

Report on the Recommendations of the Policies and Criteria Advisory Group

**Capital
Area
Regional
Planning
Commission**



January 2011

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Capital Area Regional Planning Commission

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* Minutes of the Advisory Group meetings are available online at: http://www.capitalarearpc.org/Policies_criteria_group.html and as a separate addendum to this report by request from the CARPC office.

Introduction and Purpose

Governor Doyle created the Capital Area Regional Planning Commission (CARPC) on May 2, 2007, through Executive Order 197, as a successor agency to the Dane County Regional Planning Commission, which had been dissolved in 2003. One of the first activities of the new Commission was to deliberate on an expeditious update and reaffirmation of adopted regional plans before considering any expansions to urban and limited service areas in the Region. After six months of deliberation, the Commission issued draft updates of Regional Goals and Objectives, and Policies and Criteria for Service Area Amendments, for public review and comment. These drafts were intended to update the *Dane County Land Use and Transportation Plan*, and the *Dane County Water Quality Plan*, both elements of the Regional Master Plan.

The proposed changes were met with opposition from local units of government and their associations who asked the Commission to postpone action to allow detailed comment and input from local units on proposed changes. The Commission decided to adopt updated criteria quickly to review and decide the six-month backlog of service area expansion requests. The Commission revised the language for some of the most controversial elements of the proposed criteria, adding flexibility to address the concerns raised by the units of government. The adopted Policies and Criteria are available online at: http://www.capitalarearpc.org/Goals_Objectives.html.

The Commission also created a Policies and Criteria Advisory Group (Advisory Group) composed of two appointees from each of the four CARPC appointing authorities: Mayor of the City of Madison; Dane County Executive; Dane County Cities and Villages Association; and Dane County Towns Association. The CARPC Resolution creating the Advisory Group is included in Appendix 1 of this report.

The Wisconsin Department of Natural Resources (WDNR) highlighted the importance of the work of the Advisory Group in the Policies and Criteria approval letter. The letter acknowledged the objections that had been expressed by local communities and associations. It states “the Department wishes to emphasize that our approval is, in part, premised on the expectation that an advisory group and various other efforts will be initiated to study and possibly further revise certain plan policies and procedures... We also view the implementation of an advisory group, as it was adopted in the CARPC Resolution No. 2008-1, as an important and necessary step.” The letter further implied that the designation of the CARPC as an area-wide water quality management planning agency would be tied to the effectiveness of these efforts in establishing substantial local support for the designation. This was a reference to formal comments from the Dane County Towns

Association (DCTA) and the Dane County Cities and Villages Association (DCCVA) to the WDNR, raising concerns with such a designation after the Commission adopted the Policies and Criteria despite objections. The WDNR letter of approval and letters of concern by DCCVA and DCTA and WDNR response to these are included in Appendix 1 of this report.

The Advisory Group was charged with soliciting and receiving input from local units of government on the policies and criteria. The report deadline was extended because of the delay in the appointment of Advisory Group members, and due to the complexity of creating a coherent set of recommendations from widely conflicting inputs received from the solicitation.

The Advisory Group solicited input through in-person interviews between interested parties and Kamran Mesbah, CARPC staff. The Group established a list of interview questions to frame these discussions. The outline used for interviews and a list of participants are included in Appendix 2 of this report.

Comments were sorted and categorized into core issues to facilitate discussion and analysis, and to develop recommendations for substantive policies related to these issues. These are included in Appendix 3 and Appendix 4 of this report.

The Advisory Group’s goal was also to generate recommendations on approaches or processes that would develop broad regional agreements on historically confrontational and divisive issues in regional land use planning and management. The minutes of the meetings of the Advisory Group are available online at: http://www.capitalarearpc.org/Policies_criteria_group.html, or by request from the Commission office.

Appendixes have been included at the end of the report.

The recommendations have been structured in four broad categories:

1. Development of a broad regional agreement on comprehensive objectives and generation of consistent implementation processes suitable for different governmental sizes and capabilities.
2. Improvement of the service area amendment process.
3. Use of education/encouragement and standards/enforcement.
4. Establishment of consultative sessions where prospective applicants can discuss plan concepts with the Commission at the initial stages of planning and receive feedback.

Recommendations

In the Capital Area Region (Region), inter-jurisdictional coordination has produced effective plans and efficient implementation. This approach authorizes a representative regional entity to perform comprehensive area-wide planning with participation from all units of government, and to generate agreements and commitments on local implementation of these regional plans. This approach creates comprehensive regional plans and maintains local control by leaving implementation to local action.

Unfortunately, unless this approach is pursued consistently, each regional issue can result in the creation of a new and separate regional entity (for example: RTA for transit; MPO for transportation planning; RPC for water quality and land use planning; Lakes and Watershed Commission for water quality implementation; etc.). The resulting “*fragmented regionalism*” addresses interrelated region-wide problems inadequately, and leaves local implementation without a regionally comprehensive scope. There is no agreement among various local units of government about increasing the authority of the Capital Area Regional Planning Commission (CARPC), in part due to concerns for the loss of local control over decision-making. Centralized authority is not favored in the U.S. historically, due to concerns regarding concentration of power and decision-making in one unit of government.

Evidence suggests that fragmented local decision-making can result in adverse regional and inter-jurisdictional impacts. Fragmented local decision-making also results in duplication of work, inter-jurisdictional competition, and inefficiencies and ineffectiveness in responding to large-scale problems and challenges. Review of regional land use issues with a full comprehensive scope evaluating the interaction between land use, farmland preservation, infrastructure and utility service delivery, resource use, and water quality does not currently occur in region-wide decision-making in the Region. Therefore, 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 in the entire Region.

Therefore, the Policies and Criteria Advisory Group (Advisory Group) recommends that the CARPC undertake the following:

- 1. Develop a broad regional agreement on comprehensive objectives that are key to the well-being, sustainability, and vitality of the Region. Generate implementation measures to achieve these objectives through a consistent process suitable for differing sizes and capabilities in local units of government.**

Details:

- A. Create a workgroup of CARPC and charge it with the task of building trust for CARPC, and building support behind specific authority which might be added to CARPC to enable it to address critical and strategic challenges facing the Region in the next 50 years (this may require a process that first builds agreement behind what these critical and strategic challenges are).*
- B. Build trust between CARPC and local units of government through collaboration and cooperation by:*
 1. Arranging bus tours for CARPC to visit examples of development in the Region.
 2. Commissioners attending local planning meetings.
 3. CARPC staff providing comments on proposed plans.
 4. CARPC staff providing consultant services to local units of government.
 5. Creating a venue for intergovernmental sharing and discussion of long-range growth plans.
 6. CARPC staff providing comments on long-range growth plans.
 7. CARPC staff increasing outreach and education activities.
 8. CARPC staff providing technical information and assistance to local units of government.
 9. Making reports available to units of government in advance of their planning activities.
 10. Holding work sessions and charrettes around the Region (with Commissioners and Commission staff participating).
 11. CARPC staff making presentations on specific subjects and issues around the Region.

12. Recognizing good projects in CARPC newsletter and/or through awards.
13. Creating venues for the Commission to discuss its view of regional issues and opportunities with local units of government and other interested parties.
14. Inviting municipal decision-makers to explain local plans and policies.

C. Harmonize regional authority with local authority:

1. Undertake a detailed Legal and Institutional Analysis of the responsibilities and authority of CARPC and other governmental jurisdictions in the Region. The final report should outline how the authority of various levels of government dovetail into one another, clarify these roles and responsibilities, and clear up any confusion in the delineation of authority. This report should recommend a series of voluntary memoranda of understanding (MOUs) between CARPC and the entities in charge of planning, review, implementation, and enforcement of regional issues, clearly outlining the role of each entity. MOUs should not be required for service area amendment requests or as conditions of approval.

Rationale: Many opinions regarding the duties, responsibilities, and authority of CARPC exist within the Region. This diversity of opinion may be caused, in part, by lack of information and differing interpretations of the governing statutes and founding agreements of CARPC. This study would update and expand a similar study conducted as part of the Dane County Water Quality Plan in 1978.

