

Village of Mount Horeb

138 E Main St/Mt Horeb, WI 53572/(608) 437-6884/Fax (608) 437-3190/vilmth@mhtc.net

Website: www.mounthorebwi.info

September 16, 2008

To the Capital Area Regional Plan Commission,

The Village of Mount Horeb came before your body on July 10, 2008 with a request to amend our urban service area. That request was ultimately tabled until August 28th, 2008 and later, at the Village's request, rescheduled for September 25th.

The staff and elected officials of the Village of Mount Horeb have taken several steps to try and remedy the concerns that the Regional Plan Commission raised at their July 10th, 2008 meeting.

- The Village has asked the Town of Blue Mounds and the Town of Springdale for an official statement as to their position on our application. Attached are statements that the Regional Plan Commission already received from the Town of Blue Mounds and the Town of Springdale.

As requested, the Village Board and Town Board of Springdale had an additional meeting to discuss the Boundary Agreement and we are moving forward with additional public hearings. There was very little opposition to the proposed Agreement at our first public hearing.

- The Village has met with the Upper Sugar River Watershed Association three times to discuss their concerns and to plan future projects together. The first meeting occurred on July 29th whereby we discussed the concerns of the USRWA that were mentioned at the CARPC meeting. We also decided to begin meeting on a regular/monthly basis to go over concerns of the USRWA and/or the DNR. The first such meeting was held on August 15th, 2008 and again on September 4th. Together we are working on proposed water quality features for Schlapbach Creek and on the Brookstone Environmental Corridor.

On Aug 20th there was also a meeting with Dane County, CARPC, and the Upper Sugar River Watershed Association to discuss and plan for the proposed detention basin for Schlapbach Creek.

- The Village has added the detention basin on Schlapbach Creek to our five year Capital Improvement Plan.

In preparation for today's meeting, Village staff have also requested copies of the July 10th meeting tapes and written down every question that the Village was asked. Attached to this memo is a list of those questions and written responses to each of them.

The Village is confident that it has provided a complete and accurate application to the Regional Planning Commission. Our application specifically answers each and all of the criteria adopted by the Plan Commission, answers all of the questions raised at the July 10th meeting, and also shows how the Village has engaged other entities to ensure that all of their comments and concerns are heard by the Regional Plan Commission board; whether they are in favor or against our proposal.

The Village of Mount Horeb does hereby request that that Capital Area Regional Plan Commission vote to approve our Urban Service Area Amendment Request as amended, and upon meeting CARPC staff recommended conditions.

Thank you,

Lawrence F. Bierke
Village Administrator

NEIGHBORING TOWNS OFFICIAL STATEMENTS

TOWN OF SPRINGDALE:

RESOLUTION: VILLAGE OF MT. HOREB URBAN SERVICE AREA AMENDMENT:

MOTION by Hefty/Schwenn: Whereas the Town of Springdale wishes to preserve and enhance the water quality in Schlapbach Creek, therefore the Town supports CARPC efforts to prevent excessive urban run-off into the stream system. Now Therefore, in principle, the Town of Springdale is not opposed to the CARPC application of the lands restricted to the 2005 Adopted Village of Mt. Horeb Comprehensive Plan. However, a lively response at our public Town Board meeting suggests we should have a joint meeting of the Village Trustees and the Town Board to discuss the CARPC application and the draft boundary agreement. We would suggest that the Village CARPC application be delayed until after this meeting. Discussion: Town Chairman Eloranta suggested a meeting be held in September, 2008 since he will be out of the country in August, 2008. Motion carried 3-0.

TOWN OF BLUE MOUNDS:

While we are not opposed to the petition, we would like it known that at this time the Town of Blue Mounds does not have on file a boundary agreement with the Village of Mount Horeb. As we are working now on our Comprehensive Plan, this will be part of that process and we are concerned that if you adopt their petition, it could cause some problems with out joint boundary process in the future. Thank you for considering our concerns with this petition.

