

# MINUTES

## Capital Area Regional Planning Commission

April 24, 2008

City-County Building Rm 321, 210 MLK Jr. Blvd., Madison WI

7:30 p.m.

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Present: Zach Brandon, Kristine Euclide, Martha Gibson, Kris Hampton, Carlton Hamre\*, George Kamperschroer, Harold Krantz, Jeff Miller, Larry Palm\*, Kurt Sonnentag

Absent: Joe Chase, Sally Kefer, Anne Sayers

Staff Present: Chris Gjestson, Kamran Mesbah, Barbara Weber

\*arrived late

### 1. Roll Call

Mr. Miller called the meeting to order at 7:32 p.m.; roll was recorded.

### 2. Approval of minutes of the April 10, 2008 meeting

Moved by Mr. Brandon, seconded by Mr. Hampton, to approve the minutes of the April 10, 2008 meeting. Motion carried unanimously.

### 3. Review of agenda

No change.

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

Jon Becker, 4233 Kenwood, Madison, registered to speak. Mr. Becker stated that the County Board had approved the conservation of over 260 acres near Cherokee Marsh, an important action supported by Friends of Cherokee Marsh. He described the importance of CARPC action on USA amendments in the Yahara River watershed with respect to global warming trends. He described discussions regarding new legal theories on the potential for legal action against municipalities resulting from impacts of urban development on downstream property owners, and suggested the Commission should be aware of these discussions and consider the possibility of including this in its consideration of USA amendments.

Phil Salkin, 4701 Forest Run Rd., Madison, representing REALTORS Association of South Central Wisconsin, registered to speak. Mr. Salkin expressed an interest in serving on the CARPC Citizens Advisory Committee if such a body is created by the Commission. He stated that the CARPC Environmental Resources Technical Advisory Committee (TAC) was a good idea; he suggested the Commission consider creating another technical committee which deals with economic impacts of CARPC decisions. He suggested the UW-Madison School of Real Estate faculty, including Steve Malpezzi and Francois Ortalo-Magne, who have previously worked with Dane County and local communities, might be asked to assess the impacts of CARPC policies and actions on the region's economy and cultural ecology. Ms. Gibson asked if that perspective should be represented in the TAC or as a separate committee. Mr. Salkin suggested it be a separate committee, but if too cumbersome could be part of TAC.

### 5. New business

None.

### 6. Public Hearing

- a. **Staff Presentation on Town of Roxbury request to amend the *Dane County Land Use and Transportation Plan* and the *Dane County Water Quality Plan* by revising the Roxbury Urban Service Area boundary and environmental corridors in the Town of**

**Roxbury and designating the Roxbury Urban Service Area as a Limited Service Area**

Mr. Mesbah made a PowerPoint presentation on the amendment request, which proposes to add 5.2 acres to the Roxbury USA as part of a 21-acre subdivision, and to change designation of the USA to a Limited Service Area. He described the amendment and surrounding areas, and stated that the residential density of the amendment area (2.0 units/acre) and the resulting density of the entire subdivision (2.25 units/acre) met the minimum guidelines for LSAs. Two urban services – water and fire protection – did not meet USA standards, which was part of the reason for the requested change in designation from USA to LSA. The amendment provided a north-south road which provided better access and circulation if the amendment area is added to the plat. He described the impacts of the proposal and the conditions and recommendation of approval of the CARPC staff report dated April 10, 2008. He answered questions by Commissioners. Mr. Brandon asked what was the justification for the reduction in overall density. Mr. Mesbah stated that the Town had a density limit in place which reflected the wishes of the Town.

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

Mr. Miller opened the public hearing. The following individuals registered and spoke in support of the proposal.

Connie Anderson, 1 N. Pinckney St #200, Madison, representing Town of Roxbury, stated that the proposal was in the best long-term interest of the Town; she stated that Town Board and committee work on the proposal had been extensive. She had been told by engineers that the conditions of the staff report would be met. The Town had accepted the recommendation to conduct an archaeological survey, and would look whether it had village powers for official mapping for transportation connectivity.

Ervin Breunig, 8998 CTH Y, Sauk City, Chair, Town of Roxbury, stated the importance of approval of the amendment.

Jerome Ballweg, 8788 Hatzenbuchel Rd, Mazomanie, representing the Roxbury Planning Commission, stated that the numerous wetlands around the town prevented buildable lots; the proposal provided a way to make the development work better in the future.

Mr. Brandon asked why the density (2.0 units/acre) was so low. Mr. Breunig stated that it was citizens' preference in the town to have more space. Mr. Ballweg stated that the Town Plan Commission thought it represented an average density for the town and was reasonable. Mr. Brandon stated that a goal of CARPC was efficient use of land, which was supported by compact development; discussion about the town's density followed.

