



Department of Planning & Community & Economic Development
Planning Division

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March 1, 2010

Jeff Miller, Chair
Capital Area Regional Planning Commission
City-County Building, Room 362
210 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53703

Dear Mr. Miller:

I am writing in regards to the City of Madison's Northeast Neighborhoods Central Urban Service Area (CUSA) amendment application. The City respectfully requests that the application be placed on the agenda for CARPC's March 11 meeting.

At the last CARPC meeting on February 11, 2010, City of Madison staff received favorable comments on the application, but asked for more time to consider the conditions that CARPC staff is recommending. We were primarily concerned about conditions 1.d. and 1.e. in the staff analysis.

- d. Control post development runoff volumes to be equal to or less than pre-development runoff volumes for the one-year average annual rainfall period, as defined by the WDNR
- e. Maintain pre-development groundwater recharge rates based on the WGNHS study (generally 9 to 10 inches per year for this area) or site specific data with no caps on the extent of infiltration areas

We have used this time to give additional consideration to the conditions and discuss them with CARPC staff and property owners in the amendment area. As a result of these discussions, the City is willing to accept CARPC staff's recommended conditions of approval, with the following in mind:

We understand that there will be additional discussions about these conditions (stormwater volume control standard of 100% of pre-development volume and maintain pre-development recharge rates). If the Commission adopts more modest standards we would then ask that those standards apply to the amendment area. We understand that any future changes to the conditions of approval would require approval from the Commission.

In regards to stormwater runoff volume control, the Commission's Technical Advisory Committee (TAC) has recommended a standard that falls in between the current City and County requirements and recent CARPC staff recommendations for amendment requests. We agree with the TAC recommendation and encourage the Commission to support it. These more stringent standards require additional land area which further reduces the net developable area and land available for higher density and mixed-use development. It is possible that these more stringent standards will incentivize lower density development and work against other CARPC goals.

Also at the February 11 meeting, you asked City staff to consider whether the City would be amenable to accepting two additional conditions of approval (listed below). These conditions were placed on the approval of the Bishop's Bay amendment.

1. The DCL&WCD shall have construction and maintenance review and enforcement authority over erosion control and stormwater management structure and facilities in the amendment area.
2. The [City of Madison] shall condition approval of the development in the amendment area (whether by zoning or land division or both as appropriate) on all of the approval conditions of this resolution.

The City already incorporates these mechanisms into the development approval process and ongoing maintenance procedures.

In regards to #1, the City of Madison has the appropriate professional staff within the Engineering Division who complete the necessary inspection and enforcement for erosion control and stormwater management (whereas the City of Middleton contracts with Dane County staff for these services). Chapter 37 of Madison General Ordinances provides City Engineering staff with the necessary authority to complete these tasks which they currently do as a routine part of their duties. One Registered Professional Engineer provides coverage for the East side of Madison and a second Registered Professional Engineer provides coverage for the West side of Madison. Both Positions are supervised and backed by additional Professional Engineering staff. Current City Ordinance goes further than existing County Code in requiring annual reporting on private stormwater management facilities to City Engineering. If the City determines that a facility is not functioning properly, the City will require the facility be repaired or the City will repair the facility and bill the property owner(s) for the work. During the present downturn in new permits, staff has put an emphasis on enforcement of the maintenance provisions for permitted facilities. We believe this is one of the few communities in Wisconsin with ongoing, active maintenance enforcement of private permitted facilities.

The vast majority of stormwater management facilities required to serve new development are owned by the City of Madison Stormwater Utility, whether constructed by developers or the City. The City of Madison Stormwater Utility generates funds for the maintenance of these facilities through an annual utility rate payer fee on the impervious surface area of properties within the City.

We respectfully request that condition #1 not be applied as it would be redundant and an inefficient use of City and County resources.

In regards to #2, this is already a standard part of the City's development approval process. The development within the amendment area will be subject to the requirements of the adopting CARPC resolution as has been the case in the past. This is accomplished through the City's subdivision regulations and is now stressed in the Madison General Ordinances under Section 37.09(3)(i), which reads as follows:

- (i) CARPC Requirements: Where, as a condition of approval of an urban service area extension, the Capital Area Regional Plan Commission (CARPC) requires compliance with additional stormwater management standards, the applicant shall comply with the resolution approval for this urban service area as issued by CARPC and approved by the Wisconsin Department of Natural Resources (WDNR) and / or the Madison Metropolitan Sewerage District (MMSD)>

We look forward to continued discussion of our CUSA amendment application on March 11th. Please feel free to contact me if you have any questions regarding this matter.

Sincerely,



Rick Roll, AICP
Senior Planner

- c. CARPC Commissioners
- CARPC staff
- Mayor David J. Cieslewicz
- Ald. Lauren Cnare, District 3
- Ald. Joseph Clausius, District 17
- Mark Olinger, Director, Department of Planning & Community & Economic Development
- Bradley J. Murphy, Planning Division Director
- Robert Phillips, City Engineer

