

# MINUTES

## CARPC Policies & Criteria Advisory Group

August 26, 2010

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

5:00 p.m.

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

Absent: Bruce Sylvester

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 July 29, 2010**

The following changes were made to the draft minutes including:

Page 3- Ms. Kefer asked for clarification in the final sentence in the fourth to last paragraph. Ms. Van Belleghem will add the words “pg. 4, first bullet, second sentence.”

Page 3- The next meeting date is September 2, not 3<sup>rd</sup> as indicated in the draft minutes. Change date for final version.

Motion to approve with above changes by Mr. Pulvermacher. Second by Ms. Kefer. 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. Murphy began suggesting changes to the document. The first change he recommended, on page 2/3, ½ hallow bullet, was to change FUDA shows “great promise” to “some promise” to avoid conflict and keep with the third sentence in this same section regarding flexibility.

[Ms. Hasbrouck enters at 5:13]

Ms. Van Belleghem suggested removing any qualifier on “promise.” The group agreed.

Mr. Murphy also suggested remove “For CARPC” and change to “it is important.” He prefers to not refer to the RPC as the actor because it sounds like CARPC is defining the relationships. Mr. Pulvermacher suggested using “local” instead of “CARPC.” Mr. Mesbah stated that typically, locals do not see all of the potential regional impacts so, CARPC would need to participate. Mr. Wilson suggested including both and the group agreed. Mr. Pulvermacher as suggested changing “define” to “identify.” The group agreed. The sentence should be corrected to read “it is also important for CARPC to work with local units of government to identify their interrelationships.” Mr. Wilson also suggested being consistent with “CARPC” and “the CARPC,” recommending the former.

Referring to the previous hollow bullet text, Mr. Murphy suggested changing “blend” to “harmonize,” and in the second sentence of this section change “misinformation” to “lack of information.” He was concerned about the language in this paragraph about MOUs, noting that it was not clear what elements the MOUs apply to. He assumed that the MOUs involve water quality and USA approval standards and codifying conditions and putting a mechanism in place to ensure the conditions are implemented. The MOUs, he stated, would not apply to topics such as street width.

[Mr. Phillips enters at 5:20]

Mr. Mesbah shared an example from the 70s that acknowledged the City of Madison as the designated agency for stormwater management in Madison. He stated that he did not want to limit it to water quality and USA approval. He clarified that entering into and MOU is voluntary. The group agreed to add “voluntary” and, as Mr. Murphy suggested, to add that MOUs are not conditions for approval for USA amendments. Mr. Murphy agreed with the objective but wants to ensure the objective is more clearly defined in the language and refers to water quality. Ms. Hasbrouck did not feel comfortable with this limitation on the MOUs. Mr. mesbah reminded the group that MOUs came up as a potential outcome of the institutional analysis and these would be used to clarify institutional roles. He advised against limiting their scope because jurisdictions may find areas, such as adaptation to climate change, where these agreements may be useful and necessary.

Mr. Wilson suggested that the study should recommend MOUs instead of them being an pre-determined outcome and agreed that local government may want to request other CARPC services outside USA amendments. He suggested the language “Such a study should also recommend a series of voluntary MOUs...” “These MOUs should not be required as a condition of approval for USA amendments.”

Returning to the following hollow bullet, Ms. Hasbrouck requested eliminating the first “not replace minimum requirements” because it is also in the last sentence and redundant. The group agrees. Mr. Wilson also noted that this was an “advisory group,” not a “workgroup” and is incorrectly referenced in a couple of places in the document. TW: “workgroup” to “advisory group” through out. He also noted that the heading, “provide incentives,” for the first recommendations under this bullet does not apply to the actions suggested. An incentive would be more like green tier’s permit streamlining process. Ms. Hasbrouck suggested changing the heading to “promote good planning.” Ms. Van Belleghem suggested avoid promote because it does not carry a lot of meaning or tangible outcomes. Ms. Kelley suggest “clarifying expectations.” The group accepted this change. Ms. Van Belleghem noted that incentives are covered later in the document and can be placed under such a heading.

Mr. Wison brought the group’s attention to the bottom of page 3. He requested changing “Commission” to “CARPC.” Under the solid bullet beginning “provide a venue,” Mr. Wilson questioned if the group agreed to the last sentence stating “Intergovernmental cooperation should not be a requirement or condition for service area amendments.” He state that he thinks intergovernmental cooperation is important, and language about how CARPC goes about considering this in the USA process could be developed. Mr. Mesbah answered that it can be a recommendation, but not a condition, per WDNR letter clarifying water quality related issues. Mr. Wilson suggested softening the language because it sounds less harsh from a town perspective. Mr. Mesbah acknowledged this and stated that he wants to make sure it is understood that softening the language will still not increase town power over annexation issues. He asked for suggestions on what the recommendation would be under an ideal situation? That a boundary agreement be reached? Mr. Wilson did not think an agreement was realistic. Still, towns need an opportunity to have a say in the

process. Mr. Mesbah suggested including towns in the USA early and notifying them as soon as RPC staff are notified of conceptual planning for a USA expansion. Mr. Wilson noted that in the annexation process the State makes comments and the applicants are required to consider them. He suggested the sentence “USA applications should be provided to towns and be provided a chance to comment. CARPC and the applicant should consider these comments.”

Ms. Hasbrouck asked if it is illegal to deny an application because of annexation conflicts or lack of agreements. Mr. Mesbah confirmed that DNR has stated that this is not allowed. He noted that when he meets with the towns he needs to talk about what CARPC is already doing for towns. The group agreed with the suggested change.

