

MINUTES

Capital Area Regional Planning Commission

May 22, 2008 Fitchburg Community Center, Fitchburg Room, 5510 Lacy Road, Fitchburg WI 7:30 p.m.

Present: Zach Brandon, Martha Gibson, Carlton Hamre, George Kamperschroer, Sally Kefer, Harold Krantz, Jeff Miller, John Murray, Larry Palm, Anne Sayers, Kurt Sonnentag, Phil Van Kampen

Absent: Kristine Euclide

Staff Present: Chris Gjestson, Kamran Mesbah, Barbara Weber

1. Roll Call

Mr. Miller called the meeting to order at 7:33 p.m.; roll was recorded.

2. Approval of minutes of the May 8, 2008 meeting

Moved by Mr. Sonnentag, seconded by Mr. Krantz, to approve the minutes of the May 8, 2008 meeting. Motion carried unanimously.

3. Review of agenda

No change.

4. Public comment for items not on the agenda

Phil Salkin, 1229 Enterprise Drive, Verona, representing REALTORS Association of South Central Wisconsin, referred to the second phase of Dane County's waterbody classification study, which recommends new prescriptive zoning for minimum setbacks and lot sizes (2 acres, 20,000 sq. ft. in urban areas) on water bodies in the county. This recommendation appears to conflict with the CARPC goal of increased density; he asked how CARPC would address this inconsistency.

5. New business

None .

6. Public Hearing

a. Staff Presentation on Village of Oregon request to amend the *Dane County Land Use and Transportation Plan* and the *Dane County Water Quality Plan* by revising the Oregon USA boundary and environmental corridors in the Village of Oregon

Mr. Mesbah made a PowerPoint presentation on the amendment request, which proposes to add 20.2 acres to the Oregon USA, including 1.5 acres of existing residential development and 1.2 acres of environmental corridors, and also proposes designation of 0.1 acres of the existing urban service area as environmental corridors. The proposal would result in a net addition of 17.4 developable acres, most of which would accommodate residential uses. He described the physical area of the proposed amendment and the potential impacts of the proposal. The proposal provides for the retention or replacement of 70% of all trees in the amendment area and the protection of steep wooded slopes. The proposal also includes stringent stormwater management practices to protect downstream areas against increased flooding which has been an issue in Village, and which the Village is addressing through a comprehensive stormwater management plan update. He described the conditions and recommendation of approval of the CARPC staff report dated May 16, 2008. He answered questions posed by Commissioners.

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

Mr. Miller opened the public hearing. Mike Slavney, 4824 Sherwood Rd., Madison, representing the Village of Oregon, registered and spoke in support of the proposal and was available to answer questions.

Caroline Werner, 4712 Roosevelt St., Oregon, registered to speak in opposition to the proposal. Ms. Werner identified herself as founder of Friends of the Badfish Creek Watershed, but was only speaking as a resident and not on behalf of any organization. She described an area resident immediately south of the amendment area who may experience flooding caused by the proposal. She stated that water drained from the northeast corner of the village southeasterly into Badfish Creek; the culvert under Janesville Street at the southeast end of the village does not have adequate capacity to convey the stormwater. She expressed concern for interbasin water loss, for flooding of the treatment plant which might cause untreated effluent to enter Badfish Creek, for long-term depletion of the deep aquifer by new wells, and for tree loss from the proposal.

Nick Ladopoulos, 4557 Ellington Way, Middleton, representing Progressive Designs, registered in support of the proposal. Kyo Ladopoulos, 5201 Netherwood Rd., Oregon, representing Progressive Designs, gave a brief PowerPoint presentation on the plan. He stated that an arborist had surveyed the amendment area and identified trees of significant value for protection. Deed restrictions would be in place to identify the number of trees allowed to be removed by the property owner; the current plan provided for retention of 72% of existing trees. Enforcement would be provided by the Village building inspector. He described discussions with the Village regarding improvements to the stormwater plan. He described road access to the western parcel.

Joseph Eberle, W233 N2080 Ridgeview Pkwy, Waukesha, Village Engineer, registered to speak in support of the proposal. Mr. Eberle stated that an extensive stormwater study was undertaken after August 2007 flooding in the village, which concluded that the system operated as planned and designed and kept flood waters within the mapped floodplain. The report's implementation recommendations are currently being reviewed by the Village Plan Commission; one will be implemented later in 2008 which replaces the 72" storm sewer which conveys stormwater from the west side. The Village has worked with FEMA and DNR to obtain funding to remove 4 of 6 old houses located in the Badfish Creek floodplain; grants to remove the remaining two are being finalized. Mr. Murray asked if the culvert was to be replaced with a larger culvert. Mr. Eberle answered no, it was planned for the same size. Mr. Murray asked how increased volumes identified in the staff report would be addressed. Mr. Eberle stated that the stormwater plan to be approved by the Village would comply with Village ordinances, which were more strict than County standards.

