

AGENDA
of the
Capital Area Regional Planning Commission

January 11, 2024

Union South, 1308 W Dayton St., Madison and Via Zoom Webinar

6:00 pm

Participant Information

Meeting Accommodation: This meeting will take place in person and via Zoom. You may participate in the meeting from your computer, tablet, smartphone, at this URL: <https://us02web.zoom.us/j/81849479830?pwd=REdQdXAyMC9aWCtXc0d6MTYvSmlvZz09> or by telephone at: 301 715 8592. (Webinar ID: 838 2339 0522, Passcode: 362016). If you need other accommodation to attend the meeting, please call Tanya Sime at 608 474 6017.

Speaking at RPC Meetings: Oral comments from members of the public may be heard for individual agenda items when called upon by the Chair. The time limit for comments by each attendee will be three (3) minutes unless additional time is granted at the discretion of the Chair. The RPC may alter the order of the agenda items at the meeting.

Written Communications: Written communications intended to be provided to the Commission as part of the packet should be received in the RPC office no later than noon, seven (7) days prior to the meeting. Written communications, including emails sent to info@capitalarearpc.org, received after this deadline will be provided to Commissioners at the meeting.

MISSION: Strengthen the region by engaging communities through planning, collaboration, and assistance.

VISION: A region where communities create exceptional quality of life for all by working together to solve regional challenges.

1. Establish Quorum
2. Public Comment on Matters not on the agenda
3. **PUBLIC HEARING**
 - a. Public Hearing on a Proposed Amendment of the *Dane County Water Quality Plan* by Revising the Sewer Service Area Boundary and Environmental Corridors in the Northern Urban Service Area (Village of DeForest – “Northern Interstate Corridor Area”)
 - (1) Applicant Presentation – Amendment Overview
 - (2) Open Public Hearing to Take Testimony from Attendees, Close Public Hearing
 - (3) Commissioner Questions and Discussion
4. **Relaxing Robert’s Rules of Order to Discuss Informally (*actionable item*)**
5. **Election of Officers: Chairperson, Vice-Chairperson, Secretary and Treasurer (*actionable item*)**
6. **Appointment of Executive Committee Members (*actionable item*)**
7. **Designation of Chairperson as a CARPC Employee with the Title of “Executive Chairperson” (*actionable item*)**

NOTE: If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity, or program, please call the phone number below at least three business days prior to the meeting.

NOTA: Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

LUS CIM: Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.

8. **Motion to Return to Standard Robert's Rules of Order (*actionable item*)**
9. **Adoption of CARPC Resolution 2024-01 Expression of Appreciation for Executive Committee Service in 2023 (*actionable item*)**
10. **Consent Agenda (*all items below in #3 are actionable items*)**
 - a. **Minutes of the December 14, 2023, CARPC Meeting**
 - b. **Executive Committee Recommendations**
 - (1) **Authorize Agency Director to Execute Amendment to the Research Agreement with UW-Madison**
 - (2) **November 2023 Financial Statements and the December 2023 Operating Account Reconciliation**
11. Amending the *Dane County Water Quality Management Plan* by Revising the Sewer Service Area Boundary and Environmental Corridors in the Verona Urban Service Area (City of Verona – “Epic Campus 6 and 7 Expansion”)
 - a. Opportunity for Public Comment
 - b. Overview of Consistency with State and Local Standards
 - c. **Approval of CARPC Management Letter #2309 – Verona USA, Recommending to the Wisconsin DNR an Amendment of the *Dane County Water Quality Plan* in the Verona Urban Service Area (*actionable item*)**
12. Reports
 - a. Executive Chairperson and Executive Committee
 - (1) Water Quality Plan Committee Appointments
 - b. Greater Madison MPO
 - c. Agency Director / Division Director, Community and Regional Planning
 - d. Environmental Resource Planning staff
13. Future Agenda Items (next meeting is **Thursday, February 8, 2023**, at Waunakee Public Library, 201 N. Madison St., Waunakee, and via Zoom webinar at **6:00 pm**)
14. Adjournment

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Re: Public Hearing on a Proposed Amendment of the *Dane County Water Quality Plan* by Revising the Sewer Service Area Boundary and Environmental Corridors in the Northern Urban Service Area (Village of DeForest – “Northern Interstate Corridor Area”)

Requested Action:

None

Background:

The Village of DeForest has submitted a request for a sewer service area amendment to the *Dane County Water Quality Plan*. The [application](#) has been posted on the [CARPC website](#). The proposed amendment is currently in the Village of DeForest, with most of the area within the Cherokee Lake-Yahara River (HUC 12: 070900020504) watershed and a small area in the One Hundred Mile Grove Cemetery (HUC 12: 070900020502) watersheds. It includes the addition of approximately 122 acres of land, including approximately 11 acres of existing right-of-way and 11 acres of proposed environmental corridors, for a net of approximately 100 developable acres to the Northern Urban Service Area.

The public hearing is intended to give members of the public, local governmental officials, and interested groups the opportunity to provide input as part of the public participation process required for areawide water quality management planning in accordance with NR 121.

Staff Comments:

None

Attachments:

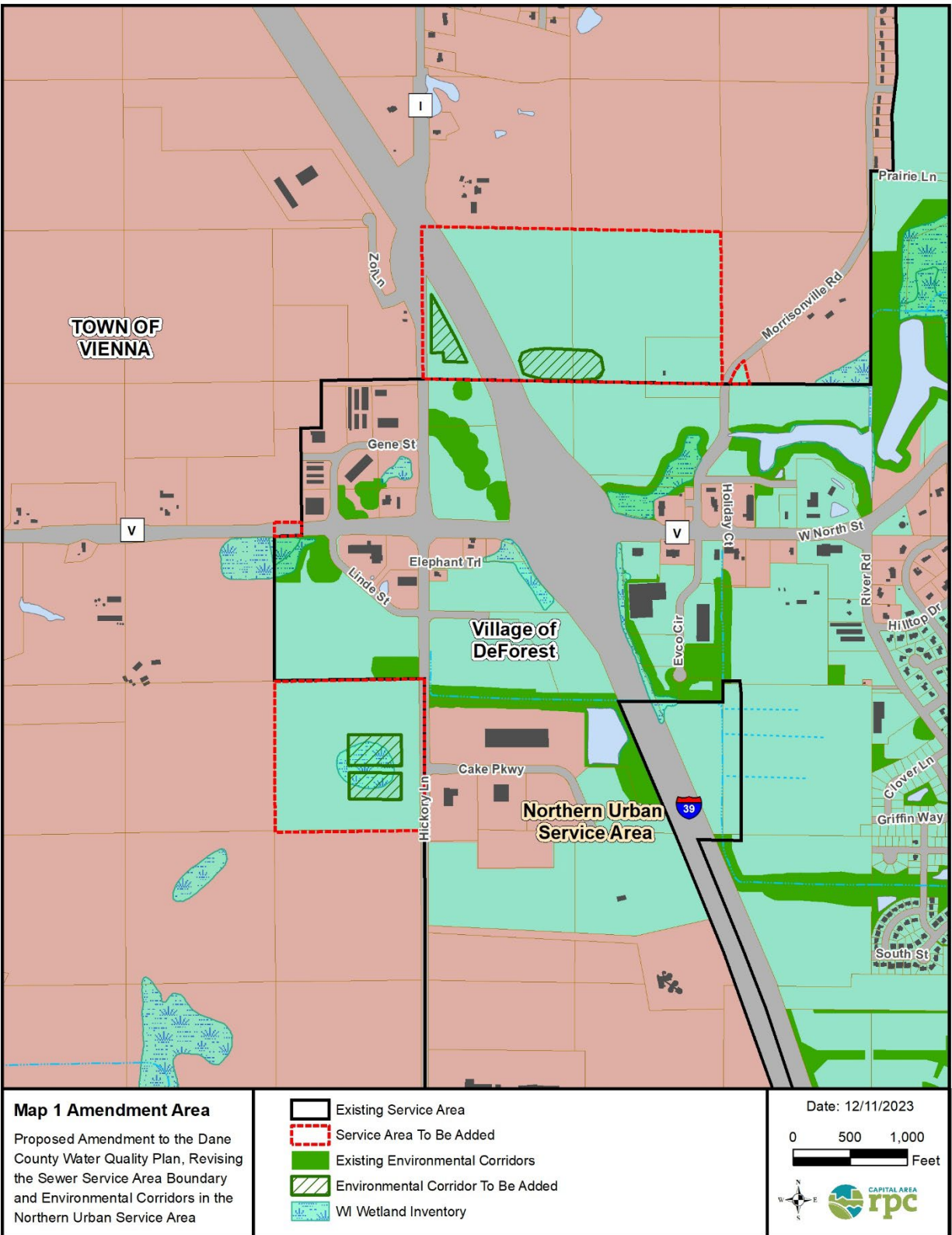
1. Map 1 of proposed amendment area

Staff Contact:

Nick Bower, Senior Environmental Engineer
nickb@capitalarearpc.org
608 474 6019

Next Steps:

CARPC staff will prepare a water quality staff analysis report. A water quality management letter will be considered at the February Commission meeting. The CARPC staff report and management letter will then be sent to the Wisconsin DNR for its administrative decision.



Re: Election of Officers: Chairperson, Vice-Chairperson, Secretary and Treasurer (*actionable item*)**Requested Action:**

Motion to approve.

Background:

Article III, Section 1 of CARPC bylaws states: The Commission shall elect officers at the beginning of the Annual Meeting. Officers shall take office immediately and conduct the Annual Meeting at which they are elected.

Staff Comments:

None.

Attachments:

1. CARPC Bylaws

Staff Contact:

Steve Steinhoff, Agency Director / Director of Community and Regional Development Planning
steves@capitalarearpc.org
608 474 6010

Next Steps:

Officers carry out their duties.

Bylaws of the Capital Area Regional Planning Commission

Revised: April 8, 2021



Capital Area Regional Planning Commission

100 State Street, Suite 400

Madison, Wisconsin 53703

(608) 474-6017

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Bylaws of the Capital Area Regional Planning Commission

For the purposes of these Bylaws, the collective membership appointed to serve on the Capital Area Regional Planning Commission will be referred as the “Commission” and the organization will be referred to as the “Agency.”

ARTICLE I — MEMBERSHIP

Section 1: Commission Appointments

- a. The Commission shall be appointed in a manner consistent with the Governor’s Executive Order #197, dated May 2, 2007.
- b. The Commission is composed of thirteen (13) members:
 1. four (4) appointed by the City of Madison,
 2. three (3) by Dane County,
 3. three (3) by the Dane County Cities and Villages Association, and
 4. three (3) by the Dane County Towns Association.
- c. All appointments will serve until a new appointment to the Commission has been made by the respective appointing authority.
- d. An Agency employee shall not be appointed as a Commissioner. A Commissioner is able to be an Agency employee provided they are appointed as a Commissioner first.

Section 2: Removal of Members

Any member of the Commission may be removed for cause by their appointing authority. Cause shall be defined as neglect of duty, official misconduct, or malfeasance in office. The determination of cause by an appointing authority is final and binding.

Section 3: Member Decorum

Members and Agency staff shall maintain decorum as representatives of the Commission.

Section 4: Attendance

Members of the Commission are expected to attend Commission meetings or to notify the Secretary or their appointee in advance when they are unable to attend. If a Commissioner does not attend two Commission meetings in a row without such notice, the Secretary or their appointee shall communicate such absences to their appointing authority.

ARTICLE II — MEETINGS

Section 1: Meetings

- a. Regular meetings of the Commission shall be held as determined by the body, but at least once per quarter.
- b. The first meeting of the Commission in January shall constitute the Annual Meeting, whereupon officers will be elected in accordance with Article III Section 2.
- c. A special meeting of the Commission may be called at any time by its Chairperson.
- d. A special meeting must be called by the Chairperson if requested in writing by two (2) or more Commissioners. The meeting must occur between ten (10) and twenty (20) working days from the date request is received.

Section 2: Notice of Meetings

Public notice of all meetings of the Commission shall be given in compliance with Wis. Stats. § 19.84. The Chairperson or designee shall prepare and distribute notice of each meeting to each Commissioner. Notice shall state the date, time, and place of the meeting; the subject matters of the meeting, and if convening in closed session.

Section 3: Public Hearing Notices

In accordance with Wis. Stats. § 66.1001(4)(d) and § 65.90, the Commission shall provide at least thirty (30) day public hearing notice for the following items:

- a. adoption or amendments of regional plans;
- b. amendments to regional plans;
- c. adoption of the annual budget and budget amendments; and
- d. amendments to these Bylaws.

Section 4: Public Meetings

Wis. Stats. § 19.83 shall apply to all meetings of the Commission and its committees and subcommittees. Members of the public may register and speak on any item on the agenda in accordance with the policies of the Commission and noticed on the agenda.

Section 5: Closed Session

Wis. Stats. § 19.85 permits the Commission to meet in closed session by a majority motion of the body. The agenda will indicate the nature of the business to be considered and the specific exemption under Wis. Stats. § 19.85 that apply.

Section 6: Virtual Meeting Participation

Commissioners may participate via designated electronic methods as long as all persons participating can hear each other. Participation in such manner shall constitute present for quorum.

Section 7: Agendas

Items shall be placed on the agenda:

- a. by the Chairperson;
- b. if requested by a Commissioner during the previous Commission meeting; or

- c. if requested by two (2) Commissioners in writing to the Chairperson at least seventy-two (72) hours before the meeting.

The order of business for all regular meetings of the Commission shall include, but not be limited to: roll call; approval of minutes; and opportunity for public comments.

No action will be taken on any matter that is not included on the agenda.

Section 8: Quorum

A quorum shall be required for the conduct of any business, determined as a majority of all Commissioners. In the event that a Commissioner recuses themselves from voting, that Commissioner shall count for the purpose of quorum, as long as the Commissioner remains present at the meeting.

Section 9: Voting

Each Commissioner shall be entitled to one vote. Commissioners present shall vote in favor, in opposition, or abstain when a question is put. The motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection to the extent prescribed in Wis. Stats. § 19.21.

Unless otherwise provided by Article II Section 10, the vote of a majority of the Commissioners present shall be controlling on any matter voted upon. The use of secret ballot shall not be utilized except for the election of officers (Wis. Stats. § 19.88(1)).

In the event a Commissioner recuses themselves from voting, that Commissioner shall not engage in discussions or actions on that item.

Section 10: Supermajority Vote

- a. A supermajority vote of at least eight (8) Commissioners shall be required for the following actions:
 - 1. the amendment or adoption of any regional plan; for the purposes of this Section, “regional plan” shall include the Dane County Water Quality Management Plan and be further defined as set out in the state regional planning commission law, Wis. Stats. § 66.0309, and in state smart growth laws Wis. Stats. § 66.1001(2),
 - 2. removal of Officers (see Article III Section 3),
 - 3. the appointment and removal of the Executive Director (see Article VI Section 1), and
 - 4. all amendments and repeals to these Bylaws (see Article X Section 1).
- b. All supermajority votes shall be stated as motions to approve or accept a matter, rather than as a motion to disapprove, deny or reject a matter. Negative motions shall be out of order.

Section 11: Reconsideration

- a. Commissioners on the prevailing side of a decision can move for reconsideration of an action:
 - 1. during the meeting, with a motion for reconsideration made after the vote is taken but before adjournment, or
 - 2. after the meeting, with a written request to the Chairperson by two (2) Commissioners no less than seventy-two (72) hours prior to the next Commission meeting.
- b. Upon receipt of the request, the Chairperson shall place the item on the next agenda.
- c. To determine if an item is in order to be considered, a majority vote of the Commission will first be required to consider the item.
- d. If the item falls under Article II Section 9, a supermajority vote will be required.
- e.
- f. Regardless of the outcome, no further reconsideration of that action will be allowed.

Section 12: Meeting Procedural Rules

Robert's Rules of Order shall govern the conduct of all meetings of the Commission, committees and subcommittees except when these Bylaws or adopted Commission Policy states otherwise.

ARTICLE III — OFFICERS

Section 1: Designation of Officers

The officers of the Commission shall be the Chairperson, Vice Chairperson, Secretary, and Treasurer. Only Commissioners shall be eligible to serve as officers of the Commission. Section 2: Selection and Term

The Commission shall elect officers at the beginning of the Annual Meeting. Officers shall take office immediately and conduct the Annual Meeting at which they are elected.

Officers shall hold their offices until the next Annual Meeting of the Commission or if the Commissioner is no longer a member of the Commission.

Section 3: Removal of Officers

The Commission may deliberate on the removal of an officer by a request in writing to the Chairperson from two (2) Commissioners no less than seventy-two (72) hours prior to a Commission meeting to be added to the agenda.

Removal of an officer requires a supermajority vote of Commissioners.

Section 4: Vacancies

If any office of the Commission becomes vacant, the Commission shall elect by majority vote a successor, unless a vote is made by the Commission to hold a vacancy until a subsequent meeting.

Section 5: Chairperson

The Chairperson of the Commission shall preside, with full voting rights, at all Commission meetings.

The Chairperson shall be responsible for overseeing that Commission meeting agendas are prepared, legally noticed, and distributed to members in a timely fashion.

The Chairperson is authorized to sign or execute documents on behalf of the Commission, including proclamations, resolutions and citations. The Chairperson shall perform such other duties as are required of them by law or these Bylaws and as are assigned from time to time by the Commission.

The Commission may vote to designate the Chairperson as an Executive Chairperson, who is an Agency employee and who performs additional duties outlined in the Executive Chairperson job description.

Section 6: Vice Chairperson

In the absence of the Chairperson or at the request of the Chairperson, the Vice Chairperson may temporarily perform the duties of the Chairperson.

In the absence of other officers, the Vice Chairperson may sign on behalf of the Secretary or Treasurer on matters for the Commission.

The Vice Chairperson shall also perform such other duties as are required of them by these Bylaws and as are assigned to them by the Commission.

Section 7: Secretary

The Secretary of the Commission shall cause all records of the Commission, including its resolutions, transactions, findings, Commissioner attendance, determinations and any other records to be maintained as required by law, these Bylaws or Commission policy. The Secretary shall sign all adopted minutes of Commission meetings, adopted resolutions, and execute all documents and papers required to be countersigned.

The Secretary shall also perform such other duties as are required of them by these Bylaws and as are assigned to them from time to time by the Commission.

Section 8: Treasurer

The Treasurer of the Commission shall cause the keeping of an accurate record of all receipts and disbursements of the Commission, including signing the monthly Treasurer's Report.

The Treasurer shall also perform such other duties as are required of them by these Bylaws and as are assigned to them from time to time by the Commission.

ARTICLE IV — BUDGET AND PERSONNEL PANEL

Section 1: Panel Membership

The Budget and Personnel Panel ("Panel") shall be composed of:

- a. the Mayor of the City of Madison;
- b. the Dane County Executive;
- c. the President of the Dane County Towns Association;
- d. the President of the Dane County Cities and Villages Association; and
- e. the Chairperson of the Commission, who shall serve as a non-voting member.

Section 2: Panel Responsibilities

The Panel shall have, on behalf of and with advice of the Commission, the following powers:

- a. to establish the levy and user fees and adopt the annual operating budget for the Commission. The Panel may adopt a levy less than the statutory maximum;
- b. to hire the Executive Director from a list of three candidates selected by the Commission; and
- c. to remove the Executive Director, at pleasure.

The Panel may act on the business referred to in Article IV, Section 2 only at a meeting at which all four voting members of the Panel are present.

Section 2: Panel Disbanding

The Panel may, by a vote of three of its four voting members, disband and transfer to the Commission its responsibilities.

ARTICLE V — COMMITTEES

Section 1: Designation of Committees

Standing committees must be designated in these Bylaws.

The Commission may create ad hoc and other committees of the Commission through a resolution which must indicate:

- a. name of proposed committee,
- b. purpose and function of proposed committee,
- c. number of members, including number of non-commission members,
- d. determination of committee chairperson, who shall preside, with full voting rights, at all of the committee's meetings, and
- e. anticipated date of committee dissolution.

At no time shall a committee have more than six (6) Commissioners as members. If a committee does not meet for at least six (6) months, it is no longer considered active and shall be placed on the next Commission agenda for determining the status of the committee.

Appointment of members to ad hoc committees shall be made by the Chairperson of the Commission.

Section 2: Executive Committee

The Executive Committee is designated as a standing committee designed to provide advice and counsel to the Executive Director and the Commission on the operations of the Agency, including management, budget, personnel, and finances.

The Executive Committee shall be appointed by the Commission at the Annual Meeting and shall consist of officers of the Commission and up to two (2) additional Commissioners. The Executive Committee shall be comprised of not less than one (1) representative from each appointing authority. The Chairperson of the Commission serves as the Chairperson of the Executive Committee.

The Executive Committee shall have the following duties and responsibilities:

- a. Budget:
 1. Present a proposed annual budget to the Commission on or about June 1 of each year;
 2. Periodically review the adopted annual budget and to recommend to the Commission changes as appropriate.
- b. Personnel:
 1. Conduct the performance evaluations of the Executive Director or, in the event of a vacancy the next director in the adopted organization chart;
 2. Review staff appeals of disciplinary actions, including proposed terminations;
 3. Review staff appeals of decisions regarding employee grievances;
 4. Recommend to the Commission the hiring and firing of the Executive Director;
 5. Recommend to the Commission the hiring of the Agency Director and the Division Directors;
 6. Review and recommend to the Commission changes in employee job descriptions;
 7. Review and recommend to the Commission changes to the organizational chart;
 8. May administer exit interviews of employees who are leaving Commission employment.
 9. Decisions made by the Executive Committee acting as the Personnel Committee may be appealed by employees to the full Commission.
- c. Administrative:
 1. Review and recommend the Annual Work Plan;
 2. Periodically review and recommend changes to these Bylaws;
 3. Periodically review and recommend changes to Commission Policy, if adopted;
 4. Periodically review and recommend changes to the Employee Handbook
- d. Financials:
 1. Approve agency expenditures and disbursements as determined in Article VII Section 3;
 2. Approve contracts as stipulated in Commission Policy.

