

# AGENDA

## Meeting of the CARPC Policies & Criteria Advisory Group

**September 24, 2009 City-County Building Room 309, 210 Martin Luther King Jr. Blvd., Madison WI 5:00 p.m.**

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This is a meeting of the Policies and Criteria Advisory Group, an 8-member workgroup appointed by the Budget and Personnel Panel of the Capital Area Regional Planning Commission. No Commissioners serve on this workgroup; the role of the workgroup is strictly advisory in nature.

- 1) Introductions
- 2) Changes to the agenda
- 3) Approval of the minutes of the meeting of July 30, 2009
- 4) Report on interviews with local units of government regarding CARPC policies and criteria for sewer service areas, and discussion of next steps
- 5) Set future meeting dates and times
- 6) Adjournment

<p>If you need a sign language interpreter, materials in alternate formats, or other accommodations to access this meeting, please contact CARPC staff at 266-4137, or TDD 266-4529, at least 72 hours in advance of the meeting.</p>
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# MINUTES

## CARPC Policies & Criteria Advisory Group

July 30, 2009

City-County Building Rm 315, 210 MLK Jr Blvd, Madison WI

5:00 p.m.

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Present: Phyllis Hasbrouck, Eileen Kelley, Mike Dailey (as a fill-in for Robert Phillips, who is the replacement for Larry Nelson), Jim Pulvermacher, Brad Murphy

Absent: Tom Wilson, Bruce Sylvester, Caryl Terrell

Staff Present: Kamran Mesbah, Bridgit Van Belleghem

### 1. **Introductions**

The meeting convened at 5:10 p.m.

### 2. **Approval of the minutes of the meeting of May 28, 2009**

Motion by Ms. Hasbrouck, second by Eileen Kelley to approved May 28 minutes, motion carried.

### 3. **Report on interviews with local units of government regarding CARPC policies and criteria for sewer service areas**

Mr. Mesbah began the discussion by presenting the results from the interviews he had conducted thus far with local jurisdictions, noting that they were taking longer than was anticipated because of budget creation in all jurisdictions. Mr. Mesbah noted that he had conducted interviews with:

V. Deerfield

T. Medina

V. Belleville

T. Dunn

V. Oregon

T. Dunkirk

V. Waunakee

And all the cities, except Monona and Edgerton

V. McFarland

Referring to a flip chart, Mr. Mesbah summarized some of the common issues and comments, pointing out potential aspects that the committee will need to be aware of such as dealing with contradictory issues and recommendations. Mr. Mesbah continues to conduct interviews and will have a more final list of issues and recommendations before the next meeting.

The committee had discussed in a previous meeting about conducting interviews with the environmental groups. Mr. Mesbah asked the group, how they thought he should go about conducting these interviews. Ms. Hasbrouck agreed to ask the CRANES group about the best possible strategy. Mr. Murphy suggested that a focus group representative of the many environmental organizations might be the best way.

### 4. **Discussion of CARPC public process and procedures**

The group referred to a letter and set of recommendations submitted by environmental organizations to CARPC earlier this year.

Ms. Hasbrouck stated that current policies and practices were tilted in favor of development and that the environmental interests would like to see a more equal playing field. In public hearings, she recommended that the commissioners are given a chance to talk and re-address public comments. Also, that environmental groups do not have enough opportunity to organize.

Mr. Mesbah pointed out that the commission can check facts in a dialogue with participants and applicants. Additionally, if the commission has concerns or questions it can postpone the decision and request staff to conduct further research and information.

Ms. Hasbrouck pointed out that in order for the commission to develop concerns or become aware of problems that local groups, who have more investment, would need more time to do their own more thorough research.

Mr. Pulvermacher suggested that applications that do not have an environmental component can be granted an early public hearing to get input before officially submitting a proposal.

Mr. Murphy suggested that the application be posted right away, a month in advance, but cautioned against lengthening the process because proposals have already been through local and public review, which is at fastest six to nine months. Plus, the annexation process.

Mr. Mesbah asked the group for reasons why the local public might not be involved in the local review process.

Mr. Murphy answered that in Madison citizens can get access to listserves to receive plan commission agendas and other information.

Mr. Hasbrouck point out that environmental and other interest groups do not have staff or time to dedicate to staying on top of the agendas for all local units of government, where as developers, local staff and officials dedicate themselves to this process. The playing field is uneven from the beginning. And that local jurisdictions have a bent towards development, and act on different values.

Mr. Pulvermacher suggested the CARPC allow for an initial public hearing for vetting a proposal. At a later date, if the proposal seemed acceptable, the applicant could submit an official application for a second public hearing where the decision can be made.

Mr. Mesbah reminded the group that RPC staff provides the Commission with a joint fact finding technical capability, so that questions can be researched and answered. He cautioned against encouraging advocacy science as part of the process, where one can find an expert for or against any case. Advocacy science can get in the way of the Commission reaching consensus, it would just bring conflicting claims and assertions. He added that the public hearing at the CARPC level is not intended to be an opportunity to rehash or mediate local issues or conflicts, it is meant to help get public input and opinion regarding the regional issues concerning a proposal. He also cautioned against a suggestion from the submitted document that would add three months to the process at the beginning, since this period would be just a problem discovery time, not used for finding solutions to problems that may be associated with a proposal.