Paula Brisco, 137 Lynne Trail, Oregon, spoke in opposition to the proposal. Ms. Brisco stated that the stormwater management plan was inadequate and would result in flooding of downstream properties. The 1.3-acre stormwater management site was not large enough, was not properly located, and did not meet Village stormwater ordinance. She stated that since the new Village stormwater ordinance was enacted, officials have granted variances for new developments that are inadequate to control a 100-year storm event. She expressed concern that flooding in the area would worsen; all stormwater from new development is being directed to the same detention ponds, where the undersized system is causing flooding. She asked that the proposal not be approved until a completely adequate stormwater management plan for the amendment area has been completed.

The following individuals registered in opposition to the proposal: Sally Franz, 6274 Crestwood Drive, Oregon; Alan Brisco, 137 Lynne Trail, Oregon. Mr. Miller closed the public hearing.

c. Consideration of Resolution CARPC No. 2008-12 amending the *Dane County Land Use and Transportation Plan* and the *Dane County Water Quality Plan* by revising the Oregon Urban Service Area boundary and environmental corridors in the Village of Oregon

Commissioners asked questions of staff. Mr. Mesbah stated that a developer could not be legally required to correct existing downstream flooding problems. He stated that the solution to downstream flooding is not the provision of a larger culvert since this would just send the flooding farther downstream; the solution involves addressing issues upstream.

Moved by Mr. Hamre, seconded by Mr. Sonnentag, to adopt Resolution CARPC No. 2008-12 with the conditions and recommendations of the CARPC staff analysis dated May 16, 2008, with special emphasis on stormwater management. Discussion followed. Motion to adopt carried on roll call vote 8-4 (Gibson, Kefer, Krantz and Sayers voting no).

7. Public Hearing

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

Mr. Mesbah made a PowerPoint presentation on the amendment request, which proposes to add 224 acres including 6.8 acres of existing development, 80.5 acres of proposed environmental corridors within the amendment area, and 9.7 acres of environmental corridors in the current urban service area, for a net addition of 127.0 developable acres for commercial and residential uses. He described the physical area of the proposed amendment and the proposed plans for the provision of urban services; Tax Incremental Financing would be used in the amendment area in support of the Village downtown redevelopment plan. The proposal was needed in part to fund the installation of a sanitary sewer interceptor which would serve areas within the existing USA. He described the impacts of the proposal and the conditions and recommendation of approval of the CARPC staff report dated May 17, 2008. Because the conceptual stormwater plan was inadequate, the stormwater conditions were detailed. He answered questions by Commissioners.

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.

Paul Ziehli, President, Village of Belleville, 925 Welch St., Belleville, stated that the proposal supported the goals of a balanced community and met the needs of existing and future residents. He described the importance of the proposal in its support of economic development and job creation. The Village was required by DNR to upgrade its wastewater treatment plant or build for the future, and it decided to build, the revenue generated from the amendment area would help pay for the new sewer interceptor. He described the Village's open space and infrastructure improvements, and the need to provide new space for the Village medical clinic and post office.

Terry Kringle, 322 North Shore Dr., Belleville, representing the Village of Belleville, described the Village's efforts to be proactive in keeping its comprehensive plan updated. New

development and annexation was not considered by the Village until the completion of a concept plan and its new wastewater treatment plant, completed in December 2007. The comprehensive plan was updated early 2008 to include the proposed USA amendment.

Kevin Lord, 2901 International Lane, Suite 300, Madison, representing MSA Professional Services and Village of Belleville, stated that there were no problems with the conditions and recommendations of the staff report and should be implemented in the developers concept plan. He stated that construction documents and plats would be reviewed for meeting standards prior to approval by the Village; sensitive areas such as steep slopes would be included in environmental corridors prior to plat approval. He stated that the wetland delineations would be approved by DNR prior to construction. Water quality will be addressed upstream of the wetlands, including 80 percent removal of total suspended solids prior to discharge into the wetlands. Developers will be required to provide a stormwater management plan; MSA will comment to the Village on how and if it meets state, local and CARPC standards.

Ed Short, N8096 Buol Rd., Belleville, representing J&J Property Holding, described the three developers cooperative work with Village officials over the past six months. He expressed confidence in meeting the conditions and recommendations of the staff report. Commissioners directed questions to registrants.