The Executive Committee may have additional powers and responsibilities as specified by the Commission through the adoption of a resolution.

The Executive Committee shall not adopt any item requiring a supermajority vote under Article II Section 9.

The Executive Committee shall report its actions to the Commission at the next scheduled meeting.

Section 3: Personnel Committee

The Executive Committee shall be considered the Personnel Committee.

Section 4: Appointment to Other Boards, Commissions, and Committees

The Chairperson, on behalf of the Commission, may make appointments for Commission positions on boards, commissions, and committees of other entities as it deems necessary for the effective fulfillment of the Commission's purposes.

ARTICLE VI — PERSONNEL

Section 1: Executive Director

The Executive Director shall be the chief administrative officer of the Commission and shall serve under a renewable employment contract.

Appointment of an Executive Director shall be made by the Budget and Personnel Panel under the provisions of Article IV Section 2(b) of these Bylaws.

If the hiring authority of the Budget and Personnel Panel has been transferred to the Commission, appointment shall be made by the Commission, and require a supermajority vote.

Section 2: Duties of the Executive Director

The Executive Director, in consultation with the Executive Committee and Chairperson, shall be responsible for the performance of such duties as described in the Executive Director job description, including but not limited to:

- a. implementation of adopted Agency mission and vision;
- b. development of an annual budget and management of financial resources;
- c. development and implementation of an Annual Work Program;
supervision, direction, and oversight of the conduct and performance of staff; hiring and firing of staff.

If the Executive Director position is vacant, these duties may be designated by the Commission to another agency employee; and/or the Chairperson.

Section 3: Other Personnel

The Commission shall establish such employee positions as necessary for the fulfillment of the Commission's mission and vision and set the rate of pay and other compensation and benefits for such employee positions.

ARTICLE VII — BUDGET AND FINANCES

Section 1: Annual Budget

The Executive Director and Chairperson shall present to the Executive Committee a proposed annual budget, which will include a recommended levy amount, prior to May 1 of each year.

The Executive Committee shall present to the Commission the recommended budget for review prior to June 1 of each year, and subsequently forwarded to the Budget and Personnel Panel prior to July 1.

The Commission shall direct the Chairperson to certify to the County Clerk an Agency levy charge prior to August 1 of each year.

Once the County levy has been determined, the Commission's annual budget shall be adopted by the Commission prior to October 1 of each year, per Wis. Stats. § 66.0309.14(a).

Section 2: Deposits and Investments

All funds of the Agency shall be deposited as designated for this purpose by the Commission.

Funds of the Agency not immediately needed for expenditure may be invested by the Executive Director, with the approval of the Treasurer, to the extent and in investments permitted by the Commission under the law.

Section 3: Authorization of Disbursements

The disbursement of Agency funds for ordinary and necessary operating expenses shall be submitted by the Executive Director for approval by the Executive Committee. When the Executive Committee does not meet, approval of disbursement of funds may be made by the Chairperson with consultation of the Treasurer.

No disbursements for items outside the ordinary and necessary operating expenses, of the Agency, such as consultant contracts and expenditures above an amount may be made unless approved by the Commission Policy.

Section 4: Execution of Checks

All checks, drafts, or other orders for the payment of Agency funds shall be signed by the Executive Director and the Chairperson or Treasurer of the Commission.

Section 5: Compensation and Expenses of Commissioners

Commissioners may receive a per diem compensation for a maximum of one (1) meeting per day, regardless of the number of meetings attended in the service of the Commission.

Per Diem and mileage reimbursement rates will be determined annually by the Commission.

Commissioners may also be reimbursed for actual, reasonable, and necessary expenses incurred as members of the Commission in carrying out the work of the Commission. Reimbursements by Commissioners shall be authorized and paid as specified in Section C-3 (Employee Expenses) in the CARPC personnel manual.

If the Commission designates the Chairperson as the Executive Chairperson as determined in Article IV Section 5, the Commission may compensate the Chairperson for the performance of those duties. If the Chairperson is so compensated, they shall not also receive a per diem.

Section 6: Execution of Contracts

The Chairperson or a member of staff shall execute any contract or other instrument authorized by the Commission. The Secretary is authorized to countersign when required.

Section 7: Accounting Year

The accounting year of the Agency for all purposes shall be the calendar year.

ARTICLE VIII — MISCELLANEOUS

Section 1: Legal Compliance

In the event that any part of these Bylaws should in any manner be contrary to or inconsistent with any provision of law, such provision of law or resolutions shall prevail, and these Bylaws shall be ineffective to the extent of such contradiction or inconsistency.

ARTICLE IX — BYLAWS AMENDMENT OR REPEAL

Section 1: Procedure

Any proposal for amendment or repeal of these Bylaws is a supermajority vote under Article II Section 9. The following procedure will be used:

- a. amendment will be presented to the Executive Committee for review and recommendation to the Commission,
- b. amendments must be first considered at a meeting of the Commission and designated as a Public Hearing item in the agenda,
- c. if there are no changes to the proposed amendments to these Bylaws, action may be taken at the next Commission meeting,
- d. if there are changes to the proposed language, they shall be placed on the next Commission meeting agenda but cannot be acted upon until the meeting after the amendment is presented and no additional changes are made. No additional Public Hearing is necessary.

These Bylaws were originally adopted by the Commission on November 8, 2007, and last amended on xxx.

Re: Appointment of Executive Committee Members (*actionable item*)**Requested Action:**

Motion to approve

Background:

Article V, Section 2 of CARPC bylaws states: The Executive Committee shall be appointed by the Commission at the Annual Meeting and shall consist of officers of the Commission and up to two (2) additional Commissioners. The Executive Committee shall be comprised of not less than one (1) representative from each appointing authority. The Chairperson of the Commission serves as the Chairperson of the Executive Committee.

Staff Comments:

None.

Attachments:

1. None

Staff Contact:

Steve Steinhoff, Agency Director / Director of Community and Regional Development Planning
steves@capitalarearpc.org
608 474 6010

Next Steps:

The Executive Committee carries out its duties.

Re: Designation of Chairperson as a CARPC Employee with the Title of “Executive Chairperson”
(actionable item)

Requested Action:

Motion to approve.

Background:

Article III, Section 5 of CARPC bylaws states: The Commission may vote to designate the Chairperson as an Executive Chairperson, who is an Agency employee and who performs additional duties outlined in the Executive Chairperson job description.

Staff Comments:

None.

Attachments:

1. Executive Chairperson Job Description

Staff Contact:

Steve Steinhoff, Agency Director / Director of Community and Regional Development Planning
steves@capitalarearpc.org
608 474 6010

Next Steps:

The Executive Chairperson carries out its duties.



JOB DESCRIPTION

Executive Chairperson

The Commission hires the Chairperson as Executive Chairperson to carry out some of the duties of the Executive Director when that position is expected to remain vacant for an extended period.

In cooperation with the Deputy Director, the position responsibilities include:

- Implementation of the Agency's goals, policies, and initiatives;
- Facilitate the development of a clear and compelling vision and mission for the Agency, to help focus the Agency's approach to the conduct of its duties and responsibilities;
- Develop and implement a regional consensus-building process to generate a broad agreement on a vision for the future of the region;
- Facilitate and achieve consensus among diverse groups and interests;
- Develop processes, implementation measures, and alliances to empower and encourage local units of government and municipal leaders to work individually and in concert towards the realization of the regional vision;
- Foster meaningful dialogue and collaboration among all units of government, and promote coordinated action for the improvement of the region;
- Communicate the findings, initiatives, and policy recommendations of the Agency;
- Communicate the goals and objectives of the Agency in a compelling and persuasive manner and generate broad support for the Agency's work through outreach; and
- Duties as directed by vote of the Commission.

Minimum Education and Experience Requirements

Appointment to the Capital Area Regional Planning Commission by one of the Agency's appointing authorities. Election as Chairperson by the Commission. Demonstrated ability to fulfill the responsibilities listed above.

Certification: None required

Licenses: None required

Salary Range: Determined by the Commission. This is a part-time position with hours established by the Commission.

FLSA Status: Non-Exempt

Reports to: Capital Area Regional Planning Commission

Physical Demands

Frequently required to see, talk, and hear. Frequent repetitive movement of hands and fingers for typing and/or writing. Occasional standing, walking, stooping, kneeling, crouching, or reaching with hands and arms. Must occasionally lift and/or move up to 10 pounds.

Work Environment

Work is generally performed within an office environment, with standard office equipment available. Requires attendance at some evening meetings. Ability and means to travel on a flexible schedule as needed to attend some meetings; proof of liability and property damage insurance on vehicle used is required. Occasionally exposed to outside weather conditions.

Disclaimer

This position description reflects the Agency's assignment of essential functions; and nothing herein restricts the Agency's right to assign or reassign duties and responsibilities to this position at any time.

Re: Adoption of CARPC Resolution No. 2024-01 Expression of Appreciation for Executive Committee Service in 2023 (*actionable item*)

Requested Action:

Motion to adopt CARPC Resolution No. 2024-01 Expressing Appreciation to Maureen Crombie, Kris Hampton, Peter McKeever, Heidi Murphy, David Pfeiffer and Nick Zavos for Their Service and Contribution on the Executive Committee in 2023.

Background:

CARPC recognizes the contributions of Executive Committee members at its annual meeting.

Staff Comments:

None

Attachments:

1. CARPC Resolution 2024-01 for Executive Committee Service

Staff Contact:

Tanya Sime, Administrative Services Manager
tanyas@capitalarearpc.org
608 474 6017

Next Steps:

None



CARPC Resolution No. 2024-01

**Expressing Appreciation to Maureen Crombie, Kris Hampton,
Peter McKeever, Heidi Murphy, David Pfeiffer, and Nick Zavos, for
Their Service and Contribution on the Executive Committee
and Personnel Committee in 2023**

WHEREAS Maureen Crombie, Kris Hampton, Peter McKeever, Heidi Murphy, David Pfeiffer, and Nick Zavos have served as members of the Executive Committee and the Personnel Committee of the Capital Area Regional Planning Commission in 2023; and

WHEREAS Maureen Crombie, Kris Hampton, Peter McKeever, Heidi Murphy, David Pfeiffer, and Nick Zavos have effectively represented the interests of the region in addressing growth and development issues; and

WHEREAS Maureen Crombie, Kris Hampton, Peter McKeever, Heidi Murphy, David Pfeiffer, and Nick Zavos met ten times as the Personnel Committee for recruitment of an Executive Director, which was instrumental in finding and hiring a well-qualified candidate; and

WHEREAS Maureen Crombie, Kris Hampton, Peter McKeever, Heidi Murphy, David Pfeiffer, and Nick Zavos have been enthusiastic proponents of a cooperative and collaborative approach to planning and implementation of the Regional Development Framework; and

WHEREAS Maureen Crombie, Kris Hampton, Peter McKeever, Heidi Murphy, David Pfeiffer, and Nick Zavos have been advocates and strong voices for the interests of the jurisdictions they represent.

NOW, THEREFORE, BE IT RESOLVED that the Capital Area Regional Planning Commission hereby expresses its sincere gratitude and appreciation to Maureen Crombie, Kris Hampton, Peter McKeever, Heidi Murphy, David Pfeiffer, and Nick Zavos for their service and contribution to this organization and to the Capital Region of Wisconsin.

January 11, 2024

Date Adopted

David Pfeiffer, Executive Chairperson

Kris Hampton, Secretary

Re: Consent Agenda (*actionable item*)**Requested Action:**

Motion to approve.

Background:

CARPC “Categories of Decision-Making” policy identifies the types of items to be approved by the Executive Committee and placed on the Commission consent agenda for approval.

Staff Comments:

None.

Attachments:

1. “Categories of Decision-Making Revised November 2017”

Staff Contact:

Steve Steinhoff, Agency Director / Director of Community and Regional Development Planning
steves@capitalarearpc.org
608 474 6010

Next Steps:

N/A

Categories of Decision-Making
Capital Area Regional Planning Commission
REVISED November 2017

This document identifies decisions that are: made by the full Commission; made by the full Commission upon recommendation by the Executive Committee; made by the Executive Committee; and made by staff. The document was first accepted by the Executive Committee and Commission in April 2017, and revised in November 2017.

A. Items to be Individually Listed on Executive Committee Reports to Commission

1. Commission Approves (Policy Level and Bylaw Delegated Decisions)

- Adopt/Amend Plans, Release for Review and Comment
- Selection of Officers, Committee Members
- Removal of Officers (requires super majority vote)

2. Executive Committee Reviews, Commission Approves (Policy Level Decisions) - – Included on Commission agendas as separate item for approval:

- Establish Committees
- Amend Bylaws (requires super majority vote)
- Adopt/Amend Budgets
- Adopt/Amend Work Programs
- Appointment of Executive Director (as Personnel Committee) (requires super majority vote)

3. Executive Committee Recommends Approval, Commission Approves – Included on Commission agendas under item, “Executive Committee Report” as “Recommendation for Approval”:

- Mission Statement Adoption/Revision
- Execute Unanticipated Agreements (e.g. Wisconsin Center Education Research AGMV game project)
- Institute/Amend Fees

4. Executive Committee Approves, Commission Approves – Where Commission approves separation of item under agenda item, “Executive Committee Report” (below category):

- Items separated by Commissioner for Commission Approval

B. Items to be Included on Commission Consent Agenda, with Option for any Commissioner to Request Separation of any Item for Separate Discussion

5. Executive Committee Approves, Commission Accepts (Administrative and Operational Decisions) – Included on Commission agendas under item, “Executive Committee Report,” not as Commission decision items:

- Execute Agreements within approved budget and work program
- Amend Agreements within approved budget and work program
- Financial oversight: approval of disbursements and treasurer’s report
- Work Program Implementation (e.g. farmland loss mitigation activities)
- Additional expenditures within budget (e.g. contribution to housing gap video)

- Commission Procedures (e.g. process for amending LU&TP)
- Commission Operations/Personnel (e.g. Commissioners as Independent Contractors)

6. Personnel Committee Approves, Commission Accepts (Administrative and Operational Decisions) -

Included on Commission agendas under item, "Executive/Personnel Committee Report," not as Commission decision items:

- Hiring of Deputy Director and Division Directors
- Personnel Manual amendments
- Personnel decisions: approve position description; Deputy Director performance review
- Review of staff appeals of disciplinary actions and decisions regarding employee grievances

C. Staff Level, Carrying out Decisions

- Spending on items within adopted budget limits and categories
- Carrying out activities within adopted work program
- Recommend job descriptions to Executive Committee for approval
- Personnel decisions below Executive/Deputy Director: hiring, firing, promotion, evaluation, discipline, development
- Providing, research, analysis and recommendations to Executive Committee and Commission

Re: Amending the *Dane County Water Quality Management Plan* by Revising the Sewer Service Area Boundary and Environmental Corridors in the Verona Urban Service Area (City of Verona – “Epic Campus 6 and 7 Expansion”) (*actionable item*)

Requested Action:

Approval of CARPC Management Letter #2309

Background:

The City of Verona has submitted a request for a sewer service area amendment to the *Dane County Water Quality Plan*. The proposed amendment is currently in the City of Verona, in the Headwaters Sugar River (HUC 12: 070900040202) and Badger Mill Creek (HUC 12: 070900040201) watersheds. It includes the addition of approximately 264 acres of land, including approximately 39 acres of existing development and right-of-way and 42 acres of proposed environmental corridors, for a net of approximately 183 developable acres to the Verona Urban Service Area.

Staff Comments:

The staff analysis of the proposed amendment is attached. Staff’s opinion is that the proposed amendment is consistent with water quality standards under Wis. Stat. § 281.15 and the adopted Policies and Criteria for the Review of Sewer Service Area Amendments to the *Dane County Water Quality Plan*, with recognition of the existing state and local requirements and additional agreements for the amendment areas identified in the attached management letter. The management letter also includes additional actions recommended to further improve water quality and environmental resource management.

Staff recommends that the Commission recommend approval of the amendment to DNR in recognition of the existing state and local requirements and with the additional agreements and recommendations as enumerated in the attached management letter.

Attachments:

1. Staff Analysis Report
2. Management Letter #2309 – Verona USA (City of Verona)
3. Policies and Criteria for the Review of Sewer Service Area Amendments

Staff Contact:

Nick Bower, Senior Environmental Engineer
nickb@capitalarearpc.org
608 474 6019

Next Steps:

The staff report and management letter will be sent to the Wisconsin Department of Natural Resources for an administrative decision.

DRAFT MINUTES
of the
Capital Area Regional Planning Commission

December 14, 2023

Zoom Webinar

6:00 pm

Commissioners Present: Maureen Crombie, Steve Greb, Kris Hampton, Barbara Harrington-McKinney, Peter McKeever, Heidi Murphy, David Pfeiffer, Cynthia Richson, Caryl Terrell, Nick Zavos

Commissioners Absent: Jim Schuler, Bill Tishler

Staff Present: Nick Bower, Melissa Michaud, Tanya Sime, Steve Steinhoff, Jason Valerius

Others Present: City of Verona Mayor Diaz, Town of Verona Chair Mark Geller, Jamie Aulik, Steve Glass, Scott Heacock, Katherine Holt, Sonja Kruesel, Nathan Lockwood, Tom Mathies, Kris Waters,

1. Establish Quorum

Chair Pfeiffer called the meeting to order at 6:00 pm. Quorum was established.

2. Public Comment on Matters not on the agenda

No public comment.

3. PUBLIC HEARING

Amendment of the CARPC 2024 Budget

a. Review of Budget Amendments

Mr. Steinhoff reviewed the proposed amended 2024 budget. Amendments to revenues reflect interest earned and fee for service. Expense amendments reflect changes in staff, IT services, and travel and supplies for Salt Wise program. The property tax levy is at .001217% of total equalized assessed value. It has steadily declined since 2016.

b. Open Public Hearing to Take Testimony from Registrants, Close Public Hearing

No public comment.

c. CARPC Resolution 2023-13 Amending the CARPC 2024 Budget (*actionable item*)

Mr. McKeever moved for approval of CARPC Resolution 2023-13 Amending the CARPC 2024 Budget. Ms. Crombie seconded. The motion passed unanimously.

4. Consent Agenda (*all items below in #4 are actionable items*)

a. Minutes of the November 27, 2023, CARPC Meeting

Ms. Crombie moved for the approval of the November 27th, 2023, CARPC Meeting Minutes. Ms. Richson seconded. The motion passed unanimously.

b. Executive Committee Recommendations

- (1) Authorize Agency Director to Execute Agreement with the Town of Rutland for Planning Services**
- (2) Addendum to Annual Agreement to Provide Water Quality Management Planning Assistance to the Wisconsin Department of Natural Resources**
- (3) CARPC 2024 COVID-19 Paid Time Off Benefit**

- (4) Authorize Agency Director to Execute Agreement with City of Madison for Transportation Planning Service**
- (5) Authorize Agency Director to Execute the Annual City of Madison/Metro Transit Commute Card Agreement for 2024**
- (6) Approval of the October 2023 Financial Statements and the November 2023 Operating Account Reconciliation**

Mr. McKeever moved that item 6, the October 2023 Financial Statements, and the November 2023 Operating Account Reconciliation, be removed from the consent agenda. Ms. Crombie seconded. The motion passed unanimously.

Ms. Murphy moved for approval of the October 2023 Financial Statements and the November 2023 Operating Account Reconciliation. Mr. Hampton seconded the motion. The motion passed unanimously.

Ms. Crombie moved for the approval of the consent agenda. Ms. Richson seconded. The motion passed unanimously.

5. Adoption of Resolution 2023-11 Establishing an Ad Hoc CARPC Water Quality Planning Committee (*actionable item*)

Mr. Zavos moved for approval to bring the Adoption of Resolution 2023-11 Establishing an Ad Hoc CARPC Water Quality Planning Committee back to the table. Mr. Greb seconded. The motion passed unanimously.

Mr. Zavos moved for approval of the Adoption of Resolution 2023-11 Establishing Ad Hoc CARPC Water Quality Planning Committee. Ms. Crombie seconded. Discussion ensued.

Concerns were expressed that the Committee process reduced opportunity for commissioners to engage with community members and the public, that the Commission would be acting on the Committee recommendations and not solely on water quality issues, that consideration of the Committee should wait until after the strategic planning process, that it should wait until the new Executive Director has time to gain experience with the process.

A clarification was made that action on management letters to DNR regarding sewer service area boundaries would be by the full commission, not at the committee.