2. Regional actions have local impacts and many local actions have regional impacts. CARPC should not get involved in local issues that do not have regional impacts. Continue to allow local management agencies to decide how regional goals and objectives are achieved through local action. Work with local units of government to identify the interrelationship between local action and regional impacts to inform both local and regional decision-making. The FUDA planning process has promise for providing a vehicle to blend local and regional needs and opportunities based on a collaborative, joint decision-making process. CARPC should proceed with the FUDA planning process in cooperation with local units of government, even if only on a sub-regional basis.

i. Increase Density:

Analyze each service area to determine an overall density target suitable to its location, and help the community to reach the community target.

ii. Intergovernmental Coordination:

Continue to provide intergovernmental coordination of planning between cities, villages, and towns as a routine part of planning.

iii. Provide a Venue for Cooperation and Conflict Resolution:

Continue to act as the venue for intergovernmental and inter-jurisdictional coordination and cooperation. If requested of CARPC, CARPC staff should be permitted to facilitate discussions between city, village, and town officials concerning planning issues. CARPC should not insert itself in annexation, and border conflicts, or other issues where parties have not requested CARPC involvement. Intergovernmental cooperation should not be a requirement or condition for service area amendments, however, CARPC should encourage conflict resolution wherever possible in its planning process.

iv. Facilitate Intergovernmental Communication:

Solicit and consider comments from affected units of government regarding proposed service area expansions. Inform adjacent units of government of proposed service area expansions as early in the process as possible.

v. Promote Vibrant and Livable Urban Areas:

To encourage livable, viable, and connected new urban areas, consider logical planning areas for USA amendments regardless of annexation status of these lands.

3. Develop a land demand methodology to be applied to each service area using the population projection methodology outlined in NR 121, and based on a systematic analysis of existing land use, land use and market trends and factors, environmental constraints, and the flexibility that might be needed for each service area to reach planning goals and objectives. Consideration should be given to local goals and objectives. Monitor land use changes and the effectiveness of the methodology and make corrections every decade based on new Census and growth data.

D. Use joint fact-finding processes to promote consensus behind objective metrics and standards concerning relevant regional issues related to water quality and natural

resources, rural and agricultural lands, growth, development, public participation, transportation, transit, regional waste management, and economic development.

E. Use the results of joint fact-finding processes to promote a dialogue to inform stakeholders and to be informed of their concerns. Be inclusive and respectful of entities with the statutory authority to implement the resulting plans and goals.

1. Solicit presentations from stakeholders.
2. Hold joint meetings and encourage interaction with the Lakes and Watershed Commission.
3. Hold joint meetings with the Madison Area Transportation Planning Board (MPO).
4. Hold joint meetings with the Regional Transit Authority.

F. Implement measures to support participation by a broad segment of the residents and stakeholders of the Region.

1. Defer action if more information is needed regarding a service area expansion or policy proposal.
2. Schedule regular Commission meetings throughout the Region.
3. Develop stakeholder outreach and involvement policies, protocols, and programs (this may be coupled with the Institutional Analysis effort).

G. Provide leadership to build consensus among all the units of government in the Region.

H. Undertake greater outreach activities and distribute its reports and issue papers more widely.

I. Identify resilience factors and “no regrets” strategic planning decision items that would allow long range planning on the following items:

1. Carrying capacity of natural systems to provide potable water to a growing population.
2. Impact of changes in technology for transportation, building, energy, and other built systems.
3. Dependence on unsustainable sources of energy.
4. Limits of the natural attenuation capability of environmental systems.

5. Fragmentation of environmental interconnections.
6. Fragmentation of structural and institutional capabilities.
7. Beneficial re-use of wastewater and stormwater.

J. Establish a workgroup to assess whether decisions being made by CARPC are foreclosing future options.

K. Work with the Dane County Land and Water Resources Department to address agricultural non-point source issues.

2. Improve the service area amendment application process and promote good planning to include adopted policies and criteria, broad regional vision and development goals, and good planning.

Details:

A. Improve the service area amendment application process:

1. Publish a checklist document that clearly shows the minimum standards required for service area amendments.
2. Produce a brochure concerning service area amendments outlining requirements, expectations, general time frame, standards, etc. (this brochure will include the checklist noted above).
3. Include a review of all relevant plans in service area amendment staff analyses.
4. Implement an expedited process for certain small, “no-brainer” applications, with quick action by Commission.
5. Create a map that identifies permanent (long-term) preservation and conservation areas in the Region.
6. Develop mechanisms to ensure CARPC commissioners understand the planning intent of local comprehensive plans.
7. Solicit and consider comments from affected units of government regarding proposed service area expansions. Inform affected adjacent units of government of proposed service area expansions as early in the process as possible.

8. Consider logical planning areas for USA amendments regardless of annexation status of these lands, to encourage livable, viable, and connected new urban areas.

Note: The Advisory Group considered a scoring approach for reviewing proposed service area amendments and did not find it to be workable.

B. Promote Good Planning:

1. Create an Advanced Planning Guidebook featuring best planning and management practices that will provide applicants with methods to meet or exceed the minimum standard published in the recommended checklist. A technical group should be formed to research, evaluate, and publish information about implementing specific best planning and design practices fit for local and regional application. The Guidebook is not intended to replace minimum standards.
2. Recognize good projects in newsletter or through awards.
3. Create a clearing-house for information on grants available for local units of government.
4. Publish new best practices on CARPC website.

C. Include a critical analysis of economic factors in service area amendment analyses by contracting with Thrive to perform evaluations (similar to what MPO does for transportation).

D. New Region-wide standards, including those made possible by new technologies, should be required only after thorough evaluation regarding effectiveness and practicability by CARPC staff and/or the Environmental Resources Technical Advisory Committee. Such standards should undergo formal adoption before they are required as part of service area amendments.

- 3. Use approaches that incorporate both education/encouragement and standards/enforcement, in that order. Use voluntary MOUs in areas where CARPC does not have clear enforcement authority, and monitor compliance with MOUs.**
- 4. Encourage applicants to give a one-time, voluntary presentation of development concepts to CARPC in the beginning stages of neighborhood planning or other development planning. CARPC staff**

should prepare summary reports to inform the Commission of issues and opportunities related to the location and development concept at the same meeting. Use these consultative sessions to provide guidance and substantive feedback to applicants regarding information that should be provided and issues that need to be addressed in the potential service area amendment proposal.

Conclusion

The input provided to the Advisory Group clearly shows the diversity of opinion in the Region on core issues related to development, conservation, process, role or authority, and outcome. This diversity reflects the absence of a coherent, broadly shared, and unifying regional vision. In Wisconsin, regional planning commissions are independent governmental structures created to establish the necessary venues and processes to initiate and guide the dialogue needed to develop this regional vision, and to foster regional collaboration, and coordination. The Advisory Group's effort generated recommendations on approaches and processes that can develop broad regional agreements on historically confrontational and divisive issues. Some of the issues have no simple or easy solutions, and some may require changes to institutional structures and legal frameworks. These complex issues will necessitate extensive and long-term collaboration and problem-solving with stakeholders. Representative ad hoc groups similar to this Advisory Group would have to be established to work on such issues under the auspices of the Capital Area Regional Planning Commission.

The recommendations have been structured in four broad categories:

- Development of a broad regional agreement on comprehensive objectives and generation of consistent implementation processes suitable for different governmental sizes and capabilities.
- Improvement of the service area amendment process.
- Use of education/encouragement and standards/enforcement.
- Establishment of consultative sessions where prospective applicants can discuss plan concepts with the Commission at the initial stages of planning and receive feedback.

Appendix 1

Documents Related to the Creation of the Policies and Criteria Advisory Group and its Role

CARPC Resolution No. 2008-1

DCCVA Letter to WDNR

DCTA Letter to WDNR

WDNR Letter of approval dated Dec. 11, 2008

WDNR Letter of Dec. 11, 2008 to Mayor Clauder (DCCVA)

WDNR Letter of Dec. 11, 2008 to Jerry Derr (DCTA)

CARPC Chair Letter of May 19, 2008 to the CARPC Budget and Personal Panel members

1
2
3 **Resolution CARPC No. 2008-1**

4 **Adopting the Revised Dane County Water Quality Plan Policies and Criteria**

5
6 WHEREAS, the Capital Area Regional Planning Commission (CARPC) was created by
7 Executive Order 197 effective May 2, 2007, with the intent that the CARPC would become the
8 designated Areawide Water Quality Planning Agency (AWQPA) for Dane County under sec. NR
9 121.06 (2)(a), Wis. Adm. Code, upon approval of the Wisconsin Department of Natural
10 Resources and the United States Environmental Protection Agency; and

11
12 WHEREAS, before the CARPC can be designated as the AWQPA, the Commission must
13 adopt a water quality plan containing policy goals and objectives for protecting and enhancing
14 water quality as Dane County communities grow and expand sewer service areas; and