Bill Preboski, 1716 Rustic Dr., Sun Prairie, representing Village of Belleville, stated that the proposal was about half of an entire neighborhood, and planning needed to consider the whole, rather than just the amendment area. He described the community planning considerations behind the proposal. He stated that agricultural preservation was addressed in the Village Comprehensive Plan by maintaining current densities, and by identifying the most productive farmlands for protection.

Randy Freese, W3960 Vista Lane, Belleville, representing Belleville School District, stated that the fastest growing segment of school district population was in the Town of Exeter in Green County. He described the district's involvement in the long-term planning to identify and acquire land for future school facilities. He stated that approximately 122 students would be added from the amendment area, plus an additional 100 from the area within the existing USA which will be developed after approval of the proposal and interceptor installation; the district could handle 150 to 200 additional students without the need for a new school.

Becky Olson, 207 E. Main St., PO Box 314, Mt. Horeb, representing Upper Sugar River Watershed Association, registered to speak without indicating support or opposition. Ms. Olson stated that USRWA tried to engage communities in the watershed to maintain and improve water quality. She described efforts to educate citizens and officials about downstream impacts of upstream activities. The Village and USRWA were seeking a river planning grant which will affect the new development and the downtown area; if successful, a river management grant may be sought in the future.

Matt Dregne, attorney, Stafford Rosenbaum, representing Village of Belleville, registered in support of the proposal. Mr. Dregne referred to Map 3W and described the phasing as required by the conditions of approval. He stated that street access issues in the Westside Neighborhood needed to be resolved prior to addressing the east-west street connection recommendation in the staff report; a traffic impact analysis would be conducted by the developers. He described the Village's support for the staff recommendation for a bicycle path in the north-south open space corridor, and the Village's plan to address emergency

access to Gehin Road, which could utilize Outlot 1 (Map 3NW of the staff report) as right-of-way for potential connectivity to the west. In the meantime, the 20-foot access north of Outlot 1 has been deemed by the consulting engineers to be suitable on an interim basis, and its location may be more appropriate in the long-term. He described the need to develop the entire neighborhood as a single unit, and the need for the new sanitary sewer interceptor. The interceptor cost would exceed \$4 million, for which the Village would need to issue debt; the debt service would be financed through TIF, and the developers would be required to guarantee revenue to pay for the debt service. Individual developers would not be able to afford the expense, only all the developers as a group could afford it; therefore, phasing is not practicable.

Ms. Kefer expressed concern about impacts to the Sugar River, an Exceptional Resource Water, concern that wetland delineations had not yet been approved by DNR so buffers are not yet determinable, concern about impacts on rare species in the area, and concern about the lack of detail in the plans. She asked how the Village expected to address these issues; Mr. Lord stated that the Village standards would be enforced through the plat approval process. Commissioners asked questions of registrants.

Rick Francois, 126 W. Church St., Belleville, representing Belleville Chamber of Commerce, expressed support for the proposal and indicated its importance in providing services to the community and expansion of businesses.

The following individuals registered in support of the proposal: Lance Williston, 1025 Welch St., Belleville, representing Belleville Planning Commission; Gary Ziegler, 695 Village Dr., Belleville, representing Village of Belleville. Mr. Miller closed the public hearing.

c. Consideration of Resolution CARPC No. 2008-13 amending the *Dane County Land Use and Transportation Plan* and the *Dane County Water Quality Plan* by revising the *Belleville Urban Service Area* boundary and environmental corridors in the Village of Belleville and Town of Montrose

Moved by Mr. Hamre, seconded by Mr. Sonnentag, to adopt Resolution CARPC No. 2008-13 with the conditions and recommendations of the CARPC staff analysis dated May 17, 2008 with an additional recommendation that the Village pursue an intergovernmental agreement with the Town of Montrose. Discussion followed. Ms. Kefer asked if the Village was amenable to remove the agricultural land within the northeastern part of the existing USA out of the USA in support of the Commission's desire to move toward a farmland loss mitigation policy. Mr. Kringle stated that the land was currently being actively farmed. Mr. Brandon stated that issues regarding the egress in Area NW and the use of TIF would be of concern, but were local governance issues; the applicant should recognize and consider the amount of re-working required to be done by CARPC staff to address the environmental issues of the proposal. Ms. Gibson stated that there did not appear to be a clear demonstrated need for the amendment, since 230 undeveloped acres were already within the USA. She expressed doubt in the water quality assessment due to the length and detail of the CARPC staff recommendations, concern for impacts on endangered species, concern for insufficient setback from Sugar River, and concern for increased tax burden of the TIF if the expected population increase and tax revenues are not realized. She stated that she had spoken with two elected Town of Montrose officials, who had expressed hope that village expansion would occur to the west rather than east or northeast, and had hoped to have a boundary agreement in place with the Village prior to the proposed development. They had also expressed concern for the size of the proposal and the financial risk of the TIF. Mr. Murray confirmed with Mr. Dregne that the developers would encumber the cost if the increment is not sufficient. Mr. Murray stated that although the proposal appeared ambitious, the TIF

considerations were a local governance issue. Mr. Sonnentag stated that the TIF impact on the school district was neutral since state funding would be adjusted for district population. Mr. Hamre expressed support for the proposal to occur in Dane County with environmental protections in place, rather than it occurring in Green County without the protections.

