat. 157.70 which provides for the protection of all human burial sites. **Work cannot resume until the Burial Sites Preservation Office gives permission.** If you have any questions concerning the law, please contact Mr. Chip Brown, 608-164-6508.

If you have any questions, or if you need additional information, please feel free to contact me.

Sincerely;

John H. Broihahn  
State Archaeologist  
State Archaeology and Maritime Preservation  
608-264-6496  
john.broihahn@wisconsinhistory.org  
(Dane/ Oregon 4-19-2010)

Collecting, Preserving and Sharing Stories Since 1846

816 State Street Madison, Wisconsin 53706

[wisconsinhistory.org](http://wisconsinhistory.org)

**Re: Consideration of Resolution CARPC No. 2010-8 amending the *Dane County Water Quality Plan* by adopting stormwater runoff volume control standards**

**Decision Items:**

1. Consider adopting a Resolution recommending that DNR amend the *Dane County Water Quality Plan* by adopting a standard which requires a minimum 90% pre-development stormwater runoff volume control standard.

On October 8, 2009, the Capital Area Regional Planning Commission requested that the TAC convene to provide technical recommendations on a more protective stormwater runoff volume control standard than the one currently required under NR 151 and Dane County Chapter 14. A working group of TAC members who were interested in this topic met four times between November 2009 and February 2010 to discuss this issue and develop recommendations to the Commission. The committee's work included a review of recent literature on volume control and the habitat impacts of volume increases, including excerpts from *Volume-Based Hydrology* (Reese, 2009), *Urban Stormwater Management in the United States* (National Research Council, 2008), and *Fundamentals of Urban Runoff Management: Technical and Institutional Issues* (Shaver *et. al.*, 2007). It also included a review of the volume control approaches.

Neither CARPC staff nor the TAC are aware of any published research that establishes a quantitative threshold for runoff volume as it relates to water resource or habitat impacts. The TAC noted that the existing 60% standard for nonresidential development was so low that it did not require any volume control practices in many cases. The complete recommendations of the TAC are included in Attachment C. The TAC recommendations state:

*"The TAC recognizes the potential benefits of a runoff volume control standard to 100% of pre-development volumes, however it has several concerns related to the achievability and the cost versus benefit of adopting a standard of no increase in pre-development runoff volumes."*

Therefore the TAC proposed that the Commission adopt a runoff volume control standard for all new Urban Service Area Amendments in which both residential and nonresidential developments control sufficient runoff volume so that post-development stay-on volume shall be at least 90% of the pre-development stay-on volume.

The TAC also identified additional research efforts, data collection, and model improvements that should be conducted to provide the information needed to further evaluate this issue and set a 5-year time frame for reevaluation of the proposed standard. Implementation of these efforts will require collaboration among and funding by the many agencies involved in water resource management in our region.

## Conclusion and Staff Recommendation

The hydrologic effects of urban land use on receiving streams have been studied since the late 1960s (Leopold, 1968). Recommendations that developments be required to incorporate measures to limit increases in volume and peak flows of stormwater runoff have been made since the first Urban Nonpoint Source Analysis (Technical Appendix D) in the *Dane County Water Quality Plan* (Dane County Regional Planning Commission, 1979). The use of detention basins steadily increased through the 1980s and 1990s, and infiltration requirements have been in effect since 2004. This history reflects a system that requires compromise and encourages incremental improvements. While a 100% volume control standard is intuitively more protective, the TAC recommendation represents a significant improvement in the volume control standard for non-residential development. Since potential adverse impacts due to the difference between a 90% and a 100% volume standard are likely to be cumulative and occur in the future, the TAC's proposal to reevaluate the standard in 5 years should address this concern.

Staff recommends that the Commission adopt the TAC recommendations for a 90% pre-development volume control standard as the *minimum* standard for new urban service areas. Staff also recommends that the 90% pre-development volume control standard be used as a *condition of approval* for urban service areas amendments and that the goal of attempting to achieve a 100% pre-development volume control standard be used as a *recommendation*. This approach is consistent with the TAC's recognition of the potential benefits of a 100% volume control standard as well as their concerns related to the universal achievability and cost versus benefit of such a standard at this time. Adoption of this minimum standard would not preclude the Commission from using a 100% pre-development volume control standard as a *condition of approval* for an urban service area amendment where it is determined necessary to mitigate the impacts on water resources.

The extent that municipalities are willing and able to meet a runoff volume control standard to 100% of pre-development volumes will provide valuable information to be considered regarding the universal achievability and the cost versus benefit of adopting a standard of no increase in pre-development runoff volumes in the future.

