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American Planning Association **Wisconsin Chapter**

Making Great Communities Happen



Summer-Fall 2017 Newsletter


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APA - Wisconsin Fall Conference
Milwaukee, October 26-27, 2017

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Getting There Together: Bridging the Divide

Hilton Milwaukee City Center
October 26 & 27, 2017

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The APA - Wisconsin Election Results are IN

Jason Valerius, planner with MSA, will lead the APA - Wisconsin Board of Directors starting in January. Current president, Linda Stoll, will continue her service to the board as past president. Meanwhile, Joshua Clements will be our new president-elect, in this newly created office. Together, APA - Wisconsin now has a strong leadership succession structure. The re-elected officers and board members are:

Karen Sands, Secretary

Nancy Frank, VP Professional Development

Sandra Scherer, VP Membership

Jeff Schuler, Northwest District Rep

APA Hurricane Recovery Effort: Double Your Impact For Hurricane Recovery!

Donate to the APA Foundation Community Assistance Fund before December 31, and the Foundation will match your individual online donation, dollar for dollar, doubling the impact of recovery efforts in communities affected by the recent hurricanes. **Donate today!**

<https://planning.org/foundation/initiatives/assistance/>



Chapter Awards Announced

APA Wisconsin Vice President for Awards, Kristan Sanchez, has announced the 2017 Chapter Awards. A jury of eight professional planners in Ohio scored the submissions. Based on those scores and comments from the jurors, the chapter is awarding ten awards, three honorable mentions, and three Great Places in Wisconsin.

A heads-up about the 2018 awards program. In 2018, the Great Places Awards submission deadline will move to the spring, allowing the chapter to visit each of the nominated places and put together images and other information for the Great Places award announcements. So start thinking about those great places that you want to nominate in 2018. Kristan also has a new award category to debut in 2018.

And now, Congratulations to the 2017 winners . . .

Planning Tool, **Village of Oregon Sign Code**

Planning Tool, **Connecting People & Communities: Winnebago County Bicycle & Pedestrian Plan**

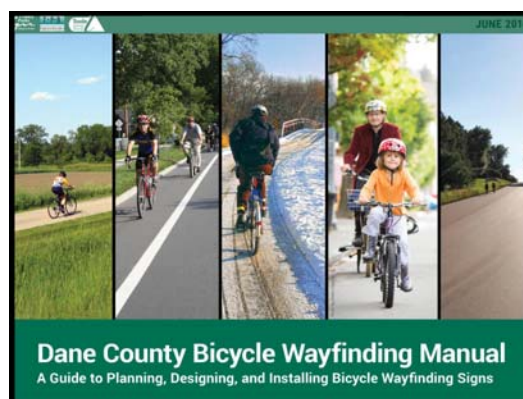
Urban Design, **National Avenue Corridor Strategic Plan**

Innovations in Planning, **Dane County Bicycle Wayfinding Manual**

"ONE-STOP-SHOP" TABLES

Figure 17-0001b **PERMANENT BUSINESS SIGN GROUP 1**

Sign Category	Sign Type	Sign Name	Sign Size	Sign Location	Sign Spacing	Sign Color	Sign Material	Sign Shape	Sign Mounting	Sign Illumination	Sign Maintenance	Sign Notes
A. Permanent Sign Categories	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
B. One-Stop Sign Categories	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
C. Sign Categories	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard
	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Standard

