

MINUTES

Capital Area Regional Planning Commission

March 11, 2010

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

7:00 p.m.

Present: Zach Brandon, Curt Brink, John Imes, Peter McKeever, Jeff Miller, Ed Minihan, John Murray, Larry Palm, Susan Studz, Caryl Terrell, Phil Van Kampen

Absent: Martha Gibson, Kurt Sonnentag

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

1. Roll Call

Chair Miller called the meeting to order at 7:05 p.m.; roll was recorded. He introduced new members Caryl Terrell, appointed by the Dane County Executive, and John Imes, appointed by the Mayor of the City of Madison.

2. Election of Officers: Chair, Vice-Chair, Secretary, and Treasurer

Mr. Miller called for nominations from the floor. Mr. Palm nominated Mr. Van Kampen for Chairperson; there were no other nominations. Mr. Miller closed nominations for Chairperson; Mr. Van Kampen was unanimously elected to Chairperson by voice vote. Mr. Van Kampen nominated Mr. Palm as Vice-Chairperson; there were no other nominations. Mr. Miller closed nominations; Mr. Palm was unanimously elected to Vice-Chairperson by voice vote. Ms. Terrell nominated Mr. McKeever for Secretary; there were no other nominations. Mr. Miller closed nominations for Secretary; Mr. McKeever was unanimously elected to Secretary by voice vote. Mr. Miller nominated Mr. Sonnentag as Treasurer; there were no other nominations. Mr. Miller closed nominations for Treasurer; Mr. Sonnentag was unanimously elected to Treasurer by voice vote.

3. Selection of Executive Committee membership

Moved by Mr. Miller, seconded by Mr. Brandon, to appoint each of the four officers to Executive Committee. Moved by Mr. Van Kampen, seconded by Mr. Palm, to amend the motion to include Martha Gibson as an appointment to Executive Committee; recognized by Messrs. Miller and Brandon as a friendly amendment without objection. Motion as amended carried unanimously by voice vote.

Mr. Brandon thanked Mr. Miller for serving as Chairperson since CARPC creation in 2007, and for championing its causes. Mr. Van Kampen thanked Mr. Miller for his service as Chair.

4. Approval of minutes of the February 11, 2010 meeting

Mr. Van Kampen took the Chair. Moved by Mr. Brandon, seconded by Mr. Miller, to approve the minutes of the February 11, 2010 meeting. Motion to approve carried unanimously (Mr. Imes and Ms. Terrell abstaining).

5. Review of agenda

There were no changes requested.

6. Public comment for items not on the agenda

Arnold Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, described the need for, in addition to the FUDA process, a county-wide comprehensive planning process which identified areas to be developed and areas that will not be developed. He stated that the MPO and RTA would be lead agencies after completion of FUDA, given the institutional constraints of the CARPC, although staff from multiple agencies could provide support in identifying these areas. He described the issues which require addressing to conduct this process: regional transportation and transit planning and implementation; water quality and land resources planning; protection of agricultural land from development; regional economic development planning for maintaining employment and tax bases; and protection of town lands from undue annexations. He stated that state officials would be approached to address how this process could be carried out. He requested that commissioners suggest ideas on how this could be done.

Stefi Harris, 3427 County Rd. P, Mt. Horeb, representing Western Dane Coalition for Smart Growth and Environment, stated that the commission's attempts to increase standards were good, but did not guarantee results. Effectiveness of measures should be proven to work by the USA amendment applicant. She requested that CARPC re-organize how USA staff analyses were prepared by only addressing required water quality issues of NR 121, so that the reports were easier to follow.

7. New business

None.

8. Consideration of Resolution CARPC No. 2009-15 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 City of Fitchburg

The following individuals registered in support of the proposal: Jason Schmidt, representing the City of Fitchburg, 5520 Lacy Rd., Fitchburg; and Rick Eilertson, representing the City of Fitchburg. Mr. McKeever stated that due to his role as an attorney, he was obliged to recuse himself from discussion and consideration of Resolution 2009-15.

Moved by Mr. Miller, seconded by Mr. Brandon, to approve Resolution CARPC No. 2009-15 with the conditions of the staff analysis dated Dec. 4, 2009. Mr. Minihan stated the City did not need the additional developable area since it already had about 1,000 developable acres currently within the service area. He expressed support for the transit-oriented development proposed in the rail corridor, but not the areas beyond. He expressed concern for potential impacts on the wetlands and fens, including those in the lower lobe of Lake Waubesa. He stated the amendment area was highly important to all local citizens; he urged denial of the Resolution.

