

Draft MINUTES

CARPC Policies & Criteria Advisory Group

February 25, 2010

City-County Building Rm 321, 210 MLK Jr Blvd, Madison WI

5:00 p.m.

Present: Phyllis Hasbrouck, Eileen Kelley, Jim Pulvermacher, Brad Murphy, Tom Wilson, Bruce Sylvester, Caryl Terrell, Robert Phillips

Staff Present: Bridgit Van Belleghem, Kamran Mesbah

1. **Introductions**

The meeting convened at 5:05 p.m.

2. **Changes to the agenda**

None

3. **Approval of the minutes of the meeting of January 21, 2010**

Edits included page 3 last paragraph (1)second sentence, change “applicant” to “application;” (2) add “Some” at the beginning of sentence 3 and change the second “to” to “this;” (4) sentence 5, correct spelling of “Terrel” to “Terrell,” make “project” plural, and substitute “different” to “large and/or complex,” change “different” to an adverb.

Motion to approve the minutes with these changes by Mr. Wilson, second by Mr. Pulvermacher, to approve the January 21, 2010 minutes, motion carried.

4. **Continued discussion of comments and issues raised by local units of government regarding CARPC policies and criteria for sewer service areas, and next steps**

Mr. Mesbah distributed a revised second version (revisions marked in red) of Synopsis on “Styles of Operation” and “Scope of Authority,” (version 02/25/10). Mr. Mesbah reviewed the changes, as reflected in the 01/21/10 meeting minutes, with the group. The group refined and added language to this document. Mr. Mesbah reviewed the first paragraph indicating text written in red represents changes. The text highlighted in yellow is language suggested by Mr. Wilson to replace existing text in the last sentence.

Mr. Mesbah states that he thought Mr. Wilson’s rewrite focuses too much on land use. The scope of the RPC work is much broader as reflected in his suggested expansion of Mr. Wilson’s sentence. After reviewing the text the group crafted the sentence to read: “For example, there is no review of regional land use issues with a full comprehensive scope evaluating the interaction between land use, infrastructure and utility service delivery, resource use, and water quality. Therefore, the CARPC, through its advisory goals and objectives, and through its quasi-regulatory water quality planning responsibilities (which include policies and criteria for the expansion of sewer service areas), may be the agency to address regional land use and planning issues on a comprehensive basis.”

On page 2, the language in the second to last paragraph was changed to read: “There is a diversity of opinion regarding the duties, responsibilities, and authority of the CARPC. This diversity of opinion maybe caused, in part, by misinformation and differing

interpretations of the governing statutes and founding agreements which provide the basis for the duties and responsibilities of the CARPC.”

Ms. Terrell also asked that “clearing up” be added back into the last paragraph, second sentence.

On page 3, item 2, under “suggestions needing decision/detail,” add the words “in that order” to the end of the first sentence. My Sylvester asked for more detail about this bullet item. Mr. Mesbah responded that this addresses the point of friction of “regulatory v. advisory,” noting that they do not have to be mutually exclusive. An example is transportation. CARPC does not directly work on transportation, but CARPC can work to resolve issues between concerned jurisdictions around transportation issue or, farmland preservation, smart growth planning, and other areas that can potentially be addressed through MOUs. Mr. Pulvermacher added this effort could also help to coordinate or encourage boundary agreements for large or small areas and short-term or long-term time horizons depending on the conflict.

The group recognized that such agreements would be voluntary and could not be used as a condition or requirement of approval. Ms. Terrell added that CARPC should monitor compliance with MOUs. This is important and needs to be included as a benchmark and could show the track record of jurisdictions. The group felt that this type of follow-up is important for more than these agreements and may be best as a stand alone recommendation. Mr. Sylvester noted that having documented compliance would help relieve some of the perceptions that villages and/or cities are not doing their part in protecting water resources.

