

Draft MINUTES
CARPC Policies & Criteria Advisory Group

June 24, 2010

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

5:00 p.m.

Present: Phyllis Hasbrouck, Jim Pulvermacher, Robert Phillips, Brad Murphy, Eileen Kelley, Sally Kefer

Absent: Bruce Sylvester, Tom Wilson

Staff Present: Bridgit Van Belleghem, Kamran Mesbah

1. Introductions

The meeting convened at 5:10 p.m.

2. Changes to the agenda

None

3. Approval of the minutes of the meeting of March 31, 2010

No changes. Motion by Mr. Pulvermacher. Second by Mr. Murphy. Motion carries.

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 comments from Mr. Sylvester and Ms. Hasbrouck regarding the the possible "Scoring Method" that could be used to rate applications the group. Mr. Mesbah indicated that he wanted to briefly touch on some notes based on these comments and spend half an hour clarifying certain aspects. The group members who have not commented should keep these in mind as they review the document for a more detailed discussion at the next meeting.

Mr. Mesbah explained that the first bullet or point under each category is the legally required minimum and the group can make recommendations to commission to make "bonus point" items required elements. Mr. Mesbah found Ms. Hasbrouck's comment on using percentages of current densities to determine targets for increased densities interesting. Ms. Hasbrouck made an error in her text and clarified that she intended to write dwelling units per acre, not percentages.

Ms. Hasbrouck also suggested that development should be required to be transit ready. Mr. Mesbah pointed out that USA requirements have to be broad because, for example, transit ready for the Village of Dane is meaningless because the population (about 200 ppl.) does not support it. Thus, using transit ready as a criteria does not make sense across the board. Ms. Hasbrouck suggested setting a minimum population for this criteria.

Mr. Mesbah also noted redevelopment is more of a FUDA matter than an urban/limited service area (SA) matter. Amendments are generally on the periphery and do not include redevelopment potential. Land demand calculations account for vacant land acreage and

therefore include infill potential. Also, CARPC cannot hold new development responsible for low density mistakes of previous developments. Ms. Hasbrouck asked how infill and redevelopment could be a service area amendment criteria? Mr. Mesbah told of one success story in Twin Cities Metro program. The program looked for development potential and analyzed for places that would benefit and incentivize this development with funding, instead of making it mandatory. Ms. Hasbrouck asked who determines the requirements and how can they be changed. Mr. Mesbah answered that the Commission addressed infill and redevelopment as a CARPC policy, but not a criteria because NR 121 says CARPC cannot mandate density and local jurisdiction determine their own density.

In reference to stormwater factors, Ms. Hasbrouck asked if a development project can be required to go over 30% predevelopment recharge? Mr. Mesbah answered that the 30% is the minimum predevelopment recharge required and point after this improves the standard to also include 50% recharge of groundwater used.

In reference to number 18 concerning alternative to a proposed amendment, Ms. Hasbrouck asked how will you judge if this is the best local choice etc.? Mr. Mesbah noted that CARPC would like to learn about alternatives to the amendment area the applicant examined before determining the need for an amendment. This is to help ensure the project is a logical choice. At a higher level, the applicant may look at all options and found the proposal to be the best choice. The last category under "alternatives" is an explanation as to why this amendment proposal is the only available option (indicating no alternatives).

Mr. Mesbah reviewed Mr. Sylvester's comments which reflect his previous comments on water quality. Mr. Mesbah thinks the scoring can serve as a tool to encourage higher-and-better planning. Mesbah clarified that broad support for a proposal is intended to come from locals, or no local opposition, not region-wide.

Mr. Murphy informed the group that he did not submit comments because he does not think the scoring system works and does not think in depth discussion is a valuable use of time in the last meetings. He supported the need for standards and using the document as a checklist. The group needs to understand what each one means, how they would be graded. To come to a consensus point will consume too much time. He also did not see the value if meeting requirements can be done and was unsure what the purpose would be for the remaining requests. Mr. Mesbah acknowledged that the context was not complete, and needed to know from the members whether or not the scoring methodology offered promise and if the group wants to recommend it the commission. The purpose of the instrument is still up in the air, an award, or checklist, or...

