

## **City Council Agenda Summary Sheet (Non Purchases)**

**Agenda No:** 2004-0036, Madison Park Proposed Consent Judgment  
**Date:** January 29, 2004  
**Prepared By:** Derek L. Delacourt, Planning Department, ext. 2573  
**City File No:** 03-023

**Meeting Date:** February 4, 2004

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### **PURPOSE:**

To conduct a Public Hearing and consider the approval of a revised Consent Judgment to govern the landfill remediation and redevelopment for the property commonly known as Suburban Softball and adjacent properties.

### **DISCUSSION:**

Discussions between Staff and the applicant regarding this site began approximately three months ago. The applicant approached staff with a conceptual proposal to remediate an existing landfill and develop the subject site. Current development of the site is permitted through a series of consent judgments, conditional land use approvals, and use variances that have been instituted over the last 20 – 25 years. Staff's concern throughout this initial process has been the appropriate redevelopment of the site in relation to the known and unknown environmental issues of the site. Staff and the applicant began an immediate series of meetings with the DEQ, and the City's Environmental Consultants, and based on a Staff recommendation, the applicant agreed to utilize the City's consultants as opposed to their own. This was done to insure the appropriate sharing of all environmental information related to the site. Also, a technical committee consisting of two members of both the Planning commission and City Council, and the Chairman of the Brownfield Authority was assembled to review initial issues related to the development of the site and the process by which it should proceed.

### Environmental Issues

The subject site consists of approximately 100 acres, 70 – 80 acres of the site are landfill. The landfill portions were created in separate sections over a period of approximately 25 years. Each area of the landfill was developed, monitored and closed using different methods and standards, each creating a separate set of issues. However, there are several overriding issues related to the entire landfill area. City Staff, the City's Environmental Consultants, and the DEQ all agree that the major issues include;

- Most, if not all, of the landfill area is inappropriately capped.
- The site is producing and will continue to produce methane.
- There are not appropriate methane venting systems installed.
- There are inefficient, if any, leachate (contaminated groundwater) collection systems installed .
- Site assessment work indicates contaminants migrating off-site in the direction of the river

These conclusions were reached through environmental assessment work that was completed by the City's Consultants within the last three weeks. Also, the current development of the site has never demonstrated compliance with due care requirements related to the development of a landfill, and the current operators have failed to comply with, to the satisfaction of the DEQ, multiple requests by the DEQ to submit information showing compliance or plans to achieve compliance.

### Master Plan

The site is currently master planned for future use as Office Research and Technology (ORT). ORT zoning allows for a mix of Office, Research and Development and some supporting retail. The project is proposing mixed-use development consisting of 75% uses that are in conformance with the ORT designation and 25% freestanding retail. Included in the proposed Consent Judgment is a development "zone" plan that along with the text of the agreement controls the distribution of the proposed uses throughout the site. The text of the agreement also provides site plan and architectural controls to the Planning Commission and City Council at the time of site plan approval.

### Environmental Remediation

The cost associated with the clean up of the landfill for the proposed development is estimated between \$25 and \$30 million dollars. This includes the removal of approximately one million yards of landfill material to create buildable area, backfilling, and the proper capping of remaining material, installation of passive and active methane venting systems, and the installation of a leachate collection system. All environmental response activities shall be required to receive appropriate approvals from the DEQ. All proposed activities are considered "eligible activities" by State Brownfield Legislation and qualify for reimbursement through a brownfield plan. A flowchart illustrating the process for submittal and approval of a brownfield plan is included. Also a tax table indicating the project tax capture eligible for reimbursement through the year 2020 is included.

### Process

The proposed revised consent judgment is the first step of many in the process for the remediation and development of the subject site. If approved, the consent judgement provides the parameters for the development of the site. The proposed development shall still be required to receive full Brownfield Plan, Due Care Plan, and Brownfield Development Agreement approval from the City, the DEQ and all other applicable government agencies. The project is subject to full Site Plan and Construction Plan approval from the City, including submission of full engineering plans for the remediation of the Landfill area. The applicant shall also be required to submit full plans for the enhancements proposed for Riverbend Park and the development of the rail trail that bisects the site and are to be paid for at the cost of the applicant.

### **FISCAL INFORMATION:**

None

**RECOMMENDATION:**

As the first step in the process of outlining the appropriate remediation and redevelopment of the subject site, Staff recommends approval of the revised Consent Judgment.

**ATTACHMENTS:**

Example Brownfield Tax Table  
Brownfield Flowchart  
Brownfield Document Summary

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Department Authorization: Ed Anzek, Director of Planning

Reviewed by:

Fiscal: *Jean Farris*

Clerks: *Susan Koliba-Galeczka*

Approved by: *Pat Somerville*

**RESOLUTION**

**NEXT AGENDA ITEM**

**RETURN TO AGENDA**