

# AGENDA

## Meeting of the Capital Area Regional Planning Commission

July 8, 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 June 10, 2010 meeting (*actionable item*)**
3. Review of agenda
4. Public comment for items not on the agenda
5. New business
6. Report and Discussion on the FUDA planning process
7. **Consideration of authorizing letter to Dane County Clerk to certify the 2011 budget charge (*actionable item*)**
8. Communications
9. Report of Personnel Committee activity on Executive Director recruitment
10. Report of Chair / Discussion
  - a. Report of Executive Committee meeting of July 8, 2010
11. Report of Deputy Director / Discussion
12. Future agenda items (next meeting is scheduled for August 12, 2010)
13. Adjournment

*NOTE:* If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

*NOTA:* Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

*LUS CIM:* Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg pib hnuv ua hauj lwm ua ntej yuav tuaj sib tham.

CARPC staff 608-266-4137 + TDD 608-266-4529

# MINUTES

## Capital Area Regional Planning Commission

June 10, 2010

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

7:00 p.m.

Present: Curt Brink, Martha Gibson, John Imes, Peter McKeever, Jeff Miller, Ed Minihan, Larry Palm, Kurt Sonnentag, Caryl Terrell, Phil Van Kampen

Absent: Zach Brandon, John Murray, Susan Studz

Staff Present: Chris Gjestson, Mike Kakuska, Kamran Mesbah, Barbara Weber; Attorney John St. Peter

### 1. Roll Call

Chair Van Kampen called the meeting to order at 7:05 p.m.; roll was recorded.

### 2. Approval of minutes of the May 13, 2010 meeting

Moved by Mr. Miller, seconded by Mr. Palm, to approve the minutes of the May 13, 2010 meeting. Mr. Gjestson noted that Ms. Studz had e-mailed a request that the second full paragraph on page 2 be clarified to indicate that her reference to communication problems referred to a lack of communication between the town chair and town board regarding the City's USA amendment proposal. The Chair noted no objection; the minutes were amended by unanimous consent. Motion to approve minutes as amended carried unanimously.

### 3. Review of agenda

Mr. McKeever requested that the body take up item #13 (FUDA discussion) immediately following item #6. The Chair noted no objection; the agenda was amended by unanimous consent.

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

Jon Becker, 4233 Kenwood St., Madison, requested that commissioners view a presentation from April 26 by Peter Katz, available on City Channel, which provided insight into revenues and returns on various land uses.

Arnold Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, requested that CARPC invite interested groups to make PowerPoint presentations which may take longer than three minutes. He suggested that the Commission might receive better input if it sought out this type of involvement by people who follow CARPC.

### 5. New business

None.

### 6. **Public Hearing: Consideration of Resolution CARPC No. 2010-9 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 Southeast Neighborhood in the City of Verona**

#### a. Staff Presentation

Mr. Gjestson stated that the Commission may wish to first hear a presentation by the City; Mr. Van Kampen agreed, with no objections. Bill Burns, Administrator, introduced Bruce Sylvester, Planning Director, City of Verona, who made a PowerPoint presentation on the proposal. He described the location of the amendment area, the adjacent areas, and the proposed industrial and commercial land uses. He described the area as one of five planned growth areas identified by the City. He identified a wetland in the amendment area, which was currently in cropland and would be restored and improved upon development of the area and noted that the City had a successful track record with similar restoration projects. He stated that local land use issues such as location of development should be determined by local communities; he described the proposed commercial and industrial uses and transportation facilities. Mark Mathews, Ruedebusch Development & Construction, described the proposal as supportive of City economic development and its historic and projected population growth, and as consistent with City comprehensive plan goals to seek and retain employers similar to those which would be attracted to the amendment area. The TIF district was specifically created to provide utilities and infrastructure for commercial and industrial development in the area. The area was part of a larger area, Liberty Business Park, which provided needed larger lot sizes not currently available in the City. He described proposed utilities and services to the area, and the economic benefit the proposal would provide.