Reasons stated for supporting the resolution were to free up commission time for strategic planning, that it is a temporary process which allows trying something new that will inform the strategic planning process, that very strong feedback received from communities is that CARPC continually oversteps its authority during sewer service area reviews by commenting on things that have nothing to do with water quality which undermines our ability to be involve with community planning when it happens and to advance the Regional Development Framework, that the strategic planning process will allow commissioners to discuss commissioner roles in engaging with communities, that the committee process includes a public hearing that anybody can attend and provide direct input, that discussing sewer service area amendments at the full commission means it becomes the symbol of what the commission does and perception of commissioners of the main focus of the commission, that continuing the status quo will result in the same results, that a huge amount of time has been spent by the agency to limit the sewer service area process to water quality standards and not leverage the process to bring other things into play,

Jason Valerius, incoming Executive Director, addressed the concern raised that the Executive Director needs more time to gain experience with the sewer service area process before the committee is considered. He shared that he was aware of the WQP committee process during the hiring process, that he has experienced the negative results from the commission review of amendments. He feels that the committee process will increase CARPC's ability to constructively engage with communities.

Roll Call vote was taken; Ms. Crombie- Aye, Mr. McKeever – Nay, Ms. Harrington-McKinney-Abstain, Mr. Zavos – Aye, Mr. Greb – Aye, Mr. Hampton – Nay, Ms. Murphy – Aye, Ms. Terrell – Aye, Ms. Richson – Nay, Mr. Pfeiffer – Aye. The motion passed with 6 Aye and 3 Naye and 1 Abstain.

6. PUBLIC HEARING (7:00 pm)

Public Hearing on a Proposed Amendment of the *Dane County Water Quality Plan* by Revising the Sewer Service Area Boundary and Environmental Corridors in the Verona Urban Service Area (City of Verona – “Epic Campus 6 and 7 Expansion”)

- a. Applicant Presentation – Amendment Overview – Presentation by Kathrine Holt
- b. Open Public Hearing to Take Testimony from Attendees, Close Public Hearing – No public comment.
- c. Commissioner Questions and Discussion

Clarification was established on the location of the 44 new acres of environmental corridor.

7. Authorize Agency Director to Execute Agreements with the USGS and Various Regional Stakeholders for Cooperative Monitoring within the Black Earth Creek Watershed (*actionable item*)

Mr. Mc Keever moved to Authorize Agency Director to Execute Agreements with the USGS and Various Regional Stakeholders for Cooperative Monitoring within the Black Earth Creek Watershed. Ms. Terrell seconded. The motion passed unanimously.

8. Reports

- a. Executive Chairperson and Executive Committee
 - (7) Executive Director Hiring – Welcome Jason Valerius
 - (8) Strategic Planning – Thanks were given for survey submittals. Most commissioners have not completed the survey, which will be sent out again. Preparing for and completing the surveys is very important because doing so establishes a common understanding of key documents and because survey results will inform the planning process.
- b. Greater Madison MPO – No MPO report was provided. The MPO’s new Marketing and Communications Specialist started work. A quarter of her time will be provided to CARPC.
- c. Environmental Resource Planning staff – Staff were available for questions.
- d. Agency Director / Division Director, Community and Regional Planning - SolSmart workshop was held on November 27th and went well. Staff are working with Kathy Kunz at The Office of Energy Climate Change & MPO on the Climate Pollution Grant Program. Applications are due April 1st, 2024.

10. Future Agenda Items (next meeting is **Thursday, January 11, 2024**, In Person at Union South at **6:00 pm**)

11. Adjournment

Mr. Hampton moved to adjournment. Ms. Richson seconded. The motion passed on a voice vote. The meeting was adjourned at 7:23 pm.

Minutes taken by Tanya Sime and reviewed by CARPC staff.

Respectfully Submitted:

Kris Hampton, Secretary

Staff Analysis of Proposed Amendment to the
Dane County Water Quality Plan
**Revising the Sewer Service Area Boundary and Environmental
Corridors in the Verona Urban Service Area**
“Epic Campus 6 and 7 Expansion”

History of the Verona Urban Service Area

The Verona Urban Service Area was established in 1971. The first amendment to the Verona Urban Service Area occurred in 1986. There have been 19 amendments to this service area since its creation totaling roughly 2,800 acres of developable land and 728 acres of Environmental Corridor. The most recent amendment of the service area by the City was recommended by the Capital Area Regional Planning Commission (CARPC) and approved by the Wisconsin DNR (WDNR) in 2022.

Planning in Verona

The City of Verona reconfirmed their comprehensive plan in 2019. The document was originally adopted in 2010 and the City wished to wait until the release of 2020 Census data to conduct a substantial update or rewrite to their guiding document. The Comprehensive Plan is substantially consistent with the adopted [2050 Regional Development Framework](#) (Framework). The amendment areas being requested for addition to the Verona Urban Service Area are designated as Business Growth Areas in the Framework.

Existing Conditions

Land Use

The City of Verona is requesting an amendment to the Verona USA in two nearby parts. The western part of the amendment is bounded on its western edge by Country View Road and extends eastward to existing Epic Systems development on its campus. The eastern part of the amendment request is located northeast of the existing Epic campus and bounded on its eastern edge by Northern Lights Road and to the north by CTH PD. Existing land uses in the vicinity are agricultural, low-density residential, commercial, solar array, stormwater management, and open land or natural areas. The proposed land use is commercial offices, agricultural or open lands, stormwater management, and a solar array. The requested amendment area is approximately 264 acres. The surrounding planned land uses can generally be described as follows (refer to Table 1 for detailed breakdown of existing and planned land uses):

Surrounding Planned Land Uses:

- **North:** Low-density residential and rural residential
- **West:** Natural Area and rural residential
- **South:** Commercial offices and natural area
- **East:** Commercial offices, parks and recreation, and low-density residential

Table 1
Existing and Planned Land Use

Land Use Category	Existing Land Use Acres (see Map 3)	Proposed Land Use Acres (see Map 4)
Agriculture	59.6	14.1
Commercial	6.3	196.7
Communication/Utilities	15.5	
Mineral Extraction	56.2	
Natural Areas		7.7
Open Land	87.3	
Rural Residential	9.8	20.3
Transportation	7.7	7.2
Water	21.5	18
Woodlands	0.1	
	264.0	264.0

Cultural and Historic Sites

The Wisconsin Historical Society (WHS) has been contacted regarding the presence of any known archaeological sites or cemeteries within the amendment area. The western portion of the request contains a cultural resource site in poor condition. A prior survey concluded that this area was not eligible for listing on the National Register. In addition, a segment of the Nine Mound mound group overlaps the western expansion area. Epic and WSHS have been in communication about this feature. The eastern expansion area is unlikely to contain any intact sites. It has been heavily disturbed through quarrying and other activities. No survey is recommended.

Natural Resources

The proposed amendment area is in the Headwaters Sugar River (HUC 12: 070900040202) and Badger Mill Creek (HUC 12: 070900040201) subwatersheds (see Map 5). Delineated wetlands and floodplains are present within the amendment area.

Wastewater from the amendment area will be treated at the Madison Metropolitan Sewerage District (MMSD) Wastewater Treatment Facility (see Map 5). The treated effluent is currently discharged to Badfish Creek and Badger Mill Creek, bypassing the Yahara chain of lakes.

Wetlands

WDNR's Wisconsin Wetland Inventory (WWI) shows one wetland too small to delineate within the amendment area. A wetland delineation ([link to report](#)) was conducted by AECOM in August 2023 within the amendment area. The site investigation and field delineation determined that there were two wetlands within the study area (see Map 11a). Wetland 1 is in the southwestern portion of the amendment area and is described as freshwater emergent with vegetation dominated by two invasive species: reed canary grass (*Phalaris arundinacea*) and narrow-leaved cattail (*Typha angustifolia*). This wetland is associated with an intermittent tributary to Sugar River. According to the Minnesota Stormwater Manual ([link to webpage](#)) fresh (wet) meadows are slightly to moderately susceptible to degradation by stormwater input. Wetland 2 is in the northwestern portion of the amendment area and is described as shrub/scrub with vegetation dominated by eastern cottonwood (*Populus deltoides*), sandbar willow (*Salix interior*), Canada thistle (*Cirsium arvense*), reed canary grass, and wild parsnip (*Pastinaca sativa*). The herbaceous plant layer of this wetland was dense with the three invasive species: Canada thistle, reed canary grass, and wild parsnip. According to the Minnesota Stormwater Manual, shrub-carrs are moderately susceptible to degradation. This wetland is associated with a man-made stormwater pond. A future relocation of the stormwater pond will require an artificial wetland exemption from the WDNR.

The delineated wetlands, with a minimum 75' vegetated buffer, is required to be designated as Environmental Corridor per the adopted Policies and Criteria for Environmental Corridors ([link to document](#)), as part of the *Dane County Water Quality Plan*. The quarry area received an artificial wetland exemption from WDNR in August 2023 (WIC-SC-2023-13-02714).

In addition to the wetlands within the amendment area, there are also other wetlands near the amendment area. According to the WWI, the wetlands directly to the west and southwest are part of a large wetland complex associated with Sugar River and classified as palustrine persistent emergent/wet meadow, persistent narrow-leaved emergent/wet meadow, broad-leaved deciduous scrub/shrub, and broad-leaved deciduous forest. A wetland delineation conducted by AECOM in June 2023 for an area directly southwest of the amendment area describes portions of this complex as fresh wet meadow, shrub scrub, and floodplain forest. According to the Minnesota Stormwater Manual, shrub-carrs are moderately susceptible to degradation by stormwater input, fresh (wet) meadows are slightly to moderately susceptible, and floodplain forests are slightly susceptible.

Floodplains

The southwestern portion of the amendment area includes a small area of 1% annual chance (i.e., 100-year) floodplains associated with the intermittent tributary to Sugar River and the eastern amendment area includes more extensive areas of 1% annual chance associated with the internally drained areas and the Dry Tributary to Badger Mill Creek. All the 1% annual chance floodplain is included in Environmental Corridors as required by the adopted Policies and Criteria for Environmental Corridors.

Headwaters Sugar River

Most of the runoff from the western portion of the amendment area drains to the southwest, then downstream a ¼ mile to a culvert under Country View Road and is within the Headwaters Sugar River subwatershed. The culvert empties to an intermittent stream that flows another 0.6 miles before reaching the Sugar River (WBIC [875300](#) / WATERSID 1520990), an Exceptional Resource Water (ERW)

under the state's anti-degradation rules, NR 102 and NR 207. ERWs are not significantly impacted by human activities and provide valuable fisheries or unique habitat features. The Sugar River is also designated a Class II trout cold water community. Much of the headwaters subwatershed remains undeveloped with agriculture (52%) and open/woodland (32%) occupying the most area. The headwaters of the Sugar River are located on the outskirts of the expanding Madison metropolitan service area. Though historically and predominantly agricultural, this portion of the watershed is experiencing a gradual change in land use. Changes in land use, hydrology, and sediment transport within the watershed will have long-term impacts on all areas downstream.

There has been a citizen-based stream monitoring location on Sugar River at Bobcat Lane ([Station 10044597](#)) since 2015. Field measurements from 2022 indicated dissolved oxygen levels of 13 mg/L, transparency of 78.2 to 83.5 cm, and a macroinvertebrate index score of 2.57. There are no active USGS baseflow monitoring stations in this watershed.

The Sugar River section downstream of amendment area (miles 56.14 – 82.33) was added to the WDNR's list of impaired waters in 2020 for total phosphorus. This addition was prompted by high phosphorus concentrations which pose a risk for the river's biological community. This was an increase from 2017 phosphorus concentrations which did not warrant an impaired listing. Even though phosphorus concentrations are high, the river's biological community is not degraded (macroinvertebrates received a "Fair" score; fish scored as "Excellent"). However, continued high phosphorus concentrations will likely lead to lower quality biological communities over time. Decreasing phosphorus contributions to the river would help sustain current biological communities. As a cold water system fed by groundwater, warm runoff poses an issue for the Sugar River. Occasionally, the river exceeds ideal temperatures which is also expected to decrease the quality of the fish community. Proper thermal controls in runoff management are required within the watershed. The Sugar River is an important regional resource and maintaining its exceptional qualities requires responsible management of both agricultural and urban land uses.

Dry Tributary to Badger Mill Creek

An unnamed intermittent stream, often referred to as the Dry Tributary to Badger Mill Creek, runs just west of the eastern portion of the amendment area and is within the Badger Mill Creek subwatershed. The stream channel is approximately 6 miles long, from its mouth at Badger Mill Creek, near the south edge of the City of Verona, upstream to Valley View Road. Dry Tributary to Badger Mill Creek is classified as an intermittent stream, meaning it flows only after rainfall or snowmelt, and as a result is dry most of the year. Water quality and biotic index data are not collected for Dry Tributary to Badger Mill Creek because of these flow conditions.

Badger Mill Creek

Badger Mill Creek (WBIC [888100](#) / WATERSID 13654) is 5 miles long and flows through the southwest side of the City of Madison and bisects the City of Verona. The Badger Mill Creek subwatershed is approximately 34 square miles and encompasses predominantly residential and agricultural land uses until its confluence with the Upper Sugar River in the Town of Verona. Badger Mill Creek is included on the state 303d list of impaired waters for total phosphorus due to high phosphorus levels.

There has been a citizen-based stream monitoring location on Badger Mill Creek at State Highway 69 ([Station ID 10011966](#)) since 2006. Field measurements from 2023 indicated dissolved oxygen levels of 9.72 to 16.6 mg/L and transparency of 120 cm. Field measurements from 2022 indicated a macroinvertebrate index score of 4.39. The active USGS baseflow monitoring station ([USGS 05435943](#)) in this watershed collects data on discharge rates, dissolved oxygen, specific conductance, water level, and temperature; but does not collect chloride data.

The main branch of Badger Mill Creek is designated as a Class II trout stream by the WDNR for fish management purposes, in accordance with NR 1.02(7). Badger Mill Creek is also classified as a Variance Stream for Uses and Designated Standards per NR 104.05(2), which allows the WDNR to relax certain water quality standards for this stream to allow discharge of treated municipal wastewater. These stream use standards are state water quality standards established to guide water quality planning under NR 121.

Since 1998 MMSD has been discharging approximately 3.3 million gallons per day (MGD), or 5 cubic feet per second (cfs), of highly treated effluent back to Badger Mill Creek as a means of maintaining baseflow in the creek to compensate for groundwater being taken out of the Sugar River basin by municipal water wells. Prior to 1998, Verona had its own wastewater treatment plant which discharged to Badger Mill Creek, while wastewater from MMSD's treatment plant was all discharged to Badfish Creek in the adjacent Rock River basin. Previous groundwater modeling, of conditions prior to the treated effluent return, indicated that well water withdrawals had reduced baseflow in Badger Mill Creek in the Sugar River, compared to pre-development or no pumping conditions. Current modeling indicates that Badger Mill Creek would have had no flow in drought conditions experienced in 2010, without the treated effluent return. The treated effluent return has effectively restored the water balance between these two basins and has improved aquatic habitat in Badger Mill Creek by removing low baseflow as a limiting condition caused by the well water withdrawals. In May 2023, the MMSD Commission voted to discontinue its effluent flow to Badger Mill Creek to meet new phosphorus requirements.

Springs

Springs represent groundwater discharge visible to the casual observer. The Wisconsin Geological and Natural History Survey (WGNHS) maintains an inventory of springs in Dane County and throughout the state. From 2014 to 2017, the WGNHS surveyed springs statewide that were expected to have flow rates of at least 0.25 cubic feet per second (cfs). The Headwaters Sugar River subwatershed contains one inventoried spring, Dane County Spring #20. Dane County Spring #20 is on private land, south of Military Ridge State Trail and east of County Highway J. It was surveyed in 2014 with a discharge rate 0.29 cfs, specific conductance of 572 $\mu\text{S}/\text{cm}$, temperature of 51° F, and a pH of 6.74. There are no known springs in the Badger Mill Creek subwatershed.

Groundwater

In 2012, the WGNHS published a report, *Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model* ([link to report](#)), estimating the existing groundwater recharge rates in Dane County based on the soil water balance method. The study estimates that the existing groundwater recharge rate in the proposed amendment area ranges from approximately 9 to 13 inches per year (varies by specific area).

Generally, groundwater discharge occurs along the entire length of perennial streams and is the source of stream baseflow. Groundwater modeling using the 2016 Groundwater Flow Model for Dane County, developed by the WGNHS ([link to website](#)), has been used to model estimated baseflows in many streams throughout Dane County. Two locations were analyzed for the proposed amendment, including: Sugar River at USH 151, which the western portion of the amendment area flows to; and Badger Mill Creek at the confluence with Dry Tributary to Badger Mill Creek, which the eastern portion of the amendment area flows to (see locations on Map 5). The modeling shows a decline in baseflow within Sugar River from predevelopment (i.e., no pumping) conditions to 2010 modeled conditions, and further decline to 2040 modeled conditions. These reductions are primarily due to the cumulative effects of well water withdrawals from multiple municipalities in the ground-water watershed to support increasing development. The modeling shows an *increase* in baseflow within Badger Mill Creek from predevelopment to 2010 modeled conditions, which is primarily due to the MMSD treated effluent return discharge into Badger Mill Creek upstream of this confluence. However, a decline in baseflow is again anticipated from 2010 conditions to 2040 modeled conditions due to the effects of well water withdrawals.

Endangered Resources

The WDNR Bureau of Endangered Resources maintains a database representing the known occurrences of rare plants, animals, and natural communities that have been recorded in the Wisconsin Natural Heritage Inventory ([link to website](#)). A screening review of this database conducted by CARPC staff for species designated as endangered, threatened, or of special concern identified several special concern species: four plant and one reptile species; one threatened mammal and one threatened plant species; one endangered insect; two natural communities; and one bat hibernaculum within a 1 to 2-mile radius of the amendment area. Two state lands were identified with a 1-mile radius of the amendment area: Military Ridge State Trail and Sugar River Wetlands State Natural Area. An Endangered Resources Review was completed on September 25, 2023, by the WDNR Bureau of Natural Heritage Conservation. Actions are recommended for five species identified in the Review (see Attachment F of application).

The entire amendment area is within the High Potential Zone (species likely present) for the federally endangered Rusty Patched Bumble Bee ([link to web map](#)). Section 7 of the Endangered Species Act requires consultation with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service when any action that is carried out, funded, or permitted by a federal agency may affect a federally listed endangered or threatened species. The WDNR typically recommends that projects within the High Potential Zone include native trees, shrubs, and flowering plants; plants that bloom spring through fall; and the removal and control of invasive species in any habitat used for foraging, nesting, and overwintering. The USFWS developed a list of plants favored by Rusty Patched Bumble Bee ([link to list](#)). Implementing these conservation measures should be coordinated with the WDNR Endangered Resources Review Program as needed.

Soils and Geology

The western portion of the amendment area is located within the Hills & Valleys – Wisconsin River Drainage Land Type Association of Wisconsin. The Association classifies the surficial geology of this area well drained and moderately well drained silty and loamy soils with a silt loam or sandy loam surface over non-calcareous clayey or loamy residuum or cover silty loess. The eastern portion of the

amendment area is located within the West Johnstown-Milton Moraines Land Type Association of Wisconsin. The Association classifies the surficial geology of this area as rolling hummocky moraine and outwash plain complex with scattered bedrock knolls.

Surface elevations within the amendment area range from around 933 feet to 1069 feet. There are areas of steep (>12%) and very steep (>20%) slopes associated with the stormwater ponds and solar field in the western portion, and the quarry in the eastern portion of the amendment area (see Map 6). These areas of steep slopes are not riparian and do not require inclusion in Environmental Corridors.

According to the Natural Resource Conservation Service (NRCS) Soil Survey of Dane County, the soils in the western edge of the amendment area are in the Batavia-Houghton-Dresden association. These soils are well to poorly drained, deep to moderately deep silt loams and mucks that are underlain by silt, sand, and gravel. The soils in the remainder of the amendment area are in the Dodge-St. Charles-McHenry association. These soils are well to moderately well drained deep silt loams. Table 2 shows detailed classifications for soils in the amendment area (see Map 7) while Table 3 shows important soil characteristics for the amendment area.

There is one hydric soil within the amendment area, the Otter soil (the Ot map unit) (see Map 7). Hydric soils are good indicators of existing and former (drained) wetlands. Hydric soils are considered Stewardship areas and are recommended for inclusion in Environmental Corridor.

According to the Soil Survey Geographic data for Dane County developed by the NRCS ([link to web soil survey](#)), the Troxel and Port Byron soils (the TrB and PrC map units) are not hydric, but they do have a seasonal (April to June) zone of water saturation within 5 feet of the ground surface. Both soils are classified as moderately well drained, and therefore do not pose a limitation for buildings with basements.

