

# MINUTES

## Public Meeting/Hearing City of Verona Request for an Urban Service Area Amendment Dane County Community Analysis and Planning Division (CAPD)

May 25, 2005

Verona Public Library, 130 N. Franklin St., Verona, WI

4:00 p.m.

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CAPD Staff Present: Michael King, Kamran Mesbah, Barbara Weber, Chris Gjestson

1. Call to Order, Michael King, Division Administrator, Dane County Community Analysis and Planning Division

Mr. King called the meeting to order at 4:05 p.m.

2. Presentation of Amendment Request by Kamran Mesbah, Deputy Administrator/Director of Environmental Resources Planning, Dane County Community Analysis and Planning Division.

Mr. Mesbah gave a PowerPoint presentation summarizing the CAPD staff analysis of the amendment request, which proposes to add 418.1 developable acres to the Verona Urban Service Area (USA) in five different areas, identified in the staff analysis as areas "N", "NW-1", "NW-2", "S" and "SW." He noted that the proposed developable acreage was 25% of the maximum allowable addition to the USA, based on 2030 population and urban land forecasts. He described the proposed residential areas, the densities of which were higher than the city average and were an efficient use of land. He described the physiography of the area, local soil types, proposed environmental corridors, consistency with the city's Master Plan, and water supply and sanitary sewer demands, which would be met according to current and planned facilities. He noted the importance of effective stormwater infiltration in the Upper Badger Mill Creek watershed to augment baseflow, and that the city had a comprehensive stormwater management plan which would be implemented as development occurred. He then described the proposal's consistency with the goals and objectives of the Dane County Land Use and Transportation Plan.

He described the conditions of approval of the staff report, which included 1) submitting a detailed stormwater quality and quantity management plan for CAPD and Dane County Land Conservation Department review and approval prior to development; 2) assessing the impact of development in Area SW on threatened and endangered species, protecting them and their habitat; and 3) designating all stormwater management areas as environmental corridors. He described three recommendations of the report regarding support for pedestrian/bike trails, street connectivity, and an archaeological survey.

3. Public Hearing: Amending the *Dane County Water Quality Plan* by Revising the Verona Urban Service Area boundary and environmental corridors in the City and Town of Verona.

- a) Public Comment.

Mr. King opened the public hearing indicating his intent to alternate between speakers registered in favor of and those opposed to the proposal. John Volker, Mayor, City of Verona, 111 Lincoln Street, registered and spoke in support of the proposal. Mr. Volker stated that the proposal represented only 25% of the maximum allowable addition to the USA, while its size allowed the city to better plan for stormwater management, transportation and parks. He noted that Verona and its USA were growing similar to other cities and villages in Dane County. He stated that the proposal represented an efficient use of land; if the 720 homes on 238 acres planned for Area "S" were planned elsewhere on 5-acre lots, the area would sprawl over 3,100 acres of land. He stated that other USA amendments in the county involved watersheds similar to Badger Mill Creek where the impacts of development were successfully mitigated. He suggested that the positive effect on Badger Mill Creek by discharged effluent was a compliment to growth.

Laura Dreger, 7351 Midtown Road, Verona identified herself as a Town Board supervisor and Plan Commission Chair, and requested that action be deferred until the City and Town could both agree to a course of action. She stated that the Town had been negotiating in good faith with the City for a joint planning effort, but the City's Smart Growth planning process undermined that effort. She suggested that there is not a sound transportation plan in place to address the increase in traffic that will result from the proposal, and the stormwater plan is inadequate. She stated that the City's planned north-south interceptor along CTH M would result in an undesirable increase in development. She stated that the endangered and threatened species in the amendment area required adequate open space, which was not provided for in the proposal.

Rex Fletcher, 5817 Dawley Drive, Verona, registered in support of the proposal.

Mr. King described the concerns and requests made by the Dane County Executive, who had submitted a memo for the record prior to the public hearing in opposition to the proposal, requesting that the amendment be deferred and Area "S" be removed from the proposal. Her objections were based on concerns over issues related to water quality, traffic, and intergovernmental cooperation. She indicated that the staff analysis did not properly describe the full value of Badger Mill Creek, and the mitigating measures conditioned within the report were too general to instill confidence in their effectiveness. She indicated that increased traffic from the expansion and its combination with other existing developments would result in the need for county highway improvements in the area which were not currently budgeted nor planned. She indicated that Area "S" represented a major intrusion into an actively farmed area of the Town, putting development pressure on farms and important natural resources; she suggested that a boundary agreement should be in place prior to development of this area.

Jim Weber, 5189 Hwy CC, Oregon, registered and spoke in support of the proposal. Mr. Weber stated that the Cross Point plat in the NW areas was composed of two small lots surrounded by existing development, and were appropriate to develop.

Marie Johnson, 7500 Rolling Meadow, Verona, Verona Town Board Supervisor and Town Open Space and Parks Commission member, registered and spoke in opposition to the proposal. Ms. Johnson expressed concern over the potential of the Morse Pond outlet to adversely affect the watershed, and the uncertain effect of infiltration to groundwater from the combination of the existing gravel pit and additional impervious surface. She stated that the city's Smart Growth planning process excluded the town and undermined its ability to plan. She expressed concern over the potential increase in traffic on arterial and collector streets, and suggested that Nine Mound Road did not have adequate capacity to support the traffic that would result from the Cross Point development.