Mr. Murphy restated that the approach should be encouragement and education first, enforcement when necessary. Mr. Sylvester was curious if there is actually a need for enforcement. Mr. Murphy informed him of a project in the T. Madison, where developers ended up building in a wetland. Mr. Sylvester suggested CARPC develop enforcement mechanisms such as fines, denials, etc. Mr. Mesbah indicated that CARPC does have some form of this now, but a formalized agreement in an MOU would facilitate this and allow the Commission to educate first.

In reference to item 3, “CARPC to encourage pre-planning development concept presentations by applicants. CARPC staff should prepare summary sheets to inform the commission of issues and opportunities related to a development concept, so these can be frankly discussed by the Commission, providing feedback to the applicant for use in the planning process,” Mr. Pulvermacher indicated that the Town uses this mechanism for all projects. A potential applicant can go to the and inform it of a development concept before investing in the project. The Commission can discuss whether the concept is feasible and identify any initial concerns/problems. Each potential applicant is allowed one concept presentation. Mr. Wilson suggested consultation meetings. Mr. Mesbah indicated that this is already being done, but needs to be improved. Ms. Kelly felt meeting with the staff is important because after meeting sometimes projects just go away. If not, staff can work with them before going to the commission.

The group discussed the use of the term “pre-planning.” Concerns were that it was not clear what this refers to and that planning would need to take place at some level before the applicant even comes to Commission. Mr. Murphy acknowledged the numerous levels

and phases of planning and ideally this conceptual presentation would be at the time of preliminary analysis for development. Jurisdictions could provide comprehensive plan level information showing priority growth areas and present general population, land uses, and other information that can be provided before the neighborhood development plan. Present this at an RPC meeting before the completion of a neighborhood development plan that shows alternatives. These plans can be shown to the RPC also. At the scale of a neighborhood these types of presentations maybe warranted, but CARPC should consider the additional workload before making such reviews a routine thing.

Ms. Hasbrouck noted that these conceptual presentations are good all around because other interested groups could bring up issues early instead of after money has been invested. These presentations should be public. The presentation does not have to be obligatory, but if an applicant does not do it he/she may find that issues exist he/she was not aware of. Also, while scale maybe a good indicator for this, complexity or sensitivity should also be considered. Mr. Sylvester suggested that commissioners need to be very active at this point and voice the issues.

Mr. Mesbah indicated that one presentation will not be enough because if the proposal is conceptual at the RPC level, it is also conceptual at the local level. Language should clearly indicate when it is ideal to give this presentation to the Commission to ensure that the workload does not become burdensome. We welcome the opportunity to present this and leave it to the local jurisdiction to decide when.

Ms. Kelly noted that this would be good also for informing to the Commissioners themselves. These presentations could tie other plans together and work at a higher, more comprehensive level. The Commission should be clear about what information would be meaningful at this point of the process. Mr. Sylvester seconded this noting that in Verona this type of meeting is required because the beneficiary is the Commission therefore it should not be optional. Mr. Mesbah agreed to work on the language with various options for wording.

Ms. Terrell asked staff to email the updated "synopsis" document before the next meeting.

(BM leaves at 6:30)

In reference to item #4, "provide leadership to build consensus," the group liked the language. Mr. Wilson felt it would be great if CARPC could head out to communities and be less reactive. Mr. Sylvester agreed, noting that FUDA is an attempt at this. Ms. Hasbrouck and Ms. Kelly noted that CARPC will need more money and staff to undertake this level of outreach.

Ms. Terrell suggested that CAPRC undertake greater outreach and more widely distribute the excellent reports that CARPC staff put together. Mr. Mesbah informed the group that staff have organized seminars and webinars and intends to build on this information dissemination.

5. Set future meeting dates and times

Next meeting: March 31, 2010 (Mr. Murphy will not be able to attend the meeting).

6. Adjournment

The meeting adjourned at 6:45 p.m.

Recorded by Bridgit Van Belleghem