

# MINUTES

## CARPC Policies & Criteria Advisory Group

December 17, 2009

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

5:00 p.m.

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Present: Phyllis Hasbrouck, Eileen Kelley, Robert Phillips, Brad Murphy, Tom Wilson, Bruce Sylvester

Absent: Jim Pulvermacher, Caryl Terrell

Staff Present: Bridgit Van Belleghem, Kamran Mesbah

Also Present: T. Wall staff member; 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**

Motion by Mr. Wilson, second by Mr. Murphy, to approve the November 19, 2009, motion carried.

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

Due to severe weather conditions, the CARPC meeting was cancelled and the status report to and extension request from the Commission did not occur.

The group determined that Ms. Kelley, Ms. Hasbrouck, and Mr. Wilson would give a progress report to the Commission, and request a nine-month extension for submitting the final recommendations of the Advisory Group, at the next Commission meeting.

### 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 version (revisions marked in red) of Synopsis on “Styles of Operation” and “Scope of Authority,” (version 12/17/09)

The group refined and added recommendations to this document. Referring to paragraph 1, the group decided to cross out the last sentence.

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...” add commissioners and staff...to provide the regional perspective
- repeat “awards” statement in this section (also under recommendation #2);

- add “provide comment on ‘peripheral development plan.’”
- add: “provide a venue for intergovernmental long-range plan sharing where these do not exist and support efforts where they do exist.”

The group asked if the Future Urban Development Area planning would be discussed as part of developing recommendations on policies and criteria. Mr. Mesbah noted that the charge of the Advisory Group was to solicit input and develop recommendations concerning the policies and criteria for service area amendments. However, he would like to recommend to the CARPC to continue this group as a FUDA advisory group when the current work is completed. It would fall on the Commission to decide if this would be an appropriate approach.

In reference to bullet 1, “Create a workgroup of the CARPC and charge it with the task of building trust for the CARPC, and building consensus behind specific authority to be added to the 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 consensus behind what these critical and strategic challenges are):”

If the Commission is interested in discussions regarding an expanded CARPC authority, then a steering committee is needed for this purpose to act as a caretaker for this issue (not the group around this table). This would have to be done over a longer period because it is a big job.

Mr. Murphy noted that the question of authority does not speak to goals and objectives. The issue of CARPC authority has been brought up by interviewees without clarity on what this authority would encompass? What are the problems, opportunities, goals, objectives, and implementation needs that may require additional CARPC authority. In general, these statements lack clarity and jump to a conclusion without addressing the factors leading to these conclusions. These statements assume that there is a problem and that added CARPC authority is the solution, without a clear assessment.

The group determined the first part of this process is defining the problem, and to determine if more authority is necessary to resolve the problem. Ms. Hasbrouck suggested that the group form a work group charged with examining the question of greater CARPC authority and determining if there is a need for such a change.

Mr. Mesbah pointed out that CARPC has not done an institutional analysis since the 1979 Water Quality Plan (this was an analysis of who does what, based on what authority, assessing functional overlaps and discontinuities). Such an analysis is now more necessary with numerous new regional entities such as the MATPB (MPO), RTA, DC Lakes and Watershed, etc. He noted that one recommendation to the CARPC could be to undertake such an analysis, identifying regional issues and opportunities and coming up with structural and institutional solutions, and clarifying duties and responsibilities.

Ms. Hasbrouck asked if the analysis could extend beyond the county? Mr. Mesbah answered that other counties do not want to be part of this RPC for various reasons. Mr. Murphy acknowledged this issue, but urged that the workgroup should include people from the current region, but the group should keep the potential for a multi-county regional authority in mind as it moves forward.

Mr. Mesbah assured the members that the Assoc. of RPCs is cognizant of the need for including the counties surrounding Dane County in a RPC. The counties would have to be willing to participate.

In reference to the 3rd bullet “Blend regional authority with local authority by...”

The group determined this bullet brings up similar issues regarding authority. Mr. Sylvester noted that there is a need to disclose who has the power to do what at the local level. The group determined that the institutional analysis discussed above should also look at the local level. Currently, there is lack of clarity regarding authority regarding local decisions which have regional impacts.

Mr. Mesbah suggested a MOU that clarifies authority and cooperation for water quality planning. This was done as part of the first water quality planning effort as one outcome of the institutional analysis, and it may have since been forgotten by the units of government. An effort to renew the original agreements would make them relevant and current. Others also suggested that the group look at land use, housing, economic development, and transportation.