15
16 WHEREAS, the CARPC has reviewed the policies which governed expansion of Urban
17 Service Areas and Limited Service Areas under the former Dane County Regional Planning
18 Commission (DCRPC); and

19
20 WHEREAS, discussion by the Commission members has formulated a proposed set of
21 criteria with significant modifications to the former criteria; and

22
23 WHEREAS, the Commission scheduled and conducted a public hearing on January 24,
24 2008 on the proposed criteria, and has received written and oral comments on the criteria and
25 made revisions in response to public input received; and

26
27 WHEREAS, the Dane County Water Quality Plan is consistent with the natural resource
28 protection element of the state Comprehensive Planning law, §66.1001

29
30 NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 31
32 1. The CARPC adopts the 2004 Dane County Water Quality Plan, as revised in
33 draft document dated 12/14/07, and as further amended by Commission action
34 today on Section I.1. Paragraph I (line 33, regarding flexibility margin) and
35 Section I.2. Paragraph G (line 129, regarding the FUDA process) and Section I.2.
36 Paragraph D and Section II.4. Paragraph C (lines 89 and 246, regarding
37 Agricultural Loss Mitigation additional language), as part of the state Water
38 Quality Plan administered by the Wisconsin DNR as part of the Regional Master
39 Plan under §66.0309, Wis. Stats.
40 2. The CARPC will create an advisory group for the purposes of soliciting and
41 receiving input by local units of government on the policies and criteria in the
42 month of December 2008 to be reviewed by the Commission in January 2009.
43
44
45

46
47
48 February 28, 2008
49 Date Adopted


George Kamperschroer, Vice-Chairperson

DANE COUNTY CITIES' & VILLAGES' ASSOCIATION



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Monday, March 17, 2008

Secretary Matthew Frank
Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707-7921

**Re: Capital Area Regional Planning Commission
Revised Dane County Water Quality Plan Policies and Criteria**

Dear Secretary Frank:

On behalf of the Dane County Cities' & Villages' Association (DCCVA), I am writing to outline our concern about, and articulate our opposition to, the Revised Dane County Water Quality Plan Policies and Criteria that the Capital Area Regional Planning Commission (CARPC) amended and adopted on Thursday, February 28, 2008.

Since 1998, public officials have debated the dissolution and re-creation of the original entity, the Dane County Regional Planning Commission. After negotiations between the DCCVA, Dane County Towns Association, the City of Madison and the Dane County Executive, an agreement was reached; area governments passed identical resolutions requesting creation of the new entity; and Governor Doyle approved the newly created CARPC, which held its first meeting less than a year ago on June 14, 2007.

We are all aware of the controversy that forced the dissolution of the original Regional Planning Commission. It is my fear that the recent actions of the new CARPC will fragment this organization and render it ineffective as a planning agency. I personally want the new CARPC to move forward. However, the DCCVA is concerned with the adoption of controversial amendments to the existing Water Quality Plan in the Revised Dane County Water Quality Plan Policies and Criteria; the lack of public participation throughout the process, as required in NR121; and the lack of participation and consideration by CARPC of the concerns identified by cities, villages and towns.

Since the Department of Natural Resources (DNR) is responsible for the general supervision of the continuing water pollution control planning process under NR121, DCCVA believes that the DNR has an obligation to be involved and to act on the concerns identified in this letter and the attached document. DCCVA requests that the DNR hold a hearing on the designation of CARPC as the area-wide water quality planning agency and on the revised water quality plan policies and criteria, under Chapter 227, Wis. Stats., and NR 121, since DCCVA believes the CARPC action is inconsistent with NR121.

Sincerely,

Mayor Thomas Clauder, President
Dane County Cities' and Villages' Association

*cc: Patrick Henderson, Deputy Secretary
Mary Vollbrecht, Executive Assistant
Todd Ambs, Administrator, Division of Water
Tom Gilbert, Wastewater Facility Planning Coordinator
Gerald Derr, President, Dane County Towns Association
Members, Dane County Cities' & Villages Association*

Lack of Public Participation Process - Lack of Substantial Local Support

The DCCVA believes that the CARPC did not meet requirements under NR 121, relating to the public participation process that is required throughout plan development. It is unfortunate, but the CARPC only held one public hearing, in which the majority of those who testified during the hearing on January 24, 2008 did so in opposition. In addition, the vast majority of cities and villages provided written and verbal testimony opposing the amendments. The CARPC disregarded the recommendations of the cities, villages and towns, which the Commission is meant to work in conjunction with, and at the next meeting of the CARPC on February 28, 2008, the Commission voted to approve amended goals, policies and criteria of the Water Quality Plan in conflict with the view of the cities, villages and towns. No regional or public informational meetings, consensus building efforts, surveys, or other commonly used public participation techniques were employed by the CARPC, other than the one public hearing and the written comment deadline tied to the public hearing schedule.

Clearly the CARPC did not provide the type of "public participation process," as defined in NR 121.03(12). In addition, DCCVA feels that the CARPC did not work with, nor take into account, the concerns and recommendations provided by the local cities, villages and towns in the creation and adoption of the amendments to revise the Dane County Water Quality Plan Policies and Criteria. According to the CARPC meeting minutes of December 13, 2007, the commission discussed reaching out to local professional staff of the cities, villages and towns to obtain their input in advance of the one public hearing – but commissioners rejected this opportunity to work with their local government partners and to again focus on holding only one public hearing.

It is critical to the successful preparation and implementation of an areawide water quality management plan that CARPC obtain substantial local community support. Again, based on the testimony provided by cities, villages and towns at the January 24, 2008 public hearing – it is clear there is a lack of support.

Flexibility Margin

The CARPC has eliminated the Flexibility Margin and replaced these provisions with a new policy that requires communities to petition the CARPC and show that a "demonstrated special need for additional land has been established". Although a municipality can petition and obtain approval from CARPC for additional land, the elimination of the Flexibility Margins has created sewer service area boundaries that are unrealistically sized to accommodate the projected growth for a 20-year planning period for each community.

Sec. NR 121.05 (1)(g)2.b. states that, in preparing the area-wide water quality plan, "The sewer service areas are delineated based on a 20-year population forecast approved by the department, and municipally approved population density standards."

DCCVA believes the CARPC did not give careful consideration of this new policy and did not work with local units of government in its creation, since cities and villages overwhelmingly opposed the new policy during the one opportunity the CARPC provided- the one public hearing held on January 24, 2008.

In addition, the DCCVA believes that the elimination of the flex acres between water quality plan updates, given the past growth and the anticipated growth in these communities, has placed the water quality plan in violation of the requirement contained in NR 121.05(1)(g)2.b., as the plan no longer contemplates the 20-year planning horizon of the original plan for each community.

Finally, NR121.05(1)(o) states that the water quality plan must contain “an assessment of the environmental, social and economic impacts of carrying out specific significant recommendations of the plan.” DCCVA believes that the amendment adopted by CARPC on February 28, 2008 is legally defective because it did not contain an assessment of the impacts of getting rid of the flex factor on the communities affected.

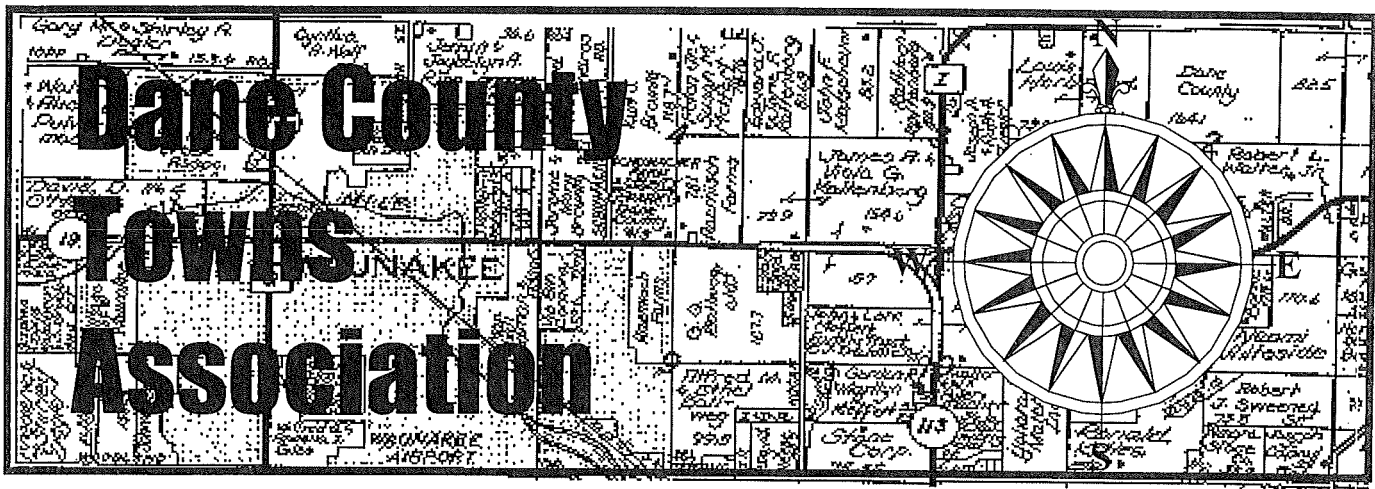
Density, Infill and Agricultural Mitigation

DCCVA supports responsible and predictable regional planning, but the document adopted on February 28 is seriously deficient with regard to policies relating to density, infill and agricultural mitigation. The proposed amendments do not provide the specific criteria the Commission will use for the approval or denial of a USA application in this area. This is a prime example of a vague requirement that could become more of a subjective, rather than a defined or measurable criterion, for an approval or denial of an application for a USA amendment.