The full flow regime should be taken into consideration when assessing the impacts of stormwater on water resources. Increased stormwater volume is only one aspect of an urban-altered storm hydrograph. Other hydrologic changes include changes in the sequence and frequency of high flows, the rate of rise and fall of the hydrograph, and the season of the year in which high flows can occur. These can all affect both the physical and biological conditions of streams, lakes, and wetlands (National Research Council, 2008). Watershed level studies that incorporate the Hydroecological Integrity Assessment Process (USGS, 2008) and research from the emerging interdisciplinary field of Ecohydrology may increase our knowledge regarding what is necessary for the effective mitigation of the hydrologic impacts of development.

Technical Appendix D (Urban Nonpoint Source Analysis) and B (Water Quality Conditions) of the *Dane County Water Quality Plan* are currently being updated. Both of these appendixes will identify needs and include recommendations for additional monitoring and research. These measures should also provide new information to further guide the continued assessment and evolution of stormwater management in the region.

**Materials Presented with Item:**

1. Resolution CARPC No. 2010-8
2. E-mail dated May 6, 2010, from Thomas Wilson, Town of Westport, supporting higher standards
3. NOTE: the staff analysis for this item was mailed to commissioners and posted on April 26, 2010, and is available for download at [http://danedocs.countyofdane.com/webdocs/PDF/capd/2010\\_postings/Staff\\_Report-TAC\\_Recommendations.pdf](http://danedocs.countyofdane.com/webdocs/PDF/capd/2010_postings/Staff_Report-TAC_Recommendations.pdf)

**Contact for Further Information:**

Mike Rupiper, Environmental Engineer  
261-1573  
MikeR@CapitalAreaRPC.org

## Resolution CARPC No. 2010-8

### Amending the *Dane County Water Quality Plan* by Adopting Stormwater Runoff Volume Control Standards

WHEREAS, in March 1975, Dane County was designated by the Governor of Wisconsin as an area having substantial and complex water quality control problems, and certified such designation to the federal Environmental Protection Agency; and

WHEREAS, the Capital Area Regional Planning Commission (“CARPC”) is contracted with the Wisconsin Department of Natural Resources to conduct areawide water quality management planning in the Dane County region, a central aspect of which is stormwater management; and

WHEREAS, CARPC created a Environmental Resources Technical Advisory Committee (“ERTAC”) on February 8, 2008 in order to provide essential technical and scientific input into the CARPC environmental resources planning program; and

WHEREAS, on October 8, 2009, CARPC requested ERTAC to provide technical recommendations on a more protective stormwater runoff volume control standard than required under State Administrative Rule NR 151 and Dane County Ordinance Chapter 14; and

WHEREAS, members of ERTAC convened four public meetings between November 2009 and February 2010 to discuss and prepare recommendations which were presented to CARPC on April 8, 2010; and

WHEREAS, a public hearing was held at the CARPC meeting of May 13, 2010, to take testimony on the recommendation.

NOW, THEREFORE, BE IT RESOLVED that in accordance with §66.0309, Wis. Stats., and Sec. 208 of Public Law 92-500, the Capital Area Regional Planning Commission hereby recommends the amendment of the *Dane County Water Quality Plan* by adopting a stormwater runoff volume control standard for all new service area amendments based on the infiltration standard in Chapter 14 of the Dane County Ordinances [14.51(2)(e)] including prohibitions, with the following revisions:

1. For both residential and nonresidential developments, design practices to control sufficient runoff volume so that post-development stay-on volume shall be at least 90% of the pre-development stay-on volume, based upon average annual rainfall.
2. The runoff curve numbers used in calculating pre-development conditions shall be based on the pre-development land uses. For agricultural land, the maximum runoff curve number (RCN) used in calculating pre-development conditions shall be 51 for hydrologic soil group (HSG) A, 68 for HSG B, 78 for HSG C, and 83 for HSG D.
3. If when designing appropriate volume control systems, more than two percent (2%) of the site is required to be used as effective infiltration area, the applicant may

alternately design infiltration systems and pervious surfaces to meet or exceed the annual pre-development recharge rate. The annual pre-development recharge rate shall be determined from the Wisconsin Geological and Natural History Survey's 2009 report, *Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model* or subsequent updates to this report, or by a site specific analysis using other appropriate techniques. If this alternative design approach is taken, at least two percent (2%) of the site must be used for infiltration.

