

Draft MINUTES

CARPC Policies & Criteria Advisory Group

January 21, 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

Absent: Robert Phillips

Staff Present: Bridgit Van Belleghem, Kamran Mesbah

Also Present: Mike Dailey, City of Madison

1. **Introductions**

The meeting convened at 5:07 p.m.

2. **Changes to the agenda**

None

3. **Approval of the minutes of the meeting of November 19, 2009**

Edits included (1) updating the date in the document header to reflect the date of the meeting; (2) on pg 4, correct "CAPRC" to "CARPC." Motion to approve the minutes with these changes by Mr. Wilson, second by Ms. Terrell, to approve the December 17, 2009 minutes, motion carried.

4. **Discussion of extension request to CARCPC for final recommendations**

Ms. Kelley informed the group that Commission granted an extension to the advisory group until September 1, 2010.

5. **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 01/21/10). Mr. Mesbah reviewed the changes, as reflected in the 12/17/09 meeting minutes, with the group. The group refined and added language to this document.

Referring to paragraph 1, Mesbah added the term "land use" in addition to "water quality." The group was uncomfortable with the last sentence, requesting the sentence be split into two separate sentences and the intention of the sentence is made more clear.

In reference to recommendation #1 "Develop a regional consensus for comprehensive objectives that are important for the well-being, sustainability, and vitality of the region. Generate implementation measures to achieve these objectives through a consistent process that allows for differing sizes and capabilities in the local units of government.":

- Bullet 2 "build trust with local units of government through collaboration and cooperation by..." sub-bullet #5, "creating a venue for intergovernmental

sharing and discussion of long-range (peripheral) growth plans,” remove “peripheral.”

On page 2, in reference to recommendation #1 “Develop a regional consensus for comprehensive objectives that are important for the well-being, sustainability, and vitality of the region. Generate implementation measures to achieve these objectives through a consistent process that allows for differing sizes and capabilities in the local units of government,”:

- Sub-bullet 13, “Creating venues for the Commission to discuss its view of regional issues and opportunities.” Clarifying the intent of this recommendation, Mr. Mesbah noted this venue is different than the venue offered at commission meetings because it is more proactive and speaks to general regional land use issues. This venue and process could establish what local jurisdiction can expect from CARPC and what CARPC expects from them in moving forward with land development.
- In reference to the 3rd bullet “Blend regional authority with local authority,” sub-bullet # 1:
 - The group adjusted the paragraph to read: “There is a diversity of opinion regarding the duties, responsibilities, and authority of the CARPC. This diversity of opinion is caused, at least partly, by misinformation and differing interpretations of the governing statutes and founding agreements which provide the basis for the CARPC. The Commission should undertake a detailed Legal and Institutional Analysis of the responsibilities and authority of the CARPC. This analysis should result in a report outlining how the authority of various levels of government dovetail into one another, and clarifying these roles, responsibilities and any confusion in the delineation of authority. Such a study should also result in a series of memoranda of understanding (MOUs) between the entities in charge of planning, review, implementation, and enforcement of regional issues, clearly outlining the role of each entity. This would update and expand a similar study conducted as part of the Dane County Water Quality Plan in 1978.”
 - Mr. Wilson asked if this would included MOUs between agencies other than CARPC that CARPC would recommend, for example, between the County and another local jurisdiction. Mr. Mesbah indicated the intent of this statement is for CARPC to develop MOUs with local jurisdiction. Such MOUs were developed as part of creating the original Water Quality Plan and may prove helpful again. The MOUs would indicate the statutory authority and management responsibilities to clearly establish what local jurisdictions and CARPC are responsible for contributing and completing when carrying out urban expansions. Mr. Wilson’s idea; however, is a potential action that CARPC could take to promote intergovernmental cooperation and should be kept in mind as this process continues.
 - Ms. Terrell suggested that the paragraph be separated into two.
- In reference to bullet 4, “Use joint fact-finding processes to strive for consensus behind objective metrics and standards for regional issues. Relevant issues are those having to do with water quality and natural resources, growth, development, public participation, transportation, transit, regional waste management, and economic development,” the group added “rural and agricultural lands” to the list to read:

- “Use joint fact-finding processes to strive for consensus behind objective metrics and standards for regional issues. Relevant issues are those having to do with water quality and natural resources, rural and agricultural lands, growth, development, public participation, transportation, transit, regional waste management, and economic development.”

Revisiting paragraph 1, Mr. Wilson indicated that he was still uncomfortable with the language and its implications. The group offered up numerous potential rewordings, but determined the best course of action is for members to send suggestions to KM for potential rewordings.

Mr. Mesbah, referring to a document handed out in a previous meeting called “points of friction,” went through the friction points that informed the discussion of “Styles of Operation” and “Scope of Authority,” to ensure that all “points of friction” are addressed in the recommendations developed thus far. In reference to:

- Friction point #3: “cooperative vs. positional.” Mr. Mesbah noted that currently, the commissioners act on ad-hoc positional goals instead of a unified list of regional goals. Existing regional goals are sometimes too vague and allow for numerous interpretations. Because of this, a consistent basis to judge applications is lacking, therefore the Commission needs to come up with a coherent explicit set of goals to unify around and promote the best regional outcome. Mr. Murphy acknowledged that this issue exists in most decision-making bodies, but the ones that operate like well-oiled machines have a lot of alignment around such goals and are thus more predictable in their decision-making. Ms. Terrell stated, once the commission has the roles and responsibilities clarified, there will be more opportunities to have productive discussions about the Commissioners’ views on regional planning. This could be followed up with a conference or workshop to inform the rest of the region.