In addition, the provisions relating to density, infill and agricultural mitigation do not recognize the local planning process and the varying factors that can negatively impact the land available for infill or redevelopment within a community. It also ignores the Smart Growth-compliant Comprehensive Plans most cities and villages have adopted (and all will have adopted soon). A needs assessment by CARPC, in addition to these locally-adopted plans, is not necessary.

Also of note, is that NR121.05(1)(g)2.b suggests that the area-wide agency is not to interfere in local government density policies, which are still a matter of local control, not DNR or CARPC control.

Finally, NR-121.05(1)(o) states that the water quality plan must contain “an assessment of the environmental, social and economic impacts of carrying out specific significant recommendations of the plan.” This requirement has not been met with respect to the new policies and criteria relating to density, infill and agricultural mitigation.



Plat map used by permission of Rockford Map Company

March 3, 2008

Mr. Matthew Frank
Secretary, Wisconsin Department of
Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707-7921

RE: Capital Area Regional Planning Commission

Dear Secretary Frank:

I write to alert you that there are serious problems with the new Capital Area Regional Planning Commission which require your Department to defer designating CARPC as the Water Quality Planning Agency for Dane County.

As you may be aware, there has been a long, intense controversy about the structure of the water quality planning in Dane County. This dispute led the Dane County Towns Association to urge towns and a number of cities and villages to adopt resolutions to dissolve the former water quality planning agency. After extensive study, we reached agreement on a format for a successor regional planning commission. The Governor of Wisconsin, as you may know, signed Executive Order 197 last May creating this new agency as the Capital Area Regional Planning Commission.

The hope behind this new Commission was that there would be an attempt to work together to avoid the divisiveness of the past Commission. To boil it down to the most basic, the former Commission too often chose to exercise raw political power as if the Commission were a regulatory agency instead of providing guidance as a general planning agency. Unfortunately, we are seeing signs that this pattern is recurring.

On February 28, 2008, the CARPC adopted what it purported to be "criteria" for the delineation of sewer service areas. These so-called criteria were amended to replace former

policies that awarded a "flexibility reserve" of additional sewer service area based on a defined percentage of the 20-year growth area. That definite language was replaced with the following italicized wording:

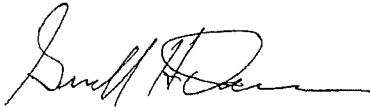
Generally, the urban service area boundaries represent the outer limits of planned urban growth over the long-term planning period – at least 20 years – and include more than enough land and flexibility to accommodate anticipated growth. *However, CARPC recognizes that the needs of communities may differ. For this reason CARPC may approve more land in an urban service area than that called for by the 20-year growth projection where a demonstrated special need for additional land has been established based upon factors such as, but not limited to; inaccurate population projections, previous municipal infrastructure financing plans, displacement of development, intergovernmental agreements, a small USA size, and deficiencies in certain land uses (e.g. inadequate industrial development area). This provision applies until such time as a community and CARPC have adopted the 25-year Future Urban Development plan for the area. [Emphasis supplied].*

I am sure you are familiar enough with administrative law to know that the language cited above is so vague that it is meaningless. The sewer service area to be delineated will be at the complete discretion of the Regional Planning Commission. In other words, there are no standards whatsoever other than the whim of the Commission. Delegating authority to an administrative agency without standards is improper and an invitation to abuse of power. It is also, in our opinion, contrary to the requirements of the Federal Clean Water Act and Wisconsin law, sec. NR 121.05 (1)(g), Wis. Adm. Code, which requires that area-wide water quality planning agencies exercise their authority pursuant to a plan which applies the criteria enumerated in the rule. It does not provide for local agencies to act arbitrarily.

The criteria adopted by the Commission are not a plan at all, but rather, a provision for subjective decision making. We and other municipal officials intend to address this issue and try to reach a formula agreeable to the broad segment of the community. But, you should be aware that if this issue is not addressed, this new RPC may be doomed before it even moves into full operation. I am sure that you would rather defer immediate action on certifying this agency to encourage a compromise rather than act and risk stoking heightened dissension. You may be hearing from representatives of the Cities and Villages in Dane County indicating that they have these and other concerns.

We all want there to be a process in place which results in good urban planning that protects water quality. We are not going to achieve that result if the same kind of power politics that prevailed in the past becomes the dominant pattern of the new Commission.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gerald H. Derr".

Gerald H. Derr, President
Dane County Towns Association

cc: Dane County Cities and Villages Association
Local Officials
Dane County Legislative Delegation



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

December 11, 2008

Mr. Kamran Mesbah, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703



DNR File No. DC-0118

Subject: Amendment to the *Dane County Water Quality Plan*, Revising the Policies and Procedures Related to Urban and Limited Service Area Expansions and Environmental Corridors

Dear Mr. Mesbah:

We have completed our review of the subject plan amendment that was submitted to the Department on May 7, 2008 by the Capital Area Regional Planning Commission. The Department hereby approves the Amendment to the Dane County Water Quality Plan.

The proposed amendment was adopted by the Capital Area Regional Planning Commission per Resolution CARPC No. 2008-1 on February 28, 2008. The specific plan revisions are as contained in the document entitled: "CARPC – Urban and Limited Service Area Policies, Environmental Corridors Policies, and Criteria for the Review of Urban and Limited Service Area Amendments – CARPC Redline Review Draft 12/14/07 as Amended and adopted on 2/28/08."

The Department has determined that CARPC followed an acceptable public participation process in accordance with ch. NR 121, Wis. Am. Code, and adequately analyzed and addressed the received comments. We recognize that there were a number of comments and objections expressed by local citizens, communities, and community associations. In consideration of this, the Department wishes to emphasize that our approval is, in part, premised on the expectation that an advisory group and various other efforts will be initiated to study and possibly further revise certain plan policies and procedures. A number of possible initiatives were mentioned in the "Staff Analysis of Comments" document and referred to further development and possible adoption of policies and procedures as a result of the Future Urban Development Area (FUDA) process. We also view the implementation of an advisory group, as it was adopted in the CARPC Resolution No. 2008-1, as an important and necessary step.

In general, we strongly encourage CARPC to consider some of the more controversial aspects of the newly adopted policies and procedures as short-term measures that should be subjected to additional study in conjunction with the developing FUDA process and advisory group with additional outreach and educational efforts, as warranted.

As you know, the Department is still awaiting the submittal of additional information before proceeding with the process to recommend designation of CARPC as the areawide water quality

planning agency for Dane County. One important aspect of this recommendation, per s. NR 121.06(2)(b), Wis. Adm. Code, is that there is a demonstration of “substantial local support” for the designation.

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

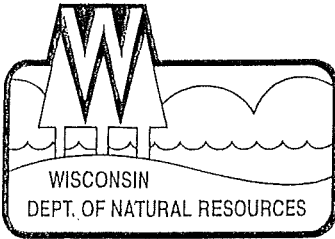
To seek judicial review of the Department’s decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

Sincerely,



Todd L. Ambs, Administrator
Division of Water

cc: Tom Gilbert – WT/3
Ken Johnson - SCR - Fitchburg



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

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December 11, 2008

Mayor Thomas Clauder, President
Dane County Cities and Villages Association
P.O. Box 110
McFarland, WI 53558



Subject: Capital Area Regional Planning Commission

Dear Mayor Clauder:

Earlier this year, you sent a letter expressing several concerns about the Capital Area Regional Planning Commission (CARPC). Your letter and the accompanying document raised three related concerns; lack of public participation and substantial local support, flexibility margin, and other factors related to NR 121 requirements. You also requested that a public hearing be scheduled by the Department on the designation of CARPC.