Ms. Hasbrouck pointed out that the process is set up in a way that consensus will not be reached and that someone has to lose.

Mr. Mesbah clarified that by consensus decision it is not meant that there will not be a winner or a loser. By having an objective process with a representative group (i.e the RPC), if decision-making is done with the near consensus process, and when the Commission develops an understanding of and agreement on the facts of the relevant issues, then it is more likely that municipalities have to accept rejection or approval as objective and non-partisan.

Mr. Mesbah also brought up a case where an applicant wanted to have one on one informational meetings with the commissioners, and stated that it would be better to get the informational

discussion in front of the commission in public. CARPC could encourage applicants to give the Commission and the public a presentation of the general proposal at the conceptual phase for general feedback and to assess the likelihood of commission approval before further planning for the development. Often after putting so many resources into planning a project a developer and the municipality will have a hard time letting go of it.

Mr. Pulvermacher and Mr. Murphy suggested that there should be a limit on the number of times the potential applicant could present to the commission so that the process is not abused or hard to manage.

The group generally liked this idea.

Ms. Kelly suggested that for projects already in the planning phase could still have presentations to the Commission in advance of their public hearing.

The group determined that in the coming meeting they would work further to develop specific recommendations for the commission.

**5. Continued discussion of NR 121 as it relates to the authority and activity of CARPC**

No further discussion.

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

Members agreed to meet next on Thursday, August 27th at 5:00 p.m., contingent on Mr. Mesbah's availability.

**7. Adjournment**

By unanimous consent 6:35 p.m.

Recorded by Bridgit Van Belleghem

**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 (through Sept. 16, 2009). The Group should review the comments and *develop constructive recommendations* for the Commission.

**Comments*****Re Process:***

1. Process needs to be a cooperative, collaborative discovery of comprehensive solutions to issues, instead of dictating to locals.
2. Criteria were introduced too abruptly; should have provided a phase-in timeline so the rules are not changed midstream.
3. CARPC to coordinate all the units of government, their decisions, their needs, and create agreements between them.
4. We need to do better through planning.
5. Process should include consultation with local units regarding interpretation of their plans. Others' interpretations are not always accurate.
6. Process should help build trust between constituent units of government and the CARPC.
7. Commission should push intergovernmental collaboration and model it itself.
8. Cooperation takes time (in years) and is needed to build trust.
9. Cooperation should be based on win/win solutions not compromise (which indicates both sides are equally unhappy with the result).
10. Staff should point out to the Commission when it is not contributing to win/win solutions.
11. Too much work and material is needed for a USA amendment application. The process needs to be simplified.
12. USA amendments take too long from start to approval from DNR.
13. Process needs to be streamlined and start by focusing on water quality issues.
14. CARPC needs to become less political and agenda driven. The amendment process should not be used to meddle in local planning decisions.
15. 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.
16. The standards seem to be moving and ever-changing. The Commission should set standards and not change them.

17. 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.
18. 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.
19. 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.
20. Local issues need to be addressed as part of neighborhood planning not at the RPC level.
21. 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.
22. Look at the big picture and refrain from micro-managing local issues.
23. 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.
24. 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.
25. 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.
26. Regional objectives should be provided to locals ahead of local planning initiatives. The local units need to be on board from the start.
27. There is a lack of communication between the Commission itself (as opposed to the Commission staff) and the local units of government.
28. It is impossible to have local long-range goals with turnover in decision-makers.
29. Developers develop what they can sell. We need to make sure they offer a variety of choices in housing.
30. Town input comes too late in the USA amendment process. Town needs to be brought in early in the planning process.
31. Process should allow CARPC to be evenhanded between towns and cities/villages.
32. Long-range planning horizon is needed for proper planning (100-200 years).
33. Long-term planning horizon requires commitment to an overly large area of development, making it undesirable for towns.
34. Plans should be final prior to annexation.

35. Annexation should be final prior to USA plan amendment (finalizing plans encourages annexation).
36. How do we get local plans that are detailed, specific, and prescriptive, and have local decision-makers stick to them?
37. Process needs to include communication of the real reasons behind CARPC decisions.
38. The process should include a strategic planning process at the municipal level (not just a wishful planning process).
39. 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.

***Re Policies and Criteria:***

1. The goals are shared by the local units of government, but the means of getting there are the source of friction and disagreement.
2. Criteria were introduced too abruptly; should have provided a phase-in timeline so the rules are not changed midstream.
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
4. Criteria should include quantitative density standards instead of pushing on the status quo.
5. Density standards should include standards for commercial and industrial land uses through floor to area ratio goals.
6. Density standards are a problem; resulted in overbuilding of condos.
7. Density requirements are a potential issue for small amendments unless the Commission uses an overall (average) municipal metric for measuring changes in density.
8. Criteria need to be clear and not open to interpretation.
9. Criteria should provide information to applicants so they are certain on what is expected from them.
10. Criteria should be applied fairly and consistently; prevent the impression of decision-making by caprice.

