

# Draft MINUTES

## Capital Area Regional Planning Commission

August 12, 2010

City-County Building Rm 351, 210 MLK Jr Blvd, Madison WI

7:00 p.m.

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

Absent: Zach Brandon, Jeff Miller

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

### 1. Roll Call

Chair Van Kampen called the meeting to order at 7:04 p.m.; roll was recorded.

### 2. Approval of minutes of the July 8, 2010 meeting

Moved by Mr. McKeever, seconded by Mr. Sonnentag, to approve the minutes of the July 8, 2010 meeting. Motion carried.

### 3. Review of agenda

There were no changes requested.

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

Stefi Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, described how stormwater management practices were not always effective, and referred to standing water in an area near Blackhawk Church after storm events, causing erosion and crop damage. She asked members to consider this when considering stormwater volume control standards.

Arnold Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, referred to the Village of Mazomanie v. DNR court case and stated that its outcome may put the future of CARPC in doubt. He stated that the CARPC process was fundamentally flawed; a conflict of interest existed when CARPC acted on USA amendments when it was supposed to be planning for the region; USA amendment reviews should be separated from regional and water quality planning. He stated that Dane County, MPO, RTA, and local governments collectively were better suited to conduct regional planning.

### 5. New business

None.

### 6. Consideration of Resolution CARPC No. 2010-8 amending the Dane County Land Use and Transportation Plan and Dane County Water Quality Plan by adopting stormwater runoff volume control standards

Greg Fries, City of Madison Engineering, 210 MLK Jr. Blvd., registered in support of the proposal. Mr. Sonnentag described a meeting between CRANES members and Dane County Cities and Villages Association; he expressed support for the 90% stay-on standard and encouraging 100%, but opposed mandating 100% for all communities. Mr.

McKeever stated that the 100% standard should be adopted, and allow for exceptions down to 90% where appropriate. Discussion followed.

Moved by Mr. Van Kampen, second by Mr. Murray, to adopt Resolution CARPC No. 2010-8 as drafted. Ms. Terrell expressed support for directing staff to report to CARPC in 6 months on evaluating when 100% stay-on might be appropriate. Mr. Murray expressed concern that such an evaluation had too many variables; he expressed support for the 90% standard. Mr. Mesbah stated that the Technical Advisory Committee had recommended a 5-year evaluation period for such an evaluation and provided a list of questions to be answered. He described the difficulty in some cases to meet the 100% standard; the City of Fitchburg was consulting with federal EPA on achieving 100% for their most recent USA amendment. Discussion continued.

Moved by Ms. Terrell, second by Ms. Gibson, to amend the Resolution by adding a sentence to the end of Ordinance revision #1 which reads "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." Discussion followed. Motion to amend carried 6-4 on roll call vote (Brink, Murray, Studz and Van Kampen voting no). Motion to adopt Resolution CARPC No. 2010-8 as amended carried unanimously on roll call vote.

**7. Public Hearing: Consideration of Resolution CARPC No. 2010-10 amending the Dane County Land Use and Transportation Plan and Dane County Water Quality Plan by revising the Rodefild Limited Service Area boundary and Environmental Corridors in the City of Madison and the Town of Blooming Grove**

**a. Staff Presentation**

Ms. Weber made a PowerPoint presentation of the request, which proposes to add 40.7 acres to the Rodefild Limited Service Area to accommodate a new Waste Transfer Station/Household Hazardous Waste building, and to include the existing scale house and electric generation building which was found to have been receiving sanitary sewer service although they are not currently within the LSA. Mr. Kakuska described the watershed of the amendment area, including its associated wetlands. John Welch and Michael Dimaggio, representing Dane County, answered questions posed by commissioners. Mr. Rupiper described the conceptual stormwater management plan for the area.

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

Mr. Van Kampen opened the public hearing. The following registered in support of the proposal: Rick Roll, City of Madison Planning, 215 MLK Jr. Blvd.; Greg Fries, City of Madison Engineering, 210 MLK Jr. Blvd.; John Welch and Michael Dimaggio, representing Dane County; Jim Hansen, 125 South 84<sup>th</sup> St., Milwaukee, representing Dane County Public Works.