Attached to this letter is a copy of an approval letter for the Amendment to the *Dane County Water Quality Plan*, Revising the Policies and Procedures Related to Urban and Limited Service Area Expansions and Environmental Corridors. As the letter indicates, the approval is based "on the expectation that an advisory group and various other efforts will be initiated to study and possibly further revise certain plan policies and procedures" and that "We also view the implementation of an advisory group, as it was adopted in the CARPC Resolution No. 2008-1, as an important and necessary step". We believe that the study process can address concerns related to the "flexibility criteria" and address public review of the amendment.

The submittal of the amended plan included the rather substantial record of all public comments provided by governments, special interest groups, and individuals. This is of primary interest to assure there is "substantial local support" for designating CARPC as the official water quality planning agency for Dane County in accordance with NR 121, Wis. Adm. Code. Again, we believe that implementation of an advisory group and other possible study efforts can be an effective means to address the public comments. Because of this positive step, the Department is not scheduling a public hearing at this time however such a step could be made in the future prior to designation.

Much work has been invested into creating CARPC and the Department strongly believes a regional agency is critical for effective study and planning for the complex water quality issues in Dane County, and for guiding the accommodation of future development in a manner that protects water resources. I urge all interested parties to work together to enable CARPC to function effectively and with strong local support.

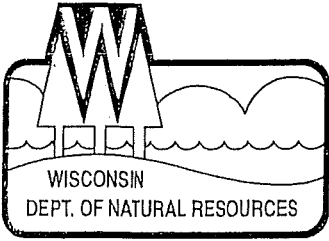
If you have questions please contact Roger Larson (phone 266-2666) or Ken Johnson (phone 275-3243).

Sincerely,



Todd Ambs, Administrator
Division of Water

cc: Kristine Euclide, Secretary; CARPC
Secretary Matt Frank – DNR – AD/8
Ken Johnson - DNR – SCR – Fitchburg
Roger Larson – DNR – WT/3
Tom Gilbert – DNR - WT/3



State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

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December 11, 2008

Mr. Gerald H. Derr, President
Dane County Towns Association
1595 CTH V,
Columbus, WI 53925



Subject: Capital Area Regional Planning Commission

Dear Mr. Derr:

Thank you for your letter sent earlier this year, in which you expressed several concerns about the Capital Area Regional Planning Commission (CARPC) and their recently adopted criteria relating to a "flexibility reserve" that is intended for use in delineating sewer service areas in Dane County.

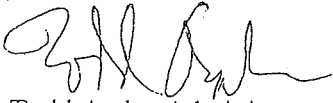
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The submittal of the amended plan included the rather substantial record of all public comments provided by governments, special interest groups, and individuals. This is of primary interest to assess whether there is "substantial local support" for designating CARPC as the official water quality planning agency for Dane County in accordance with NR 121, Wis. Adm. Code. Again, we believe that implementation of the advisory group and other possible study efforts can be an effective means to address the public comments. Because of this positive step, the Department is not scheduling a public hearing at this time, however such a step could be made in the future prior to designation.

Much work has been invested into creating CARPC and the Department strongly believes a regional agency is critical for effective study and planning for the complex water quality issues in Dane County, and for guiding the accommodation of future development in a manner that protects water resources. I urge all interested parties to work together to enable CARPC to function effectively and with local support.

If you have questions please contact Roger Larson (phone 266-2666) or Ken Johnson (phone 275-3243).

Sincerely,



Todd Ambs, Administrator
Division of Water

cc: Kristine Euclide, Secretary; Capital Area Regional Planning Commission;
Ken Johnson - DNR – SCR - Fitchburg
Secretary Matt Frank – DNR – AD/8
Tom Gilbert – DNR - WT/3

CARPC Chair Letter of May 19, 2009 to the CARPC Budget and Personal Panel members



210 Martin Luther King Jr. Blvd. Room 362 Madison, WI 53703 Phone: 608-266-4137 Fax: 608-266-9117 www.CapitalAreaRPC.org info@CapitalAreaRPC.org

May 19, 2008

TO: Mayor Dave Cieslewicz, City of Madison
Tom Clauder, Dane County Cities and Villages Association
Jerry Derr, Dane County Towns Association
Dane County Executive Kathleen Falk

FROM: Jeff Miller, Chair

On behalf of the Capital Area Regional Planning Commission, I hope this memo finds you in good health and spirits. The Commission understands how busy each of you are this time of year with all the demands of developing budgets, which is why we would be especially appreciative if you would take some time to **each submit two names** of qualified individuals who might serve on the recently created CARPC Policies and Criteria Advisory Group.

This Advisory Group will be of limited duration, and will have the following mission, as approved by CARPC at its meeting of April 24, 2008:

“To provide feedback from a technical group of people with insight and expertise regarding local problems and opportunities, as well as ideas on solutions and approaches to achieving the Commission’s goals and objectives.”

The Commission asks that the individuals who serve in this Group meet *all* of the following criteria: 1) they have experience in urban service area amendment and development processes; 2) they are not elected officials; and 3) they directly represent the interests of the unit(s) of government that you serve.

The Commission would like to receive feedback from the Advisory Group in December 2008, after which the Group will be disbanded. This is not a standing committee of the Commission; the sole purpose of the Group is to provide the feedback sought by the Commission within a limited timeframe. Due to this schedule, we respectfully request that you submit names to CARPC staff **by June 5**. The Commission may choose to appoint up to three additional Group members; no Commissioner may serve in the Group.

Thank you very much for your time and continued support of the Commission. As usual, if you have any questions, please feel free to call me or contact staff.

JM:cg

Appendix 2

Outline of Interview Questions

List of Participants

Outline of Questions and Purpose for Interviews with Local Units of Government in the Dane County Region Regarding the CARPC Policies and Criteria 3/30/09

Goals:

1. Explore the concerns and interests of the local units of government.
2. Understand the options faced by the local units.
3. Increase the local units' understanding of regional issues and the role of the CARPC.
4. Increase the local units' understanding of other options to resolving regional issues.
5. Assess venues and possibilities for developing partnerships around concerns and interests.
6. Determine the types of processes and associated stakeholders needed to meet the interests and to implement agreements.

Regional Interests:

1. Protection of the quality of life.
2. Protection of water resources.
3. Protection of land resources for food and fiber production.
4. Protection of biologic resources.
5. Protection of cultural resources.
6. Protection of economic well-being.
7. Coordination of the physical development of the region in support of 1-6.
8. Coordination of governmental activities to optimize the results in a regional scale.

Interview Questions: (open with an overview of CARPC's regional interests)

1. The CARPC regional goals received broad support. How do the regional interests of the CARPC parallel your local interests? How do they differ?
2. What can the CARPC do to support or help you with your local issues or challenges?
3. Can you describe a few CARPC actions that you think have worked well? Why have these actions been successful?
4. Can you describe a few CARPC actions that you think have not worked well? Why have these been unsuccessful?
5. Can you share some of your ideas on how the CARPC could improve its work?
6. Do you have any suggestions on ways that the CARPC can improve the quality of life in the region?
7. Have you had a USA amendment? How did the process work for you? How did the policies and criteria affect your planning and amendment process?
8. What comments do you have concerning the Policies and Criteria? Are there any specific changes that you recommend? What do you expect would be achieved from these changes?
9. What opportunities do you see for us to work together in support of mutual goals?
10. Do you have other comments?

