

MINUTES

Capital Area Regional Planning Commission

August 13, 2009

City-County Building Rm 201, 210 MLK Jr Blvd, Madison WI

7:00 p.m.

Present: Zach Brandon, Curt Brink, Kristine Euclide, Martha Gibson, Steve Hiniker, Jeff Miller, Larry Palm, Kurt Sonnentag

Absent: Sally Kefer, Harold Krantz, Ed Minihan, John Murray, Phil Van Kampen

Staff Present: Chris Gjestson, Mike Kakuska, Kamran Mesbah, Mike Rupiper, Barbara Weber

1. Roll Call

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

2. Approval of minutes of the July 9, 2009 meeting

Moved by Mr. Brandon, seconded by Mr. Sonnentag, to approve the minutes of the July 9, 2009 meeting. Motion carried unanimously.

3. Review of agenda

There were no changes proposed for the agenda.

4. Public comment for items not on the agenda

None.

5. New business

None.

6. **Public Hearing: 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 Town of Verona**

a. Staff Presentation

Mr. Miller noted that a letter from Shawn Murphy, Administrator, City of Verona, dated August 13, 2009, was provided at members' places, requesting deferral of action so that the City could consider the suggestions of the CARPC staff report and comments provided during the public hearing.

Ms. Weber described the proposal, which proposes to add 265 acres in two areas (188 acres to Area E and 77 acres to Area W), of which 98.1 are for environmental corridors and 147.7 are developable. Area E is proposed to accommodate mixed residential, parks and commercial area, and Area W – owned by Dean Health System – is intended for institutional and residential uses. She described the proposal's consistency with CARPC goals and policies and conditions and outlined the recommendations and conditions of approval of the staff analysis dated August 7, 2009.

Mr. Kakuska described the streams, trails and wetlands of the amendment area and watershed, and limitations to development in the watershed. He stated that DNR

indicated that the wetlands of the State Natural Area west of Area W would be protected from stormwater impacts so long as stormwater was not directly conveyed into the wetland. He described changes to stream hydrology due to urban development; he stated that the impact of stormwater volume was a growing area of interest and concern among scientists.

Mr. Rupiper compared the local, state, county and CARPC-recommended standards of stormwater practices for the proposal. He stated that the CARPC staff proposed standard for control of *peak rates* similar to the City's proposed standard (control up to and including 100-year 24-hour event to pre-*settlement* levels). CARPC staff also proposed a condition that *volume control* for the 1-, 2-, and 10-year 24-hour storm events be maintained at *pre-development* volumes, due to the increasing importance of controlling extended volumes in addition to peak rates. The City proposed infiltration standards at 90% of pre-development recharge rates with a 2% cap on extent of infiltration area; staff recommended a condition to maintain 100% of pre-development recharge rates with no cap. He noted that this standard, in addition to being for groundwater recharge, was to control runoff volumes; it was not necessary to infiltrate all stormwater, other means such as evapotranspiration and storage could be utilized. He answered questions from Commissioners. He stated that the basis for the CARPC standard for groundwater recharge was a Wisconsin Geologic and Natural History Survey study (January 2009) which found an average countywide recharge rate well beyond the County standard of 7.6 in/yr. He stated that staff concerns in Area W were related to high bedrock and high groundwater, potentially limiting infiltration. He identified areas south of Area W which were conducive to infiltration. Staff would like more information and evaluation of the specific plans and practices of the proposal. He noted that all development within the Upper Sugar River watershed, regardless of jurisdiction, have similar potential impacts, and therefore, staff recommends an intergovernmental watershed level agreement to maintain volumes throughout the watershed.

Staff responded to questions from commissioners.

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

Mr. Miller opened the public hearing; he noted that consistent with CARPC public hearing practices, the applicant would be provided between 15 and 25 minutes to present their proposal, which may be allocated to one or more speakers, and individual registrants will be given 3 minutes each to testify.

Shawn Murphy, Administrator, City of Verona, 111 Lincoln St., Verona, stated that the proposal had been subject to significant evaluation and public input throughout its development. He stated that the City was committed to protecting the natural resources of the area, and would consider the comments of the CARPC staff report and those provided during the public hearing. He requested that CARPC action be postponed to the meeting of September 10. He asked that commissioners ask specific questions and cite specific concerns so the City could respond at the next meeting.

Jon Hochkammer, Mayor, City of Verona, stated that city residents, staff and elected officials took development issues very seriously. He stated that his background as dairy farmer in Manitowoc County allowed him to understand the need to be a good steward of the environment. He asked the Commission give its full consideration to the proposal.