Ms. Keefer requested a round robin to hear from the other members. She was concerned that a scoring system will result in a lot of competition at a meeting. The tool would be useful as a checklist or similar to the 'green tier' approach. The green tier program rewards legacy communities who get first notice of possible funding opportunities, etc. Having the bonus and advanced planning could help and give them material for grants. This seems like it could be an outline for the ideal application, but this may be best determined by a separate effort outside this group. Mr. Murphy indicated that a checklist should include requirements and when reviewing the application these should be referenced. If you want to recognize an applicant for going beyond requirements, give the applicant the opportunity to disclose if the project "exceeds the requirement in the following way." Mr. Phillips added that CARPC will have to be fair and consistent to be credible. The scoring methodology is subjective in many ways and can be manipulated. The Commission would be better off with a checklist that is even handed, consistent, and clear. Ms. Hasbrouck added that writing out the bonus steps educates applicants about the opportunities to advance local planning. Ms. Hasbrouck is comfortable with not

having scoring, and using the document as a checklist. Mr. Pulvermacher stated that no one will agree on weighting for these criteria and added that a checklist is good because it could show tradeoffs and advancements. He liked the consistency of a checklist and thought it could be used to determine “no brainer” applications. Ms. Kelley agreed and liked this for an educational tool for the minimum requirements. Ms. Van Belleghem added that you could have a checklist and clearly indicate what is bonus through page design and formatting.

Mr. Mesbah informed the group that Ms. Van Belleghem started a USA pamphlet that he is editing. The checklist style alone, used in the pamphlet is missing the sentiment. Combining a brief narrative with the checklist could help show the ideals, the requirements, and then the advanced planning that may meet the CARPC goals and objectives that extend beyond NR 121. Mr. Murphy stated that the minimum requirements are the minimum requirements and should be presented accurately. The first bullets are required, and the remaining bullets need reviewing by another group to determine what these bullets mean and if they represent a higher level of planning. The group agreed to recommend this tool as a requirement checklist and to include the advanced planning components for guidance.

Mr. Murphy requested that the recommendation state clearly that this is a working draft, that the committee did not discuss the bullet points, and did not decide to publish them as is. Lengthy discussion will need to take place to make these official. Ms. Kefer liked the idea of explaining why these are the criteria and linking them to the bigger regional goals and objectives.

The group turned the discussion to the synopsis document to discuss the remaining points. Mr. Mesbah reminded the group that the scoring methodology was the result of discussing the underlined portion on page 2 that continues with points of conflict between local and regional authority on the 3rd page. The group thought a scoring mechanism could help to diffuse the view that local authority was being superseded by regional authority.

The next topic is density. Mr. Mesbah reminded the group of Mr. Sylvester previously suggested requiring target densities for each USA. Ms. Hasbrouck also recommended in e-mail correspondence, as unintentionally written, to require a 20% improvement instead of a fixed number. Mr. Murphy pointed out that the challenge is creating criteria applicable for large areas and very small areas. In some cases it may not make sense to increase density, and establishing a density standard for each community is a huge challenge. Mr. Mesbah stated the current requirement, development must be more dense than the density of the urban service area unless inadvisable, and in these cases higher density elsewhere may make up for it. Mr. Murphy noted that these comments come up due to context. For example, the Commission held EPIC back because they wanted 20% imperviousness limit.

Mr. Murphy valued the use of density of development overall, since having high densities on the edge, as you would in the downtown, is unlikely. In the north east they have 50 units/acre and in central downtown density can be 100 units/acres. Still, Madison will likely submit an application for 7 to 8 units per acre. Encouraging higher densities is valuable, but putting a number on it may be difficult for the commission.

Ms. Kefer pointed out that increased density appears diluted on a large project and finds some merit in including infill and redevelopment requirements with greenfield development, community by community perhaps. She also likes the idea of using an overall density standard. Mr. Mesbah asked Mr. Murphy how he felt about having an overall increase in the community and then what is a meaningful increase in density? Mr.

Murphy asked how this concept would be applied to an individual application? Ms. Kelley stated that what is important also is what is in the community plans and if the application is consistent with the adopted plans.

Mr. Pulvermacher stated that the region could never determine a flat number, some places could be more dense, while others are happy with what they have.