Moved by Mr. Hamre, seconded by Mr. Sonnentag, to call the question. Motion failed 7-5 on roll call vote (8 votes required; Gibson, Kefer, Krantz, Palm, and Sayers voting no). Moved by Mr. Brandon, seconded by Mr. Van Kampen, to recess for five minutes. Motion to recess carried unanimously on voice vote; the meeting recessed at 10:55 p.m. for five minutes.

Mr. Miller stated that a question was raised during the recess that Commissioners thought the vote to call the question was a vote on the motion to approve the Resolution. According to Robert's Rules of Order, a motion to call the question does not require a second, and requires 2/3 majority for approval. He ruled the vote out of order, and was placed back on the table. Mr. Brandon suggested that future motions to call the question could be approved without a vote so long as no objection is expressed. Motion to call the question failed 7-5 on roll call vote (Gibson, Kefer, Krantz, Palm, and Sayers voting no).

Moved by Ms. Gibson, seconded by Mr. Krantz, to amend the Resolution by adding a condition of approval requiring a border agreement with the Town of Montrose. Mr. Mesbah stated that conditions of approval may only be enforceable if based on water quality. Discussion continued. Ms. Gibson withdrew the motion; accepted by Mr. Krantz. Moved by Ms. Gibson, seconded by Ms. Kefer, to amend the Resolution by requiring a 300-foot buffer along the Sugar River rather than 75 feet. Mr. Palm asked staff if the condition was feasible. Mr. Mesbah suggested that increased buffer size should correspond with specific sensitivities for which protection is sought; 300 feet may not be adequate depending on what is being protected. Discussion ensued. Ms. Gibson stated that 75 feet was insufficient to protect for thermal impacts. Mr. Mesbah suggested that protection from thermal impacts was not sufficient rationale for increased buffer since the river was classified as a warm water fishery and buffers are not effective as thermal impact mitigation measures; wider buffers would be effective for areas with endangered resources and sensitive wetlands. The recommended conditions of approval would require an ecological evaluation of resource sensitivities and implementation of any needed buffer expansion based on consultation with the WDNR. Discussion continued. Motion to amend failed 4-8 on roll call vote (Gibson, Kefer, Krantz, and Sayers voting aye).

Main motion to adopt Resolution 2008-13 carried on roll call vote 8-4 (Gibson, Kefer, Krantz and Sayers voting no).

Motion to adopt carried on roll call vote 8-4 (Gibson, Kefer, Krantz and Sayers voting no).

8. Election of Officers

Moved by Mr. Brandon, seconded by Mr. Palm, to defer to a future meeting. Motion carried unanimously on voice vote.

9. Discussion of 2009 Unified Work Program and 2009-2014 Overall Program Design, and 2009 CARPC budget

Mr. Miller stated that the Executive Committee had discussed draft materials provided by staff, and had asked staff to base 2009 County revenue on a 1.5% increase in equalized assessed valuation, since growth in residential value was expected to be minimal. He stated that process to adopt the 2009 budget would be difficult, and expressed the need for Commissioners to be in

unanimous agreement on the draft prior to submission to the Budget and Personnel Panel for approval. Discussion followed.

Moved by Mr. Brandon, seconded by Mr. Murray, to create a CARPC Budget Workgroup, to be comprised of any willing Commissioner, in order to recommend at minimum a range of budgets and to formulate a budget to recommend to Executive Committee. Discussion followed. Motion carried unanimously on voice vote.

Moved by Mr. Brandon, seconded by Mr. Hamre, to defer the remaining agenda items to the next meeting. Motion carried unanimously by voice vote.

10. Discussion of creating a CARPC Residential Density Workgroup

Deferred.

11. Discussion of setting Personnel Committee meeting date

Staff directed to schedule the meeting by e-mail.

12. Communications

Deferred.

13. Report of Chair / Discussion

Deferred

14. Report of Deputy Director / Discussion

Deferred.

15. Future agenda items

Deferred.

16. Adjournment

Moved by Ms. Gibson, seconded by Mr. Krantz, to adjourn. Motion carried at 11:34 p.m.

Recorded by Chris Gjestson