List of Interview Participants

City of Fitchburg	Village of Belleville	Town of Blooming Grove
City of Madison	Village of Blue Mounds	Town of Blue Mounds
City of Middleton	Village of Brooklyn	Town of Bristol
City of Stoughton	Village of Cottage Grove	Town of Cottage Grove
City of Sun Prairie	Village of Cross Plains	Town of Dunkirk
City of Verona	Village of Deerfield	Town of Dunn
Dane County (Executive)	Village of DeForest	Town of Mazomanie
	Village of Mazomanie	Town of Medina
Capital Region Advocacy Network for Environmental Sustainability	Village of McFarland	Town of Pleasant Springs
	Village of Mount Horeb	Town of Rutland
	Village of Oregon	Town of Springdale
Dane County Environmental Smart Growth Coalition	Village of Waunakee	Town of Sun Prairie
	Dane County Cities and Villages Association (Chair)	Town of Verona
		Town of Westport
		Town of Windsor
		Dane County Towns Association (Chair)

Appendix 3

Comments Received During Interviews

Categorized Input from Interviewees

Background

The CARPC Advisory Group directed staff to solicit the Chief Elected Official (CEO) of each local unit of government in Dane County for input on the Commission policies and criteria for USA amendments. Each CEO was contacted; over half sat down with Kamran to discuss the policies, resulting in the following comments. Two meetings were also held to take input from representatives of conservation interests. The comments have been placed in the following general categories:

Approach to Regional Planning Process

Boundary Agreements

CARPC Services: Regional, Local & State

Connections

Density

Economic Development

Farmland Preservation

Goals vs. Means

Limited Service Areas

Planning as key to better decision-making

Role of staff in the process

Rule-making & Rule-clarity

Scope of Work

Trust Building

The Group should review the comments and develop constructive recommendations for the Commission.

Approach to Regional Planning Process

- AP 1. Process needs to be a cooperative, collaborative discovery of comprehensive solutions to issues, instead of dictating to locals.
- AP 2. Criteria were introduced too abruptly; should have provided a phase-in timeline so the rules are not changed midstream.
- AP 3. CARPC to coordinate all the units of government, their decisions, their needs, and create agreements between them.
- AP 4. Process should include consultation with local units regarding interpretation of their plans. Others' interpretations are not always accurate.
- AP 5. Process should help build trust between constituent units of government and the CARPC.
- AP 6. Commission should push intergovernmental collaboration and model it itself.
- AP 7. Cooperation takes time (in years) and is needed to build trust.
- AP 8. Cooperation should be based on win/win solutions not compromise (which indicates both sides are equally unhappy with the result).
- AP 9. The facts should be established through staff analyses instead of allowing commissioners to insert "facts" that are based

on conjecture and hearsay. The current approach leaves the door open to political mischief. Scientific findings of fact by impartial staff need to be the bases of Commission decision-making.

- AP 10. Public statements should be fact-checked and their relevance clearly established. Public hearing should not be allowed to create a climate of allegation and conjecture without recourse. Provide guidance for public comments.
- AP 11. Local issues need to be addressed as part of neighborhood planning not at the RPC level.
- AP 12. Regional objectives should be provided to locals ahead of local planning initiatives. The local units need to be on board from the start.
- AP 13. There is a lack of communication between the Commission itself (as opposed to the Commission staff) and the local units of government.
- AP 14. It is impossible to have local long-range goals with turnover in decision-makers.
- AP 15. Town input comes too late in the USA amendment process. Town needs to be brought in early in the planning process.
- AP 16. Process should allow CARPC to be evenhanded between towns and cities/villages.
- AP 17. Process needs to include communication of the real reasons behind CARPC decisions.
- AP 18. Process should allow all stakeholders (including regional non-governmental groups) proper input into plan making.

Boundary Agreements

- BA 1. There needs to be a mandatory intergovernmental agreement requirement between towns and cities/villages.
- BA 2. Boundary agreements need to be long-term.
- BA 3. Boundary agreements need to recognize the city/village need for expansion in a logical manner. But plan it and stick to it!
- BA 4. CARPC should not require boundary agreements or even bring them up at hearings; this just gives towns a veto power that they don't legally have.

CARPC Services: *Regional, Local & State*

Regional Concerns

- CA 1. Help with RTA implementation
- CA 2. Start annual conferences again. Include lunch or dinner.
- CA 3. Encourage/work on the reuse of treated wastewater.
- CA 4. Create a planning advisory committee from all NGOs (housing advocates, environmental advocates, transit advocates, watershed groups, neighborhood groups, food production groups, handicap advocates, recreational resource advocates, etc.) to promote regional objectives.
- CA 5. Develop an agricultural preservation approach. Farmland preservation needs to consider agriculture as a viable economic activity.
- CA 6. Create a coherent overall plan for farmland preservation. PDR/TDR will result in a patchwork pattern of conservation not related to a critical conservation plan.
- CA 7. Develop an evaluation of the proper use and viability of PDR/TDR.
- CA 8. Develop standards, criteria, prototypes, and ideas for conservation subdivisions to be implemented by towns on septic.
- CA 9. Restrict unsewered subdivisions. We don't need more development like the Town of Middleton.
- CA 10. Strengthen agricultural areas and preserve rural areas.

Local Concerns

- CA 11. Ideas for solution that can be implemented through plat design.
- CA 12. Provide urban design assistance.
- CA 13. Provide detailed ideas on urban design, BMPs, improved efficiency of urban growth patterns, etc.
- CA 14. FUDA planning expected to generate local consensus regarding future of village/city. Help provide continuity that supersedes political changes in the board/council.
- CA 15. Become a conduit for federal money for needed projects.
- CA 16. Play the heavy so local decision-makers can ask developers for better design.
- CA 17. Provide local officials with information and support so they can say no to developers.

- CA 18. Help with local economic development.
- CA 19. Help community to become more balanced in its development (is too residential, needs commercial and industrial development).
- CA 20. Facilitate an equipment-sharing cooperative.
- CA 21. Help create a regional government IT assistance center.
- CA 22. Hold workshops on planning issues and trends, technical approaches and solutions, etc. for plan commissioners and council/board members.
- CA 23. Inform local units regarding light pollution.
- CA 24. Help with historic preservation.
- CA 25. Help with downtown redevelopment.
- CA 26. Help with services to meet the needs of local citizens and local units of government.
- CA 27. Help with transportation and accessibility needs.
- CA 28. Help with people's daily life issues.
- CA 29. Provide a template/model for a long-range comprehensive plan.
- CA 30. Assess growth needs of communities.

Regional Concerns with Local Impacts

- CA 31. Evaluation of a north-south rail line through Fitchburg, to tie into the proposed light rail.
- CA 32. Highlight successful examples of development that combine many aspects of development and issues local units are faced with (integration of environmental restoration, economic development, recreational development, accessibility, etc.).
- CA 33. Do bus tours of successful projects for the Commission.
- CA 34. Develop regional models of impact analysis on WQ, transportation, fiscal, etc. for neighborhood planning. Become a regional source of information and expertise.
- CA 35. Help with evaluation of regional impacts of projects/concepts.
- CA 36. Help local units improve their Comprehensive Plans.
- CA 37. There is need for CARPC to show/help with good planning and design.
- CA 38. Provide technical assistance on long-range planning and other planning issues with regional impacts or scope.
- CA 39. Provide leadership in FUDA planning so locals can prepare plans that are observant of regional issues and opportunities.
- CA 40. Provide 15-20 minute presentations to committees of the whole on various subjects of regional importance.
- CA 41. Provide help with review of conditions of approval to make sure resources are protected.
- CA 42. Follow up on impact mitigation and do inspections. Provide a phone number for complaints.
- CA 43. Northwest towns need to be brought together to iron out problems unique to the area.
- CA 44. Provide technical help with concerns with adverse impacts of urbanization.
- CA 45. Proactively identify locations and conditions of development that would be acceptable to CARPC within the Black Earth Creek Watershed.
- CA 46. Increasing conflict between CARPC, Dane County, municipal, DNR, and DOT objectives in the Black Earth Creek watershed should be addressed proactively through a process and plan that is focused on identifying mutually acceptable development and preservation strategies throughout the watershed, and generally ahead of the next development boom—so that conflicts at time of urban service area amendment can be minimized.
- CA 47. All regional issues should be included in the coordination function of the CARPC and made part of the regional planning process.

Local Intergovernmental Concerns

- CA 48. Intergovernmental relations and mediation/facilitation (though some locals may think even the RPC staff are to influenced by the county to play an impartial role). Where the RPC has done this, it has resulted in further intergovernmental collaboration between the units on their own.

State Concerns

CA 49. Get the WisDOT to pay attention to regional and local plans.

Connections

CA 1 Local decision-makers depend on their own staff not the RPC. There is a disconnect between Commissioners and local decision-makers. This gap needs to be bridged. Need to create a connection between the political leadership at the local level and the RPC at the regional level.

CA 2. There is confusion in the relationship between CARPC and WDNR and the jurisdictions of each of them, and between those jurisdictions and that of the cities and villages with regards to comprehensive planning and self-rule.

Density

DE 1. Criteria should include quantitative density standards instead of pushing on the status quo.

DE 2. Density standards should include standards for commercial and industrial land uses through floor to area ratio goals.

DE 3 Density standards are a problem; resulted in overbuilding of condos.