Ms. Weber made a PowerPoint presentation on the amendment request, which proposes to add 78.5 acres to the Verona USA in the Town of Verona southeast of the city, including 2.5 acres of existing right-of-way, and 13.4 acres of environmental corridors, in order to accommodate expansion of commercial and industrial areas. She described the proposal's consistency with local and regional plans and goals. Mr. Rupiper described the natural resources associated with the proposal, and the proposed stormwater management standards and conditions of approval.

**b. Open Public Hearing to take testimony from registrants; close Public Hearing**

Mr. Van Kampen opened the public hearing. Gary Werner, 2302 Lakeland Ave., Madison, representing CRANES, summarized a letter from CRANES dated June 9, 2010, requesting deferral of action due to lack of a current need for the proposal. He stated that the letter raises issues that should be addressed prior to action, including stormwater runoff volume control standards, completion of FUDA plans, intergovernmental agreements, and transportation planning. He stated that the proposed wetland restoration did not contribute to a system of corridors, because it was isolated.

Arnold Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, expressed agreement with Mr. Werner's statement. He read from June 11, 2009, CARPC staff report regarding importance of maintaining pre-development volume control. He expressed support for a completed FUDA plan for all areas in Dane County to identify developable areas. He described the need to conduct transportation planning in concert with land use planning.

Stefi Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, stated that CARPC duty was to protect water quality above all else; it should not consider the City requests to support economic development. She stated the amendment area was in the same watershed as the proposal which was denied at the previous meeting and the cumulative impacts of

development in the entire watershed should be considered. She stated that impacts on groundwater from municipal well pumping should be considered. She requested that the proposal be denied or action deferred.

Jon Becker, 4233 Kenwood St., Madison, registered in opposition to the proposal. The following registered in support of the proposal: Dave Nelson, Jeff Ruedebusch, Ryan Quam and Mark Mathews, Ruedebusch Development & Construction, 4605 Dovetail Dr., Madison; Bruce Sylvester and Bill Burns, representing City of Verona, 111 Lincoln St., Verona. There were no other registrants; Mr. Van Kampen closed the public hearing.

**c. Consideration of Resolution CARPC No. 2010-9**

Moved by Mr. Sonnentag, second by Mr. Brink, to adopt Resolution CARPC No. 2010-9 with the conditions and recommendations described in the CARPC staff analysis dated May 11, 2010. Commissioners asked questions of the applicant and staff. Mr. Miller asked if the Town of Verona had commented on the proposal; Ms. Weber stated that the Town had been notified, but the Town Clerk had reported that the Town had not taken a position on the proposal. Questions and discussion continued. Mr. Miller asked if the City was still willing to participate in a watershed-wide study to address cumulative stormwater impacts; Mr. Sylvester answered yes, but City elected officials have expressed uncertainty about continuing cooperation that is not reciprocated by CARPC. Questions and discussion continued.

Mr. McKeever requested that the conditions of approval of the staff analysis should be amended to change condition "a" by adding "all" after "Install" and before "stormwater practices", change condition "d" by changing 90% stay-on volume to 100%, and by amending condition "j" to clarify the meaning of "stringent." Mr. Van Kampen suggested each of the requests be individually moved; Mr. McKeever agreed. Motion by Mr. McKeever, second by Ms. Terrell, to amend condition "a" by adding "all" after "Install" and before "stormwater practices." Mr. Miller stated that the amendment would include installation of all streets, which was likely not practicable; he asked the applicant if they supported the amendment. Mr. Sylvester stated that street installation was typically phased. Ryan Quam, Quam Engineering, indicated that the amendment was not practicable; ditches and storm sewers were conveyance facilities, which were phased with development; ponds were installed prior to other land disturbing activities, and rain gardens as infiltration devices were installed last, after buildings were completed and grass areas stabilized. Mr. Mesbah explained that "stormwater practices" refers to detention ponds to be installed in order to prevent sedimentation of downstream facilities, and which need to release to a stable channel. The "land disturbing activities" refers to all major land disturbing activities, except for minor activities such as archaeological surveys and activities that are required at the front end of construction such as stormwater ponds. The intent is to capture more than 7.5 tons per acre (minimum construction control standards); service area applicants are held to 80% (5 micron) capture, typically the standard for fully developed areas. Discussion continued. Mr. Miller stated that regionalism could be achieved by celebrating small successes; increasing runoff volume control from 60% to 90% for commercial areas was a success, but the Commission was not recognizing it as such; he expressed opposition to increasing the standard from 90 to 100%. Mr. Brink expressed opposition to the motion because adding "all" was vague and would be used to prevent development. Mr. Van Kampen stated that the motion was unnecessary because as written it referenced best management practices. Motion to

amend failed 5-5 on roll call vote (Gibson, Imes, McKeever, Minihan and Terrell voting in favor).