Another aspect of this friction-point arises in the approach to working with USA applicants. Mr. Pulvermacher is concerned that current decisions reveal the Commission’s lack of respect for the local planning that precedes the USA application process. Commissioners could benefit from establishing common ground amongst themselves and with applicants to foster trust building. For example, if CARPC can accept the C. Madison stormwater plan calculations, they would not need to question the science behind every application from Madison. Or, if Middleton applies, then CARPC should know that Middleton has completed transportation planning, etc. and should trust the work they have put into the proposal.

Mr. Sylvester suggested the CARPC establish clear and prescriptive application requirements. The applicant is complete when the requirements are met. Others seconded this, thus the Commission should not continue to expand to amount of information and analysis an applicant must provide during the application process. Ms. Hasbrouck stated, while in theory a checklist is useful, some things can be vague and not black and white as to whether the outcome is positive or not. Also, noted Ms. Terrel, while generally applicants should be treated consistently, applications for project that are different in scale and scope will undoubtedly be different. Ms. Van Belleghem clarified that the application requirements ask only that certain information be disclosed, thus the application is a disclosure document,

and even if it is complete according to prescriptive requirements, approval of the project is not guaranteed.

Mr. Murphy suggested the CARPC implement an expedited process and delegate responsibility to approve certain small, “no-brainer” applications to staff.

- Friction point #8: “regional cooperation vs. local/winners and losers” How can the commission overcome the predicament of creating a regional win when turning down an application, which creates a “losing” party. Ms. Terrell stated, when it is clear that there is a local of controversy or definitive negative information regarding a project, applicants can be forewarned of that so that they can decide if they want to proceed to the next stages of planning. Ms. Van Belleghem pointed out that the “vetting presentation” could provide this opportunity. Mr. Mesbah noted that sometimes the “losing” party is dissatisfied because they do not have the proper information ahead of time, and ideally FUDA can help with that.
- Friction point #9: “joint decision-making vs. independent decision-making.” Mr. Mesbah said the vetting meetings could help with this, and eventually FUDA will evolve into a venue for joint decision-making, but are there recommendations the mean time? Ms. Hasbrouck pointed out this role would take a lot of time and money for the commissioners. Ms. Mesbah acknowledged this and suggested that the commission could trust the staff to participate in these planning processes, which typically occur at different times throughout the county, then the comprehensive plan for example could be respected instead of questioned.

(Ms. Hasbrouck leaves at 6:35)

- Friction point #12: “encouragement and education vs. standards and enforcements.” The group does not view these two friction points as mutually exclusive and recommends CARPC use approaches incorporating both. MOUs could be used to cover areas where CARPC does not already have enforcement authority.
- Friction point #13: “ideas and comments from staff vs. review and scrutiny from the commission. Mr. Mesbah has heard that if the scrutiny is factual it is acceptable to applicants, but applicants feel unfairly treated when scrutiny is not factual. Ms. Terrell stated, staff report should meet the requirements of the law. If the commission makes a decision without discussion then they did not need further information from staff, the applicant, or the public. She noted, ideally staff benefits from the public comments at the hearing. Mr. Mesbah informed the group that NR 121 requires CARPC to explain how a particular comment was taken in to account or addressed in the final outcome in the submittal to the DNR. But the new commission has not always met this requirement, nor has the DNR enforced it.

Mr. Mesbah pointed out to the group that many of these points of friction are not intended to have one chosen over another. Rather, these represent two ends of a spectrum. The role of this group is to develop potential recommendations and solutions to bring these ends together or provide options for both.

- Friction point #19: “commissions should think regionally vs. promoting their own constituency.” Mr. Murphy noted this friction point is similar to friction point #3. Ms. Terrell added that at times conflicts of interest can arise for commissioners because they serve certain constituencies who hold them to certain decisions. She

notes that this is hard to avoid, and ideally FUDA could help to develop the regional perspective that prevents or overcomes this conflict.

- Friction point #20: “RPC process should strive to fix problems with proposals to make them acceptable/approvable vs. RPC process should reject non-compliant proposals with no attempt to addressing/resolving problems.” Ms. Terrell suggests that the “vetting” presentations could help with this. Mr. Mesbah observed that Commissioners have not given much frank feedback at the few vetting presentations held thus far. Other members express frustration with this. The group recommends staff prepare a summary of issues and opportunities for each application to help prepare the Commission for discussion and feedback.
- Friction point #21 RPC as a consensus-building venue vs another layer of government.” The group favored the “consensus building” approach. Ms. Kelley acknowledged the current process as helpful in building consensus through the intergovernmental cooperation portion of the application. Mr. Murphy thinks this is a valuable approach that will just take time. The group decided to make “consensus building” a recommended role for the Commission. Mr. Pulvermacher pointed out Thrive’s experience in building consensus and building a unified yet diverse economic strategy for the Thrive region (multiple county).

Ms. Terrell noted, that in order for the CARPC to be successful in building consensus, significant leadership is also necessary so that people can see that win-win outcomes instead of the win-lose outcome. The group developed the recommendation to “provide leadership to build consensus among 62 units of government.”

The remaining friction points in question are #35, #34, #15. Members will look into these in preparation for the next meeting.

KM will add a column to the “points of friction” document that refers to the full sentences the friction points were derived from to provide clarity of context.

6. Set future meeting dates and times

Next meeting: February 25, 2010. The following meeting is tentatively scheduled for March 31 (Mr. Murphy and Mr. Wilson will not be able to attend the meeting)

7. Adjournment

The meeting adjourned at 7:00 p.m.

Recorded by Bridgit Van Belleghem