Mr. Wilson, in reference to the next major bullet beginning “use joint fact-finding,” asked what joint-fact finding was. Mr. Mesbah explained that it is a process that includes all affected parties in the research process. Mr. Wilson was wondering who would be involved. Mr. Mesbah explain, CARPC staff are impartial since they provide analysis and research for a commission with representatives from various interests and concerns. Joint fact-finding would be performed by CARPC staff and representatives from the affected parties. Mr. Murphy liked the idea of jointly researching and coming to consensus around objective metrics around water quality but did not think it was a good idea for some of the other listed areas such as public participation. Mr. Mesbah stated that the intention is to overcome the problems that arise when everyone defines things to serve their own purposes without considering the concerns of others. He stated that if we want to build agreement we need people to define objectives together and pursue them together. This effort tries to get away from speculative metrics. Mr. Pulvermacher pointed out the representatives in this group are from places that already have this agreement as they do a joint planning process for FUDA. Mr. Murphy suggested this action move under the first recommendation under details and that for the final the group will need to adjust all the bullets.

Mr. Wilson suggested spelling out “MATB” and adding “RTA” in the subsequent bullet. The group agreed. In the next bulleted item, Ms. Kefer suggested editing the first hollow bullet to include “USA or policy” before “proposal”. On the next hollow bullet, Mr. Murphy suggested changing “outside Madison” to “throughout the region.” On recommendation 2, details bullet 1, replace “etc.” with “other relevant items.” Regarding this same recommendation, Mr. Pulvermacher questioned if the checklist did not already cover the brochure suggestions. Mr. Mesbah explained that the checklist is within the brochure. Ms. Van Belleghem suggested clarifying this by placing “(see recommendation for checklist)” after “requirements and expectations.”

Regarding the suggested language under #2, Ms. Kefer expressed concern that the language framed the suggestion so that the local need justification is not necessary. Mr. Murphy suggested expanding the language to “goals, policies, and criteria. Ms. Van Belleghem suggested changing the word “focus” to “include.” Ms. Kefer agreed with these improvements.

Ms. Hasbrouck suggested moving the two items to a previous bullet. Mr. Murphy agreed and suggested including the other two under “provide incentives” to have these related recommendation in one place.

Ms. Hasbrouck began to ask about the potential for CARPC assistance for grants and funding to promote incentive for good planning. Ms. Hasbrouck acknowledged that CARPC may need more staff and money to do this. Mr. Mesbah agreed with the ideas that CARPC staff could provide information on available grants for local units, and noted that staff can be instrumental in getting money for local projects. The group noted the recent

sustainable communities HUD grant as an excellent example of this. Ms. Kefer suggested adding “identify grants and resources.” Ms. Van Belleghem also suggested that CARPC apply for a grant to give a grant for local projects implementing best-practices. Mr. Mesbah informed the group that this is done by the Twin Cities Metro Council, but they have their own money. CARPC would need to partner with Thrive or other regional agency with financial resources to provide such a service.

The group discussed the placement of the recommendation under the proper bullet headings. Ms. Van Belleghem recommended placing items relevant to USA applications under “clarifying expectation” and the awards, guidebook, grant clearinghouse, and grant pursuit under “promote advanced planning.” The group agreed with this arrangement.

Mr. Wilson suggested removing the first “parked” item by including it under the details for the first recommendation series, second hollow bullet. Mr. Murphy noted that they could move both “parked” items there because they serve as justification. The group agreed with this approach.

Mr. Phillips noted to add “voluntary” to the MOU language in recommendation 3. Regarding recommendation 4, Mr. Murphy stated that it was hard to argue against the idea, and acknowledged that the commission may need to start meeting twice a month because it will add to the workload of commission and staff, and will create another step in the process. He asked how many concept-visits would be appropriate. Mr. Pulvermacher reminded the group that in Springfield potential applicants can voluntarily present their concept only one time before they spend money in design and engineering. Mr. Wilson suggested adding the language “CARPC should develop an initial conceptual review process to provide guidance to applicants. As part of this process CARPC staff should develop....” The group suggested a fee for his process. Mr. Mesbah informed that group that there is currently no fee.

Mr. Mesbah consulted CARPC legal counsel who indicated that a “no brainer” process may actually delay the amendment process. A “no brainer” proposal could prove to be controversial forcing the applicant to start the process over. He noted that even a “no brainer” proposal is required to go through public hearing and CARPC vote. Mr. Murphy recommended an expedited application for one or two lots with existing development and failing septic systems. Such a USA amendment proposal may not require full blown analysis. Ms. Kefer noted the applicant will still have to complete the checklist. Mr. Mesbah agreed and informed the group that applicants of failing septic systems need to document the failure and demonstrate that the most cost effective method is connection to public sanitary sewer (in accordance with NR 121).

Ms. Hasbrouck asked if the conceptual presentations would be noticed. Mr. Mesbah indicated that they would be noticed on the agenda, but would not require a public hearing. The group agreed that the process for the conceptual presentations would have to be outlined by the CARPC with care so that relevant stakeholders can be present to provide their concerns.

Mr. Wilson began discussing the recommendation to identify permanent preservation areas. He explained that a map could denote wetlands, floodplains, steep slopes, public lands, and other protected lands. Such a map would be useful to local units of government in their planning and decision-making, irrespective of the FUDA planning process.

Mr. Murphy indicated that the document already mentions FUDA on page 3, and that if this is to define FUDA then we need to do it clearly and completely.

The group will continue discussing this topic at the next meeting.

**5. Set future meeting dates and times**

The next scheduled meeting is September 2. The September 23<sup>rd</sup> meeting was rescheduled for October 7. to finalize the recommendations and prepare for presentation to the CARPC.

**6. Adjournment**

Ms. Kelley motions to adjourn. Second by Ms. Hasbrouck. Motion carried.  
The meeting adjourned at 7:05 p.m.

Recorded by Bridgit Van Belleghem