



MEMO

MEMO DATE: July 8, 2020

MTG. DATE: JULY 13, 2020

TO: Village of Cottage Grove Community Development Authority

CC: Matt Giese – Village Administrator
Lisa Kalata – Village Clerk

FROM: [Erin Ruth, AICP – Village Planning Director](#)

RE: Overview of CARPC Urban Service Area Amendment

BACKGROUND

Earlier this year the Village applied to the Capital Area Regional Planning Commission (CARPC) for an amendment to its urban service area to add approximately 150 acres in TID 10 located north of Highway TT along with 0.5 acres in Westlawn 5th Addition.

CARPC staff reviews the application and presents a staff report to the commission. The commission votes to approve with the conditions recommended by staff, approve with amended conditions, or to deny the application. Their vote constitutes a recommendation to the Wisconsin DNR. The DNR makes the final decision regarding the application.

The Village presented its application to the commission at a public hearing at the May 14 CARPC meeting. Following the public hearing, CARPC staff creates their staff report and drafts approval conditions for the commission to consider at the next meeting the following month. The Village was given a chance to review the draft conditions and met with CARPC staff to discuss them. CARPC staff agreed to most of the changes to the draft conditions proposed by the Village. The final CARPC staff report is attached. The conditions begin on page 14.

One condition the Village objected to was condition H, which remained intact in the final CARPC staff report (attached). Condition H reads as follows:

h. Obtain the right (via ownership, easement or agreement), or provide documentation that significant efforts were made to obtain the right, to discharge stormwater onto property that is neither under the applicant's control nor publicly owned. If no right can be obtained, the applicant shall be required to mitigate the increased volume of discharge on their property prior to making this discharge. Mitigation shall consist of implementation of a stormwater practice that match the existing volumetric discharges from the applicant's property to other lands not under their control in storm events



including the 1, 2, 5 & 10-year storm events.

CARPC staff explained they had implemented similar language in recent approvals after the City of Madison amended their city ordinance to include similar language.

CARPC considered the Village's application at the June 11 meeting. The Village raised its objection to condition H. However, CARPC voted to approve the amendment to the urban service area with condition H in effect. They also changed recommendation #3 in the attached report to a condition.

Recommendation #3 reads as follows:

3. Work with the Town of Sun Prairie on a joint stormwater management plan for the whole drainage area (existing Town development and proposed Village development) west of the culvert under County Highway N.

OVERVIEW

The Village's objections to condition H are two-fold. The first objection is on philosophical grounds. The language was the product of the City of Madison's legislative process. Applying it to other communities through amendment approvals circumvents the legislative process for those other communities.

The second objection is more practical. MSA explained that requiring control of the stormwater volume of a 10-year storm will be very burdensome on the development while resulting in minimal reduction of impact on the downstream property owner.

The Village also objects to making recommendation #3 a condition. The Village is not opposed to working with the Town of Sun Prairie. The Plan Commission recommended working with them on a boundary agreement and that topic is on the Board's June 15 agenda. A stormwater plan could be a component of those discussions. The Village objects because the language is vague because the extent of that 'work' is not defined.

CURRENT STATUS

The Village Attorney presented a letter to the DNR protesting the approval conditions referenced above. The Village is awaiting a response.