Ms. Terrell expressed concern about impact of groundwater drawdown on the wetlands, and requested that the first recommendation of the staff analysis regarding completion of a wetland protection/restoration plan be changed to a condition of approval, and replace the words "consider including" with "include." Mr. Eilertson, City of Fitchburg Environmental Engineer, noted that the condition could be met by the City by requiring the plan to be completed by the developer, with review by Fitchburg and CARPC staff. Recognized by Messrs. Miller and Brandon as a friendly amendment to the motion, without objection. Discussion continued. Mr. Van Kampen asked City staff to comment on

the staff recommendation to require zoning or environmental corridors to prevent impacts of shallow groundwater; Mr. Schmidt stated that the condition was already a condition of the adopted McGaw Park Neighborhood Plan, part of the City Comprehensive Plan. Discussion continued.

Motion to adopt carried 9-1 on roll call vote (Mr. Minihan voting no).

9. Consideration of Resolution CARPC No. 2010-1 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 City of Madison, the Town of Blooming Grove, and the Town of Burke

The following individuals registered in support of the proposal: Brian Grady and Rick Roll, City of Madison Planning, 215 MLK Jr. Blvd., and Mike Dailey, City of Madison Engineering, 210 MLK Jr. Blvd.

Moved by Mr. Brandon, seconded by Mr. Palm, to approve Resolution CARPC No. 2010-1 with the conditions of the staff analysis dated Feb. 5, 2010. Commissioners asked questions of staff and discussed the proposal.

Mr. Murray asked for staff response to the City letter dated March 1, 2010 (provided in meeting packet) indicating that a condition of approval requiring third-party review and enforcement authority for erosion control and stormwater management facilities was not necessary, since the City had its own professional engineering staff to monitor stormwater management. Mr. Mesbah stated that the condition was placed on the “Bishop’s Bay” proposal because the City of Middleton and Town of Westport normally contract with Dane County to provide third-party review and enforcement; the City of Madison has a large engineering department with much greater capability to conduct its own review and enforcement. Mr. Miller asked if the staff analysis addressed the CRANES letter dated March 11, 2010, indicating that the 100% pre-development stormwater volume control standard as discussed by the CARPC Technical Advisory Committee (TAC) was insufficient for the amendment area. Mr. Mesbah stated that “pre-development” used in CARPC analyses was a conservative approach. It referred to a hypothetical state of fair pasture, not the actual state of the land prior to development, unless the actual pre-development state of an amendment area is more conducive to stay-on stormwater (such as woodlands), then the actual pre-development curve number is used.

Mr. McKeever stated that the City letter (last paragraph, first page), which indicated the TAC-discussed volume standard incentivized lower density, was not accurate, as it could just as likely incentivize a higher density. He stated preference for reversing the ratio of mixed to single-family housing to increase density, and expressed support for the stormwater standard to maintain 100% pre-development volumes.

Ms. Terrell requested that the last two sentences of the second paragraph on page 36 be added to the conditions and recommendations of approval. The following should be added as a recommendation: “Staff recommends that field-confirmed problem areas be zoned to restrict buildings with basements or be protected from development by inclusion in environmental corridors.” The following should be added as a condition of approval: “If buildings with basements and sump pumps are allowed, the stormwater management plan must account for this additional water volume in the design of the stormwater management facilities.” Recognized by Messrs. Brandon and Palm as a friendly amendment to the motion, without objection. Discussion continued.

Ms. Terrell requested that, similar to how Resolution 2009-15 was amended, the first recommendation of the staff analysis regarding completion of a wetland protection/restoration plan be changed to a condition of approval, and replace the word “consider including” with “include.” Recognized by Messrs. Brandon and Palm as a friendly amendment to the motion, without objection. Discussion continued.

Mr. McKeever stated that the developable land needs assessment appeared to be too formulaic and provided a false sense of entitlement; more emphasis should be placed on the policy body making value judgments. He expressed hope that CARPC could address this issue going forward.

Mr. Brink asked if the City would need CARPC approval prior to implementing stormwater management measures which would provide less than 100% pre-development volume control. Mr. Mesbah answered yes. Discussion continued.