Table 2
Soils Classification

Soil	% of Area	General Characteristics
Gravel Pit (GP)	25.7	Poorly graded gravels and sandy gravel mixtures with little or no fines. Soils are stable and pervious. Not rated for limitations for development.
Edmund Silt Loam; EdC2	17.1	Shallow, well drained gently sloping to moderately steep soils on uplands. Soils have low fertility, moderately slow permeability, and a very severe hazard of erosion. Poses severe limitations for development due to depth to bedrock.
Edmund Silt Loam; EdD2	9.4	Shallow, well drained gently sloping to moderately steep soils on uplands. Soils have low fertility, moderately slow permeability, and a very severe hazard of erosion. Poses severe limitations for development due to depth to bedrock

Dodgeville Silt Loam; DpC	9.3	Moderately deep, well-drained, gently sloping to moderately steep soils on the tops of ridges and on upper side slopes on uplands. Soils have medium fertility, moderate permeability, and a severe hazard of erosion. Poses severe limitations for development due to slope and depth to bedrock.
Troxel Silt Loam; TrB	8.2	Deep, well drained and moderately well drained, gently sloping soils in draws, on fans, and in drainageways. Soils have high fertility, moderate permeability, and a moderate hazard of erosion. Poses severe limitations for development due to low bearing capacity.
Gale Silt Loam; GaC2	7.0	Moderately deep, well-drained, gently sloping to moderately steep soils on uplands. Soils have medium fertility, moderate permeability, and a severe hazard of erosion. Poses moderate limitations for development due to slope.
Edmund Silt loam; EdB2	6.8	Shallow, well drained gently sloping to moderately steep soils on uplands. Soils have low fertility, moderately slow permeability, and no hazard of erosion. Poses severe limitations for development due to depth to bedrock.
Richwood Silt Loam; 305B	3.6	Deep, well drained, on outwash plains and stream terraces. Soils have high fertility, moderate permeability, and a moderate hazard of erosion. Poses moderate limitations for development due to shrink/swell potential.
Batavia Silt Loam; BbA	3.1	Deep, well drained, nearly level to sloping soils on high benches. Soils have high fertility, moderate permeability, and no hazard of erosion. Poses moderate limitations for development due to shrink/swell potential.
Gale Silt Loam; GaD2	2.7	Moderately deep, well-drained, gently sloping to moderately steep soils on uplands. Soils have medium fertility, moderate permeability, and a severe hazard of erosion. Poses very severe limitations for development due to slope.
Dodgeville Silt Loam; DpB	1.5	Moderately deep, well-drained, gently sloping to moderately steep soils on the tops of ridges and on upper side slopes on uplands. Soils have medium fertility, moderate permeability, and a moderate hazard of erosion. Poses moderate to severe limitations for development due to depth to bedrock.
Port Byron Silt Loam; PrC	1.5	Deep, moderately well drained, gently sloping and sloping soils on colluvial valley foot slopes. Soils have high fertility, moderate permeability, and a moderate to severe hazard of erosion. Poses moderate limitations for development due to low bearing capacity.

Otter Silt Loam; Ot	1.3	Deep, poorly drained, nearly level soils on stream bottoms. Soils have high fertility, moderately slow permeability, and no hazard of erosion. Poses very severe limitations for development due to shrink/swell potential and low bearing capacity.
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Source: Soil Survey Geographic data for Dane County developed by the USDA Natural Resources Conservation Service

Table 3
Soils Characteristics

Characteristic	Soil Map Symbols (see Map 7)	% of Area
Prime Agricultural Soils	TrB, 305B, BbA, DpB, BbB, PoB	47.0
Hydric Soils (Indicates Potential / Restorable Wetlands)	Ot	1.3
Poorly Drained Soils with Seasonal High Water Table (< 5')	None	0
Soils Associated with Steep Slopes (> 12%)	EdD2, GaD2, HbD2	12.7
Soils Associated with Shallow Bedrock (< 5')	None	0
Best Potential for Infiltration in Subsoils	GaC2, 305B, BbA, GaD2, BbB, BaC2, HdD2, PoB, BaB2	19.2

Source: Soil Survey Geographic data for Dane County developed by the USDA Natural Resources Conservation Service

According to WGNHS data, bedrock within a small portion of the western edge of the amendment area is in the Prairie du Chien Group. Bedrock in the Prairie du Chien Group is dolomite, minor sandstone, cherty dolomite, vuggy, sandy, and oolitic, and consists of two formations including the Shakopee and Oneota Formations. Thickness is up to 145 feet in eastern Dane County. The bedrock in the remainder of the amendment area is in the Ancell Group. Bedrock in the Ancell Group is medium-grained, mature quartz sandstone and consists of two formations including the Glenwood and St. Peter Formations. Thickness is about 100 feet. According to WGNHS data, the depth to bedrock in the amendment area ranges from 0-140 feet, with the shallowest depths being in several areas in the western portion of the amendment area and deepest depths being in the south end of the eastern portion.

As is common throughout much of the upper Midwest, karst features such as enlarged bedrock fractures are prevalent in the local dolomite uplands. Karst features such as vertical fractures and conduits provide primary pathways for groundwater movement and can dramatically increase groundwater susceptibility when present. The location of karst features is difficult to predict, and the thickness and type of the overlying soil greatly affects how much water drains into them. Where clay soils are thick, infiltration rates are likely to be very low. However, where bedrock fractures are near the

surface infiltration rates can be very high. Karst features may be encountered in the amendment area at depths ranging from 0 to 136, with the shallowest depths coinciding with the shallow bedrock in the western portion of the amendment area. This can pose a concern for potential groundwater contamination if improperly managed. Existing stormwater management practices in the amendment area could be affected by the potentially shallow karst.

The *WDNR Conservation Practice Standard 1001 – Wet Detention Pond* (2007) and *WDNR Conservation Practice Standard 1002 – Site Evaluation for Stormwater Infiltration* (2017) requires field verification for areas of the development site considered suitable for stormwater management. This includes a site assessment for karst features in this area. If shallow karst features are found, adequate protection measures are required to address any potential for groundwater contamination.

Per Dane County ordinance, infiltration practices receiving runoff from source areas that contain impervious surfaces must be located to allow a separation distance of at least 5 feet between the bottom of the infiltration system and the elevation of seasonal high groundwater, or the top of bedrock, along with certain soil filtering characteristics. There is no minimum separation distance for roofs draining to surface infiltration practices. Soil test pits are required as part of the stormwater management plan to assure that infiltration practices are sited in locations that will not adversely affect groundwater quality.

Proposed Urban Services

Parks and Open Space

The proposed development includes one 1.6-acre stormwater management area within the amendment area (see Map 2). Open space, totaling 19.9 acres within the amendment area, is also proposed. No parkland is proposed. All stormwater and open space areas are proposed for placement in Environmental Corridors.

Wastewater

Sanitary sewer service will be provided to the amendment area by connection to the City of Verona sanitary sewer collection and treatment system. To serve the western area, sanitary sewer will be extended north along Country View Road from the existing City of Verona Country View Lift Station (Country View LS). The lift station pumps flow east via forcemain and discharges to City-owned gravity sewer which connects to the Lower Badger Mill Creek (LBMC) Interceptor near the intersection of W Verona Avenue and N Nine Mound Road. To serve the eastern area, connection will be made directly to the LBMC Interceptor which runs along the southwest edge of this area. The LBMC Interceptor is owned by the Madison Metropolitan Sewerage District (MMSD) and was extended north past the amendment area to Shady Oak Lane in 2023, and will be extended an additional 5,500 feet to Midtown Road in 2024, as part of MMSD's 2022 Capital Improvements Plan ([link to Plan](#)). Wastewater flow from both areas will flow via the LBMC Interceptor to Pump Station 17 within the MMSD system, and eventually to the Nine Springs Treatment Facility.

The proposed development within the western amendment area consists of approximately 30 acres of commercial land uses contributing to wastewater flows; the eastern area includes an existing utility building which may connect to the public sewer system in the future (currently served by a holding tank)

but which is assumed to contribute a negligible amount of flow. The City estimates that the amendment area will generate an annual average of approximately 184,400 gallons per day (gpd) of wastewater, or 128 gallons per minute (gpm). This assumes 8,400 persons occupying the commercial spaces and an average wastewater generation rate of 22 gallons per person, per day (gpcd), based on the City's application using their previous flow studies and Epic projections. The City estimates that the amendment area will generate a peak daily flow rate of approximately 371,000 gpd (0.37 MGD), or 258 gpm, utilizing a peaking factor of 2.01 based on flow monitoring data at PS 17 from 2017. Utilizing a more conservative peaking factor of 2.5 typical to commercial areas, the daily peak flow rate is estimated to be 461,000 gpd (0.46 MGD), or 320 gpm.

Proposed sewers to serve the amendment area have not been designed but will be sized based on specific sub-sewersheds. The existing Country View LS was designed with the ability to be reconfigured to handle future growth at the Epic Campus. Currently, the lift station receives a peak daily flow of approximately 179,700 gpd. According to the City's application, the lift station has hydraulic capacity to handle the flows from the proposed amendment area but will need upgrades to the pump and motor components, consistent with the original design. The receiving local sewers from the Country View LS discharge currently receive a peak daily flow of approximately 182,900 gpd at the furthest downstream section, which represents three percent of its design capacity.

The *2018 MMSD Collection System Evaluation*, prepared by CARPC staff in collaboration with MMSD staff, conducted on the receiving MMSD interceptor sewers shows that the LBMC Interceptor sewers have sufficient capacity to serve the amendment area. The LBMC Interceptor has a design capacity of greater than 16.0 MGD downstream of the amendment area. The City estimates a discharge of 1.15 MGD at PS 17 currently, indicating sufficient capacity within the LBMC Interceptor to handle the additional flow from the amendment area.

Based on the estimated wastewater loading and capacity of the existing sewers, and with the planned improvements to the Country View LS, the City has shown that there is sufficient existing or planned wastewater collection system capacity to serve the proposed amendment area.

Wastewater Treatment Facility

Madison Metropolitan Sewerage District (MMSD) will provide wastewater treatment for the amendment area. The amendment area will need to be annexed into the MMSD service boundary. The Nine Springs Wastewater Treatment Facility (WWTF) is located on Moorland Road, Madison, and currently discharges treated effluent to Badfish Creek within the Badfish Creek Watershed (Lower Rock River Basin) and Badger Mill Creek within the Upper Sugar River Watershed (Sugar-Pecatonica Basin). The rated monthly design flow capacity of the facility is 56.0 million gallons per day (MGD) and the maximum daily design flow capacity is 68.6 MGD. In the year 2022, the facility received an average monthly influent hydraulic loading of 36.3 MGD (65% of the 56.0 MGD design capacity), including infiltration and inflow, according to the 2022 Compliance Maintenance Annual Report (CMAR) ([link to 2022 CMAR](#)). It is expected to reach 90% of current hydraulic design capacity around 2026 based on current projected growth rate assumptions. This already occurs on occasion, although average flows did not exceed 70% design capacity for any month in 2022. MMSD completed a facility plan in 2017, titled [Liquid Processing Facilities Plan](#), that recommended improvements to the liquid treatment processes at the plant, including the addition of hydraulic capacity. These improvements are being implemented in

multiple phases between 2018 and 2030. For the 20-year planning period, treatment for this area is expected to remain at the existing wastewater treatment facility location with expanded capacity of the system as the need is foreseen. MMSD staff were contacted regarding this amendment and provided comments but did not have concerns with serving this additional area.

MMSD did not have issues meeting its WPDES permit limits for the quality of effluent discharged to Badfish Creek and Badger Mill Creek, according to their 2022 CMAR. Permit limits are specific to each outfall; however, effluent sampling is performed upstream of the flow split to each outfall. Effluent quality summarized here refers to Badfish Creek, where approximately 95% of discharge is released. Below is a summary of the major effluents reported on in the 2022 CMAR for the Badfish Creek outfall:

- The biochemical oxygen demand (BOD) effluent quality for 2022 was well below the monthly average limit, with a monthly average of 3.0 mg/L (16% of the limit) and a maximum concentration of 4 mg/L (21% of the limit) for the month of January through April.
- The total suspended solids (TSS) effluent quality for 2022 was below the monthly average limit, with a monthly average of 5.3 mg/L (27% of the limit) and a maximum concentration of 7 mg/L (35% of the limit) for the month of September and November.
- The ammonia (NH₃) effluent quality for 2022 was below the monthly average limits (limits vary by month), with a monthly average of 0.213 mg/L (3-12% of the limit) and a maximum concentration of 0.452 mg/L (12% of the limit) for the month of March.
- The phosphorus (P) effluent quality for 2022 was below the monthly average limit, with a monthly average of 0.32 mg/L (23-43% of the limit) and a maximum concentration of 0.43 mg/L (43% of the limit) for the month of September.

Badfish Creek is a tributary to the Rock River, and thus the WPDES permit for MMSD includes phosphorus and TSS limits for effluent to Badfish Creek to comply with the Total Maximum Daily Load (TMDL) developed for the Rock River Basin to protect and improve water quality. In addition to the TMDL limits, future water quality-based effluent limits (WQBEL) have been considered in the WPDES permit. The interim limit for phosphorus discharged to Badfish Creek is a 1.0 mg/L monthly average required beginning May 2020 (previous limit was 1.5 mg/L), with a final WQBEL of 0.225 mg/L. Additionally, an interim limit of 0.6 mg/L, expressed as a six-month average (May through October and November through April) is required beginning May 2020, with a final WQBEL of 0.075 mg/L. To meet the WQBEL for phosphorous, MMSD has implemented a Watershed Adaptive Management (WAM) approach, leading a diverse group of partners called Yahara Watershed Improvement Network (Yahara WINs) in implementing phosphorus reducing practices in the Yahara Watershed ([link to Yahara WINs website](#)).

The Nine Springs WWTF does not remove chloride from influent. A 2015 study completed by AECOM determined that while possible, treatment would be cost-prohibitive, energy intensive, and involve other environmental impacts ([link to report](#)). MMSD has been granted a variance from the chronic water quality standard for chloride of 395 mg/L required by NR 105. With this variance, the WPDES permit sets interim (variance) monthly limits above the chronic water quality standard and requires

MMSD to implement chloride source reduction measures. One such source reduction initiative which MMSD participates in is the Wisconsin Salt Wise Partnership ([link to Salt Wise website](#)).

Water System

Water will be provided to amendment areas by connection to the City's municipal water system. Verona Water Utility provides municipal water through a public water distribution system which includes approximately 450,690 lineal feet of water main and six active high-capacity groundwater wells within the City. The City has one ground-level reservoirs and three elevated tanks, with a combined storage capacity of 1.6 million gallons. The wells are at depths ranging from approximately 770 to 1490 feet with an average capacity of 370 to 2,200 gallons per minute (gpm), according to the 2022 Annual Report to the Public Service Commission of Wisconsin ([link to 2022 Annual Report](#)). In total, the gross capacity of the municipal wells is 7,970 gpm (11.48 million gallons per day, MGD). The firm capacity (with the largest well assumed to be out of service) is approximately 5,770 gpm (8.31 MGD). The City's application reports similar, but slightly higher capacities of the six wells. The City maintains a Water Master Plan which is updated every 10 years, with the last update occurring in 2015. As demand increases, additional capacity will be added to the system.

The City's water system is comprised of three pressure zones. The proposed amendment area is within the Central Pressure Zone, which contains Wells 1-5 with a gross capacity of 6,570 gpm (9.5 MGD) and firm capacity of 4,370 gpm (6.3 MGD).

The City's application reports that the City-wide average daily demand is approximately 1.20 MGD, with a maximum daily demand of 2.60 million gallons, based on 2022 City pumping records. The reported maximum daily demand varies from the 2022 Annual Report, which shows a maximum daily demand of 2.07 million gallons. The maximum daily demand in 2022 represents approximately 25% of its firm pumping capacity.

Water losses in the City's distribution system was an average of 76,145 gallons per day (gpd) (0.08 MGD) in 2022, which accounted for 6% of the net water supplied. Approximately 92% of this was due to unreported and background leakage, with the remaining due to reported leaks. In 2022, there were 2 main breaks and 3 service breaks which were repaired. Water losses in the City's distribution system was 6% in 2021 and 7% in 2020. The Wisconsin Administrative Code PSC 185.85(4)(b) requires a utility with more than 1,000 customers to submit a water loss control plan to the Public Service Commission (PSC) if the utility reports its percentage of water losses exceeds 15%.

Water supply will be provided by connecting to existing 12-inch water main along Epic Lane and extending north along Country View Road to serve the western portion of the amendment area and by connecting to 12-inch eastern main being constructed along CTH PD to serve the eastern portion of the amendment area. Water main will be extended within the amendment area to serve individual buildings and consist primarily of 12-inch main, consistent with the City's 2015 *Water Master Plan*. The system will be looped in the future with a secondary connection from the north to CTH PD.

The proposed development within the amendment area consists of approximately 30 acres of commercial land uses and other open space contributing to water demand. The City anticipates the annual average daily water demand for the amendment area to be approximately 84,000 gpd (0.08

MGD), or 58 gpm. This assumes an average daily demand of 10 gallons per capita per day (gpcd) and assumes 8,400 persons occupying the commercial spaces, based on the City's application. The estimated peak hourly demand is approximately 201 gpm, using a peak hourly demand factor (peak hour to AADV) of 3.44 based on the 2015 *Water Master Plan*. Including the projected demand from the amendment area, the total peak daily demand on the water system is anticipated to be 891 gpm. The peak hourly demand is anticipated to be 1,874 gpm. This represents an increase of approximately 7% in the current demand for the system. The City estimates that static pressures within the amendment area will range between 39 psi (at the northern limits) and 89 psi (at the southern limits). It is anticipated that the existing water supply system will support the additional demand from the proposed amendment areas.

Stormwater Management System

The northeastern portion of the amendment area is within the Badger Mill Creek subwatershed (HUC 12: 070900040201). This area consists of a decommissioned quarry and related construction operations. It is currently mostly internally drained but historically would have drained to the Dry Tributary to Badger Mill Creek adjacent to the southwest. From there, water flows south through the Epic Campus and City of Verona until the confluence with the Badger Mill Creek at the south side of the city. The western portion of the amendment area is mostly within the Headwaters Sugar River subwatershed (HUC 12: 070900040202) and generally drains west toward the Sugar River and associated wetlands approximately 800-2,700 feet to the southwest, with the northern edge of this area also within the Badger Mill Creek subwatershed and draining east toward the Dry Tributary to Badger Mill Creek. There are multiple ridges within the western amendment area creating multiple subcatchment areas. In each case, the concentrated flow crosses County View Rd and enters into an intermittent stream or constructed drainage ditch tributary to the Sugar River. This amendment area consists of primarily agricultural and open lands and includes two existing stormwater facilities, a large solar array, one farmstead, and several outbuildings.

Within the western area, there are two existing stormwater detention facilities. One basin is located approximately 1,000 south of CTH PD and is assumed to have been used as a temporary sediment basin during construction of nearby infrastructure. The second basin is located south of the solar array and captures and treats water from nearby buildings. According to the application, both basins will be reconfigured to provide additional treatment for proposed development activities in accordance with current performance standards. In both cases, stormwater modeling should account for the current level of peak rate and volume control being achieved in the existing condition.

The quarry area within the eastern area is now internally drained and contains standing water which is closely tied to groundwater levels. There are no plans for development within this area. Should this area ever develop in the future, the City will require that buildings be set two feet above the elevation of a back-to-back 100-year, 24-hour design storm event and that an emergency outlet (either by gravity flow or pumping) be constructed. If this area develops in the future, stormwater modeling should account for the current level of peak rate and volume control being achieved in the existing condition.

A stormwater management plan has not been provided for the amendment area. However, according to the City's application, new development within the amendment area will meet or exceed current stormwater regulations for peak rate control and attenuation, water quality (TSS reduction), volume

control (infiltration), thermal control, and oil/grease control. Where feasible, development within the amendment area will strive to match the predevelopment stay-on volume (i.e., provide 100% stay-on). Pretreatment of stormwater runoff prior to entering the wetlands will be provided in accordance with NR 151 regulations.

Detailed stormwater management plan review and approval is required prior to beginning any development construction. The plan will be required to meet all stormwater management and performance standards of the City of Verona, Dane County, and WDNR current at the time of development.

Performance Standards

The City of Verona stormwater management and performance standards are contained within Chapter 15-2 of the City of Verona Code of Ordinances. Dane County stormwater standards are detailed within the Dane County Code of Ordinances, Chapter 14. WDNR stormwater standards are within Administrative Code Chapters NR 151 and NR 216. Development within the amendment area will be required to follow the more protective requirements contained within the respective standards.

The City proposes stormwater management performance measures for the amendment area to meet, or exceed, applicable stormwater standards currently required by the State of Wisconsin, Dane County, and City of Verona, and include:

1. Peak runoff rate control is required for the 1-, 2-, 10-, 100-, and 200-year, 24-hour design storms to limit post-development runoff to “pre-settlement” levels, in accordance with the City of Verona Stormwater Ordinances. This requirement is equally, or more, protective than those required by the Dane County Ordinance.
2. Sediment control is required to achieve at least 80% sediment control for the amendment area based on the average annual rainfall period, with sediment control pretreatment occurring prior to infiltration for runoff from parking lots and new road construction within commercial, industrial, and institutional land uses, in accordance with the City of Verona and Dane County Stormwater Ordinances.
3. Runoff volume control is required to maintain the post-development infiltration (stay-on) volume to at least 90% of the pre-development infiltration (stay-on) volume for the average annual rainfall period, in accordance with the City of Verona and Dane County Stormwater Ordinances.
4. Maintain predevelopment groundwater recharge rates from the WGNHS 2012 report, “Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model”, for the amendment area (a range of 9 to 13 inches/year) or by a site-specific analysis, when required in lieu of meeting stay-on standards in accordance with the City of Verona and Dane County Stormwater Ordinances.

5. Thermal control is required to reduce the temperature of stormwater runoff from development sites within thermally sensitive watersheds, in accordance with the City of Verona and Dane County Stormwater Ordinance.
6. Oil and grease control are required to treat the first 0.5 inches of runoff using best management practices at commercial and industrial sites and any other uses where the potential for pollution by oil or grease, or both, exists, in accordance with the City of Verona and Dane County Stormwater Ordinances.