Mr. Roll stated that the proposal provided a regional benefit. The City agreed to the conditions of approval, and requested approval of the proposal. Commissioner posed questions to the applicant. Mr. McKeever asked if 100% stay-on of pre-development stormwater was feasible for the site; Mr. Welch stated it would be very hard if not impossible due to space restrictions of the existing development. Mr. Palm asked if the Town of Blooming Grove had been notified of the proposal; Mr. Welch stated that he had spoken with the Town Engineer and its Administrator around early July; both had

indicated no concerns. Mr. Roll stated that he had contacted the Town in April or May, and sent a copy of the application packet in June, and had contacted them today. The City also had an intergovernmental agreement with the Town. Members continued questions and discussion.

Supv. Dave de Felice, 6302 Dominion Dr., Madison, representing Dane County Supervisory District 16, registered and spoke in opposition to the proposal. Supv. de Felice described concerns of the proposal as indicated in his memo (distributed to members), as a representative of his District constituents. He expressed concern for the entrance relocation to Buckeye Road. He stated that he spoke with the Town of Blooming Grove Administrator this afternoon, and he did not recall the proposal. He expressed concern about the size of the facility, impacts on groundwater and runoff, the type of waste at the facility and how its handled, the impact on County revenues from the sale of methane gas, and the capacity for wastewater generated from the site. He stated that alternative sites should be considered, and expressed concern about relocating the Clean Sweep facility to the outskirts of town, and the traffic impacts. He asked that the Commission defer action to look closer at the issues raised. There were no other registrants; Mr. Van Kampen closed the public hearing.

**c. Consideration of Resolution CARPC No. 2010-10**

Moved by Ms. Terrell, second by Mr. McKeever, to defer action to the next meeting so that the concerns of Supv. de Felice could be addressed. Motion failed 2-8 on roll call vote; discussion followed. Moved by Mr. Van Kampen, second by Mr. Sonnentag, to adopt Resolution CARPC No. 2010-10 with the conditions and recommendations of approval of the staff analysis dated July 13, 2010. Motion to adopt carried 11-0 on roll call vote.

**8. Public Hearing: Consideration of Resolution CARPC No. 2010-11 amending the Dane County Land Use and Transportation Plan and Dane County Water Quality Plan by revising the Badger Prairie Limited Service Area boundary and Environmental Corridors in the Town of Verona**

**d. Staff Presentation**

CARPC staff made a PowerPoint presentation on the proposal. Ms. Weber described the proposal, which amends the Badger Prairie Limited Service Area by adding 4.2 developable acres, and merges the LSA with the Verona Urban Service Area. She described consistency with local and regional adopted plans. Mr. Kakuska described the natural resources of the area, which drains to the Badger Mill Creek watershed. Mr. Rupiper described the conceptual stormwater management plan, and staff recommendations for approval, which include consideration of retrofitting stormwater management practices for the redevelopment of the area in the existing LSA to maintain the post-development stay-on volume to at least 90% of the pre-development stay-on. Discussion followed.

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

Mr. Van Kampen opened the public hearing. The following registered in support of the proposal: Rob Nebel, 1919 Expo Way, Madison, representing Dane County Public Works; Travis Myren, Director of Administration, Dane County; Betsy Powers, representing BT-Squared, 2830 Dairy Dr., Madison; and Gregg Borucki, representing BT-Squared, 421 Wisconsin Dells Pkwy. #2, Wisconsin Dells. Commissioners posed questions to registrants and staff; Mr. McKeever asked if it were feasible to achieve greater than 90% stay-on and if the applicant was willing to try; Mr. Nebel indicated a

willingness to try. Ms. Terrell asked if the applicant would object to mitigating for the damaged wetland; Mr. Nebel answered no. There were no other registrants; Mr. Van Kampen closed the public hearing.

**f. Consideration of Resolution CARPC No. 2010-11**

Mr. McKeever described the importance of Dane County to take the lead in achieving the highest stormwater management standards. Moved by Ms. Terrell, second by Mr. McKeever, to adopt Resolution CARPC No. 2010-11 with the conditions and recommendations in the staff analysis dated July 13, 2010, with an additional recommendation added to read "Dane County consider mitigation of the pre-application wetlands destruction." Commissions discussed the proposal.