Mr. McKeever expressed support for third-party enforcement of stormwater management standards. Mike Dailey, City of Madison Engineering, stated that the City provided its own enforcement, which was supported contractually through agreements with developers. Mr. Brandon asked if a third-party requirement represented a duplication of services; Mr. Dailey answered yes, and disagreed with the third-party approach. Discussion followed.

Motion to approve as amended carried on roll call vote 11-0.

10. Consideration of Agreement with the Board of Regents of the University of Wisconsin System, University of Wisconsin-Extension, and WGNHS to update the Regional Groundwater Model

Moved by Mr. Miller, seconded by Ms. Terrell, to enter into the agreement. Mr. McKeever asked what sources funded the update, and why two years were necessary; he stated this should be a high priority project. Mr. Mesbah stated local units of government provided revenue which was matched by WGNHS; the project takes two years to complete, although raising funds from the local units can also benefit from a longer period of time. Mr. McKeever requested that the funding data be provided before the next meeting. Motion to approve carried unanimously by voice vote.

11. Consideration of *Farmland Loss in Dane County* issue paper

Ms. Van Belleghem made a brief PowerPoint presentation on the report. Mr. McKeever expressed preference for newer members to be provided more time to review the document; moved by Mr. McKeever, seconded by Mr. Miller, to defer action to the April meeting. Motion carried unanimously on voice vote.

12. Consideration of convening Budget Workgroup to discuss 2011 budget and work program

Moved by Mr. Miller, seconded by Mr. Palm, to convene the Budget Workgroup to discuss the 2011 budget and work program. Mr. Murray encouraged new members to participate to become more familiar with the budget and how it relates to the work program. Commissioners Brandon, Brink, Miller, Terrell and Van Kampen volunteered to serve on the Workgroup. Motion carried unanimously by voice vote. (Mr. Brandon left the meeting.)

13. Consideration of authorizing staff to submit a letter of comment concerning proposed revisions to State Administrative Code NR 151 on stormwater management

Motion by Mr. Miller, seconded by Ms. Terrell, to approve the letter. Discussion followed; Mr. McKeever requested to change the last paragraph on page two “We also encourage DNR to adopt a minimum 90% pre-development infiltration standard regardless of type of development or impervious conditions” by adding “...,and where applicable adopting a 100% standard” to the end of the sentence. Discussion continued. Ms. Studz requested correction of the typo in the first sentence of the second full paragraph on the last page, changing “...meet...” to “...met...” Ms. Terrell requested that “CARPC recommends...” in the last sentence be changed to “CARPC strongly recommends...”. Requests to amend recognized as friendly amendments, without objection. Mr. St. Peter stated that future amendments to motions, unless typographical in nature, should be made as formal motions to amend rather than as “friendly” amendments. Motion to authorize submission of letter as amended carried unanimously on voice vote.

14. Report and Discussion on the FUDA planning process

Attorney St. Peter referred to his memo dated March 4, 2010 (e-mailed by staff March 4 to commissioners), and provided his opinion that the FUDA planning process was an advisory planning tool that was integral to the CARPC mission. He further described his opinion; discussion ensued.

Mr. Green made a PowerPoint presentation on the FUDA planning process.

15. Communications

The following were provided at members’ places: a memo dated March 3, 2010, from Madison Area Builders Association commenting on FUDA; letter dated March 11, 2010, from CRANES, recommending denial of the City of Madison “Northeast Neighborhood” CUSA amendment proposal; letter dated March 9, 2010, from Michael Lawton, Lathrop and Clark, LLP, on behalf of Cornwallis LLC and Wood Madison Corp., supporting the “Northeast Neighborhood” proposal; and a letter dated February 15, 2010, from Dane County Lakes & Watershed Commission, expressing an interest in jointly establishing water policies.

16. Report of Chair / Discussion

a. Report on Executive Committee meeting of March 11

A meeting had not been held due to lack of available members.

17. Report of Deputy Director / Discussion

None.

18. Future agenda items

Ms. Terrell asked that the body consider the request from Dane County Lakes and Watershed Commission to create a joint committee or appoint liaisons to address shared water quality and quantity concerns.

19. Adjournment

Moved by Ms. Terrell, seconded by Mr. Miller, to adjourn; motion carried at 11:44 p.m.

Recorded by Chris Gjestson