Impacts and Effects of Proposal

Environmental Corridors

The proposed amendment area includes a total of approximately 42 acres of Environmental Corridor (see Map 12). This will include delineated wetlands and intermittent stream with associated buffers, 1% annual chance floodplain, the quarry pond, and proposed stormwater management areas in accordance with the Environmental Corridor Policies and Criteria ([link to document](#)) adopted in the *Dane County Water Quality Plan*. Proposed Environmental Corridors include all areas currently mapped as Protection Areas and some areas which coincide with mapped Stewardship Areas.

Protection Areas are required for inclusion in Environmental Corridors when those areas are added to the urban service area. Protection Areas include natural resource features such as the 1% annual chance floodplain; waterbodies, streams and wetlands, plus their required vegetative buffers; riparian steep slopes; existing public lands, parks, and conservancy areas; and existing stormwater management facilities. Protection areas are mapped based on regionally available information, such as the Wisconsin Wetland Inventory data.

The proposed amendment area includes 56.4 acres mapped as Stewardship Area, including potentially restorable wetlands, hydric soils, and internally drained areas, of which 26 acres are proposed to be designated as Environmental Corridor with this amendment (see Map 12). Stewardship Areas are natural resources that are not legally protected from development, but still provide important benefits to the region, and are advised to be considered for inclusion in Environmental Corridors, above the minimum requirements. This concept is described more in the [2050 Regional Development Framework](#) (Framework) and is aimed at achieving the goal of conserving water resources and natural areas. The Stewardship Area recommendations include natural resource features such as the 0.2% annual chance floodplain, potentially restorable wetlands, internally drained areas, hydric soils, current/potential Ice Age Trail Corridor, and Natural Resource Area boundaries identified in the Dane County Parks and Open Space Plan.

Within the application, a request was made for a minor amendment to the environmental corridor within the adjacent existing Verona urban service area for the removal of 16.1 acres. An October 2023 wetland delineation by Heartland Ecological Group, Inc. confirmed that no wetlands are present in the area requested for removal, and thus this request was granted, and the environmental corridor mapping was amended in November 2023.

Meeting Projected Demand

Based on projections in the Framework, employment in Verona is expected to grow by at least 7,000 jobs in the next 30 years. Much of this growth was attributed to Epic.

Phasing

Development of the western amendment area is expected to proceed north to south. The northeastern area around the quarry is not intended to be developed in the future.

Surface Water Impacts

Development creates impervious surfaces (e.g., streets, parking areas, and roofs) and typically alters the natural drainage system (e.g., natural swales are replaced by storm sewers). Without structural best management practices (e.g., detention basins and infiltration basins) this would result in increased stormwater runoff rates and volumes, as well as reduced infiltration. Without structural best management practices for erosion control, development would also cause substantial short-term soil erosion and off-site siltation from construction activities. Scientific research has well documented that without effective mitigation measures, the potential impacts of development on receiving water bodies can include the following:

- Flashier stream flows (i.e., sudden higher peaks)
- Increased frequency and duration of bank-full flows
- Reduced groundwater recharge and stream base flow
- Greater fluctuations in water levels in wetlands
- Increased frequency, level (i.e., elevation), and duration of flooding
- Additional nutrients and urban contaminants entering the receiving water bodies
- Geomorphic changes in receiving streams and wetlands

Natural drainage systems attempt to adapt to the dominant flow conditions. In the absence of mitigation measures, the frequency of bank-full events often increases with urbanization, and the stream attempts to enlarge its cross section to reach a new equilibrium with the increased channel forming flows. Higher flow velocities and volumes increase the erosive force in a channel, which alters streambed and bank stability. This can result in channel incision, bank undercutting, increased bank erosion, and increased sediment transport. The results are often wider, straighter, sediment laden streams, greater water level fluctuations, loss of riparian cover, and degradation of shoreland and aquatic habitat.

Since 2002, there have been stormwater management standards in effect at the state, county, and local level to require stormwater management and erosion control plans and structural best management practices designed to address the impacts of development on water quality, runoff volumes, peak flows, water temperature, and groundwater recharge. In 2011, county and local standards for runoff volume control were increased beyond state standards to further address the potential stormwater impacts of development. Since 2010 many communities adopted even higher standards for volume control through their own ordinances or as part of USA amendment agreements. However, in 2017, State statute 281.33(6)(a)(1) was changed to limit the ability of local governments to provide more protective standards for runoff volume through local ordinances. In 2021, Dane County adopted peak rate control

requirements for the 200-year storm event in their ordinance as well as requirements for closed basins, which made these requirements universal to all communities in Dane County.

The City of Verona proposes to mitigate the urban nonpoint source impacts of the proposed development by requiring the implementation of various stormwater best management practices that will be designed and constructed to meet current Dane County standards for pollutant reduction, runoff volumes, peak flows, water temperature, and groundwater recharge. Such practices will help to address the potential water quality impacts of stormwater runoff from the proposed development on the receiving waters.

Regional partners are actively working to address chlorides through the [Wisconsin Salt Wise Partnership](#). WI Salt Wise's chloride reduction trainings are open to all municipal and private winter maintenance professionals in the region. City of Verona staff have attended winter salt certification classes and training for winter road maintenance and are encouraged to stay current on the latest trainings and development.

The City of Verona is also a participant in the Madison Area Municipal Storm Water Partnership (MAMSWaP), which is a coalition of Dane County municipalities and organizations working together to promote practices that reduce and improve stormwater runoff into Dane County lakes, rivers, and streams. The MAMSWaP Information and Education (I&E) Committee works to develop and implement projects and plans through regional outreach and messaging throughout the communities, including maintaining the www.ripple-effects.com website, distributing tools and articles to municipalities, community groups, and neighborhood associations, and providing presentations to focused audiences. Specific goals include promoting proper leaf management, proper lawncare practices, reduction in chlorides pollution from over-use of salt, and rainwater harvesting for beneficial reuse.

Groundwater Impacts

Without effective mitigation practices, converting natural areas to urban development shifts the ground/surface water balance in streams and wetlands from a groundwater-dominated system to one dominated more and more by surface water runoff. This can result in subsequent reductions in stream quality and changing biological communities.

Groundwater modeling indicating the cumulative effects of well withdrawals in baseflow of the Badger Mill Creek at the confluence with Dry Tributary to Badger Mill Creek and Sugar River at USH 151 (see locations on Map 5) are shown in Table 4. Within Badger Mill Creek, groundwater modeling indicates that the cumulative effects of well withdrawals and effluent discharge from MMSD have resulted in a 0.6 cfs increase in baseflow since predevelopment (i.e., no pumping) conditions; however, a 0.5 cfs decline compared to 2010 conditions is estimated for the year 2040 (this assumes continuation of effluent return to Badger Mill Creek). Within Sugar River, groundwater modeling indicates that the cumulative effects of well withdrawals have resulted in a nearly 2 cfs decline in baseflow since predevelopment (i.e., no pumping) conditions and estimate another 0.4 cfs decline for the year 2040.

Table 4
Modeled Baseflow Results Due to Current and Anticipated
Future Municipal Well Water Withdrawals
 (All Municipal Wells)

Stream	No Pumping	2010	2040
Badger Mill Creek (7704)	3.3 cfs	3.9 cfs	3.4 cfs
Sugar River (7549)	10.2 cfs	8.3 cfs	7.9 cfs

Source: 2016 Groundwater Flow Model for Dane County, developed by the WGNHS ([link to website](#))

Generally, groundwater discharge occurs along the entire length of perennial streams and is the source of stream baseflow. The loss of baseflow from the cumulative effects of well water pumping and urbanization is a regional issue, beyond the boundaries of a single USA Amendment or even a single municipality. This issue is discussed along with potential management options in the updated *Dane County Groundwater Protection Planning Framework* ([link to report](#)). Maintaining pre-development groundwater recharge by infiltrating stormwater runoff helps to replenish groundwater, maintain baseflow, and mitigate this impact. The regional groundwater model is a useful tool for evaluating different configurations and scenarios of municipal groundwater well withdrawals on these stream systems.

Comments at the Public Hearing

A public hearing was held on the proposed amendment at the December 14, 2023, meeting of the Capital Area Regional Planning Commission. Representatives from the City of Verona spoke in favor of the amendment. There were no registrants opposed to the amendment. Commissioner McKeever sought clarification on the map related to environmental corridors, to which representatives for the City addressed during the meeting.

Conclusions and Staff Water Quality Recommendations

There is sufficient existing treatment plant system capacity at MMSD's Nine Springs Wastewater Treatment Facility and sufficient existing or planned wastewater collection system capacity to serve the proposed amendment area.

The City of Verona proposes to mitigate the potential urban nonpoint source impacts of the proposed development on the receiving waters by requiring the implementation of stormwater best management practices that are designed and constructed to meet current standards for pollutant reduction, runoff volumes, peak flow rates, water temperature, and groundwater recharge. Additionally, the City is proposing to exceed current runoff volume control (stay-on) standards, where feasible.

It is CARPC staff's opinion that the proposed amendment is consistent with water quality standards under Wis. Stat. § 281.15, and the adopted Policies and Criteria for the Review of Sewer Service Area

Amendments to the *Dane County Water Quality Plan*, with the existing state and local requirements identified below. In addition to the existing state and local requirements, the City of Verona and development team have agreed to pursue additional water resource management measures for the amendment area, identified below. Additional actions have also been recommended below to further improve water quality and environmental resource management.

State and Local Requirements

CARPC staff recommend approval of this amendment in recognition of the state and local requirements for the following:

1. State and local review and approval of stormwater management plan(s) is required, including Regional Planning Commission staff review and approval as part of the sewer extension review process.
 - a. Stormwater and erosion control practices are required to be installed prior to other land disturbing activities. Infiltration practices are required to be protected from compaction and sedimentation during land disturbing activities.
 - b. Peak runoff rate control is required for the 1-, 2-, 10-, 100-, and 200-year, 24-hour design storms to limit post-development runoff to “pre-settlement” levels, in accordance with the City of Verona Stormwater Ordinances. This requirement is equally, or more, protective than those required by the Dane County Ordinance.
 - c. Sediment control is required to achieve at least 80% sediment control for the amendment area based on the average annual rainfall period, with sediment control pretreatment occurring prior to infiltration for runoff from parking lots and new road construction within commercial, industrial, and institutional land uses, in accordance with the City of Verona and Dane County Stormwater Ordinances.
 - d. Runoff volume control is required to maintain the post-development infiltration (stay-on) volume to at least 90% of the pre-development infiltration (stay-on) volume for the average annual rainfall period, in accordance with the City of Verona and Dane County Stormwater Ordinances.
 - e. Maintain predevelopment groundwater recharge rates from the WGNHS 2012 report, *“Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model”*, for the amendment area (a range of 9 to 13 inches/year) or by a site-specific analysis, when required in lieu of meeting stay-on standards in accordance with the City of Verona and Dane County Stormwater Ordinances.
 - f. Thermal control is required to reduce the temperature of stormwater runoff from development sites within thermally sensitive watersheds, in accordance with the City of Verona and Dane County Stormwater Ordinance.
 - g. Oil and grease control are required to treat the first 0.5 inches of runoff using best management practices at commercial and industrial sites and any other uses where the

potential for pollution by oil or grease, or both, exists, in accordance with the City of Verona and Dane County Stormwater Ordinances.

2. Easements and perpetual legal maintenance agreements with the City, to allow the City to maintain stormwater management facilities if owners fail to do so, are required for any facilities located on private property.
3. Environmental Corridors are required to be delineated to meet the Environmental Corridor Policies and Criteria adopted in the Dane County Water Quality Plan.

Additional Agreements for the Amendment Area

In addition to the existing state and local requirements, the City of Verona and the development team have agreed to pursue the following water resource management measures for the amendment area:

1. Seek to provide volume control to maintain post-development infiltration (stay-on) volume to 100% of the pre-development infiltration (stay-on) volume, which accounts for existing areas of retention, for the average annual rainfall period, where feasible.
2. If the northeastern amendment area (area of the former quarry) develops in the future, require that the lowest opening elevation of buildings be set a minimum of two feet above the water level for back-to-back 100-year, 24-hour design, storm events and that an emergency outlet (gravity or pumping) be provided to the Dry Tributary to Badger Mill Creek.

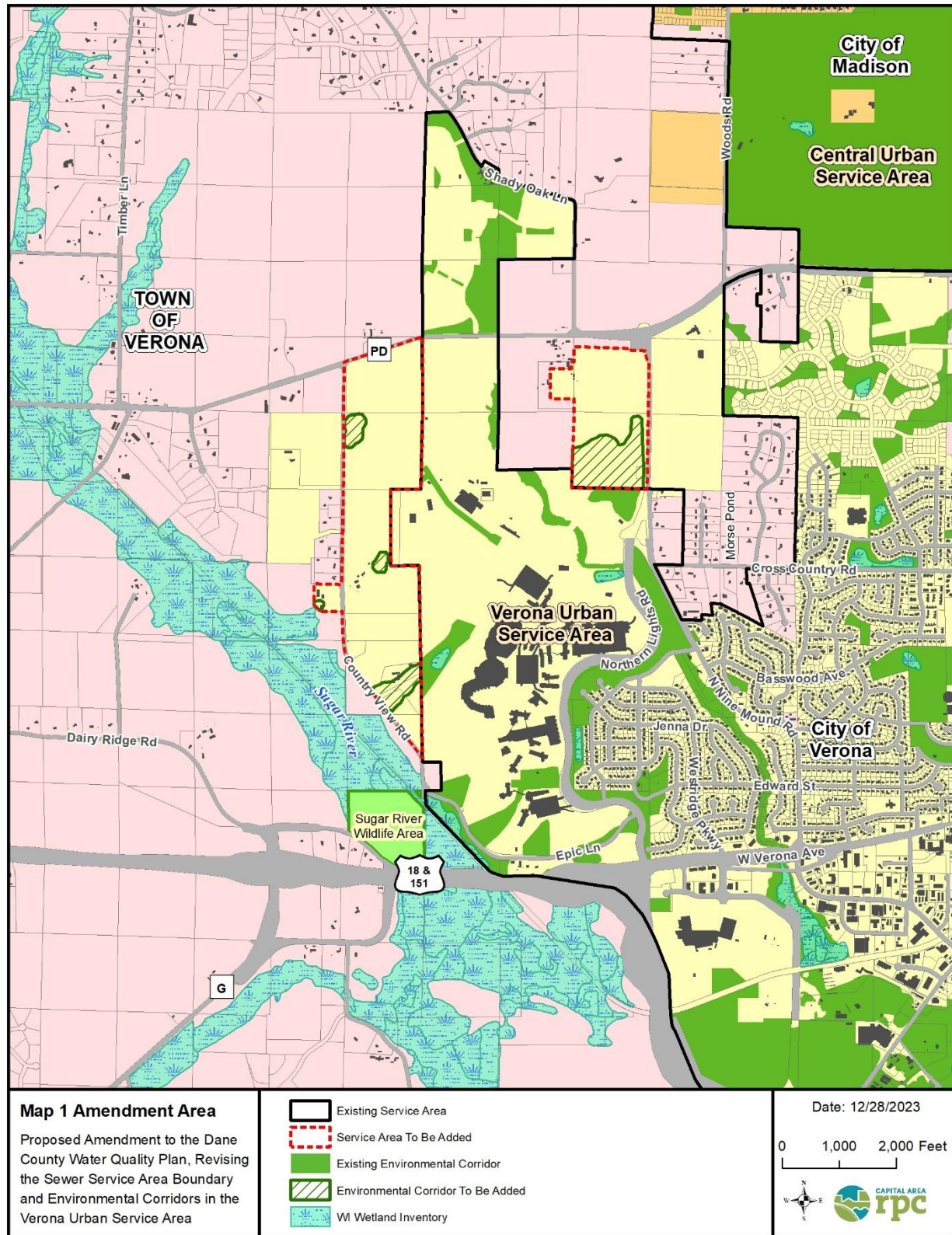
Recommendations

It is recommended that the City of Verona pursue the following to further improve water quality and environmental resource management:

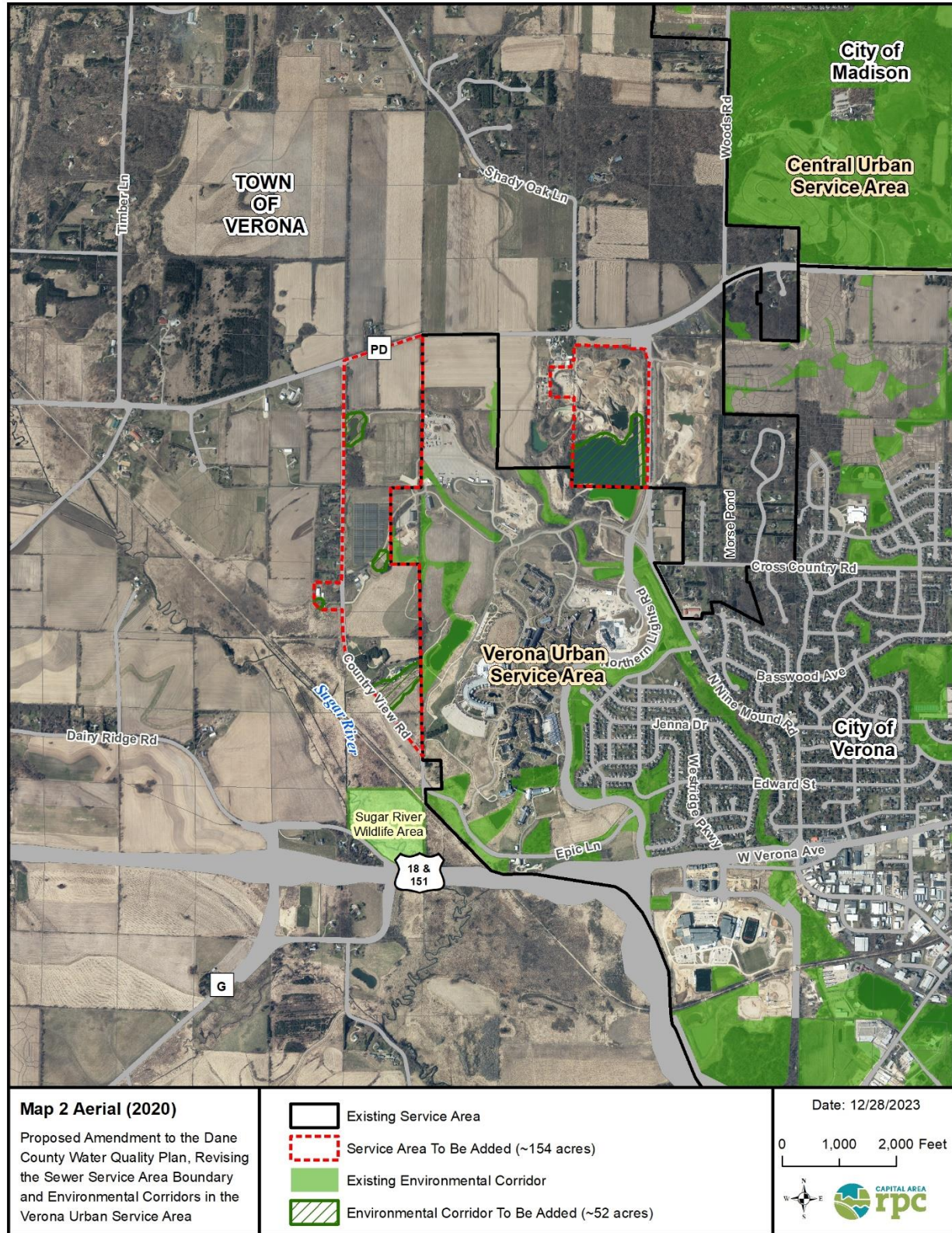
1. Continue to participate in regional water quality initiatives including Wisconsin Salt Wise, the Madison Area Municipal Storm Water Partnership (MAMSWaP), and Yahara WINS.
2. Continue using best management practices for salt application on all private drives, parking lots, and sidewalks within the Epic Campus. If not already doing so, the Developer is encouraged to collaborate with Wisconsin Salt Wise and encourage any contracted private winter maintenance professionals to attend the winter salt certification classes offered by Wisconsin Salt Wise.
3. Pursue restoration or improvement of the wetlands which are associated with an intermittent tributary to Sugar River (located in the southwestern edge of amendment area) to create an amenity for the surrounding development.
4. Encourage the removal and control of invasives and the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate, for the entire amendment area within the High Potential Zone for the federally endangered Rusty Patched Bumble Bee.

5. Based on the Endangered Resources Review conducted on September 25, 2023, by the WDNR (ERR Log # 23-660), take necessary protection and mitigation measures identified for the 5 species with recommended actions.