Bruce Sylvester, Director, City of Verona Planning and Development, stated that the city was projected to grow by 7,000 additional residents by 2030. He stated that this would not occur by choice, but required planning to balance environmental protection and economic growth, which was the Commission's charge pursuant to the governor's Executive Order creating CARPC. He stated that re-development would play a role in accommodating growth, but could not accommodate all growth; dense development was encouraged by the City. He described the proposal's efficient use of existing infrastructure; growth to the north and east of the city would require an additional water tower. He stated that the proposal was contiguous to existing USA and urban development, although environmental corridor buffered the northern edge of Area E. He stated that the area had been studied for four years; the last USA amendment resulted in DNR requesting an environmental study be done in the area, which Montgomery Associates Resource Solutions (MARS) had completed for the City at substantial cost involving a number of agencies. The City had worked extensively with property owners; the proposal was not developer-driven, and Dean Health System was not pressuring the City to develop the area. He described extensive public notice and involvement efforts throughout preparation of the proposal. He stated that City residents had expressed support for the proposal through the City Comprehensive Plan; adoption of the Plan was scheduled for consideration in September. He stated that the City proposed environmental standards which exceeded State and often County standards. He noted that the proposed development would improve the water quality over agricultural uses.

Steve Gaffield, Montgomery Associates, 119 S. Main St., Cottage Grove, representing City of Verona, registered to speak in support of the proposal. Mr. Gaffield described the soils and streams of the amendment area. He stated that key issues included maintaining groundwater recharge, which fed the streams and wetland areas. He described the MARS study recommendations to minimize stormwater runoff volume with infiltration and recharge controls which went beyond County ordinance. Compliance with County ordinance using low-impact development would protect the streams from thermal impacts. Environmental corridor location and design would also serve to mitigate impacts. He stated that the proposal included long-term regional water quality monitoring among multiple jurisdictions. He stated that the RECARGA model was used for infiltration design. He described the model inputs for the proposal, and described the proposed stormwater standards; he noted that CARPC recommended nearly double the infiltration (100%, no cap) over the County standards. He described the role of evapotranspiration in greatly mitigating the stormwater volume impacts.

Ms. Euclide asked about the current and planned land use of the area immediately east of Area W. Mr. Sylvester stated that the area, currently farmed, was in the Verona USA and was planned for non-residential, non-retail commercial use. North of the area was protected from development as a floodplain with environmental corridor designation. He stated that the City had grown on both sides of Badger Mill Creek for over 50 years; the proposal continued that trend.

Don Hammes, 3507 Valley Ridge Rd., Middleton, representing Wisconsin Wildlife Federation and Dane County Conservation League, registered to speak against the proposal. Mr. Hammes requested more time to speak. Mr. Miller stated that the limit was three minutes; Mr. Hammes left the meeting.

Rob Montgomery, 119 S. Main St., Cottage Grove, representing City of Verona, registered in support of the proposal and was available for questions.

Calvin B. DeWitt, 2508 Lalor Rd., Oregon, registered to speak against the proposal. Mr. DeWitt referred to "Wetlands of Dane County" (Bedford et al, 1974, DCRPC) which indicated that Sugar River wetlands were the only high-priority wetlands in the county. He quoted from the book which described the wetland; he described the need for more thorough modeling of the area to assess the impacts on groundwater resources. He stated the City and CARPC staff had done a very good analysis of the proposal. Ms. Euclide asked if Mr. DeWitt had reviewed the CARPC staff report; Mr. DeWitt stated he had in parts. He stated that the use of pre-settlement over pre-development conditions was wise; pre-development conditions assumed poor management of agricultural lands. Ms. Euclide asked if he had concerns for the recommendations made in the staff analysis; Mr. DeWitt stated that the standards of the staff report were exemplary. He expressed hope that Dean Health System, as fellow scientists with respect for nature, would develop the eastern third of the amendment area and be responsible stewards of the natural value of the remaining land.

Phil Salkin, 944 Autumn Woods Ln., Oregon, representing City of Verona, registered to speak in support of the proposal. He stated that the proposal was contiguous to the city and represented a natural and orderly expansion of the community, consistent with historic decisions and adopted plans of the city which plan for growth to the west. He described limitations to develop north and west of the city, which has grown in a compact manner responsible towards the environment and water resources. He stated that approval of the proposal should be based on the provision of mitigation measures with sufficiently high standards, and a plan to preserve the natural resources of the area by concentrating dense development in the appropriate areas. He stated that the city was the fastest growing in the county (44% from 2000 to 2005); he described the importance, given the current economic conditions, to support responsible economic development.

Stefi Harris, 3427 CTH P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, registered to speak against the proposal. Ms. Harris requested denial of the proposal; the City proposed intensive development which will produce a lot of runoff, disrupting area streams and wetlands. She stated that the proposed stormwater runoff management system is sketchy, and was impossible to meet the proposed standards due to the difficult terrain. She described the difficulties of providing sufficient infiltration due to soils and high bedrock, and the dangers of groundwater contamination due to fractured bedrock. She stated that proposed mitigation measures were clumsily prepared. She stated that a Verona official reported that the last inspection of stormwater facilities was done two years ago.