A question was raised regarding how other areas of the country have managed to create effective regional initiatives with much broader authority. A few areas in the nation such as the Twin Cities; Indianapolis (metropolitan merger due to bankruptcy); Portland, OR; and some others have been able to create effective and broad regional authorities. Mr. Sylvester pointed out that the Oregon state statutes regarding planning are very different from the Wisconsin statutes. These statutes allow and require a higher level of regional coordination. Therefore, we would need to change the state planning statutes, if that is even possible. While it may be possible, it would require a ground swell of support.

Ms. Hasbrouck asked if the RPC has a brochure that describes the RPC to this end.

Mr. Mesbah informed the group that the commission has not indicated that it would like more authority. However, commissioners have asked more comprehensive questions from staff, and staff analyses have been expanded to incorporate more aspects of planning.

Ms. Kelley stated that the reports are good, fair, and balanced. Mr. Mesbah noted that most people like the reports, but do not want to get turned down. Locals want to have the final say.

In reference to a potential lawsuit concerning the Village of Mazomanie, Mr. Sylvester asked if the case would help clarify the authority of the Commission. Mr. Mesbah answered that the letter from the Department of Natural Resources regarding this case did not seem to clarify authority. He stated that his understanding is that the RPC has the authority to recommend. The CARPC only recommends because it is not the designated water-quality agency. Policies and criteria had to be adopted before designation could occur, and the WDNR is concerned that in developing its policies and criteria the Commission might have lost its initial support. The work of the Advisory Group is partly meant to address this issue.

Van Belleghem suggested that the group could provide recommendations for both courses of action. The group could say: if CARPC wants to have more

authority follow steps a-c, if not or in the mean-time, here are another set of recommendations

Mr. Mesbah will develop language to clarify the bullet.

In reference to bullet 4, "Use joint fact-finding process to establish consensus behind objective metrics and standards to support a dialogue to inform all stakeholders and to be informed of their concerns. Ensure that the process is inclusive and respectful of those who have the statutory authority to implement the resulting plans and goals:

The group decided to divide the sentence into two sentences and add regional issues to read, "Use joint fact-finding processes to strive for consensus behind objective metrics and standards for regional issues." Remainder of this sentence expresses a result of this process, "a dialogue to inform stakeholders and to be informed of their concerns." and can become a secondary bullet.

This statement could also go under "building trust." The group discussed what objective metrics and standards could be applied to water quality, growth, development, public participation, and other regional issues. The group felt that standards encouraged projects to strive for something more than the established metrics.

The group determined that standards should also include MMSD, RTA, and MATPB (MPO), and schools. Some felt that school districts are too complex to try to incorporate effectively, but ultimately all these entities are greatly impacted by growth and should remain in the discussion. Staff will consult Barbara Weber, CARPC community development planner for input.

Thrive, a private economic development think tank, could also be incorporated because of their regional advancements and work.

In reference to bullet 5, "Implement measure to support participation by a broad segment of the resident and stakeholders of the region,":

Add "Road trip commission meetings" as a sub-bullet.

Developing models is expensive. My. Sylvester stated that developing new models should not be used to delay or reject existing development proposals.

Mr. Murphy seconded this stating that CARPC should not penalize communities that have gone forward with planning with good faith efforts with the best information available now. If the standards need to be changed, have a process to change them and then implement these new standards once they have been officially adopted.

Ms. Hasbrouck stated that standards need to change if they are not functioning properly. We know that we need better standards. Good faith is good, but change is difficult and there will be difficult changes that need to be made.

Van Belleghem informed the group this topic was already discussed and it was determined that this process already occurs.

Mr. Sylvester informed the group of a Minnesota practice where there is a set period of time to make a decision. If not approved in the time period, then it is

approved by default. CARPC could implement a safety method where indefinite deferment cannot happen.

Mr. Mesbah stated that this would not meet the WDNR desire that decisions be deliberative with a policy recommendation from the RPC. However, the applicant can always demand a decision if the Commission is proposing to defer a decision. Mr. Murphy pointed out that this approach takes care of the issue of extended deferment.

The group decided to end the discussion here and start the next meeting discussing a possible time trigger for deferring USA decisions.

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

Next meeting: Proposed Jan 21 or 28. 5:00 p.m. Van Belleghem will contact the group to establish official date.

**7. Adjournment**

Ms. Hasbrouck moved, Eileen Kelley seconded, motion carried to adjourn at 7:00 p.m.

Recorded by Bridgit Van Belleghem