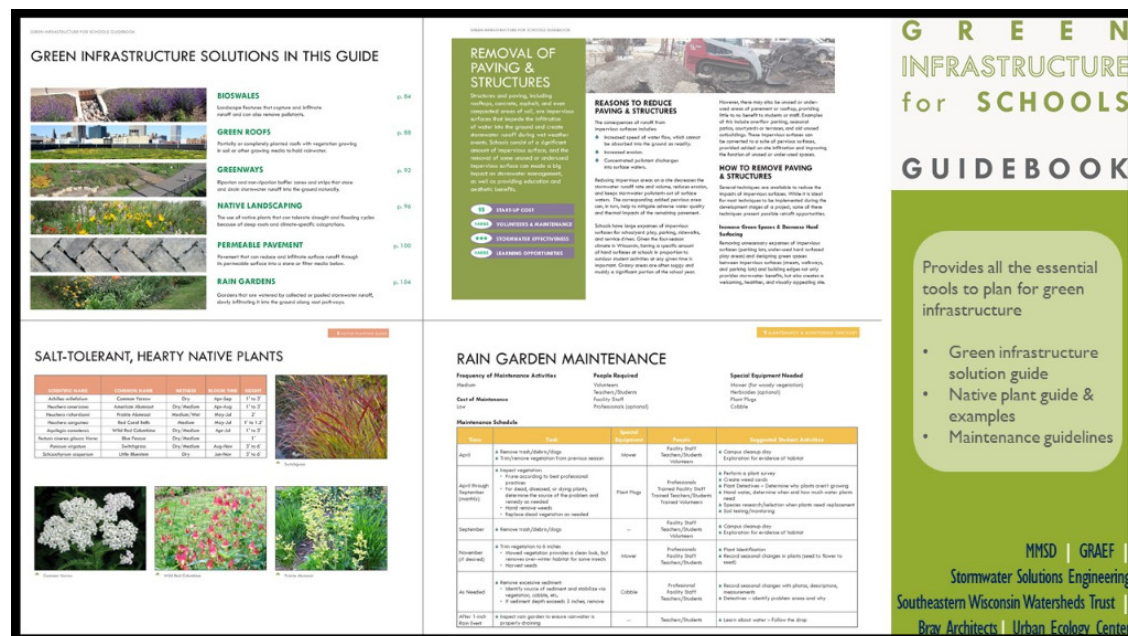


Innovations in Planning, **Green Infrastructure Guidebook for Schools**

Innovations in Planning, **Madison Metropolitan School District Student Enrollment Projections: 2017-2037**

Plan Implementation, **South Milwaukee Comprehensive + Downtown Plan Update**

Plan Implementation, Walker's Point Action Plan / South 5th Street Reconstruction



Plan Implementation, Washington County Site Redevelopment Program

Student Project, **Appleton Avenue Corridor Vision in Menomonee Falls** - prepared by students **Ben Block, Marion Ecks, Kelly Seniuk, and Emma Siegworth**, University of Wisconsin - Milwaukee



Larry Witzling Receives National APA Award

At the APA national meeting this spring, Larry Witzling received the APA's National Planning Excellence Award for Planning Pioneers. A member of the architecture faculty at UW - Milwaukee until his retirement from teaching a couple of years ago, Larry has never been far from practice, founding his own firm Planning and Design Institute in 1988. Witzling was one of a small number of forward-thinking planners who worked tirelessly to knit together Milwaukee's downtown and make room for new development by showing how removal of the Park East freeway spur could spark new development and new life in downtown. This work earned him a national award from the Congress for the New Urbanism.

In 2008, PDI was acquired by GRAEF, where Larry continues to practice.

The Planning Pioneers "recognizes individuals and organizations that have 'significantly and positively redirected' planning practice, education, or theory for at least 25 years. Larry will be featured in several sessions at the APA - WI fall conference:

- He will join a panel at the Thursday morning plenary addressing "The Role of Planners as Leaders,"
- He will speak on "Planning in Silos: Mistaking the Pieces for the Puzzle" on Friday morning, and
- He will present on "Transpartisan Planning: Programmatic Approaches for Bridging the Divide" on Friday afternoon.





When Cars Take a Back Seat

**By Cassandra Leopold, Student Editor
UWM Urban Planning Program**

Upon first arriving in Copenhagen, one thing is clear: the city is dominated by cyclists. I saw it in physical ways when I explored the city by bike, ran into full bike parking lots at almost every corner, and saw traffic lights directing packed lanes of riders at every intersection. But I also saw it in intangible ways, with drivers and pedestrians readily acknowledging cyclists and giving them ample space to commute. At first it was hard to pinpoint, but then I realized that I was sensing a respect and consideration for cyclists

by drivers, which is typically lacking in U.S. cities.

Coming from Milwaukee, where cars have priority over the road, this was a welcome experience. My partner and I rented a bike for a day from our hotel to explore the bike routes around the harbor (although, we could have easily done so at the numerous bike rental shops and bike share stations offered in our neighborhood). Immediately, we were in our own designated, protected bike lane with traffic lights for cyclists, experiencing commuter traffic. As we made our way to the historic Nyhavn port, we noticed that even the sidewalks were wider, with separate tiled path for pedestrians and a paved transfer paths for cyclists. We later learned that the city actively rejects requests to widen the roads and is reluctant to allow one-way traffic on certain streets since it adds to congestion and potential crashes.

Although improved and innovative infrastructure is important, what makes Copenhagen so successful is its investment in bike culture that focuses on accessibility, safety and efficiency. These small choices made by Copenhagen residents and officials added to a larger feeling of friendliness throughout our visit. Here in Wisconsin, in cities like Madison and Milwaukee, similar efforts are underway to rethink and strengthen the relationship between cities and cyclists.

In 2015, the League of American Bicyclists named Madison as one of five U.S. cities with a platinum rating. The League does not rate non-U.S. cities, but some measures are easy to compare. Copenhagen boasts a

whopping “62 percent of residents [who] ride a bike daily to work or education in the city—just nine percent drive. In Madison, the daily bike ridership share was 5.3% in 2014. So even our most bike-friendly city has a long way to go to achieve Copenhagen’s lofty score.