Phyllis Hasbrouck, 3113 View Rd., Madison, representing CRANES and West Waubesa Preservation Coalition, registered to speak against the proposal. Ms. Hasbrouck described the need to address harmful effects of lifestyles which over-rely on consumption of non-renewable resources. She stated that elected officials needed to pursue what scientists have identified as effective methods to reduce emissions, such as dense walkable communities, green buildings, mass transit, and urban agriculture. She described the need for local governments and others to deny those who pursue the continued use of methods which rely on unsustainable methods and tools such as

fossil fuels which have resulted in many modern social ills; she stated that environmentalists wanted to work with governments to devise innovative ways to accommodate growth. She stated that Dane County could become a national leader in pursuing new development patterns.

Constance Threinen, 2121 Gateway St. N, Middleton, registered to speak against the proposal. Ms. Threinen stated that she was pleased that action was deferred, and expressed concern for over-development in the county. She described the need for regional planning rather than individual communities competing amongst themselves for growth. She stated that the CARPC staff analysis referred to a threshold of urbanization which begins to quickly degrade biotic communities; she expressed concern for crossing that threshold.

Arnold Harris, 3427 CTH P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, registered to speak against the proposal. Mr. Harris described four reasons to deny the request: 1) the Town of Verona objected on a water quality basis, since the town provides less dense development; 2) the development threatens baseflow, will increase erosion, sedimentation and water temperatures in the streams and wetlands; 3) threatens endangered species and archaeological resources; and 4) there are no specific measures proposed to protect the resources. He questioned why Town of Verona representatives were not present.

Gary Werner, 2302 Lakeland Ave., Madison, registered to speak in opposition to the proposal. Mr. Werner stated that it had been requested about one year earlier that the Commission procedurally provide more time for public review of USA amendment requests. He requested the change be made soon. He stated that growth in the County had resulted in similar proposals which involve development near valuable natural resources; land uses other than urban development should be considered in those areas. There was no indication that development of this area was urgent; the FUDA plan should be adopted and watershed analysis conducted prior to consideration.

Jon Becker, PO Box 3292, Madison, representing CRANES, registered to speak in opposition to the proposal. Mr. Becker stated that recent history led to questions about traditional economic thought; CARPC should be aware that the environment was a driver of economic development. He questioned whether the city studies and proposals accounted for storms of 2008 and the predicted increased flashiness; he stated 2008 appeared to be the new standard. He questioned the ability to infiltrate in areas with high groundwater. He requested CARPC change its policies to allow more public input during USA amendment deliberations.

Harry Read, 2545 Van Hise Ave., Madison, registered to speak against the proposal. Mr. Read stated that he hadn't had time to review the proposal; Verona supplemental materials were posted Wednesday morning. He stated that the size of the proposal included many environmentally significant features and challenges in the area; he stated that some problems may not have engineering solutions. He described the need for more dense, sustainable urban development; the more sprawling development increases the difficulty in fixing the problem. He encouraged deferral.

Elizabeth Lewis, 2809 Columbia Rd., Madison, representing CRANES, registered to speak against the proposal. Ms. Lewis stated that the proposal would not protect or enhance water quality. Previous assumptions on rainfall have proven to be inaccurate;

she described the crucial role of water in the region. She stated that the resources needed to serve the proposed population of the amendment area could better be used by the existing urban area. She stated that a minimum buffer of 300 feet from the high water line is essential. She stated that even small areas of degradation of protected natural areas result in irreparable damage due to cumulative impacts. She referred to the incremental development of Manhattan as described in "Mannahatta: A Natural History of New York City" (Eric Sanderson, 2009) which contrasts its current and original states. She stated that the carrying capacities of our resources must not be exceeded.

The following registered in support of the proposal: Sue Dietzen, 22 Emily Rd., Mazomanie.

The following registered in opposition to the proposal: Mary Anglim, 2134 E. Washington Ave., Madison; Dave Carrig, 645 Skyview Pl. #10, Madison.

There were no other registrants. Mr. Miller closed the public hearing, and noted that if action on the item was deferred to the next meeting, the record would remain open for additional comment until the day of the next meeting.

c. Consideration of Resolution CARPC No. 2009-10

Moved by Mr. Brandon, seconded by Mr. Sonnentag, to defer action to the meeting of September 10, 2009. Mr. Miller stated that the applicant was looking for commissioners to indicate their concerns or request more information on the proposal, so the City could respond; Mr. Mesbah requested that commissioners include staff in their communication with the City so staff can obtain direction in how to proceed in working with the applicant. Mr. Sonnentag stated that the deferral allows time for the applicant to address issues of the proposal with CARPC staff; Mr. Brandon agreed, and stated that the City request for feedback now does not preclude future feedback from CARPC. He stated that deferral was warranted based not only on the applicant request, but on commissioners' needs to sufficiently review the proposal. Ms. Euclide agreed the amount of materials provided, including those provided in the last 48 hours, merited deferral of action.