QUESTIONS ASKED AT CARPC MEETING

(July 10, 2008)

1. Was there any promise of automatic approval for urban surface area if you were within the map?

There are never promises made for “automatic approval”. The Village of Mount Horeb created the maps you see before you as a part of our application for an Urban Service Area Amendment. Developers engaged in pursuing developments on this property are aware that approval is not automatic.

This planning process was specifically designed for the Village to tell future developers what it is that we want a development to look like, instead of them making a proposal to us. This helps to ensure that proper precautions are taken with respect to preserving natural and environmental aspects of Schlapbach Creek.

By adding a 200+ foot environmental buffer around the creek, installing advanced erosion control measures, and adding numerous additional water quality basins, the Village will force a future developer to ensure that the environmental corridor is protected.

The Village is also taking an additional step and using the Lukken Farm Development to help pay for a detention basin that will serve an existing (developed) neighborhood. A watershed protection effort that goes well beyond what could be required by CARPC.

To ensure that these improvements are made, the Village intends to have a developers agreement in place and to secure letters of credit from the said developer. This will provide the Village with adequate fiscal coverage should something unfortunate happen to the developer.

2. The report has a number of suggestions/requirements, has the Village done an analysis as to how long it would take to comply with these, and how much it would cost?

The Village has read the staff report and is aware of the staff’s recommended conditions for approval. We are prepared to meet those conditions as a part of the Northeast Neighborhood Plan implementation. Much of the costs for these added conditions will be required of the land developer and will not be Village costs.

For the costs that are to be paid for by the Village, we are pursuing the creation of a Stormwater Utility to assist in funding the improvements. It is, however, the Village’s position that our sources of funding are not pertinent to this discussion. Our agreement to meet the conditions is kept “in check” by CARPC’s ability to withhold sanitary sewer extension plan approval letters to the Wisconsin DNR. Without CARPC’s approval letter, installation of the sanitary sewers, and therefore development, cannot proceed.

For added security, the Village will be requiring letters of credit from property developers. The Village has also added the detention basin to our five year Capital Improvements Plan to help ensure that all parties are planning for the expense.

3. A lot of sediment would go into the river when the work would be done, and when people settle the erosion would continue. In the packet it says this land area is unsuitable. The reaction of the limestone with rainwater causes carbonic acid to form and causes holes in the limestone, which leads to ground water contamination.

This statement came from an audience member and it is completely false. Any sediment going into Schlapbach Creek will be at a rate SIGNIFICANTLY less than what it currently does. The Village will meet all of the stormwater requirements set forth by CARPC and Dane County.

4. In 2001, a storm water management plan was introduced, what have we been doing about Schlapbach Creek?

In the 2000 Stormwater Management Plan, the Schlapbach Creek watershed was listed as 5th in line for priority for installation of regional water quality control measures. After the plan was adopted by the Village, re-classification of the streams and navigability of the streams were completed by WiDNR. The reclassification of the streams and navigability of the streams resulted in the 1st and 5th priority basins were tabled due to inability to create the planned in-line water quality features. Only through this Neighborhood Plan have we been able to reinvestigate the construction of a regional water quality basin within this developed watershed.

5. In 2004 the USRWA received two river planning grants that resulted in river management plans. The Village endorsed these grants with a letter of recommendation. However, in 2006 the USRWA received another grant specifically for a Schlapbach Creek river management plan, and the Village said they could not assist because of funding, even though USRWA wanted to raise the money, or had the money. Will the Village really be responsible for community education, implementation, oversight, and future maintenance? The Village Communication process has been unacceptable. Compared with Verona and Belleville, not enough notification is given for meetings, phones go unanswered, and response time is not good.

At our CARPC Public Hearing, the representative from the Upper Sugar River Water Association was clearly frustrated and had concerns about the Village of Mount Horeb. The Village has met with the Upper Sugar River Watershed Association a total of four times since our last visit to CARPC. It is my opinion that we are likely to continue the monthly meetings to increase communications and we have, in fact, begun planning for additional water quality improvements within the Village.