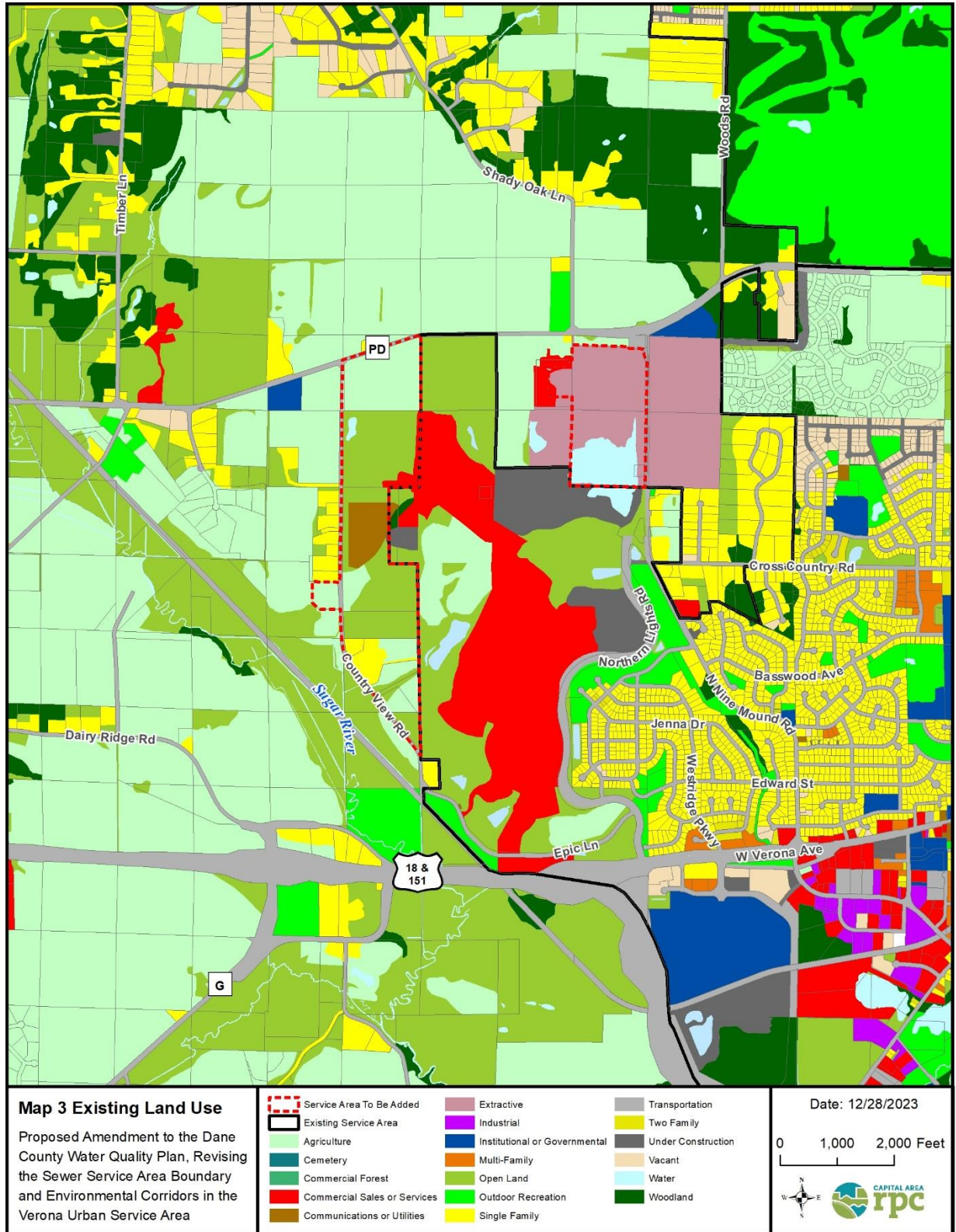
Map 1 - Amendment Area



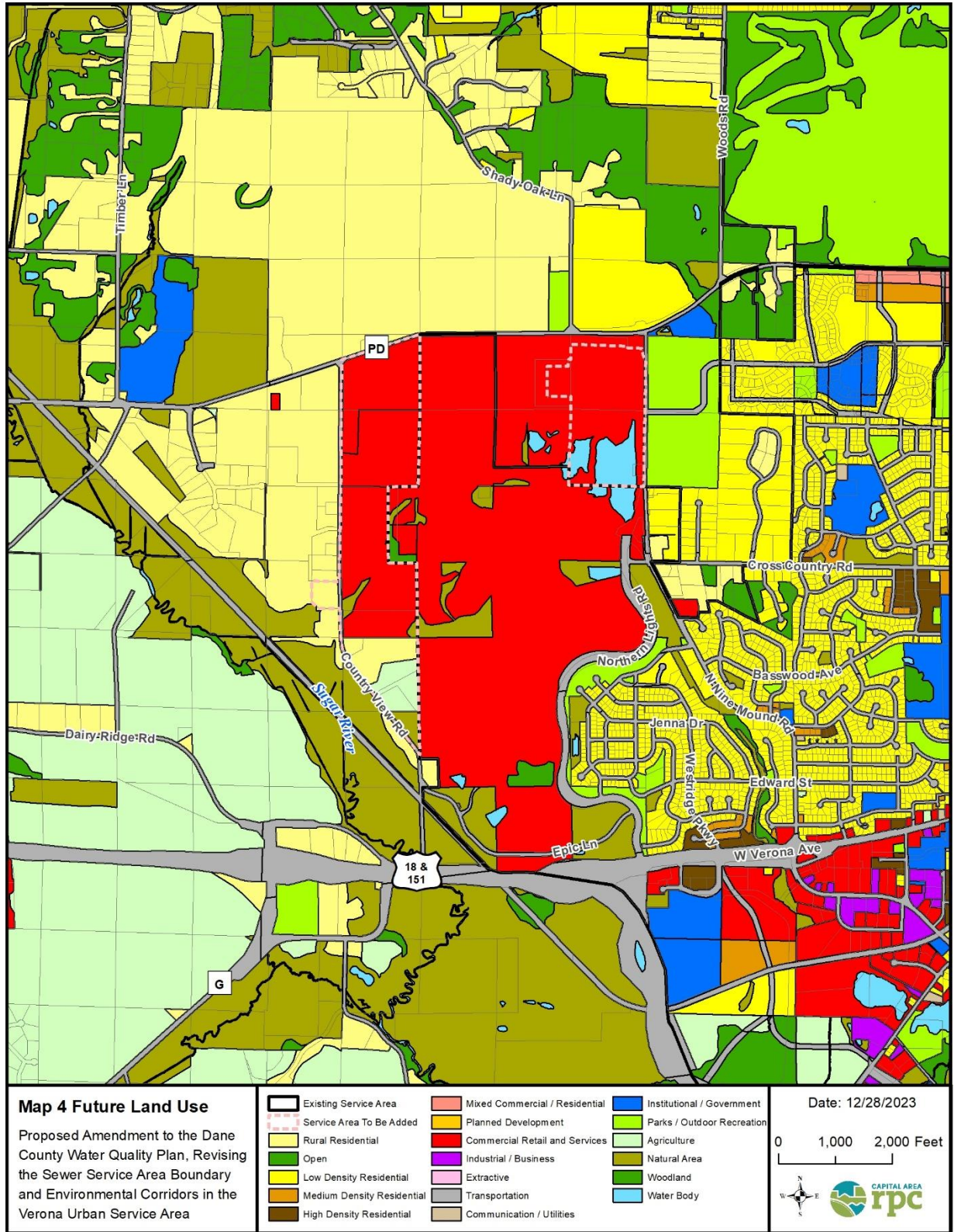
Map 2 – Aerial



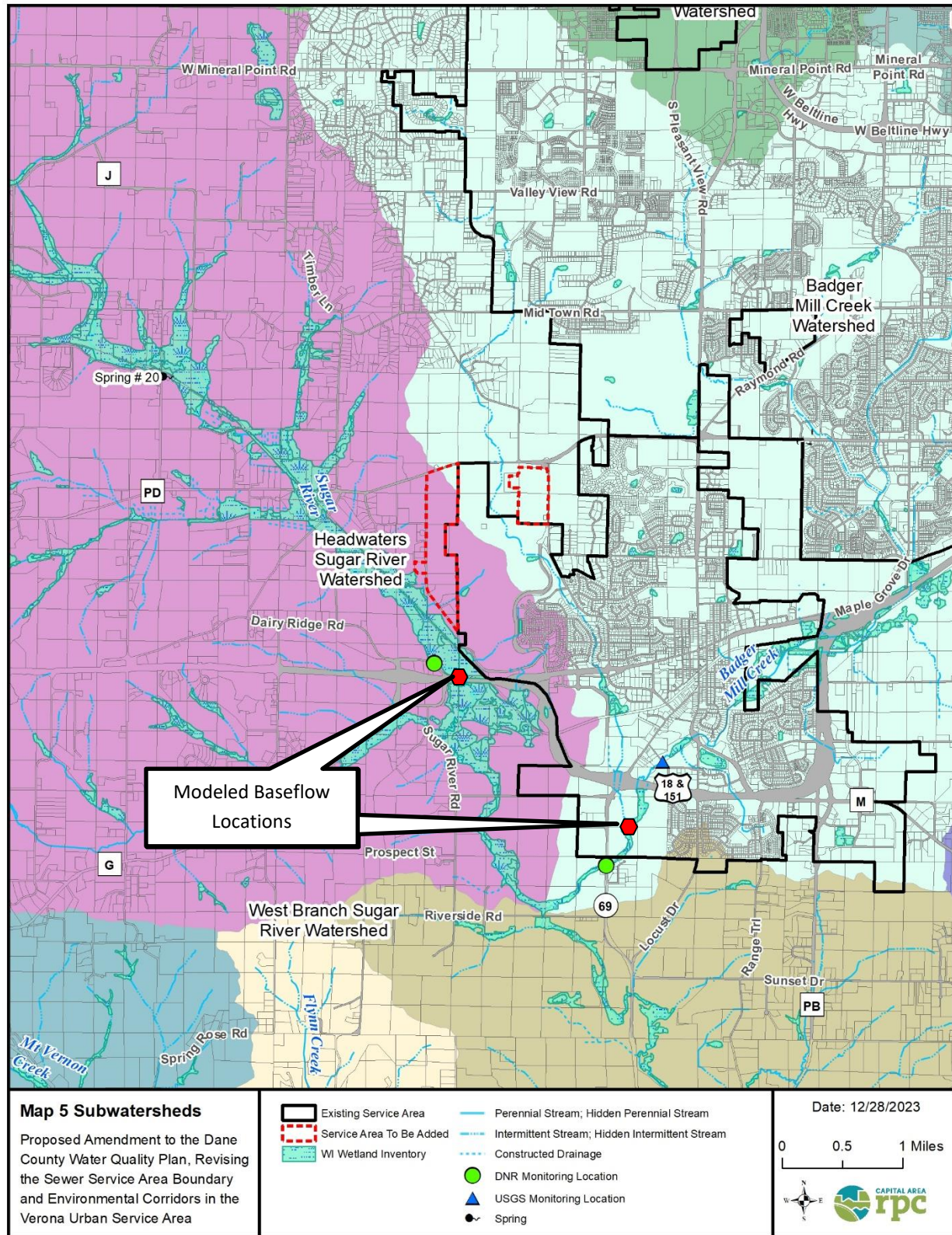
Map 3 – Existing Land Use



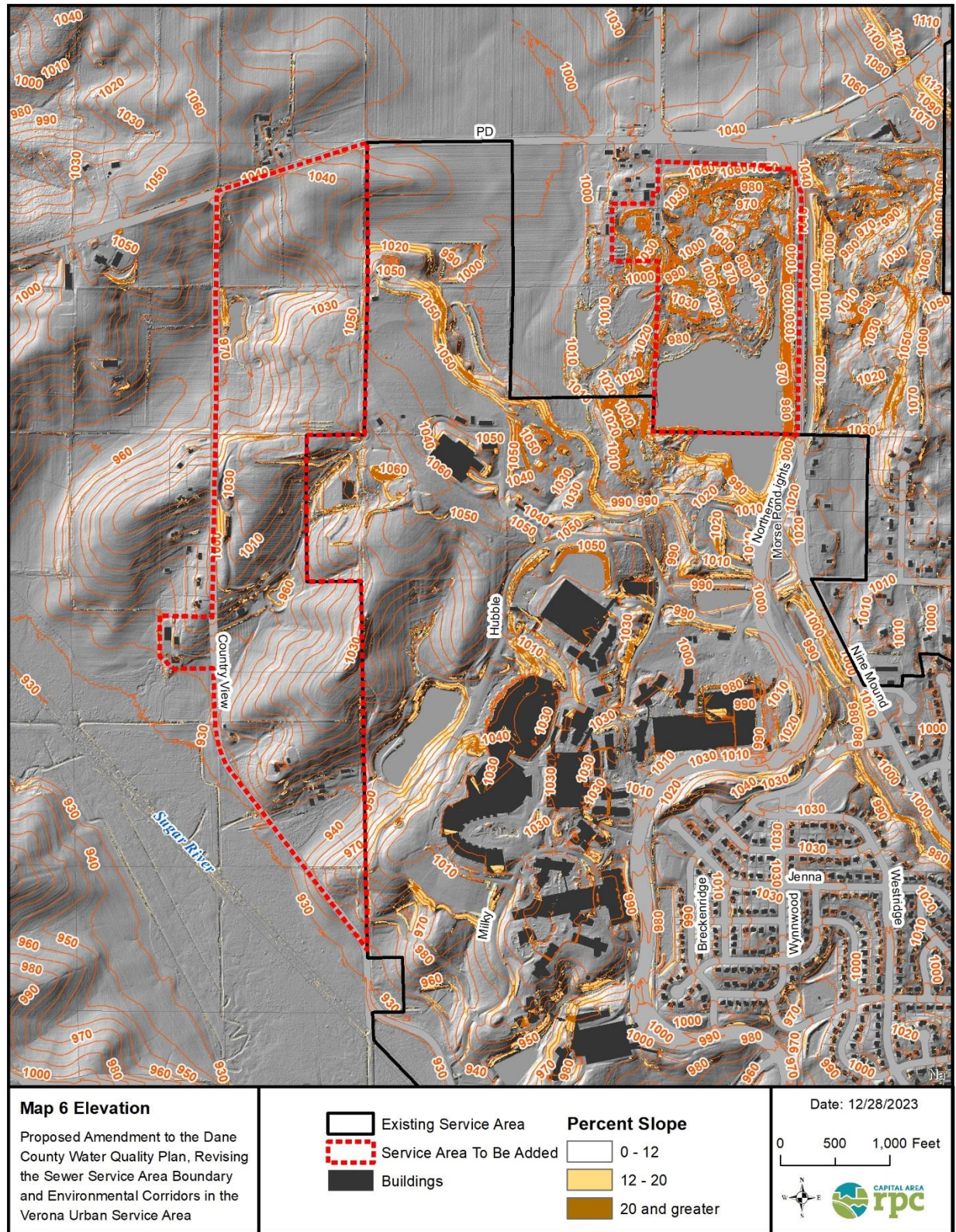
Map 4 – Planned Land Use



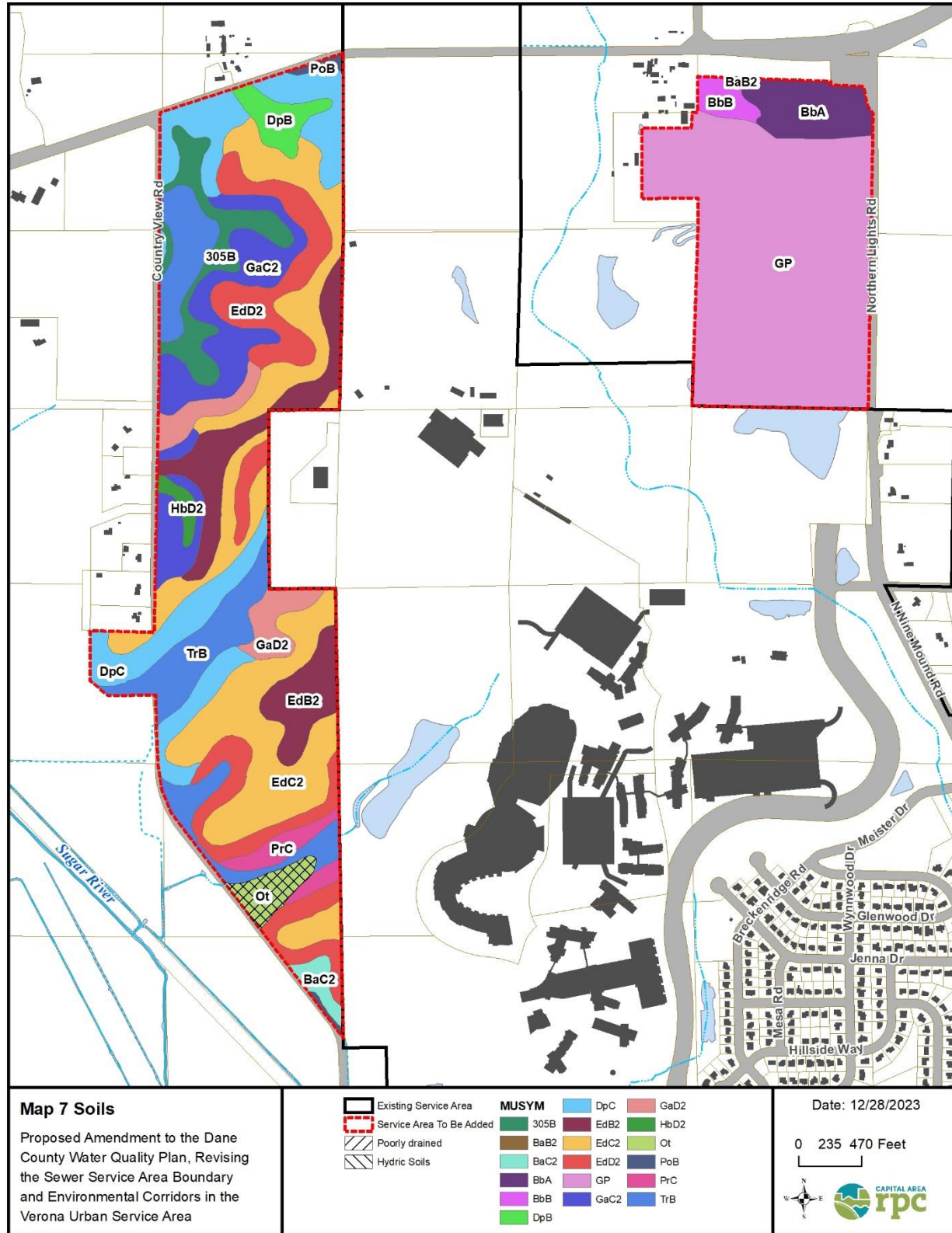
Map 5 – Subwatersheds



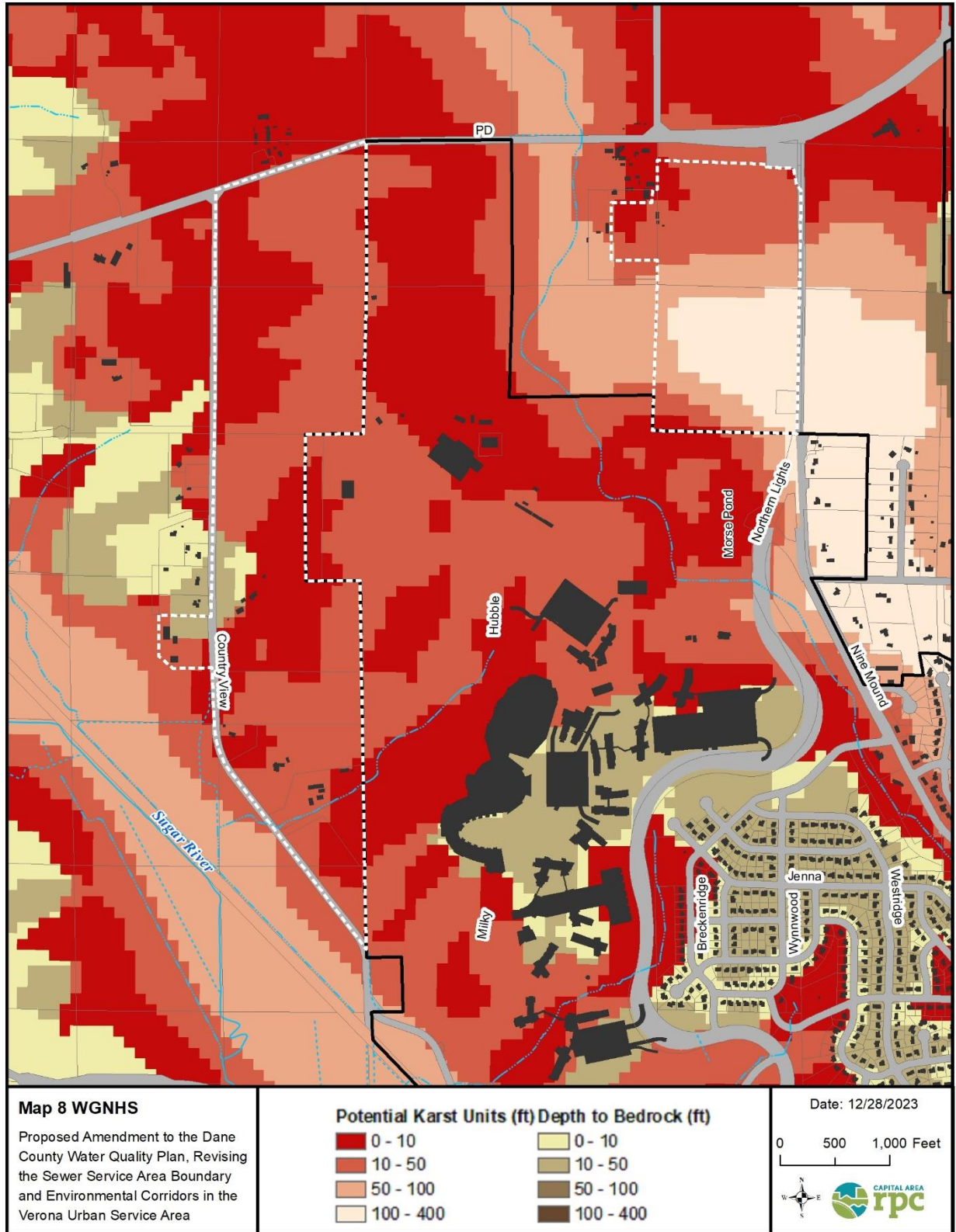
Map 6 – Elevations



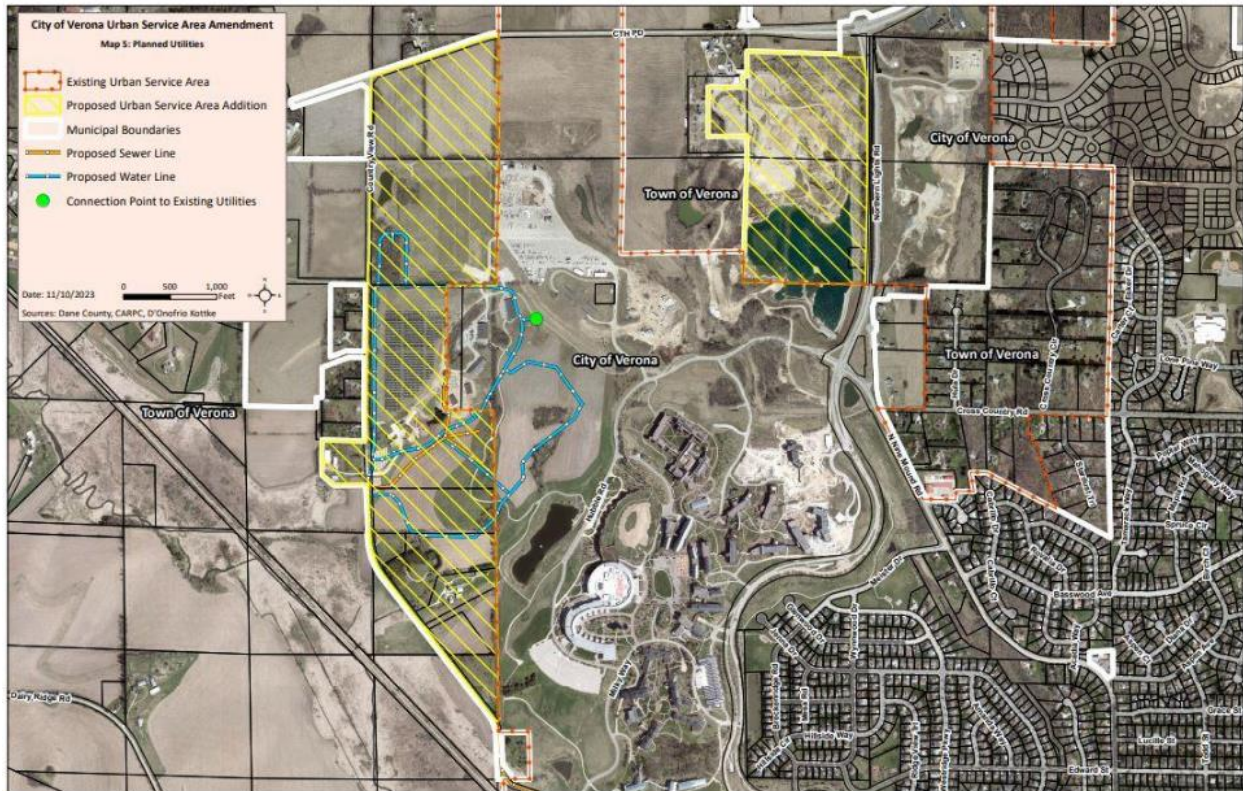
Map 7 - Soil Type



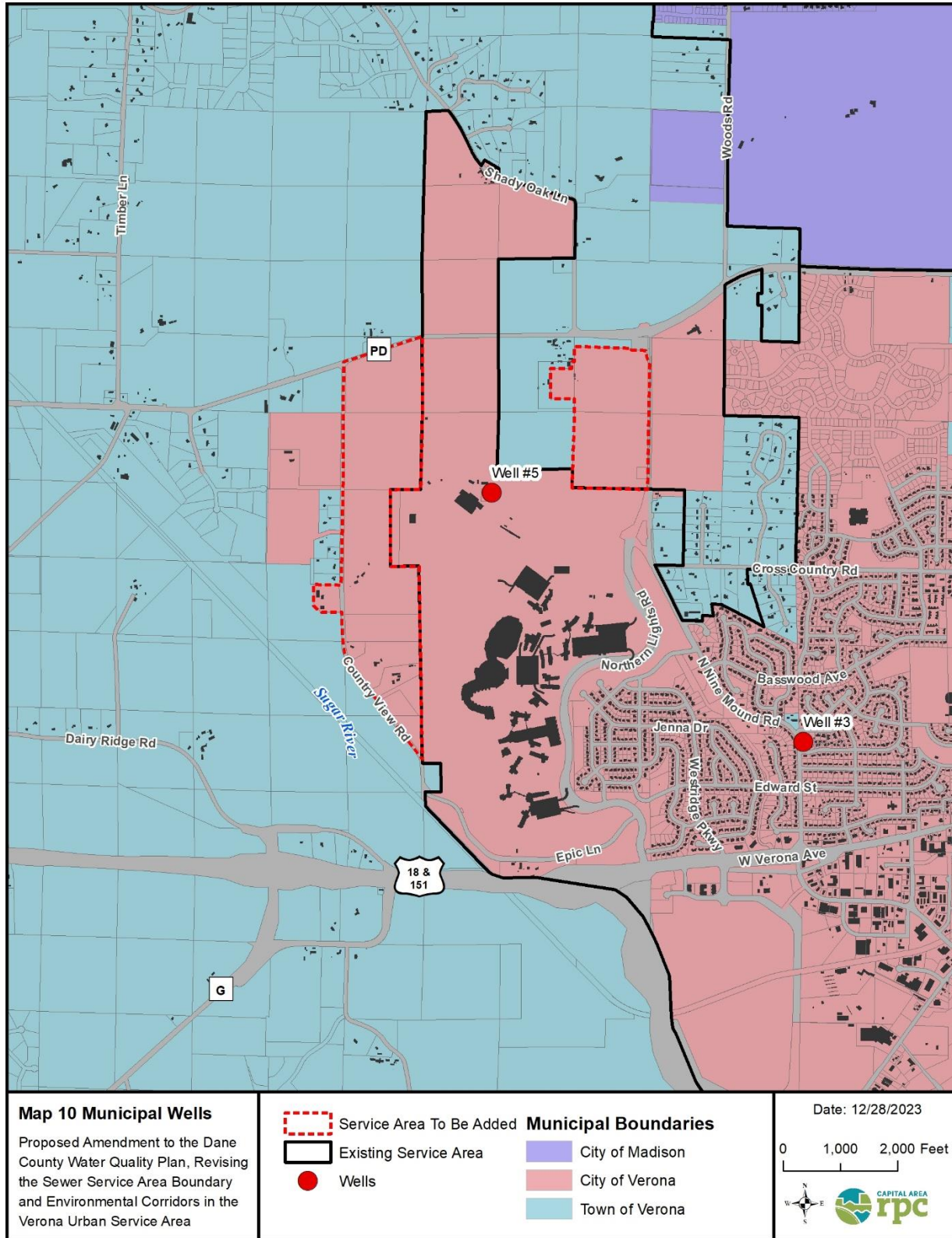
Map 8 – WGNHS Bedrock Depth and Potential Karst Features



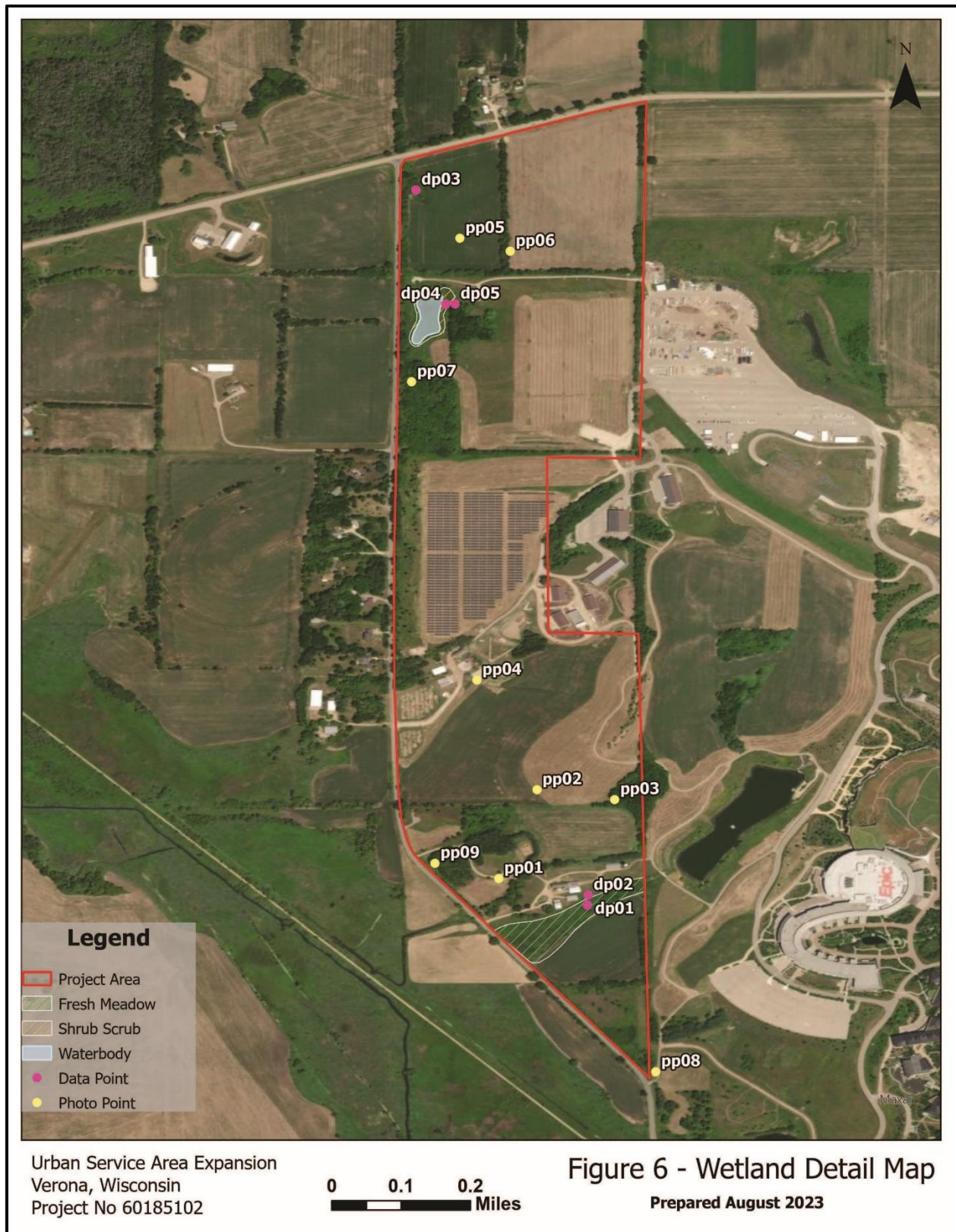
Map 9 – Proposed Sanitary Sewer and Water Main



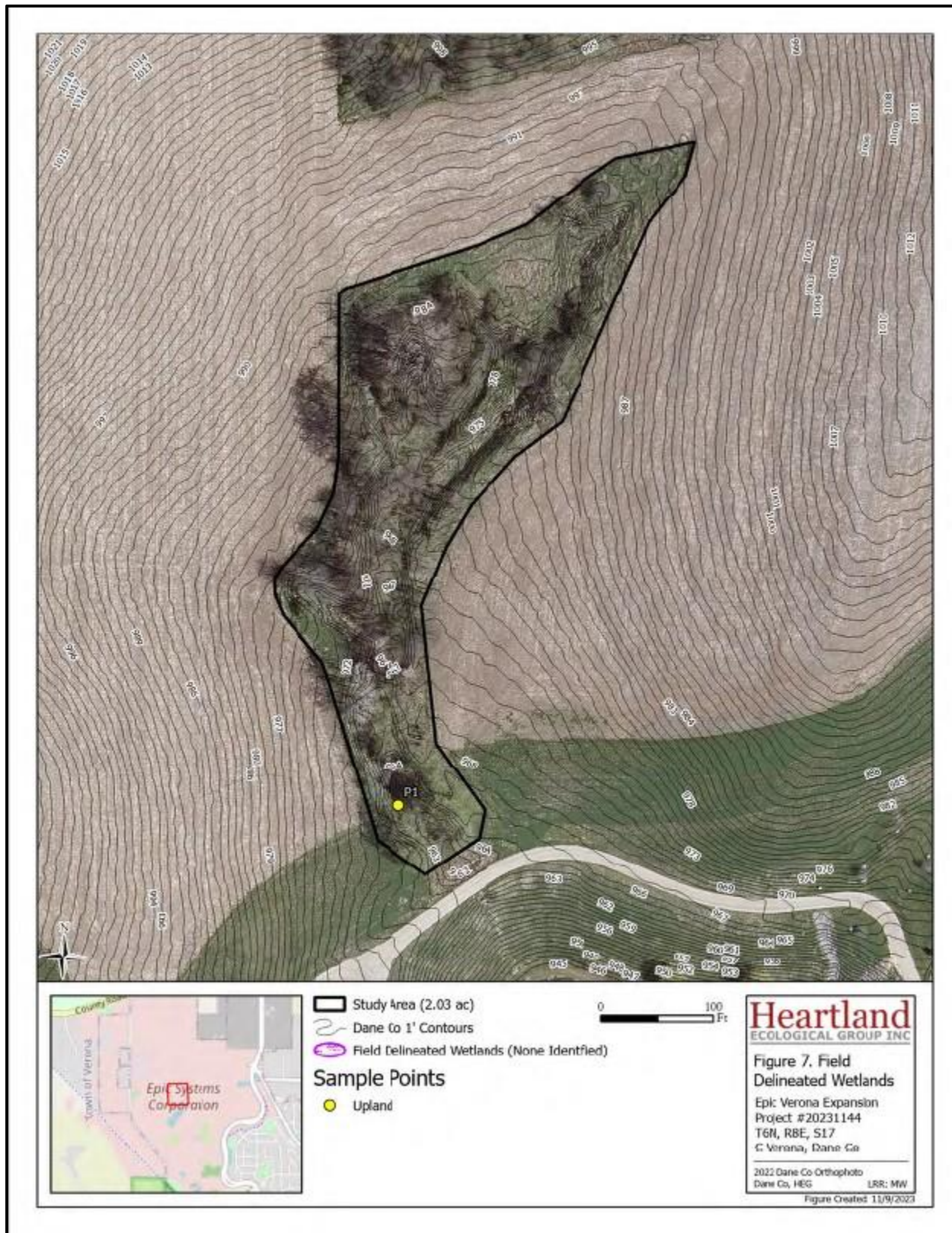
Map 10 – Municipal Wells



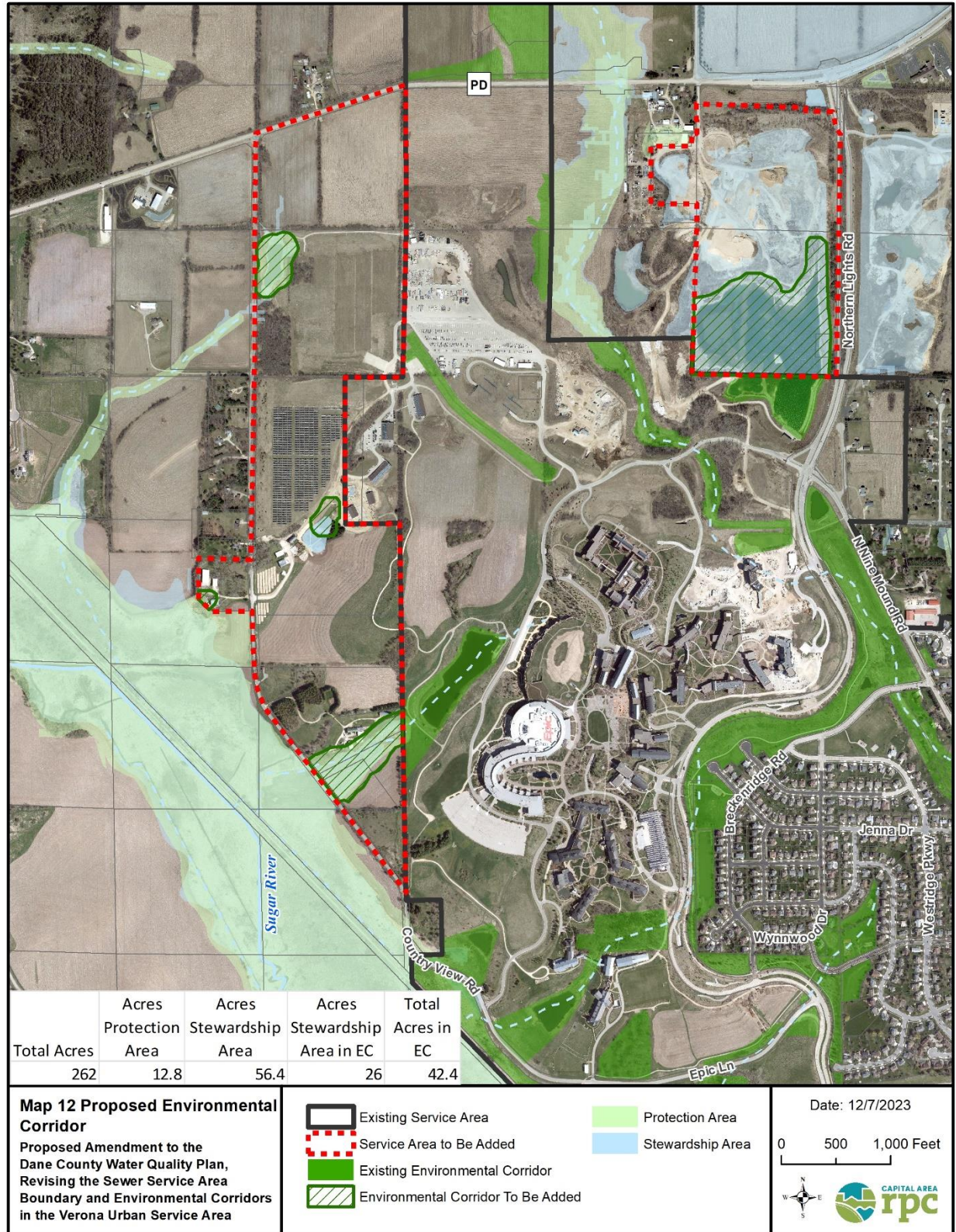
Map 11a – Wetland Delineations



Maps 11b – Wetland Delineations



Map 12 – Proposed Environmental Corridor





January 12, 2024

Mr. Timothy R. Asplund
Monitoring Section Chief
WDNR – Bureau of Water Quality
101 S. Webster Street
Madison, WI 53707-7921

RE: Water Quality Management Letter for Sewer Service Area Amendment Request #2309 – Verona
USA (City of Verona – “Epic Campus 6 and 7 Expansion”)

Dear Mr. Asplund:

The City of Verona has submitted a request for a sewer service area amendment to the *Dane County Water Quality Plan*. The proposed amendment is currently in the City of Verona, in the Headwaters Sugar River (HUC 12: 070900040202) and Badger Mill Creek (HUC 12: 070900040201) watersheds. It includes the addition of approximately 264 acres of land, including approximately 39 acres of existing development and right-of-way and 42 acres of proposed environmental corridors, for a net of approximately 183 developable acres to the Verona Urban Service Area. A public hearing was held on the proposed amendment at the December 14, 2023, Regional Planning Commission meeting. The City’s application and the Commission staff’s analysis report of the proposed amendment have been submitted to the Department’s Surface Water Integrated Monitoring System.

It is the Capital Area Regional Planning Commission staff’s opinion that the proposed amendment is consistent with water quality standards under Wis. Stat. § 281.15, and the adopted Policies and Criteria for the Review of Sewer Service Area Amendments to the *Dane County Water Quality Plan*, by meeting state and local requirements. In addition to the existing state and local requirements, the City of Verona and development team have agreed to pursue additional water resource management measures for the amendment area, identified below. Additional actions have also been recommended below to further improve water quality and environmental resource management.

At our January 11, 2024, meeting, the Capital Area Regional Planning Commission voted to recommend approval of this amendment to the Wisconsin Department of Natural Resources in recognition of the state and local requirements for the following:

1. State and local review and approval of stormwater management plan(s) is required, including Regional Planning Commission staff review and approval as part of the sewer extension review process.