Motion to defer carried unanimously on voice vote. Mr. Miller asked members to retain the pertinent meeting materials.

7. Consideration of disseminating Draft 2010 Budget and Draft 2010 Work Program and 2010-2015 Overall Program Design to local units of government to solicit comments at September 10 public hearing

Motion by Mr. Palm, seconded by Mr. Hiniker, to disseminate the items. Motion carried unanimously by voice vote.

8. Discussion of approach to Commissioner contact regarding sewer service area amendment applications

Mr. Mesbah stated this item was raised when legal counsel suggested to a commissioner that it may not be advisable to individually discuss the Verona USA amendment application with the applicant; staff required guidance on how to respond when applicants request a meeting with commissioners. Mr. St. Peter stated that he did not believe there were legal or ethical reasons to prevent contact between commissioners and applicant; the

only concern appeared to be whether individual members were being provided information not made available to other members. Members discussed the issue.

Ms. Euclide stated that Agenda Item #9 was also an item requiring discussion; she suggested a workgroup be created to discuss and recommend procedural issues. Discussion continued. Mr. Brandon expressed the need to track and report lobbying efforts. Discussion continued.

Moved by Ms. Euclide, seconded by Ms. Gibson, to create a workgroup to discuss and make recommendations to CARPC on procedural issues. Motion by Mr. Brandon, second by Mr. Sonnentag, to substitute "create a workgroup" with "refer to Executive Committee." Mr. Brandon stated that the issues to be discussed should more appropriately and efficiently be addressed by the leadership. Discussion followed. Mr. Brandon clarified that the intent of the motion was for the Committee to discuss procedures for member disclosure of contacts, lobbyist registration and disclosure, and the timing of review and action on USA amendment applications. Motion to approve substitute carried unanimously on voice vote.

Mr. Miller reminded commissioners that CARPC policy did not allow individual members to contact legal counsel without prior CARPC Chair approval.

9. Discussion of providing commissioners a period of one month to review staff analyses of service area amendment requests

(To be discussed by Executive Committee; see Item 8 above.)

10. Discussion of update to the Regional Hydrologic Model

Mr. Mesbah described the need to update the Model, which is proposed in the 2010 work program. After seeking funding commitments from local units of government and public agencies, an additional \$81,700 is still needed for the \$500,000 project. Members discussed how the amount might be raised; members agreed by unanimous consent to direct staff to forward a memo to the Dane County Executive and the CARPC Budget & Personnel Panel to consider how the shortfall might be met; the memo should include a description of the benefits of the update, the ramifications of not updating the Model, a list of the participating entities, and should include a description of what has been done to reduce the cost of the project, including phasing over multiple budget years. The memo should be provided to the Chair for signature prior to distribution.

11. Communications

Provided at members places were comments on the Verona USA amendment request received by staff between August 7 and August 13, 2009 (9 total). Also provided was the 2008 CARPC Annual Report.

12. Report of Chair / Discussion

a. Report on Executive Committee meeting of August 13

Mr. Miller reported that the Executive Committee approved bills and received an update on CARPC finances and staff work activities. He reported that he was notified by Ms. Kefer that she was resigning from CARPC; her replacement has not yet been named by the County Executive. He reported that he met with Steve Born to discuss ways to move beyond the acrimony of discourse regarding development issues in Dane County; Mr. Born had discussed the importance of the CARPC facilitating a

collaborative win-win process to discuss and address the complex issues faced by the region.

13. Report of Deputy Director / Discussion

Mr. Mesbah reported on meetings with chief elected officials of local governments in Dane County to discuss the Commission's goals and policies for USA amendments. He stated that there was unanimous desire for collaborative regional planning, more open communication among governments and with the CARPC, and for CARPC to provide examples of good planning. The constituent units of government are keenly aware of the need and importance of effective regional planning for the capital region.

Mr. Miller stated that Mr. Born suggested that hosting a one-day conference would be helpful to foster a frank discussion on regional development. Mr. Miller stated that such a conference might prove very worthwhile to discuss core issues such as whether some areas in the County should be protected from development or if all areas are developable with proper mitigation for impacts.

14. Future agenda items

None requested.

15. Adjournment

Moved by Ms. Gibson, seconded by Mr. Sonnentag, to adjourn; motion carried at 10:11 p.m.

Recorded by Chris Gjestson