Mr. Mesbah presented Mr. Sylvester's question asking what's wrong with using historic density. Mr. Mesbah noted that densities in 1930 and 1970 are very different and either way a community will need to increase its density somewhere in the community. Mr. Pulvermacher notes that in FUDA process, with the preservation spaces excluded, Madison should be able to choose what to do with the remaining thirty square miles for example. Ms. Hasbrouck pointed out the within this there is no limit to development. Mr. Pulvermacher acknowledged this could be resolved through boundary agreements. Ms. Hasbrouck pointed out that boundary agreements are temporary. Mr. Mesbah noted that a window of opportunity exists to permanently preserve land within 20 or so years of a boundary agreement, and the closer to the end of the agreement period, the more difficult it will be to preserve the land permanently.

Ms. Hasbrouck stated that would be irresponsible to continue historic density because we will run out of farmland, and with rising oil cost, we will need local foods. We need to build up. Mr. Pulvermacher rebutted this assertion, stating that a particular community wishes they did not have the multi-family because it is consuming 60% of the police budget. Further, he has 90% on recharge his 2 acres. Ms. Hasbrouck noted that if everyone lived on two acres the country side would be gone.

Mr. Mesbah pointed out that density works in mixed use, where there is presence of the community amenities and not on the edge of the community. Also, it becomes cost ineffective for sewer at 1 or 2 units per acre. He asked the members if they had any better recommendations for how to approach density?

Ms. Hasbrouck offered placing a moratorium until higher density is achieved within the USA. Mr. Phillips believed this could cause major conflicts. Ms. Kelley illustrated that redevelopment and high density infill are tough, expensive, often challenged by neighborhood groups, create traffic issues, and it takes a lot of work. Mr. Murphy did not think the group could develop a better way than the current method.

Mr. Mesbah expressed that the FUDA process could include a visual preference exercise to show attractive and well designed higher density projects, to break the preconception of what density is and looks like. An effort with Steve Steinhoff in the V. McFarland was successful. Participants quickly engaged and developed sophisticated design concepts and came up with the elements they want when higher density is built.

Ms. Hasbrouck asked if there was a funding body that could incentivize infill and redevelopment? Ms. Kelley offered that it would be hard to require only infill and redevelopment. It would take years to develop a standard. Ms. Kefer asked Mr. Murphy and Ms. Kelley if it would be valuable for the state to ask communities to be more specific on densities in comprehensive plans during the update process, offering that the commission could enhance this effort as communities establish this standard themselves. Ms. Kelley agreed that the state would be the best place to talk about it.

Ms. Hasbrouck asked if the Twin Cities Metro Council has taxing authority? Mr. Mesbah informed the group that Twin Cities Metro runs the wastewater treatment plants, zoo, bus and train systems, MPO, RPC and is given state taxing authority on property tax. The members are also elected. Whereas we have to go to the County and our commissioners are appointed. County funding is currently below allowed caps.

Ms. Hasbrouck asked about grants CARPC could apply for and if it would be valuable to establish a position to deal with this type of work. Ms. Van Belleghem indicated that there are numerous grants available to regional and local governments. She is working to establish a space on the CARPC website for this type of information. Ms. Kefer indicated that she could not support this for a whole position because there are many ways local government can find this out, including grants.gov. Ms. Hasbrouck noted that the tracking process can be overwhelming and it would be helpful to have someone work on this. Mr. Murphy suggested a recommendation to have commission evaluate the staffing, as FUDA alone is a long process and this is not the only role CARPC has.

Mr. Mesbah informed the group that CARPC is asking for a second planning position for FUDA, and to evaluate opportunities for infill and redevelopment. Mr. Pulvermacher questioned if infill and redevelopment is a CARPC concern? Mr. Mesbah answered, yes, as the regional planning agency, but CARPC is not authorized to do it through regulation. Mr. Mesbah noted that CARPC could apply for funds and these funds will likely be used to update the regional master plan. The group could make a recommendation to the commission to seek funds through partnerships for these types of plans and projects. Ms. Kelley pointed out that implementation funds are more valuable though it is great to get planning funds.