- a. Stormwater and erosion control practices are required to be installed prior to other land disturbing activities. Infiltration practices are required to be protected from compaction and sedimentation during land disturbing activities.
 - b. Peak runoff rate control is required for the 1-, 2-, 10-, 100-, and 200-year, 24-hour design storms to limit post-development runoff to “pre-settlement” levels, in accordance with the City of Verona Stormwater Ordinances. This requirement is equally, or more, protective than those required by the Dane County Ordinance.
 - c. Sediment control is required to achieve at least 80% sediment control for the amendment area based on the average annual rainfall period, with sediment control pretreatment occurring prior to infiltration for runoff from parking lots and new road construction within commercial, industrial, and institutional land uses, in accordance with the City of Verona and Dane County Stormwater Ordinances.
 - d. Runoff volume control is required to maintain the post-development infiltration (stay-on) volume to at least 90% of the pre-development infiltration (stay-on) volume for the average annual rainfall period, in accordance with the City of Verona and Dane County Stormwater Ordinances.
 - e. Maintain predevelopment groundwater recharge rates from the WGNHS 2012 report, *“Groundwater Recharge in Dane County, Wisconsin, Estimated by a GIS-Based Water-Balance Model”*, for the amendment area (a range of 9 to 13 inches/year) or by a site-specific analysis, when required in lieu of meeting stay-on standards in accordance with the City of Verona and Dane County Stormwater Ordinances.
 - f. Thermal control is required to reduce the temperature of stormwater runoff from development sites within thermally sensitive watersheds, in accordance with the City of Verona and Dane County Stormwater Ordinance.
 - g. Oil and grease control are required to treat the first 0.5 inches of runoff using best management practices at commercial and industrial sites and any other uses where the potential for pollution by oil or grease, or both, exists, in accordance with the City of Verona and Dane County Stormwater Ordinances.
2. Easements and perpetual legal maintenance agreements with the City, to allow the City to maintain stormwater management facilities if owners fail to do so, are required for any facilities located on private property.
 3. Environmental Corridors are required to be delineated to meet the Environmental Corridor Policies and Criteria adopted in the *Dane County Water Quality Plan*.

In addition to the existing state and local requirements, the City of Verona and development team have agreed to pursue the following water resource management measures for the amendment area:

1. Seek to provide volume control to maintain post-development infiltration (stay-on) volume to 100% of the pre-development infiltration (stay-on) volume, which accounts for existing areas of retention, for the average annual rainfall period, where feasible.
2. If the northeastern amendment area (area of the former quarry) develops in the future, require that the lowest opening elevation of buildings be set a minimum of two feet above the water level for back-to-back 100-year, 24-hour design, storm events and that an emergency outlet (gravity or pumping) be provided to the Dry Tributary to Badger Mill Creek.

It is also recommended that the City of Verona pursue the following to further improve water quality and environmental resource management:

1. Continue to participate in regional water quality initiatives including Wisconsin Salt Wise, the Madison Area Municipal Storm Water Partnership (MAMSWaP), and Yahara WINs.
2. Continue using best management practices for salt application on all private drives, parking lots, and sidewalks within the Epic Campus. If not already doing so, the Developer is encouraged to collaborate with Wisconsin Salt Wise and encourage any contracted private winter maintenance professionals to attend the winter salt certification classes offered by Wisconsin Salt Wise.
3. Pursue restoration or improvement of the wetlands which are associated with an intermittent tributary to Sugar River (located in the southwestern edge of amendment area) to create an amenity for the surrounding development.
4. Encourage the removal and control of invasives and the use of native flora favored by the Rusty Patched Bumble Bee in landscaping to provide suitable habitat for this pollinator, where appropriate, for the entire amendment area within the High Potential Zone for the federally endangered Rusty Patched Bumble Bee.
5. Based on the Endangered Resources Review conducted on September 25, 2023, by the WDNR (ERR Log # 23-660), take necessary protection and mitigation measures identified for the 5 species with recommended actions.

If you have any questions regarding this matter, please do not hesitate to contact Nick Bower, the Commission's Senior Environmental Engineer.

Sincerely,

Mr. Timothy R. Asplund

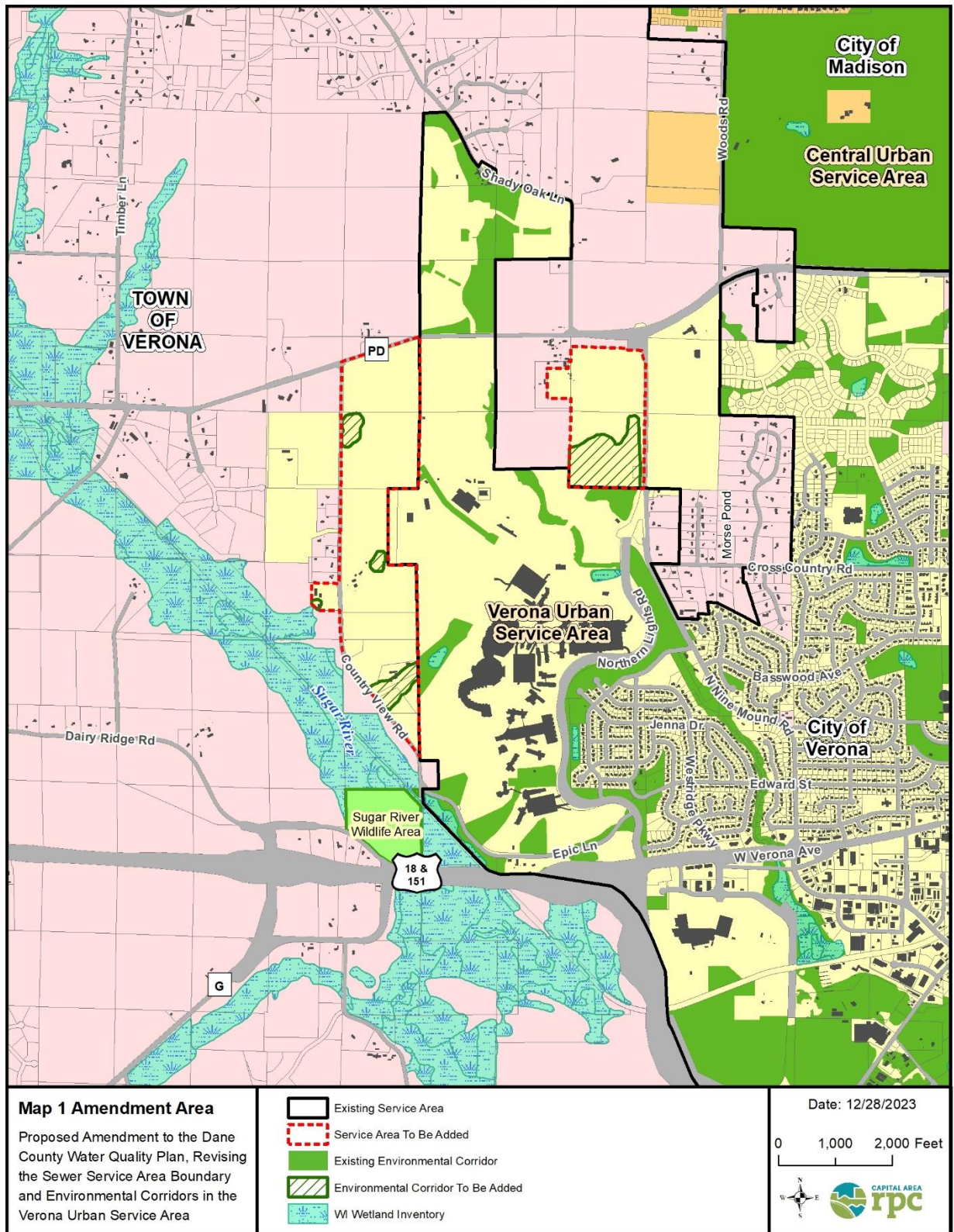
January 12, 2024

Page 4

David Pfeiffer
Executive Chairperson

Kris Hampton
Secretary

cc: Ms. Katherine Holt, Community Development Specialist, City of Verona



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



June 7, 2017

DNR File No. DC-0185

Mr. Steve Steinhoff, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Policies and Criteria for Review of Updates and Amendments to the Dane County WQM plan

Dear Mr. Steinhoff:

We have completed our review of the revisions to the policies and criteria for the review of urban service area updates and amendments to the Dane County WQM Plan. These changes implement the 2015 Wis. Act 55 requirements which made several changes to the Dane County Water Quality Management Plan amendment process as established in Wis. Stat. § 283.83(1m). The Department hereby approves this update to the Dane County WQM Plan.

CARPC held a public hearing on April 13th 2017 and no comments were received at that time (CARPC resolution 2017-06 attached). This change is an update to the *Dane County Water Quality Management Plan* and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217), and outlined in the federal regulations 40 CFR, Part 35.

This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats. The approval of this update does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

Sincerely,

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:

Mike Szabo – WDNR –LS/8

Greg Searle - WDNR - SCR - Fitchburg

Lisa Helmuth - WDNR - WQ/3



CARPC Resolution No. 2017-06

Recommending to the Wisconsin Department of Natural Resources Amendment of the *Dane County Water Quality Management Plan* by Revising the Policies and Criteria for the Review of Sewer Service Area Amendments

WHEREAS, In March 1975, Dane County was designated by the Governor of Wisconsin as an area having substantial and complex water quality control problems, and certified such designation to the federal Environmental Protection Agency; and

WHEREAS, the Capital Area Regional Planning Commission is a duly created regional planning commission under Wis. Stats. § 66.0309; and

WHEREAS, the CARPC has an agreement with the Wisconsin Department of Natural Resources (WDNR) to provide water quality management planning assistance to the WDNR; and

WHEREAS, the *Dane County Water Quality Plan* is the approved areawide water quality management plan for the Dane County region; and

WHEREAS, the Capital Area Regional Planning Commission has adopted, reaffirmed, and recommended amendment of the *Dane County Water Quality Plan*; and

WHEREAS, the Capital Area Regional Planning Commission's *Urban and Limited Service Area Policies, Environmental Corridor Policies, and Criteria for the Review of Urban and Limited Service Area Amendments* were last updated and adopted in February 2008; and

WHEREAS, In 2015, Wis. Act 55 made several changes to the Water Quality Management Plan amendment process as established in Wis. Stat. § 283.83(1m); and

WHEREAS, the Capital Area Regional Planning Commission has revised the policies and criteria for the review of sewer service area amendments to reflect these changes; and

WHEREAS, a public hearing was held during the Regional Planning Commission meeting on April 13, 2017, to take testimony on the policies and criteria for the review of sewer service area amendments.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Wis. Stats. § 66.0309, and Sec. 208 of Public Law 92-500, the Capital Area Regional Planning Commission recommends the amendment of the *Dane County Water Quality Plan* by revising the policies and criteria for the review of sewer service area amendments.

April 13, 2017
Date Adopted

Larry Palm, Chairperson

Kris Hampton, Secretary

Capital Area Regional Planning Commission

**Policies and Criteria for the Review of Sewer Service Area Amendments
to the *Dane County Water Quality Plan***

Approved by CARPC - April 13, 2017

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I. Sewer Service Area Policies

1. Planning Requirements

- A. Service area boundaries must be delineated for the provision of sewer services with a 20-year planning horizon.
- B. Delineation must be based on the official 20-year population projection for the region generated by the State DOA.
- C. The regional population projection must be allocated to individual service areas based on WDOA-approved population projection methodology, and density assumptions acceptable to the respective municipality.
- D. Service areas must be delineated in a manner to ensure adequate treatment capacity in wastewater treatment facilities that receive the expected volume of wastewater.
- E. Service areas must be delineated to ensure the cost-effective (as defined in NR 110) and environmentally sound expansion of public sewerage facilities.
- F. Creation of new service areas must meet the requirements and conditions of NR 110 regarding new treatment facilities to serve new and existing residential and non-residential development, and the state anti-degradation policy (NR 207, which prevents the unnecessary creation of new point-sources of wastewater discharge on water bodies).
- G. Service area expansion requests containing over 100 acres of developable land should include 10-year staging boundaries. Staging boundaries are also encouraged in smaller expansion requests.
- H. Amendments to service areas must be sponsored by the unit of government planning to provide the services or by the CARPC, to ensure that designated local management agencies in charge of pollution prevention (both point- and non-point source) are in support of the expansion.
- I. Plans should be prepared and adopted with meaningful public participation. A public hearing will be set for the next CARPC meeting unless the DNR determines it will hold the hearing at a time and place it deems appropriate in accordance with the contractual agreement between DNR and CARPC. The DNR may petition the circuit court for an order extending the time to act on the proposed amendment in accordance with Wis. Stat. § 283.83(1m)(c)(2). All affected local units and their respective county board supervisors will be notified by letter at least thirty (30) days prior to the public hearing. The 30-day notification period may be waived by the CARPC if the supporting unit can demonstrate that other affected units of government have been consulted and there are no unresolved issues.
- J. Requesting units of government must notify neighboring or affected units of government of their intent to expand the service area. The CARPC will notify all the units of government in the Central Urban Service Area and invite them to comment if a request within the CUSA contains more than 300 developable acres.

2. Criteria for the Review of Sewer Service Area Amendments

- A. Additions to the Central Urban Service Area should be contiguous with existing urban service areas.
- B. Contiguity to urban infrastructure.

It is the policy of the CARPC to seek the efficient use of existing capacity in urban infrastructure (roads and streets, sewerage systems, water systems, parks and open space, etc.), and to give priority to areas that can best utilize such existing capacity of urban service areas.

- C. Infill, redevelopment, density, and needs assessment.

It is the policy of the CARPC to seek efficient use of land through higher densities of development, mixed use infill development and redevelopment within the urban cores of the region, and the use of existing vacant developable lands within urban service areas prior to expansion into new areas.

Generally, if there is a 20-year supply of developable land in the current USA (or a portion of the USA available to the respective unit of government; this is based on official land demand calculations derived from official population projections without flexibility margins), priority should be given to developing the existing developable lands within the USA. Special consideration would be given to adding developable land for under-represented land uses (such as industrial development in a service area with inadequate industrial development or available land).

- D. The minimum requirement (related to water quality planning) for services which should be provided initially in urban service area expansions are the following:
 - 1. public sewage collection and treatment systems (layout, facilities, capacity);
 - 2. publicly managed urban storm drainage system layout and standards. Stormwater management measures should be aimed at mitigating to the maximum extent practicable the cumulative and incremental adverse impacts of development on surface water and groundwater quality and quantity and associated ecological functions. Such impacts include, but are not limited to, increases in off-site erosion and flooding, increases in pollution, reductions in stream baseflow, reductions in groundwater recharge, lowering of groundwater levels and groundwater quality, reductions in flows to and from springs, drying up of wetlands, and reductions in the ecological health of aquatic habitats. The extent of practicability and likelihood of success of proposed mitigation measures will be determined by CARPC staff based on site specific and land use specific characteristics, in the context of the best possible management practices and technology, and in consultation with municipal, county, and WDNR technical staff and the CARPC Natural Resources Technical Advisory Committee. Any appeal of such a determination would be to the CARPC. It is understood that appropriate mitigation of some adverse impacts may require reduced levels of development, a change in the type of development, or off-site mitigation and remediation.
 - 3. water supply and distribution system layout and facilities, for potable water.

3. Submittal Requirements

- A. Requests for urban service area additions must be accompanied by specific plans for development and provision of urban services to the proposed addition, which include the following elements:
 - 1. A plan and description of proposed development, land use and major facilities in the area, which is specific enough in terms of type and densities of land use to enable the determination of long-range urban service needs and impacts of development;
 - 2. identification of environmental corridors and other environmentally sensitive areas, consistent with CARPC and DNR criteria, which are to be protected from urban development, and a description of local policies, ordinances and other measures to protect such areas;
 - 3. a specific plan for providing sanitary sewer services to the area;
 - 4. an analysis of the infill and redevelopment potential in the existing urban service area and a description of the need for the urban service area expansion.

Re: Reports**Requested Action:**

None

Background:

Reports from the Executive Chairperson and Executive Committee, the Greater Madison MPO, and CARPC Agency and Division Directors.

Staff Comments:**Executive Chair and Executive Committee Report**

Water Quality Plan Committee Appointments

The Executive Committee has no items to report that are not already included on the Consent Agenda.

MPO Report

- Communications efforts underway include an annual report for 2023, comprehensive review of the MPO website, social media strategy and preparing for the EV Plan roll out.
- The Draft Electric Vehicle (EV) Infrastructure plan was approved for release for public comment. Staff will present the draft plan during a webinar hosted by the Dane County Office of Energy and Climate Change in Partnership with the Sustainability Leaders Collaborative on Tuesday January 9th. https://www.linkedin.com/posts/daneoecce_in-2022-the-greater-madison-metropolitan-activity-7143231116953464832-65Y9?utm_source=share&utm_medium=member_desktop
- Staff continues work on the Transit Development Plan, including working with community organizations to organize and hold focus groups with minority and historically marginalized populations to ensure that the draft plan meets the needs of these communities.
- An amendment to the 2024-2028 Transportation Improvement Program (TIP), to provide \$38k of remaining Section 5310 Supplemental funding to 3 non-profits already providing specialized transit services.
- Regional Safety Action Plan updates: it was decided that pursuing grant funding from the Safe Streets for All (SS4A) program will be delayed to the future funding cycle to allow time for preparation of a stronger application. The Policy board discussed safety target goal setting and consensus was reached on the goal of zero deaths and serious injuries by 2040.

Attachments:

1. Combined Director's Report

Staff Contacts:

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Next Steps:

N/A

Thursday, January 11, 2024

Regional Development Planning and Framework ([link to website](#)) ([updates from previous month](#))

- Performance indicators – Update pending
- Project Assistantship with UW-Madison Dept. Planning and Landscape Architecture for 2023 to assess local land use codes for consistency with RDF strategies ([link to Project Summary](#)). Research and review of zoning codes is mostly complete. Meetings with community planners in progress.

Regional Planning Collaboration

- MPO
 - Regional Development Framework and Regional Transportation Plan integration with funding from WisDOT
 - Branding and marketing coordination
 - Sharing of MPO position: Community Outreach Specialist
 - [Accepted invitation](#) to Community and Regional Partners Strategic Planning Event
- Dane County Regional Housing Strategy – staff coordination with Regional Housing Strategy Committee.
- Dane County Office of Energy and Climate Change – ongoing coordination to prepare application for SolSmart Regional Organization designation. – Completed prerequisites; activities in progress to earn 50 points for bronze designation. Coordinating on development of Climate Pollution Reduction Grant application.
- Dane County Planning & Development – planning assistance to local communities and intergovernmental planning efforts; development tracking – quarterly joint staff meetings.
- Madison Region Economic Partnership (MadREP) – invited to Community and Regional Partners Strategic Planning Event.

Planning Assistance 2024

- IN PROGRESS: Town of Bristol comprehensive plan update; Village of Shorewood Hills comprehensive outdoor recreation plan update and Forest Management Plan; Intergovernmental Agreement facilitation with Town and City of Sun Prairie; Town of Rutland Comprehensive Plan update
- ONGOING: Towns of Berry, Blue Mounds, Bristol, Springfield, and Sun Prairie mapping services.

Education and Information

- Joint CARPC-MPO 2024 webinar planning – in progress.
- Staff continue to create content for Facebook, newsletters, and our website.

Regional Water Quality Planning

- Water Quality Planning and Plan Coordination
 - Lake Waubesa Management Plan – Collaborating with the Lake Waubesa Conservation Association (CARPC project lead is Carolyn Betz). A \$25,000 WDNR grant was previously awarded. Public survey is complete - 188 respondents. Shoreline inventory and woody habitat survey completed. [Report writing and modeling is underway](#).
 - Clean Lakes Alliance – Participated in the Yahara CLEAN Compact as a Collaborator to develop the *Renew the Blue* plan ([link to site](#)). Continuing to pursue collaboration opportunities, with a focus on green infrastructure.
 - Starkweather Creek Chloride Management Plan – The plan is complete ([link to site](#)). The Steering Committee will continue to meet quarterly through 2024 for plan implementation. Continuing to coordinate monitoring activities.
 - WI Salt Wise Partnership – Partnering with the Rock River Coalition to expand chloride monitoring to sites throughout the Rock River Basin. Visit the [WI Salt Wise](#) website for more details. Continuing engagement, information outreach, and training events.
 - Environmental Corridor Report – Updating the Environmental Corridors Report (part of *Dane County Water Quality Plan*, last updated 1996, [View PDF](#)), including the addition of the concept of Stewardship Areas. [Staff finalizing draft report for the Steering Committee review; final plan writing to begin in early 2024.](#)
- Water Quality Plan Amendments
 - Active SSA Amendments: C-Verona “Epic”, V-DeForest “Northern Industrial Area”
 - Pending/future amendments: V-Marshall (Q1 2024), V-DeForest (Q1 2024), V-Brooklyn (TBD), C-Sun Prairie (TBD), V-Cross Plains (TBD); T-Middleton (TBD)
- Water Quality Plan Consistency
 - 6 sewer extension reviews in December (2 new construction, 2 reconstruction/revisions, 2 new commercial building laterals, and 0 redevelopment)

Regional Climate Resilience Planning

- Black Earth Creek Green Infrastructure Plan – Plan is complete and available on website ([link to site](#)). Continuing work with Steering Committee on implementation. Working with DNR, USGS, and stakeholders to fund continuation of stream monitoring. Submitted DNR Surface Water Grant in November (February award).
- Tree Canopy Collaborative – Collaborating with several Dane County Departments and other organizations to monitor and work to increase tree canopy cover in the region ([link to website](#)). CARPC recently created a new tree canopy equity tool called “Growing Shade” ([link to website](#)). Initiative to grow trees at local schools as an educational tool is underway.
- Midwest Climate Collaborative – Joined as a founding member ([link to website](#)). The Midwest Climate Resource Network (MCRN), now complete, is a library of resources for climate professionals in the Midwest ([link to website](#)). [Continuing to pursue opportunities through membership.](#)

Cooperative Water Resources Monitoring

- Dane County Water Resources Monitoring Program - Ongoing with USGS and Partners
- Black Earth Creek Watershed Monitoring Program – Preparing Agreements with USGS and Various Stakeholders to fund program 2024-2028