Ronald R. Klaas, engineer for D'Onofrio, Kottke & Associates, 7530 Westward Way, Madison, representing Tony Hendrichs and Veridian Homes, registered and spoke in support of the proposal. Mr. Klaas identified himself as a resident of the City, and stated that the city's plan for growth was positive. As consulting engineer, he expressed concern over the conditions of approval of the CAPD staff analysis regarding water quality control measures which were required beyond Dane County minimum standards. He stated that the county's stormwater ordinance was sufficient, and CAPD did not provide measurable standards on which to base acceptable stormwater measures; the extent to which the measures are acceptable is determined by only one person (Mr. Mesbah). The condition to control runoff volumes to pre-development levels for Area "N" may be too restrictive; while infiltration measures will be implemented where possible, CAPD staff should take into account that some areas were not conducive to infiltration. He expressed hope that CAPD staff would apply the condition in a reasonable manner. He asked if the RPC criteria for delineation of environmental corridors, as conditioned within the CAPD staff report, was still valid considering the RPC was no longer in existence. Mr. Mesbah answered in the affirmative, and explained that the *Dane County Water Quality Plan* was in effect and in force.

Mr. King suggested that, in the absence of a board which could hear concerns or comments over judgments made by Mr. Mesbah, it would be appropriate to refer them to Mr. King.

Bruce Sylvester, Director of Planning and Development, City of Verona, registered and spoke in support of the proposal. Mr. Sylvester responded to the County Executive's memo in opposition to the proposal. He stated that, in general, population growth will continue to occur in Dane County at a relatively high rate, which is recognized by the Executive according to recent comments made by her. The Executive's concerns over impacts on Badger Mill Creek would be addressed through Dane County stormwater requirements to be met by the City. He suggested that urban growth is a positive occurrence associated with economic and other benefits, and could be categorized as having lesser environmental impacts than agricultural operations, especially with the appropriate mitigating measures in place. He stated that he agreed with the Town's concerns over current traffic congestion, and requested that Dane County provide leadership and funding to address those issues. He stated that it was appropriate for Area "S" to remain part of the proposal since the landowners within the area no longer wished to farm and preferred to sell their land. He suggested that urban development was a better use of land in that area; an alternate response to growth pressure might result in "leap frog" development, resulting in an inefficient use of land. Additionally, restricting growth resulted in higher prices for homes. Regarding intergovernmental cooperation, he suggested that political considerations were not relevant at the USA amendment stage when growth is required and discussion is limited to water quality issues. He noted that while discussions over a boundary agreement were ongoing, the Town had been aware for six to eight months that Area "S" was planned for development by the City. He stated that the City had phasing measures in place to control its own growth, but was still positive about working with the Town about growth issues. He stated that the City did not cause growth; it was already present, and the City was only accommodating it.

Tony Hendrichs, 1113 Cohiba Court, Verona, registered and spoke in support of the proposal. Mr. Hendrichs stated that the logical extension of development was to the south of the city, since there were various barriers to the west, north and east.

Mr. King asked if the Town had an official position on the proposed amendment. Ms. Johnson answered no, since they had not held a meeting to discuss the proposal prior to the public hearing.

There were no other comments. Mr. King closed the public hearing.

b) Hearing Officer Comments

At the request of Mr. King, Mr. Mesbah described the proposed environmental corridors in Area "SW." Mr. King asked if the Executive's reference to Badger Mill Creek as a Class II trout stream was accurate. Mr. Mesbah answered no, classification of trout streams results from a legal process in which DNR holds public hearings; this had not and was not likely to take place. Pursuant to an agreement between DNR and Madison Metropolitan Sewerage District, the creek was to retain its effluent outfall. He stated that the creek's existing use as a cold II stream (needing stocking to maintain a desirable fishery) provided for the need to implement mitigating measures.

Mr. Mesbah stated in response to Mr. Klaas' concerns that Dane County minimum stormwater standards did not address specific resource concerns. For example, it does not address water quantity issues associated with the 100-year storm; if higher standards were not maintained, downstream residents would experience flooding problems. Mr. King asked Mr. Mesbah to describe the stormwater review process after USA amendments were approved by DNR. Mr. Mesbah stated that individual sewer extension permits were granted after CAPD and Land Conservation staff reviewed the detailed stormwater plans for the amendment area, and approved the permits based on the plans' consistency with the conditions of the USA amendment approval.

Mr. Mesbah stated that the condition to control runoff volumes to pre-development levels pertained only to Area "N", and was in place because of the impervious surface within that area would increase the runoff volume into the Town resulting in flooding.

Mr. King noted that based on the staff analysis and public comments, the Division would make a recommendation to DNR on the proposal. He said he would hold open the record for one week to allow for

additional comments, and noted that if the Division felt it was necessary to hold an additional public meeting, those registrants who had provided an address would be notified of the meeting.

4. Adjournment

Mr. King adjourned the meeting at 5:25 p.m.

Recorded by Chris Gjestson