Gail Lamberty, 7216 St. Dominic, Sauk City, representing Roxbury Sanitary District, stated that the wastewater treatment plant, installed in 1999, was a multi-cell sand filtration system permitted for an average daily flow of 25,300 gallons per day (gpd); in 2006, it averaged 21,700 gpd. The plant had adequate capacity to serve the amendment area.

Joe Constanza, 6445 Breunig Rd., Mazomanie, representing Town of Roxbury, stated that the proposal met or exceeded engineering standards, municipal ordinance and state NR 151 standards.

Mark Maier, 8939 Schoon Rd., Sauk City, representing Maier Investments LLC, stated that as a Roxbury resident he had a personal interest that the development looked nice. He had

worked with the Town for three or four years through the Comprehensive Plan process. The development will add a park and pedestrian walkway, along with the wetlands will serve as a buffer between CTH Y and the subdivision. Setback requirements for stormwater drainage restricted some of the lot designs and one of the reasons for the large lot sizes.

Bill Biesmann, 999 Fourier Dr. #201, Madison, representing the developer and Town of Roxbury, stated that the wetland east of the amendment area will be a benefit to the community, and was the reason for the shift in the planned roadway. He stated that the Town had already worked with DNR and County staff on stormwater management; the plan met the conditions of the CARPC staff analysis, with the exception of the outlet condition which would be met with Mr. Mesbah's assistance. The permitting process will ensure that conditions will be met. He stated that the need for private wells on each lot was one reason for the low density.

Commissioners posed questions to registrants. The following individual registered in support of the proposal: Richard Fassbender, 7214 Inama Rd., Sauk City; and Nick Ganser, 9311 Mack Rd., Sauk City, representing Town of Roxbury.

Mr. Palm arrived. Mr. Miller closed the public hearing.

**c. Consideration of Resolution CARPC No. 2008-8 amending the Dane County Land Use and Transportation Plan and the Dane County Water Quality Plan by revising the Roxbury Urban Service Area boundary and environmental corridors in the Town of Roxbury and designating the Roxbury Urban Service Area as a Limited Service Area**

Moved by Mr. Sonnentag, seconded by Mr. Krantz, to adopt Resolution CARPC No. 2008-8 with the conditions and recommendations of the CARPC staff analysis dated April 10, 2008. Mr. Hampton suggested that the Resolution indicate that future amendment applications should reflect an increase in density; recognized as a friendly amendment by Messrs. Sonnentag and Krantz with no objections. Mr. Brandon stated that the proposal reflected an intentional reduction in density, which was contrary to CARPC stated goal to measurably increase overall density in the Dane County region. The reduction in density pushed the requirement of higher density development on to other municipalities; he expressed a growing concern that the Commission was setting a trend towards low density proposals. Mr. Krantz indicated that different levels of density were appropriate for different types of development, and the applicants appeared to have done sufficient planning. Discussion followed.

Motion to adopt Resolution CARPC No. 2008-8 as amended carried unanimously on voice vote, with Mr. Palm abstaining.

**7. Presentation by Bob McDonald, Transportation Planning Manager, Madison Area Transportation Planning Board, on the Regional Transportation Plan 2030**

Mr. McDonald distributed a 2-page profile (dated July 2007) of the MATPB. Bill Schaefer, Transportation Planner, made a presentation on the *Regional Transportation Plan 2030*. Mr. Hamre arrived.

**8. Consideration of selecting legal counsel to CARPC**

Mr. Miller stated that the Commission was likely not prepared to take action, and suggested that the Executive Committee be directed to review the proposing firms and make a recommendation to CARPC.

Moved by Ms. Gibson, seconded by Mr. Sonnentag, to direct the CARPC Executive Committee to make a recommendation to CARPC on hiring legal counsel. Mr. Brandon requested that the Committee attempt to find representation with the least amount of conflicts of interest. Ms. Euclide stated that it should not be required that legal counsel attend all CARPC meetings. Mr. Kamperschroer suggested that CARPC act quickly to hire counsel. Mr. Miller stated that the Committee will need to decide if all 6 proposing firms should be interviewed. Motion carried unanimously.

**9. Continued discussion (from April 10) and consideration of creating an Advisory Group, pursuant to Resolution CARPC No. 2008-1, adopted February 28, 2008, to solicit input on the CARPC policies and criteria to be received in December 2008**

Mr. Mesbah stated that at the meeting of April 10 the Commission had discussed the possibility of including people with policy background in the Advisory Committee. He suggested that the CARPC Citizens Advisory Committee, should it be created, would be a more appropriate mechanism for ongoing policy discussions; the Advisory Group was a more appropriate forum for input on technical matters. Mr. Brandon urged Commissioners to consider allowing only professional staff from each of the four CARPC appointing authorities to serve in the Advisory Group, so each are directly represented by those who are most familiar with the issues. Mr. Palm stated that municipalities who had previously submitted USA amendment applications, especially their planners, should be included in the Group so they can directly respond to the policies and criteria. Ms. Gibson stated that the Group should not be comprised of only planners. Discussion continued.