Motion by Mr. McKeever, second by Mr. Palm, to amend condition "d" by changing "90%" to "100%." Mr. McKeever asked if the applicant was willing to achieve the higher standard; Ms. Powers stated that they could and would find a way to make it happen. Motion to amend carried unanimously on voice vote. Main motion as amended carried 11-0 on roll call vote. (Mr. Imes left the meeting.)

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

Phil Salkin, 944 Autumn Woods Ln., Oregon, representing REALTORS Association of South-Central Wisconsin (RASCW), registered to speak in support of creating the Committee. Mr. Salkin stated the EAC would be able to identify any unintended negative economic impacts of a proposal by the CARPC Environmental Resources Technical Advisory Committee (ERTAC), could identify positive economic impacts, and how negative impacts might be mitigated. He stated that the EAC would benefit CARPC, would be limited to commenting on ERTAC recommendations, and would only require minimal CARPC staff support. He proposed that EAC would be a standing committee which could be called to meet at the pleasure of CARPC. RASCW and its affiliated associations would provide recommendations on membership, which should require the appropriate level of expertise.

Motion by Mr. Murray, second by Mr. Palm, to direct staff to work with Mr. Salkin to prepare a scope statement which includes addressing potential membership, scope of Committee purview, time frames for providing comment to CARPC, and required staff support. Mr. Murray described the need to avoid allowing any new committee to exceed its intended scope. Ms. Gibson expressed opposition to creating a committee not related to water quality. Discussion continued. Motion carried 6-4 on roll call vote (Gibson, McKeever, Minihan and Terrell voting against). The meeting recessed for five minutes by unanimous consent.

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

The time for recess expired. Motion by Mr. McKeever, second by Mr. Van Kampen, to defer to the next meeting. Mr. McKeever stated that he would like to propose policy language. Motion carried unanimously on voice vote.

**11. Consideration of disseminating Draft 2011 Budget to local units of government to solicit comments at September 9 public hearing**

Motion by Ms. Terrell, second by Mr. Murray, to disseminate the draft budget to local governments for comment. Mr. McKeever stated that the budget as proposed was not sustainable; Mr. Van Kampen reported that the Budget and Personnel Panel was

scheduled to begin meeting in November to discuss the long-term approach to funding CARPC. Mr. McKeever asked what should be communicated along with the budget; members discussed. Ms. Studz described the need for the four appointing authorities to unify in support of CARPC. Discussion continued. Ms. Studz stated that the notice for the hearing was an opportunity to communicate the value of CARPC; Ms. Terrell agreed, the notice should indicate what CARPC did in 2010, and the proposed budget will reflect a decrease in work activity, Motion to disseminate for comment carried unanimously on voice vote.

**12. Discussion of Draft 2011 Work Program and 2011-2016 Overall Program Design**

Moved by Ms. Gibson, second by Mr. Palm, to defer to the next meeting. Motion carried unanimously on voice vote.

**13. Consideration of Resolution CARPC 2010-12 to include CARPC under the Wisconsin Deferred Compensation Program**

Motion by Mr. McKeever, second by Mr. Palm, to adopt. Motion carried unanimously on voice vote.

**14. Consideration of Agreement with Dane County to receive grant funds from Wisconsin Department of Agriculture, Trade and Consumer Protection for the conduct of the CARPC Land Use Inventory**

Motion by Mr. Palm, second by Mr. McKeever, to sign agreement. Motion carried unanimously on voice vote.

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

Motion by Ms. Studz, second by Ms. Gibson, to defer to next meeting. Motion carried unanimously on voice vote. Mr. McKeever requested the item be placed early in the agenda.

**16. Communications**

The following were placed at members' places: a letter dated August 12, 2010, from Dane County Supv. Dave de Felice regarding agenda item #7; letter dated August 11, 2010, from Madison Area Builders Association regarding agenda item #6; and a letter dated July 21, 2010, from Kris Hampton, Town Chair of Cottage Grove, regarding agenda item #7.

**17. Report of Chair / Discussion**

**a. Report on Executive Committee meeting of August 12**

Mr. Van Kampen reported that the Committee had approved the monthly bills.

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

None.

**19. Future agenda items**

Mr. Murray stated that the Commission needed to make a decision regarding filling the Executive Director position.

**20. Adjournment**

Moved by Ms. Gibson, seconded by Mr. Palm, to adjourn; motion carried at 11:00 p.m.

Recorded by Chris Gjestson