As for past practices, under former Village Boards and Village staff, we are unable to explain or speak to their relationship with the USRWA. At this time, and under this administration, communication is and will continue to be an important task.

6. There isn't a real need for this development. What is the hurry?

This application is before you because a developer is prepared to develop about 60 acres known as the Schroeder Farm. There is a need for additional commercial and residential lots in Mount Horeb. Our current inventory will not last three years.

The remainder of the property in the Urban Service Area Request was added with the purpose of improving Schlapbach Creek and in response to interest from several potential developers. The Lukken Farm must be large enough to generate enough profit for a developer to justify requiring the developer to pay for the extension of Brookwood Drive to County Road S. If the developer does not make a profit, then the land won't be developed and Brookwood Drive won't be extended to County Road S.

This is very important, as it is the extension of Brookwood Drive that provides the embankment for us to add a detention basin to Schlapbach Creek. After this basin is created, there will be only one remaining detention basin to be added to complete every aspect of the 2001 Stormwater Management Plan; a long serving goal of the Village of Mount Horeb.

7. The main trouble is not the temperature. It is the pollutants from urban run-off at the head of the creek.

The DNR and USRWA would say that the temperature, peak discharges, and pollutants all contribute to the overall health of the stream. The requirements from CARPC, Dane County, and WiDNR are to treat all three of these concerns. The on-line systems proposed for Schlapbach Creek upstream of the Brookwood crossing would greatly reduce the impact of the existing developed area to the stream since there is no sediment, peak discharge, or thermal pollution control at this time.

8. Two issues were raised by one Commissioner:

- The suitability of the area for storm water management
- The encroachment of the development into the environmental corridor

This area is actually quite suitable for peak discharge, sediment trapping and thermal controls. The natural valleys located on the Lukken and Schroeder/Baker parcels provide favorable areas to create water quality features. The presence of bedrock in these areas is not a detriment to the installation of these features since a large amount of the limestone that is excavated can then be re-used in thermal rock cribs to reduce thermal impacts. The result is less material hauled in or off site and a reduced cost. A water quality feature located upstream of the Brookwood crossing is the most efficient way to treat the existing developed areas of the Village, while not encroaching on the areas of Schlapbach Creek that have been determined to be more viable and healthier to the east of the roadway crossing.

9. How can farmland from a neighboring town be eaten up for this, when the towns are not able to create this sprawl?

We are not sure we understand the question. The Wisconsin State Statutes give Cities and Villages the authority to annex property. It does not give townships the right to Charter Town status. Therefore, the Village of Mount Horeb has a right to annex land from the Town of Springdale or the Town of Blue Mounds under state law.

Under the proposal before you, "sprawl" is not being created. The neighborhoods proposed are much denser than existing Village developments; directly meeting the Regional Plan Commissions standards for new development densities.

10. The Village dangles boundary agreements to get some of your land, and then years later, when they want more of the land, there goes the boundary agreement. (the Town of Springdale is afraid to even oppose this, because they are afraid their boundary agreement would then be broken by the Village)

This is not factual at all. A boundary agreement is a contract and before it can be changed, both parties must agree. The Village does not need any Boundary Agreement to annex and develop property. The Village, therefore, does not need to "dangle boundary agreements to get some of your land". The Village has discussed the potential of boundary agreements with the Towns of Springdale and Blue Mounds in the interest of improving intergovernmental relations and making the location, type and character of development more predictable.

If Village growth is restricted by the Regional Planning Commission, there will be no point in pursuing an agreement with neighboring townships. The Village will continue to pursue increases in its equalized value through new subdivisions that do not need the Regional Planning Commissions approval. This alternative consumes much more township land and would make existing growth estimates severely underestimated. Therefore a boundary agreement limiting growth would no longer be in the Village's interest.