4. The standard should be applied on a subwatershed basis and allow credit for best management practices (BMPs) located within the subwatershed of concern and upstream of the point of discharge, including the option of retrofit practices in existing developed areas. The standard can be met with a combination of infiltration, evapotranspiration, and/or reuse BMPs.

BE IT FURTHER RESOLVED that CARPC intends to direct the re-convening of ERTAC no later than May 1, 2015, to evaluate the 90% stay-on standard and to consider the recommendation of a 100% stay-on standard.

---

Date Adopted

---

Phil Van Kampen, Chairperson

## Gjestson, Christopher

---

**From:** Wilson, Thomas G  
**Sent:** Thursday, May 06, 2010 2:48 PM  
**To:** Gjestson, Christopher  
**Cc:** Mesbah, Kamran; 'Jerry Derr'; 'Mark Hazelbaker'; Flynn, Debra; 'banderson'; 'Kevin'; 'Eileen Kelley'; 'Mike Davis'; 'Sherri Endres (E-mail)'; Wilson, Thomas G; 'Bill von Rutenberg'; 'Bill von Rutenberg1'; John Van Dinter; 'Ken Sipsma'; robinbp1@charter.net; Terry Enge  
**Subject:** RE: CARPC stormwater standards, Town of Westport Comments

Chris,

Thanks to you and CARPC for putting together the public hearing on stormwater standards which CARPC would use for urban service area additions in Dane County. The work of Staff and the TAC is commendable and we sincerely thank you. I am hoping that these written comments can be shared with the CARPC members and made part of the public hearing record in this matter. Please let me know if you want me to do more to make this occur.

Although we commend the TAC for their work, we request a higher standard. The TAC says this in their report: "The TAC recognizes the potential benefits of a runoff volume control standard to 100% of pre-development volumes, however it has several concerns related to the achievability and the cost versus benefit of adopting a standard of no increase in pre-development runoff volumes."

We believe here in Westport that this is indeed the standard for runoff control volume that the entire County needs to adopt. This is our standard, and we request that the Commission adopt our codified standard for stormwater runoff which was approved by the Commission in the Bishop's Bay property addition as proposed by Middleton and Westport in the CUSA. In Westport, we have shown that meeting this standard is achievable in the recent developments that have occurred since the standard was adopted. At the Waunakee Schools athletic fields, several commercial structures in our Town Center here, the Carriage Ridge Addition development, an most recently for both the City and Town portions of the Bishops Bay development, it has been shown that this standard can be done without limiting the use of property and at a cost that still allows the development requested to occur. If T Wall Properties can agree to make that standard happen on about 400 acres of property development, then the questions needs to be asked why can't it be required across the County from every developer? It certainly can.

Additionally, we would request that CARPC adopt the infiltration standards of the City of Middleton. These are also stricter than the State's or Dane County's rules, but were adopted by CARPC in the Bishops Bay conditions of approval adding the property to the CUSA. Again, if T Wall Properties can agree to make that standard happen on about 400 acres of property development, then it can certainly be adopted across the County.

We here in Westport have tried to be a leader in asking other communities to adopt these strict standards. We have done a good job lately of that here in our North Lake Mendota Communities. We are doing our share to prevent stormwater quantity and quality problems in the watershed that we all share. But we must all work to minimize these problems or we will fail. If the standard in the Town of Dunn allows more flow and less infiltration into the watershed, it will not allow the County to lower the levels on Lake Mendota in times of high water, and so we on the north side of the watershed live with those high levels for weeks at a time. If all of the communities in the watershed adopt these standards for new development or redevelopment, at some point we may have limited flows enough, and infiltrated enough into our groundwater, that we can begin to solve the flooding problems on our waterways and the draw downs in groundwater that we fear.

So, although we appreciate and commend the work of CARPC staff and the TAC, we urge CARPC to consider adopting for its use the Town of Westport's more stringent standard of essentially "0 runoff in a 100 year storm," and Middleton's very progressive infiltration standards. With CARPC using those to protect the water quality of the County, we may be able to solve some of our stormwater and groundwater quality and quantity issues.

Thank you. I also wanted to let you know that John Van Dinter reviewed and approved these comments as the

Town Board Chair.