Ms. Euclide suggested that the term “alternative” be removed from the proposed charge of the Advisory Group (indicated on the cover sheet for the agenda item). She agreed that membership should have input from a fairly diverse group, but should be more focused on technical input and comments on whether or not the policies and criteria were working and what alternative approaches or solutions existed to meet the CARPC goals. The term “technical group of people” in the charge should refer to those who have experience in USA amendments and development. She suggested that the CARPC appointing authorities should submit names to serve in the Group, and the Commission could add additional names to ensure balance, if appropriate. Discussion continued.

Moved by Ms. Euclide, seconded by Mr. Kamperschroer, to approve the charge of the Advisory Group to be “Provide feedback from a technical group of people with insight and expertise regarding local problems and opportunities, as well as ideas on solutions and approaches to achieving the Commission’s goals and objectives,” and to ask the four CARPC appointing authorities to each submit two names of individuals, who are not elected officials and who have experience in urban service area amendment and development processes, to serve on the Advisory Group. Furthermore, the Commission reserves the right to appoint additional individuals to the Group in order to provide a more balanced perspective. Mr. Brandon expressed concern that special interests might still be appointed, and municipalities wouldn’t be directly represented. Discussion continued. Ms. Euclide added to her motion that names provided by the appointing authorities should represent the interests of the appointing authority; there were no objections. Mr. Hampton suggested that the Commission not be allowed to appoint more Group members than appointed by the appointing authorities. Ms. Euclide suggested CARPC appoint no more than three, and no Commissioner may serve on the Group; recognized as a friendly amendment to the motion with no objections. Mr. Miller stated that a memo could communicate the request to the appointing authorities. Motion carried unanimously on voice vote.

**10. Continued discussion (from April 10) of the Future Urban Development Area planning process**

Mr. Mesbah stated that the first meetings of the Environmental Resources Technical Advisory Committee (TAC) had been noticed for Tuesday, April 29 and Thursday, May 1. The Natural Resources Planning staff write-up had been updated to reflect discussion at the CARPC meeting of April 10, and distributed to TAC members. He would provide reports on the progress of the TAC.

Mr. Miller stated that comments were made at a Dane County Zoning and Land Regulation committee meeting indicated the need to resolve conflicts between the County Comprehensive Plan and the comprehensive plans of local communities. Mr. Mesbah stated that it may fall upon the Commission to facilitate the resolution of those conflicts as part of creating a Master Plan for the region.

**11. Communications**

Mr. Miller referred to items at Commissioners' places: a memo from Dane County Towns Association Chair Jerry Derr dated April 17, 2008 regarding the Advisory Group; an e-mail from Michael Dorl dated April 24, 2008 regarding a proposed TID in the Village of Belleville; and three adopted resolutions from 1) Village of Cross Plains; 2) villages and towns of Mazomanie, Black Earth and Arena; and 3) villages of Mazomanie, Black Earth and Arena; each of which requested DNR to "resume their regulation of sewer extension requests."

**12. Report on April 24 Personnel Committee meeting**

Mr. Palm stated that the Personnel Committee agreed to begin recruitment for the Senior Planner and Junior Planner positions; the Senior Planner would be recommended by the Personnel Committee (based on results from an interview process with the participation of the Committee) to the full Commission, and the LTE Junior Planner would be recommended by staff (based on results from an interview process conducted by staff) to the Personnel Committee. The Committee decided that it would review the Executive Director job description and would begin reviewing potential headhunters, and then begin the recruitment process. The Committee decided to distribute an RFP to conduct the CARPC salary study and staff structure. Ms. Gibson stated that the Committee wanted to ensure that the full Commission was in agreement on the approach to hiring the planners.

**13. Report of Chair / Discussion**

Mr. Miller reported that he had asked County Executive staff to provide underground parking permits for Commissioners to use during night meetings.

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

Mr. Mesbah stated that he had been asked to meet with the Village of Mt. Horeb Plan Commission to discuss the USA amendment process.

**15. Future agenda items**

Ms. Gibson requested that an item be added to a future agenda to discuss the creation of a CARPC workgroup on residential density.

**16. Adjournment**

Moved by Mr. Hampton, seconded by Mr. Palm, to adjourn. Motion carried at 9:50 p.m.