

# MINUTES

## Capital Area Regional Planning Commission

March 12, 2009

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

7:00 p.m.

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Present: Zach Brandon\*, Curt Brink, Martha Gibson, Carlton Hamre, Steve Hiniker, Sally Kefer, Harold Krantz, Jeff Miller, John Murray, Larry Palm, Kurt Sonnentag, Phil Van Kampen

Absent: Kristine Euclide

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

\*arrived late

### 1. Roll Call

Chair Miller called the meeting to order at 7:01 p.m.; roll was recorded.

### 2. Approval of minutes of the February 12, 2009 meeting

Moved by Mr. Sonnentag, seconded by Mr. Murray, to approve the minutes of the February 12, 2009 meeting. Motion carried unanimously.

### 3. Review of agenda

No change.

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

None.

### 5. New business

None. Motion by Mr. Hiniker, seconded by Ms. Gibson, to suspend the rules in order to address agenda item #8 while staff prepared for its presentation for item #6. Motion carried unanimously by voice vote.

### 8. Consideration of Authorization for the Deputy Director to sign agreements with the U.S. Geological Survey, and the cities of Middleton and Madison to perform water resources monitoring activities

Mr. Kakuska referred to the materials in the meeting packet and briefly described the ongoing water resources monitoring program. Moved by Mr. Sonnentag, seconded by Mr. Van Kampen, to authorize the Deputy Director to sign the agreements. Motion carried unanimously by voice vote. Moved by Mr. Hiniker, seconded by Ms. Gibson, to suspend the rules to take up agenda item #9; motion carried.

### 9. Consideration of Resolution CARPC No. 2009-6 amending the 2009 budget to provide \$14,000 to Dane County for Fly Dane 2009/2010

Mr. Miller referred to the information provided in the meeting packet; approval was recommended by the Executive Committee. Mr. Mesbah stated that the cost had increased from about \$11,000 to a maximum of \$14,000 due to some communities not participating in the Partnership. Motion by Mr. Palm, seconded by Mr. Hiniker, to adopt Resolution CARPC No. 2009-6. Motion carried unanimously by voice vote. Moved by Ms. Gibson, seconded by Ms. Kefer, to suspend the rules and take up agenda item #12; motion carried.

**12. Consideration of convening Budget Workgroup to discuss 2010 budget and work program**

Mr. Miller stated that commissioners should notify staff by e-mail if they wanted to participate in the 2010 Budget Workgroup. Motion by Mr. Hiniker, seconded by Mr. Sonnentag, to approve the convening of the 2010 Budget Workgroup; motion carried unanimously by voice vote. Mr. Murray stated that he intended to resign from Executive Committee in order to participate in the Budget Workgroup (Mr. Brandon arrived).

**6. Public Hearing: Consideration of Resolution CARPC No. 2009-4 amending the Dane County Land Use and Transportation Plan and Dane County Water Quality Plan by revising the Central Urban Service Area boundary and Environmental Corridors in the Pumpkin Hollow Neighborhood portion of the City of Madison and Town of Burke****a. Staff Presentation**

Ms. Weber and Mr. Mesbah made a PowerPoint presentation on the amendment request, which proposes to add 519.5 acres (312.4 developable) to the Central Urban Service Area, of which 96.7 acres are existing developed land and 113.4 acres are proposed to be in environmental corridors (including 3 acres in existing development). Ms. Weber described the proposed land uses and plans for the provision of urban services. Mr. Mesbah described the existing environment of the amendment area, proposed water and sewer services, the impacts of development and the recommendations and conditions of approval of the CARPC staff report dated March 5, 2009. Mr. Mesbah stated that Kevin Connors, Director of Dane County Land and Water Resources Department, has stated that stormwater from the amendment area should not be detained to an extent where it enters Lake Monona at the same time as stormwater from Lake Mendota; therefore, staff has not placed conditions for storage and detention of large storms beyond the 10-year storm, and has recommended forestation and wetland restoration measures to increase rainfall interception, and has required measures to maximize infiltration to reduce the runoff volume. Ms. Kefer asked why the recommendation on page 32 of the report regarding the high water table was not listed among the other recommendations on page 33. Mr. Mesbah stated that the first full paragraph of page 32 could be moved to page 33 and placed among the other recommendations. Staff responded to questions from commissioners.