Regarding intergovernmental coordination, the last bullet in this section, Mr. Mesbah acknowledged that towns are saying they need development, and as the FLM 1 paper shows, this is as much of a problem as urban development, and creates a different type of sprawl. Mr. Pulvermacher noted that the County is looking at TDR as a possible solution. Springfield is hardly growing; only 2 houses and a mini warehouse have developed. Instead of saying “no” to all growth, intergovernmental agreements and TDRs can transfer “new” houses out of the area. Mr. Mesbah noted that CARPC could broker an agreement to share revenues or to allow urban development in the town at the edge of a city or village instead of a rural subdivision. Still, there has been resistance from local jurisdictions. Mr. Pulvermacher noted that there is always resistance and sees TDR as a good tool. He also insisted that simultaneously running a PDR and TDR program is ineffective. For example, the County has bought a bunch of land, so people do not participate in TDR because they are just waiting for the county to buy their land too. In other places, this could work, they could say we want 50 houses here and preserve the rest. Ms. Kelley noted that this resistance may stem from policies adopted at the local level that prohibit extending services to non-city areas. Mr. Phillips pointed out that this could take place if an annexation agreement is adopted. Mr. Murphy also pointed out that extending services to someone who lives outside the boundary will allow them to use city services without paying taxes for it.

Ms. Kelley suggested having increasing the current tax rate to fund CARPC activities. Mr. Murphy indicated this could work under a revenue sharing agreement. What makes it difficult in developing a TDR program, is that the program will affect the cost of development in some jurisdiction involved in the program and not in others creating an uneven playing field. Mr. Pulvermacher indicated that they want development moved within their town and is hoping the FUDA process and agreements will come together.

Ms. Kelley acknowledged Ms. Hasbrouck’s point about making the boundaries permanent and assured her that there are other ways development is discouraged, for example sizing the sewer interceptor so that it can support a limited capacity, limiting other infrastructure, road networks, and other land use planning mechanisms. Mr. Murphy pointed out that in the case of Madison, they have identified areas where they should not grow, especially in the Town of Dunn with a successful PDR, in the comprehensive plan. Mr. Pulvermacher pointed out that the 3% revenue cap created a need to develop, for

example in the towns of Berry and Dane, where historically the communities were staunchly against development. Ideally, we can get the agreements with reelections and move forward.

Mr. Murphy suggested that facilitating and encouraging is good, but requiring agreement for USA approval is not a good idea. In the City of Madison's many agreement attempts some common issues have been addressed, but not in towns of Verona, Sun Prairie, or Cottage Grove. In one example, where RPC served as the facilitator, Madison tried to establish an agreement with the T. Burke. Everyone came to agreement, and when they took it to the RPC Burke pulled out because they did not want to prohibit annexation in the Town of Burke. Ms. Van Belleghem asked the group if facilitation would be a valuable service CARPC can provide. Ms. Kelley thinks it would be helpful and it will be helpful with FUDA. She also noted that the RPC annual conference was really valuable in getting those people together to talk. While recognizing the amount of work required to set up a conference, having another one would be valuable. Mr. Murphy cautioned against trying to force this process or serve for mediation, as CARPC should not be called in to play referee.

Mr. Pulvermacher noted that CARPC could assist the process, and Ms. Kelley indicated that CARPC could provide the forum for these types of processes. Ms. Kefer pointed out that an additional role is to continue exploring various types of agreements and putting the information out there because we duplicate a lot of research, efforts, and services provisions.

Mr. Mesbah asked the group to look over the remainder of the document and develop thoughts on the remaining items prior to the next meeting so we can get through it in the two hour time period.

5. Set future meeting dates and times

The next scheduled meeting, July 22, will not have quorum. The group changed the meeting date to July 29, with the option of July 28 if Mr. Sylvester can attend this day, as he cannot attend on the 29th. The subsequent meetings is scheduled for and August 26 (final meeting). Depending on the progress at this and the next meeting another special meeting may need to be scheduled to complete the recommendations for the September 9th Commission meeting.

6. Adjournment

Mr. Pulvermacher motions to adjourn. Second by Ms. Kelley. Motion carries.
The meeting adjourned at 6:45 p.m.

Recorded by Bridgit Van Belleghem