DE 4. Density requirements are a potential issue for small amendments unless the Commission uses an overall (average) municipal metric for measuring changes in density.

DE 5. Building codes encourage large houses and sprawl in this country. We need examples of successful good urban design that show creative local approaches to design and building.

DE 6. Mixed-use development requires rooftops and density to support it. Small villages cannot support mixed-use development if this is the vision the Commission has for all urban areas in the region. They need to grow before they can have viable mixed-use development.

Economic Development

EC 1. The outer reaches of Dane County need economic development to sustain revenues and school enrollment. Criteria need to provide for this need.

Farmland Preservation

FA 1. Conservation easements should be for perpetuity.

FA 2. Keep rural areas rural, and urban areas dense.

FA 3. Need to get a handle on agricultural non-point pollution.

FA 4. Farmland preservation should be a regional criterion and cities and villages should be forced to participate; they will not do so voluntarily.

FA 5. Mandated farmland preservation or PDR/TDR will be used to wall in cities/villages, and will end up killing them.

Goals vs. Means

GO 1. The goals are shared by the local units of government, but the means of getting there are the source of friction and disagreement.

GO 2. Criteria were introduced too abruptly; should have provided a phase-in timeline so the rules are not changed midstream.

GO 3. Concerns are the same as what was indicated in the comments at the time of adoption. We are waiting and will see how the criteria will be implemented. So far so good with the possible exception of the Village of Mazomanie amendment request. Concerned especially with the implementation of the following:

a. Farmland loss mitigation

b. Density

c. Land demand/growth cap

d. Needs assessment requirement (too vague)

e. Intergovernmental agreement promotion

Limited Service Areas

LS 1. LSAs should not be allowed to expand in ETZs (due to tax inequities between towns and cities/villages).

Planning as Key to Better Decision-making

PL 1. We need to do better decision-making through better planning.

Role of Staff in the Process

RO 1. Staff should point out to the Commission when it is not contributing to win/win solutions.

Rule-making & Rule Clarity

- RU 1. The standards seem to be moving and ever-changing. The Commission should set standards and not change them.
- RU 2. Rules and standards should be legislative and they should be adopted through a legislative adoption process, instead of being performance-based and qualitative. Define a list of impacts and standards that when met would almost guarantee approval. More predictability is needed in the process.
- RU 3. Developers develop what they can sell. We need to make sure they offer a variety of choices in housing.
- RU 4. Criteria need to be clear and not open to interpretation.
- RU 5. Criteria should provide information to applicants so they are certain on what is expected from them.
- RU 6. Criteria should be applied fairly and consistently; prevent the impression of decision-making by caprice.
- RU 7. Criteria seem to convey a message that development is only OK in the City of Madison.

Scope of work

- SC 1. Too much work and material is needed for a USA amendment application. The process needs to be simplified.
- SC 2. USA amendments take too long from start to approval from DNR.
- SC 3. Process needs to be streamlined and start by focusing on water quality issues.
- SC 4. Process does not allow adequate time for a complete evaluation of potential impacts of growth, and for adequate preparations and input by opponents of growth.
- SC 5. CARPC needs to become less political and agenda driven. The amendment process should not be used to meddle in local planning decisions.
- SC 6. Commission needs to familiarize itself with the issues and options faced by the local units of government. Cannot disregard local realities regarding finances, revenue caps, school enrollment, economic development needs, etc.
- SC 7. Process should clearly differentiate between planning phase issues and design phase issues for the CARPC. USA process is too early to discuss design phase issues; CARPC should stay clear of these at the plan amendment phase.
- SC 8. Look at the big picture and refrain from micro-managing local issues.
- SC 9. Major changes to plans should include a steering committee or advisory group from the stakeholders throughout the process. Process should include continuous direct communication with units of government and active solicitation for comment from them.
- SC 10. Long-range planning horizon is needed for proper planning (100-200 years).
- SC 11. Long-term planning horizon requires commitment to an overly large area of development, making it undesirable for towns.
- SC 12. Plans should be final prior to annexation.
- SC 13. Annexation should be final prior to USA plan amendment (finalizing plans encourages annexation).
- SC 14. How do we get local plans that are detailed, specific, and prescriptive, and have local decision-makers stick to them?
- SC 15. The process should include a strategic planning process at the municipal level (not just a wishful planning process).
- SC 16. How do we do a cohesive and comprehensive vision-based land use plan that doesn't change with each developer's proposal? Development should be paced to allow for reasonable planning and response to the changes that it brings about; there should be a method to the madness.
- SC 17. Criteria and policies should provide comprehensive, pragmatic approach to environmental issues considering transportation, housing cost and affordability, economic development, etc.
- SC 18. Criteria should be aimed at enhancing natural resources not just protecting them.
- SC 19. Criteria should be aimed at minimizing the need for highway expansion.
- SC 20. Required neighborhood planning is expensive for small units. Municipalities cannot do this alone; gets them beholden to developers.
- SC 21. Local design preferences should not be dictated by the CARPC. Suggestions by RPC staff are welcome and desired, but these issues should not be brought up by the Commission during the hearing (for example sidewalks, bike trails, whether a community truly needs a grocery store, etc.).

- SC 22. There are state and county stormwater standards, why do we need additional RPC stormwater standards?
- SC 23. Should not use the amendment as an opportunity to require retrofits or improvement/restoration of resources.
- SC 24. One size fits all approach to development does not work. New urbanism would not be accepted by the Village. People move here to move away from high density. Criteria need to consider local character and preferences.
- SC 25. Criteria need to be in line with the state revenue limits and other rules that force municipalities (including towns) to promote growth to stay financially viable.
- SC 26. Policies and criteria should be regionally more aggressive.
- SC 27. Effective and efficient provision of service should be the measure or standard for regional growth planning.
- SC 28. If criteria are to limit growth, there should be thought given to what use the land will be put to. Usually, once a parcel has been bought for development, it will develop one way or another. The question is what is the best approach to developing it.

Trust Building

- TR 1. CARPC needs to build trust and respect in the region.
- TR 2. We have good quality of life in our village. CARPC should not get involved unless asked.
- TR 3. Outline how good planning can improve people's lives and help with their problems.
- TR 4. Commission needs to be more open-minded and help expand solutions and ideas instead of just saying no.

Additional Comments

Re Duties and Authority:

1. The CARPC should be authorized to do comprehensive regional planning if it is going to be effective. It should have the following added planning duties at a regional level:
 - a. Transportation/MPO
 - b. Land use for the region (rural areas as well as urban areas)
 - c. Economic development
 - d. Long term water quantity issues (inter-basin transfer; groundwater recession; baseflow concerns; stormwater volume increases).
 - e. Infrastructure planning
 - f. Housing/affordable housing coordination and planning.
 - g. Medical services coordination
 - h. EMS coordination and planning
 - i. Fire district coordination and planning.
 - j. Schools district coordination and planning
 - k. IT coordination and planning.
 - l. Farmland preservation planning.
2. CARPC should not overstep its authority.
3. Some units of government are concerned with giving the CARPC too much leeway in decision-making.
4. There is need for clarification regarding CARPC authority. Some people think it is only a water quality planning agency, not a full-fledged RPC. There needs to be a concerted effort to inform people of the breadth of RPC duties and responsibilities.
5. CARPC is too political and agenda driven.
6. Commissioners need to think regionally not just from their respective narrow interests and agendas.
7. CARPC should limit itself to water quality planning even if it has a broader charge. Consider that CARPC relationship with local units of government is based on water quality planning, not the other stuff.
8. CARPC should get into regional revenue sharing like the Twin Cities Metro Council.
9. CARPC is not elected. The standards they are enforcing result in increased taxation. This is taxation without representation! CARPC members should be elected.

10. Getting the CARPC central authority is just not in line with political reality; lack of trust is the issue.
11. Dane County conservation purchases should first be worked through coherently as part of a regional plan.