Motion by Mr. McKeever, second by Mr. Miller, to amend condition “d” by changing 90% stay-on volume to 100%. Mr. McKeever expressed support for adopting the highest standard to which exceptions could be made by staff when appropriate. Ms. Terrell stated that the stormwater management plan appeared to support a 100% standard; she expressed support for the motion. Mr. Minihan stated that Tom Wilson, Town of Westport, had effectively supported the 100% stay-on standard. Mr. Palm asked what impact would result from an increase to a 100% standard. Mr. Sylvester stated that the issue was brought up in the “Southwest” proposal, where the City Council expressed support for the 90% standard recommended in the Montgomery Study. Mr. Quam described current standards and the rationale behind them; he stated that a 100% requirement in this area may not be feasible. Discussion continued. Motion to amend failed 5-5 on roll call vote (Gibson, Imes, McKeever, Minihan and Terrell voting in favor).

Mr. McKeever stated that Mr. Mesbah had provided clarification for the term “stringent” in condition “j”, which meant a minimum 80% total suspended solids capture as part of construction erosion control; Mr. Rupiper stated that 80% is the minimum standard for county and state requirements; TSS is post-development, item “h” referred to construction erosion control. Mr. McKeever stated that the provided definition was acceptable; no change to the condition was needed. Discussion and questions continued.

Mr. Imes asked if the trees in the amendment area were planned for clear-cutting; Mr. Sylvester answered no, the City goal was to preserve the trees, the plat was created to ensure the trees were in landscape areas; the City intended to require a tree preservation plan. Discussion continued. Motion by Mr. Imes, seconded by Ms. Terrell, to amend condition “d” by adding to the end of the sentence, “However, the applicant shall work with CARPC staff in attempting to achieve 100% stay-on volume.” Discussion continued. Motion to amend failed 5-5 on roll call vote (Gibson, Imes, McKeever, Minihan and Terrell voting in favor).

Main motion to adopt carried 8-2 on roll call vote (Gibson and Terrell voting no). The meeting recessed for five minutes by unanimous consent.

### **13. Report and Discussion on the FUDA planning process**

The time for recess expired. Mr. Mesbah reported that a new planner with local experience would be hired to lead the FUDA planning process, and hoped to develop a draft community development planning approach and policies for CARPC consideration and guidance. He stated that the main impediments to FUDA planning were insufficient staffing, disagreement among principals and commissioners on the intent of the language of the local petitions describing FUDA, and lack of a clear authority behind FUDA planning. He stated that clarification and agreement on how FUDA benefits local communities was important. He reported that draft metrics for environmental conditions reports were nearing completion, but an agreed upon planning process was still pending.

Ms. Terrell suggested using watersheds and sub-watersheds as the basis for FUDA planning, which would provide CARPC the legal authority as the water quality planning agency, and would provide the building blocks to bring local governments together to

discuss related planning issues. Mr. Mesbah stated that the environmental conditions reports were based on watersheds; the question of authority is only in question concerning intergovernmental agreement and farmland preservation requirements of FUDA, which are not water quality issues, as already stated by DNR. Ms. Terrell stated that FUDA provided CARPC the opportunity to assist the County and municipalities in the required update of the Farmland Preservation Plan and the County open space corridor plan. Discussion continued.

Mr. Sonnentag stated that the budget needed to provide additional resources to support FUDA. Discussion continued. Mr. McKeever asked members to provide any information that resulted in the FUDA language. He encouraged commissioners to discuss with their appointing authorities their interpretation of FUDA. Mr. Miller asked legal counsel if the 0.17 mills budgetary “cap” of the local resolutions to petition for CARPC creation was legally enforceable; Mr. St. Peter stated that requesting an amount exceeding 0.17 mills was a difficult political issue, but was not a legal restriction. Mr. Miller expressed support for FUDA, but stated that commissioners and others had unrealistic expectations of the process. He reported that cities and villages were frustrated with the moving target that CARPC has imposed on USA amendments; he stated that local governments needed incentives to encourage FUDA. Discussion continued. (The Commission will dedicate its July 8 meeting to further discussions of the FUDA planning process.)