Tom

**Thomas G. Wilson**

Attorney/Administrator/Clerk-Treasurer  
Town of Westport (Dane County, WI)  
Population 3,819

5387 Mary Lake Road  
Waunakee, WI 53597  
twilson@townofwestport.org  
[www.townofwestport.org](http://www.townofwestport.org)  
<http://twitter.com/TownofWestport>  
(608) 849-4372  
(608) 849-9657 FAX

The information contained in this transmission is intended only for the personal and confidential use of the recipient(s) designated above. This transmission may be an attorney-client communication and, as such, is a privileged and confidential communication. If any recipient of this transmission is not a designated recipient, or an agent responsible for delivering this transmission to a designated recipient, such recipient is hereby notified that this transmission has been received in error, and that any review, dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission and are not designated above as a recipient, please immediately call (608) 849-4372 and delete this transmission from your system.

All e-mail sent to the Town of Westport is subject to the Wisconsin open records law.

IF THIS MESSAGE IS TO THE ENTIRE MEMBERSHIP OF A GOVERNMENTAL BODY, *you are advised* that this email should be treated as a one-way communication and that responses "to all" should be avoided because those responses could create a "walking quorum" of the body in violation of the open meetings law (Office of the Wisconsin Attorney General Letter of 3/19/2010).

---

**Re: Consideration of policy governing public comment at CARPC and CARPC standing committee meetings**

**Decision Items:**

1. Consider amending CARPC meeting practices – as described on each agenda – to govern public comment at meetings

CARPC practice has been to allow oral public comment by persons registered to do so 1) at public hearings, 2) during the “Public Comment” agenda item for comment to be made on topics not on the agenda, and 3) at the Commission discretion on items that *are* on the agenda. Individuals are afforded 3 to 5 minutes to speak, as determined by the Chair.

At the April meeting, the Commission interpreted the standard agenda language to allow for public comment on any agenda item, regardless of whether a public hearing was being held on the item. Attendees who had registered to do so were allowed to speak on items for which a public hearing was not scheduled.

Some commissioners expressed disapproval of this practice because it provided for inefficient and unnecessary long meetings, since those who would provide comment have either already expressed their views to individual commissioners outside of the meeting, or have already had an opportunity to speak during a public hearing. Additionally, the Commission has an existing policy which allows written comments on any topic.

While CARPC is not legally required to allow oral public comment on non-public hearing items, commissioners should remain mindful of the importance of both public input and perception. Staff recommends that the Commission identify its preferred policy governing the provision of public comment by updating the “RPC Meeting Procedures and Deadlines” language on each agenda. The Commission may consider, at a minimum, the following options or combinations thereof.

*Keep current practice:* Requires modification to the current agenda language to restrict comment to only public hearing items; the “Public Comment for items not on the agenda” item, and on specific items on the agenda at the discretion of the Commission;

*Expand current opportunities for public comment:* Either no change to current agenda language, or – to limit this expansion – change the “Public Comment” item to allow for one comment per registrant on any agenda item;

*Reduce current opportunities for public comment:* Remove “Public Comment” item and only allow public testimony during public hearings. If the body chooses this option, it should more strongly consider potential opportunities for adding specific agenda items on a case-by-case basis that would allow for individual or group presentations or discussions.

**Materials Presented with Item:**

1. None

**Contact for Further Information:**

Chris Gjestson, Administrative Services Manager  
266-4138  
ChrisG@CapitalAreaRPC.org

**Re: Communications**

**Decision Items:**

1. None

The REALTORS® Association has requested that CARPC consider creating an “Economic Advisory Committee” to supplement the work of the Environmental Resources Technical Advisory Committee (ERTAC). The intent, as requested, is not to provide policies or criteria for the amendment of urban service areas, but to provide information on the economic impacts of proposed policies.

It should be noted that among the recommendations by ERTAC – which was hesitant on the practicability of a 100% runoff volume control standard – was an economic analysis of the costs and benefits of runoff volume control.

Should two or more members wish to discuss or act on this request, an agenda item may be placed on a future agenda.

Other communications received prior to May 7 are also attached. Subsequent communications will be provided at the meeting.

**Materials Presented with Item:**

1. Memo dated May 7, 2010, from REALTORS Association
2. E-mail dated May 6, 2010, from Jon Baldock opposing the Verona proposal

**Contact for Further Information:**

Chris Gjestson, Administrative Services Manager  
266-4138  
ChrisG@CapitalAreaRPC.org



# REALTORS® Association of South Central Wisconsin, Inc. South Central Wisconsin MLS Corporation

*The Voice for Real Estate™ in South Central Wisconsin Since 1914*

---

May 7, 2010

**To:** Chair Phil Van Kampen  
CARPC Commissioners  
Mr. Kamren Mesbah

**From:** Phil Salkin

**Re:** Proposal for an Economic Advisory Committee

Dear Chair Van Kampen:

Perhaps the most important duty performed by the Capitol Area Regional Plan Commission (CARPC) is the review of proposed urban service area amendments (USAs) and the resulting recommendations sent to the Wisconsin DNR on those proposed amendments. How USAs are reviewed and amended has important consequences for water quality and the environment in Dane County. It also has important ramifications for economic development and community growth. We believe that CARPC commissioners and staff would benefit from having access to a broad range of information on both the environmental and the economic implications of their policies and criteria.