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

Mr. Miller opened the public hearing. Michael Waidelich, City of Madison Planning, 215 MLK Jr. Blvd. Rm LL-100, registered to speak in support of the proposal. Mr. Waidelich stated that the amendment area was the southern portion of the planned neighborhood; substantial parts north of the amendment area were recommended for permanent open space conservation. He stated that most of the recommendations and conditions of the staff report appeared reasonable, although it was unclear whether all hydric soils would be included in environmental corridors; development has occurred in hydric inclusion soils elsewhere without difficulty. He stated that the neighborhood plan identified known archaeological sites; state law required work stoppage if archaeologically significant items were discovered during development. He stated that the recommendation for restoration of wetlands was good, but including restoration of all areas with hydric soils may not be practicable.

Mike Dailey, City of Madison Engineering, 210 MLK Jr. Blvd. Rm 115, registered to speak in support of the proposal. Mr. Dailey stated that the recommendations and conditions of the staff report were comprehensive and well-written. He stated that all detailed stormwater management plans required review by CARPC staff for final sewer extension approval, so details not known now would be known at the review stage. He clarified that the condition

requiring a detailed stormwater management plan would not apply to installing sanitary sewer infrastructure prior to development, and the condition requiring installation of stormwater practices for each area prior to land disturbing activities did not include those practices which by necessity had to be installed last, such as rain gardens. He stated that he had clarified with CARPC staff that the no-mow recommendation for buffer area allowed for one annual mow.

Commissioners directed questions to the speakers. Ms. Kefer asked if the City was receptive to the forestation and wetland restoration recommendations being changed to conditions of approval, due to their importance in stormwater control. Mr. Waidelich stated that the City supported the recommendations and would consider them as written, but needed to know more about the specific hydric soils; there was no ordinance which required restoration, and the City could not commit to following the recommendation without a change in City policy.

Mike Lawton, 740 Regent St., Madison, representing Paulson Investments, registered in support of the proposal. Mr. Miller closed the public hearing.

**c. Consideration of Resolution CARPC No. 2009-4**

Moved by Ms. Gibson, seconded by Ms. Kefer, to table consideration to the next meeting. Ms. Gibson expressed the need for more time to review the proposal and asked if CARPC policy prescribed deferral of amendment requests of this size; Mr. Gjestson stated that CARPC has not adopted such a policy, but it was past practice to defer consideration of controversial items. Motion failed on voice vote. Moved by Mr. Brandon, seconded by Mr. Sonnentag, to adopt Resolution CARPC No. 2009-4 with the conditions and recommendations of the staff analysis dated March 5, 2009. Commissioners asked questions of staff.

Mr. Palm asked if staff supported wetland restoration of hydric soils as a condition of approval, rather than a recommendation; Mr. Mesbah stated that restoration of wetland hydrology in this particular case would be advisable only if it can be ensured that it would not result in downstream flooding by acting as a detention basin, so he could not support a "blanket" requirement that all hydric soils in the area be restored to wetlands. Discussion continued. Mr. Van Kampen asked if wetland restoration would be an avenue the City might take to slow the rate of runoff into the lakes; Mr. Mesbah answered that it is not advisable to reduce the rate of runoff for larger storms if this is done by storage or detention. The rate of discharge would be addressed in the City stormwater plan and will be mitigated up to the 10-year storm. Controlling larger storms would potentially worsen flooding on Lake Monona by stacking the water from this area on top of the release from Lake Mendota. However, if restoration results in increased absorption (as opposed to detention) of runoff volume, it would serve to reduce the volume discharged to the lake.

Ms. Kefer expressed the importance of determining the amount of stormwater produced by the development, and the measures to control the discharge, prior to approval; a decision should not be based on comments by Mr. Connors, but on technical data. Mr. Mesbah stated that a model does not exist to determine the exact impact on the lakes; comments by Mr. Connors were based on experience. Ms. Kefer described the importance of effective detention and management measures for any development, and that these needed to go beyond mitigating for the 10-year storm. She stated the proposal should include measures to effectively mitigate for the 100-year storm which release discharge slowly. Discussion continued.

Ms. Gibson described the portion of the staff report indicating that the loss of prime agricultural land was off-set by ownership of those lands by developers as weak. Mr. Murray expressed support for strongly encouraging the City to develop a forestry plan to help mitigate for stormwater runoff. Mr. Mesbah stated that it could be addressed in the stormwater management plan.