**7. Consideration of policy governing public comment at CARPC and CARPC standing committee meetings**

Motion by Mr. Miller, second by Mr. Palm, to defer consideration. Motion carried unanimously on voice vote.

**8. Consideration of recommending a Draft 2011 CARPC Budget to the CARPC Budget & Personnel Panel**

Motion by Mr. Palm, seconded by Mr. McKeever, to recommend the draft 2011 budget to the CARPC Budget and Personnel Panel. Discussion followed. Ms. Terrell described the need for Panel and Commission members to understand the value of the recommended budget. Mr. Palm stated that if the Panel agreed that FUDA was a priority, it would approve the budget; if it did not agree that FUDA was a priority, it won't approve the funding but needed to adjust its expectations. Ms. Gibson stated that the proposed budget was an adversarial approach; she expressed opposition to the approach. Discussion continued. Motion carried 9-1 on voice vote.

**9. Consideration of creating an Economic Advisory Sub-Committee**

Phil Salkin, representing REALTORS Association, registered in support. Motion by Mr. Palm, seconded by Mr. Miller, to defer action to a future meeting. Motion carried unanimously on voice vote.

**10. Consideration of recommendation from Personnel Committee to make offer of employment to fill Senior Planner position**

Motion by Mr. McKeever, seconded by Mr. Miller, to authorize the employment offer. Motion carried unanimously on voice vote.

**11. Consideration of publishing CARPC 2009 Annual Report**

Motion by Mr. Palm, second by Mr. Sonnentag, to publish the Annual Report. Motion carried unanimously.

**12. Discussion of Capital Area Planning Conference of June 4, 2010**

Mr. Van Kampen expressed appreciation to Mr. Brink for facilitating the conference. Mr. Miller expressed support for an annual conference. Mr. Mesbah reported highly positive feedback from a post-conference survey.

**14. Communications**

Communications were e-mailed to commissioners prior to the meeting: letter dated June 9, 2010, from CRANES requesting deferral of action on the Verona proposal, and memo dated June 9, 2010, from Western Dane Coalition for Smart Growth and the Environment requesting denial of the Verona proposal.

**15. Report of Chair / Discussion****a. Report on Executive Committee meeting of June 10**

Mr. Van Kampen reported that the Executive Committee had approved payment of bills.

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

None.

**17. Future agenda items**

Motion by Ms. Gibson, second by Mr. Palm, to defer the consideration of stormwater runoff volume standards from the July meeting to the August meeting; motion carried unanimously by voice vote.

**18. Adjournment**

Moved by Mr. Sonnentag, seconded by Mr. Palm, to adjourn; motion carried at 11:26 p.m.

Recorded by Chris Gjestson

**Re: Consideration of authorizing letter to Dane County Clerk to certify the 2011 budget charge**

**Decision Items:**

1. Consider authorizing Chair Van Kampen to submit letter to the Dane County Clerk certifying the 2011 budget charge to Dane County

The CARPC Budget & Personnel Panel is scheduled to meet on July 14 (3:00 p.m., City-County Building room 421) to consider the 2011 budget as recommended by the Commission, which is largely funded by a County budget charge rate of \$1,133,585 based on 0.217 mills of EAV. Because this proposed charge exceeds 0.17 mills – the maximum rate according to the local government resolutions petitioning for CARPC creation – it is likely to be subject to significant reductions by the Panel.

This creates uncertainty about the actual amount that the Commission needs to certify to the County Clerk by August 1. Unless the Commission prefers to meet after the BPP meeting on July 14 and before August 1, it may wish to consider among its alternatives authorizing the Chair to sign the certification letter with the amount and mill rate as approved by the Budget & Personnel Panel.

**Materials Presented with Item:**

1. None

**Contact for Further Information:**

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