Re Staff:

1. RPC staff is always helpful and provide expert information. Continue staff services.
2. RPC staff helpful at providing guidance and assistance on USA amendments.
3. Great staff; respected.
4. Staff provides good regional perspective.
5. Staff needs to promote even more truly regional approaches

Re Outreach Needs:

1. Communicate with units of government regularly. Very important!
2. (E.D. or D.D.) Call adjacent units' elected officers regarding amendments and ask for input, etc.
3. Inform units of government of changes in the Commissions thinking or direction so units can be up-to-date regarding issues that would be likely to come up.
4. Communicate with the local units of government the status of various planning activities and initiatives. Suggests newsletters, letters of notice, presentations to local decision-making bodies, short presentations to planning commissions, annual or quarterly planning conferences, more user friendly website (and special content for local political leaders), monthly newspaper articles on planning issues, open-house community presentations, etc.
5. Need to communicate to the Towns the non-involvement of the RPC in annexation issues.
6. More information-sharing and outreach is needed to clear up misconceptions and misinformation regarding CARPC. There seems to be a lot of misinformation regarding what things can impact water quality, even among municipal staff who should know better. The range includes the relevance of pavement width, walkable neighborhoods, solid waste disposal, even expansion of service area. We need to expand our outreach to inform and educate about impacts of these decisions on receiving streams in a manner that is easily understood by people.
7. The Commission needs a PR firm to help it with its image and attitude problems.
8. Send information to both clerk and chair/president.
9. Communicate changing nature of water quality standards in the context of the Clean Water Act.

Re Other General Concerns:

1. Distrust is a problem in the region...between the County, Madison, and other municipalities.
2. There is control by the City of Madison where there is competition. The RPC is too Madison-centric.
3. Commission needs political diversity. The region is large and includes communities other than Madison.
4. The CARPC is creating perceptions of capricious decision-making.
5. All units of government (including towns) are seeing diminishing financial base and need development to make up for increased cost of operation. This may provide opportunities for joint planning areas and joint development areas that benefit several units of government.
6. Towns need larger tax base to do farmland preservation, TDR/PDR.
7. TDR/PDR not financially feasible for some towns that have too many splits regardless of their tax base.
8. Towns are having difficulty maintaining farming when revenues are falling; forces them to promote development.
9. CARPC should be a catalyst for a change to the state annexation rules.
10. An effective RPC would change the relationship between towns and cities/villages (through effective intergovernmental coordination and collaboration which would even out the differences). Just start the dialogue/discussion.

Appendix 4

Summary of Identified Issues

Note: The comments received from interviews were distilled to their basic elements to show that there is a diversity of views on these elements across the region. To allow the Advisory Group to generate ideas to resolve these differences, the following table has been created to show the continuum representing this diversity of views and points of friction. The opposite ends of the continuum are shown on each line under “Continuum of Viewpoints” as neutral ends of the spectrum. There is no intent to show one end or another of each continuum as being more positive or better. Additional suggestions are listed following the table. These suggestions are discrete and do not require assessment as part of a continuum.

Continuum of View Points

Style of Operation of CARPC		
1	Centralized Authority	↔ Dispersed/decentralized Authority
2	Trust	↔ Authority
3	Cooperative	↔ Positional
4	Local autonomy	↔ Regional authority
5	Political	↔ Technical/Objective (or Subjective vs. Objective)
6	Top-down	↔ Bottom-up
7	Exclusive	↔ Inclusive
8	Regional cooperation	↔ Local winners/losers
9	Joint decision-making	↔ Independent decision-making
12	Encouragement and Education	↔ Standards and Enforcement
13	Ideas and Comments from Staff	↔ Review and Scrutiny from the Commission
16	RPC Decision-making Should be Science-based	↔ Political Decision-making
19	Commissioners Should Think Regionally	↔ Promoting Their Own Constituency
20	RPC process should strive to fix problems with proposals to make them acceptable/approvable	↔ RPC process should reject non-compliant proposals with no attempt to addressing/resolving problems
21	RPC as a Consensus-building Venue Among 62 Units of Government	↔ RPC as Just Another Layer of Government
29	RPC Decisions as Policy Decisions (legislative)	↔ RPC Decisions as Technical Decisions (legal)
35	USA Amendments Based on Local Needs	↔ Based on Regional Needs
34	Approach to USA Amendments as a Comprehensive Review of Growth Proposals	↔ Approach to USA Amendments as a Summary (Synoptic) Review of Growth Proposals
Scope of Authority of CARPC		
10	Broad Services in Line with RPC Statutes	↔ Services Only Related to Water Quality
11	Venue for Broad Regional Issues	↔ Venue for Narrow Water Quality Planning Issues
14	The RPC Only to Look at Regional Issues	↔ RPC Melding the Local and the Regional
15	RPC Dealing with Big-Picture	↔ Dealing with Detailed Issues (micro-manage)
17	RPC Has Too Much Authority	↔ Not Enough Authority
Organizational/Operational Structure of CARPC		
18	Commission Should be Elected	↔ Commission Should be Appointed
22	Long-range Planning (over 200 years) Horizon	↔ 20-year Planning Horizon
23	Planning Before Annexation	↔ Planning After Annexation
27	Economic Development as a Co-equal Criterion with Conservation	↔ Economic Development or Conservation as more critical criterion than the other
28	Organically Changing Conservation Standards	↔ Static Conservation Standards
30	Prescriptive Approach to Planning/Dev.	↔ Flexible General Approach to Planning/Dev.
31	Comprehensive Strategic Planning	↔ Market Driven Opportunistic Planning
32	Criteria as Guidelines	↔ Criteria as Guarantees of Approval
33	Application of Criteria Consistently Across the Region	↔ Application Based on Site-specific Information
36	USA Amendment as Planning	↔ USA Amendment as Detailed Design
37	Apply Mitigation WQ Standards	↔ Apply Minimum Standards
CARPC Approach to Density Issues		
24	Density as a Criterion	↔ No Density Criterion
25	Flexible Density Standards	↔ Universal Density Standards
26	Numeric Comprehensive Density Standards	↔ Piecemeal Density Improvements

Recommendations are needed on the following issues:

1. Clarifying Authority
2. Rule-making Process
3. Limited Service Areas
4. Role of Planning in Decision-making (local and regional)
5. Role of Staff in the Commission's Decision-making
6. Consistency in Applying Policies

There is need for specific CARPC involvement in the following areas:

- Farmland/Agriculture Preservation (to prevent development and annexation)
- Conservation Design Development in Towns (to allow development)
- Zoning in Towns (to prevent development)
- Prevent Loss of Rural Areas (to prevent development)

There is need for specific assistance from CARPC Staff to local units of government in the following areas:

1. Education and Information Dissemination
 - Urban Design
 - Solutions to be Implemented in Plat Design
 - Stormwater Best Management Practices
 - Provide Information for Local Decision-making
 - Provide Template for Local Comp Planning
 - Workshops on Planning Issues and Trends
 - Successful Examples of Integrated Development
 - Presentations on Issues to Local Elected Officials
 - Do Bus Tours of Successful Projects
 - Be a Regional Source of Planning Information and Expertise
 - Clarify RPC Authority
 - Clarify RPC Relationship with WDNR
 - Clarify Relationship Between Comp Plans and WQP
2. Consensus Building
 - As Part of FUDA Planning
3. Economic Development
 - Conduit for Federal Funding of Local Projects
 - Local Economic Development
4. Good Local Planning
 - Communities to Become More Balanced
 - Improved Efficiency of Urban Growth Patterns
 - Help with Historic Preservation
 - Downtown Redevelopment
 - Transportation and Accessibility Needs
 - Assess Growth Needs of Communities
 - Help Locals Improve Comp Plans
 - Develop Regional Models of Impact Analysis on WQ, transportation, Fiscal, etc.
 - Create Models of Good Urban/Neighborhood Design

- Provide Technical Assistance with Long-range Planning.
- Provide Technical Assistance with Planning Issues with Regional Impacts and Scope.
- Provide Leadership in FUDA Planning so Locals can Plan for Regional Issues and Opportunities.
- Technical Help to Address Adverse Impacts of Development

5. Good Local Decision-making

- Play the Heavy so Locals Can Reject Developers and Blame it on the RPC

6. Facilitate Resource Sharing

- Equipment Sharing Cooperative
- Regional IT Assistance Center

7. Transportation Planning

- Connecting Spur Lines into the Light Rail
- WisDOT to Pay Attention to Local Plans
- Land Use Implementation for Transportation System Plans

8. Review and Feedback

- Evaluate Regional Impacts of Projects/Concepts
- Help with Review of Conditions of Approval to Protect Resources

9. Inspection and Enforcement

- Of Impact Mitigation
- Of Conditions of Approval

10. Intergovernmental Relations/Cooperation

- Among Northwest Towns
- Mediation/Facilitation Among Neighboring Units of Govt.
- Build Relationship Between RPC Commissioners and Local Decision-makers.

11. Other Services

- To Meet the Needs of Local Citizens
- People's Daily Life Issues

Discussion of Outreach Needs and Recommendations