Mr. Murray requested the motion be amended to include an evaluation of the effectiveness of urban forestation as a measure in the required stormwater plan; recognized by Messrs. Brandon and Sonnentag as friendly without objection.

Motion by Ms. Kefer, seconded by Ms. Gibson, to amend the motion to include a condition that wetlands inclusive of hydric soils be restored and, along with infiltration devices, be designed to mitigate the effects of up to the 100-year storm. Ms. Kefer described the importance of flood mitigation; discussion followed. Mr. Palm asked if wetland restoration had previously been required by the RPC; Mr. Mesbah answered yes, for existing and mapped wetlands, but not for potential wetlands other than recent amendments where restoration would add to the ecological integrity of sensitive receiving streams or wetlands. Discussion continued; Mr. Palm requested that maps created by staff be consistent in line type and color and in scale. Motion to amend failed on voice vote.

Ms. Gibson suggested as a friendly amendment that the #4 recommendation of the staff report regarding buffer maintenance be changed to a condition of approval. Mr. Brandon confirmed the City was supportive of the measure. Mr. Dailey confirmed that bike trails and paths were allowed in the buffer; Mr. Mesbah stated that most were allowed outside the 35-foot buffer. Amendment accepted as friendly by Messrs. Brandon and Sonnentag without objection. Mr. Palm suggested "no-mow" be changed to "low-mow" to allow for additional maintenance if needed; accepted as friendly by Messrs. Brandon and Sonnentag without objection.

Motion to adopt carried 9-3 on roll call vote (Gibson, Kefer, and Krantz voting no).

**7. Public Hearing: Consideration of Resolution CARPC No. 2009-5 amending the Dane County Land Use and Transportation Plan by revising the Urban Service Area boundaries and Environmental Corridors to reflect changes made from October 2004 through June 2007**

**a. Staff Presentation**

Materials were provided in the meeting packet. Mr. Mesbah stated the amendments to the Dane County Water Quality Plan had been approved by DNR during the period when there was no RPC in Dane County. He stated that development had been started or completed on all but three of the amendments (Town of Windsor, the Fobes property in CUSA, and Village of Brooklyn).

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

Mr. Miller opened the public hearing. Kevin Richardson, town engineer representing Town of Windsor, 4084 Mueller Rd., DeForest, registered and spoke in support of the amendment. Mr. Miller closed the public hearing.

**c. Consideration of Resolution CARPC No. 2009-5**

Moved by Mr. Palm, seconded by Mr. Sonnentag, to adopt Resolution CARPC No. 2009-5. Motion carried unanimously on voice vote.

- 10. Consideration of a motion to convene into closed session pursuant to Wis. Stat. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, because competitive or bargaining reasons require a closed session; and 19.85(1)(g) to confer with legal counsel for CARPC who is rendering oral or written advice concerning strategy to be adopted by CARPC with respect to litigation in which it is or is likely to become involved over CARPC's denial of a proposed addition to the Mazomanie Urban Service Area**

Mr. Miller suggested the meeting recess for 5 minutes prior to convening in closed session; there was no objection. He announced the title of the agenda item for the record. Moved by Mr. Brandon, seconded by Mr. Sonnentag, to convene into closed session, pursuant to the reasons stated in the title of the agenda item. Motion carried unanimously on roll call vote (10-0 with Hamre and Hiniker absent). The meeting convened into closed session at 9:25 p.m. Recess expired after 5 minutes.

- 11. Reconvene into open session**

Moved by Mr. Palm, seconded by Mr. Sonnentag, to reconvene into open session. Motion carried unanimously on voice vote at 11:05 p.m.

- 13. Communications**

Provided in the meeting packet.

- 14. Report of Chair / Discussion**

- a. Report on Executive Committee meeting of March 12**

Mr. Miller reported on the Executive Committee meeting, and reported on attending the February 26 closed session meeting of the Budget and Personnel Panel to interview Executive Director candidates.

- 15. Report of Deputy Director / Discussion**

Mr. Mesbah reported on the CARPC Policies and Criteria Advisory Group meetings; the Group had directed staff to conduct interviews of stakeholders over the next two months, and focus groups could be created based on the issues.

- 16. Future agenda items**

Ms. Kefer requested that an item be added to the next agenda (April 9, 2009) to discuss providing commissioners a period of one month to review staff analyses of service area amendment requests; there were no objections. No other items were requested or discussed.

- 17. Adjournment**

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

Recorded by Chris Gjestson