The CARPC receives significant information and input from the scientific perspective from the Technical Advisory Committee (TAC) This panel of experts in such relevant fields as hydrology, soils science and biology adds to and expands the expertise of CARPC staff. A recent example of their contribution is the report on potential new runoff volume control standards.

It was interesting to note in their recent report that the TAC voiced some concern over recommending a 100% run-off retention figure as opposed to the recommended 90% due to unspecified economic concerns. The TAC members wisely noted that their recommendations could have economic implications, although it is not within their expertise to assess them.

For this reason, we are proposing that the CARPC create an Economic Advisory Committee (EAC) to parallel the efforts of the TAC in providing information to the CARPC. We are not recommending that the EAC create policy or criteria for the review of the USA amendments. Rather, the EAC would help the CARPC understand the economic implications and impacts of proposed policies. Such policies do not exist in an



4801 Forest Run Road, Suite 101 • Madison, WI 53704-7337  
Telephone (608) 240-2800 • Fax (608) 240-2801  
<http://www.rascw.org>

Chair Phil Van Kampen  
Page 2  
May 7, 2010

vacuum. Whether they are accepted or opposed by communities and the public rests, in part, on whether their economic impact is understood and felt to be justified.

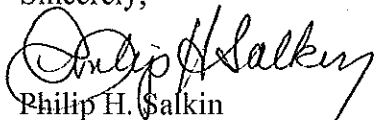
An EAC consisting of professionals such as Realtors<sup>®</sup>, developers, builders, assessors, appraisers, bankers and others would benefit the CARPC by:

- ▶ Providing analysis of the economic impacts of proposed policies and criteria.
- ▶ Providing suggestions as to how such impacts might be mitigated without reducing the effectiveness of a proposed policy.
- ▶ Help identify positive economic benefits of CARPC policies.
- ▶ Provide early identification of economic problems and unintended consequences that may attend the adoption of certain policies or criteria. This might prevent the loss of time and effort on the part staff and the Commission if an initiative is determined to be economically unfeasible.

In summary we believe that the creation of an Economic Advisory Committee would support the efforts and goals of the CARPC, resulting in the responsible growth of communities in Dane County. We would be pleased to discuss our proposal with you and to participate in an EAC.

Please do not hesitate to contact me should you need additional information. Thank you.

Sincerely,



Philip H. Salkin  
Government Affairs Director  
Realtors<sup>®</sup> Association of South Central Wisconsin

**Gjestson, Christopher**

---

**From:** Jon Baldock [agstat@tds.net]  
**Sent:** Thursday, May 06, 2010 6:55 AM  
**To:** #Capital Area RPC Commissioners  
**Subject:** Verona USA request

Capital Area Regional Planning Commission

Commissioners:

Recently, I was dismayed and disappointed to learn that some of you had voted to allow the City of Verona to extend its Urban Service Area to the southwest (Resolution CARPC No. 2009-10). Worse, it appears that their misguided request for an expansion in the Sugar River Valley may garner enough votes to be approved at your May meeting. I certainly hope the recent oil spill disaster in the Gulf of Mexico has renewed your resolve to see that the environment is protected. It is especially important to protect aquatic environments such as the Gulf and the Sugar River, not only because they are so rich in plant and animal species, but also because water is so important to the economic and social life of humans. Furthermore, water provides a very quick conduit to spread disasters from a local area to a much larger area. No amount of enhanced engineering or oversight requirements can reduce the risks entirely, so the question it seems to me is "are there alternative areas available with fewer potential problems". There are! As your own FUDA meetings in Verona have shown, there are areas to the north and to the east that are more desirable for development. The area to the east has many advantages including being less sensitive environmentally, being served by three major roads (PB, M, and 18/151), and being infill between Verona and Fitchburg. The area to the north has many advantages including being less environmentally sensitive and being infill between Verona and Madison.

Thus, because of the dangers to the environment and the economy in the current City of Verona plan as well as the existence of better alternatives, I strongly urge you to deny the current request for expansion of the Urban Service Area.

Jon Baldock  
6394 Grandview Rd  
Verona, WI