11. Criteria and policies should provide comprehensive, pragmatic approach to environmental issues considering transportation, housing cost and affordability, economic development, etc.
12. Required neighborhood planning is expensive for small units. Municipalities cannot do this alone; gets them beholden to developers.
13. LSAs should not be allowed to expand in ETZs (due to tax inequities between towns and cities/villages).
14. 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.).
15. There are state and county stormwater standards, why do we need additional RPC stormwater standards?
16. Should not use the amendment as an opportunity to require retrofits or improvement/restoration of resources.
17. 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.
18. 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.
19. 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.
20. Criteria seem to convey a message that development is only OK in the City of Madison.
21. 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.
22. Policies and criteria should be regionally more aggressive.
23. Effective and efficient provision of service should be the measure or standard for regional growth planning.
24. There needs to be a mandatory intergovernmental agreement requirement between towns and cities/villages.
25. Boundary agreements need to be long-term.
26. Boundary agreements need to recognize the city/village need for expansion in a logical manner. But plan it and stick to it!
27. 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.
28. Conservation easements should be for perpetuity.
29. Keep rural areas rural, and urban areas dense.

30. 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.
31. Need to get a handle on agricultural non-point pollution.
32. The outer reaches of Dane County need economic development to sustain revenues and school enrollment. Criteria need to provide for this need.
33. Farmland preservation should be a regional criterion and cities and villages should be forced to participate; they will not do so voluntarily.
34. Mandated farmland preservation or PDR/TDR will be used to wall in cities/villages, and will end up killing them.

***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 planing.
  - 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 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 RPC Services and Assistance:***

1. CARPC needs to build trust and respect in the region.
2. Help with RTA implementation
3. Evaluation of a north-south rail line through Fitchburg, to tie into the proposed light rail.
4. 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.
5. Ideas for solution that can be implemented through plat design.
6. 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.).
7. Do bus tours of successful projects for the Commission.
8. Develop regional models of impact analysis on WQ, transportation, fiscal, etc. for neighborhood planning. Become a regional source of information and expertise.
9. Provide urban design assistance.
10. Provide detailed ideas on urban design, BMPs, improved efficiency of urban growth patterns, etc.

11. Help with evaluation of regional impacts of projects/concepts.
12. Help local units improve their Comprehensive Plans.
13. There is need for CARPC to show/help with good planning and design.
14. Provide technical assistance on long-range planning and other planning issues with regional impacts or scope.
15. Provide leadership in FUDA planning so locals can prepare plans that are observant of regional issues and opportunities.
16. FUDA planning expected to generate local consensus regarding future of village/city. Help provide continuity that supersedes political changes in the board/council.
17. Become a conduit for federal money for needed projects.
18. Play the heavy so local decision-makers can ask developers for better design.
19. Provide local officials with information and support so they can say no to developers.
20. Help with local economic development.
21. Help community to become more balanced in its development (is too residential, needs commercial and industrial development).
22. We have good quality of life in our village. CARPC should not get involved unless asked.
23. Facilitate an equipment-sharing cooperative.
24. Help create a regional government IT assistance center.
25. Hold workshops on planning issues and trends, technical approaches and solutions, etc. for plan commissioners and council/board members.
26. Provide 15-20 minute presentations to committees of the whole on various subjects of regional importance.
27. Start annual conferences again. Include lunch or dinner.
28. Inform local units regarding light pollution.
29. Help with historic preservation.
30. Provide help with review of conditions of approval to make sure resources are protected.
31. Help with downtown redevelopment.
32. Help with services to meet the needs of local citizens and local units of government.
33. Help with transportation and accessibility needs.
34. Help with people's daily life issues.
35. Outline how good planning can improve people's lives and help with their problems.
36. Encourage/work on the reuse of treated wastewater.
37. 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.
38. Provide a template/model for a long-range comprehensive plan.

39. Follow up on impact mitigation and do inspections. Provide a phone number for complaints.
40. Commission needs to be more open-minded and help expand solutions and ideas instead of just saying no.
41. Northwest towns need to be brought together to iron out problems unique to the area.
42. Assess growth needs of communities.
43. Provide technical help with concerns with adverse impacts of urbanization.
44. Get the WisDOT to pay attention to regional and local plans.
45. Develop an agricultural preservation approach. Farmland preservation needs to consider agriculture as a viable economic activity.
46. 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.
47. Develop an evaluation of the proper use and viability of PDR/TDR.
48. Develop standards, criteria, prototypes, and ideas for conservation subdivisions to be implemented by towns on septic.
49. Restrict unsewered subdivisions. We don't need more development like the Town of Middleton.
50. Strengthen agricultural areas and preserve rural areas.

**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.