Wisconsin ranks well nationally, achieving a spot in the top 10 in the number of bicycle-friendly cities, employers and universities. Other high-ranking cities in Wisconsin are La Crosse and Appleton, with Silver ratings. While Milwaukee is currently a bronze level city, it is eager to reach the same level of bicycling as Madison and, eventually, Copenhagen.

Milwaukee is working toward this goal through the Path to Platinum (P2P) movement is an effort to reach this goal and put Milwaukee’s community needs first through improved bicycling and creating safer streets. P2P is a collaboration of many partners, but two key partners are the City of Milwaukee and the Wisconsin Bike Federation.

I spoke to my fellow classmate, and Path to Platinum team member, Tony Giron, about P2P goals to make Milwaukee a bike-friendly community.

Giron agrees it isn’t about just being designated a bike-friendly city: it’s about engaging the entire community of Milwaukee to advocate for a better bicycling environment and safer streets.

“It is important to note that even Mayor Barrett backs the idea of Path to Platinum. Initially, the goal was to aim for a gold level status biking community, but he wanted the city to be more competitive with the rest of the country. While “platinum” represents the highest standard, it also helps deal with a lot of Milwaukee’s bigger issues of equity and traffic issues.” In Milwaukee, Giron says, the Path to Platinum initiative is as much about mobility and prosperity for low-income neighborhoods as it is about bike routes and designs.

Even so, according to Giron, the current top priority for Path to Platinum is getting the City to install protected bike lanes. Based off the 2016 Path to Platinum (P2P) Community Bicycling survey, 88% of the 900 respondents said they wanted separated bike lanes. The P2P volunteers are meeting with Milwaukee’s alders and their constituents to talk about improving and connecting on-street bike facilities in each of their districts. Now, with the City of Milwaukee hiring a new Bicycle & Pedestrian Coordinator, James Hannig, Path to Platinum has the internal support they need to receive their funding. Additionally, the city is now creating a multi-modal division to continue the success of the bike movement.

One of the biggest hurdles facing Milwaukee, Giron indicated, are the pedestrian deaths caused by poor driving behavior and infrastructure. Twenty-one deaths have already been reported in 2017. According to Giron, “Driver culture really needs to change.” According to the P2P survey, 64% of residents say that driver culture is major concern. I felt the difference in Copenhagen.

Photo captions and credits:

Top left, Bike Parking in Copenhagen, Cassandra Leopold

Bottom right, Bike Commuters in Copenhagen, Cassandra Leopold

AICP Candidate Pilot Program

Put Your Career on the Fast Track

Distinguish yourself from your peers through the AICP Candidate Pilot Program. Demonstrate to potential employers a commitment to mastering planning skills and maintaining the highest standard of ethical practice. Get involved in AICP early and learn among practicing planners while earning Certification Maintenance credits.

Students and recent graduates of PAB accredited programs can:

- Enroll in the program at any time, starting in November 2017
- Register for the AICP Certification Exam in December or the June after they graduate
- Use the payment program for exam fees
- Take the exam prior to earning professional planning experience

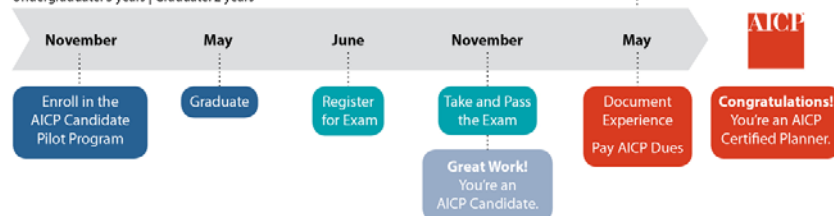
Starting in November 2017, qualified members may enroll in the program at any time during the year. Beginning in December 2017, graduates of PAB-accredited programs may register to sit for the May 2018 AICP Certification Exam.

One of the advantages of this new program is that recent graduates can take the exam while their knowledge of planning history, theory, and statistics is still fresh (These are the sections that often feel a bit rusty after two years of practice.) AICP also hopes that this new program will increase the number of

planners pursuing their certification.

Students

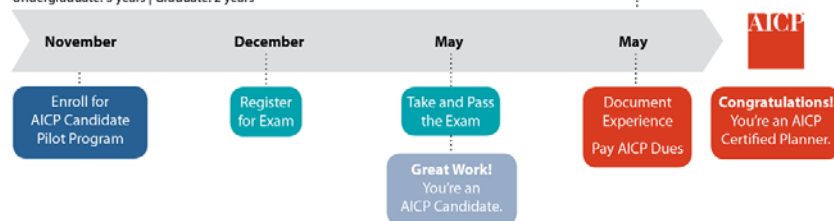
Earn professional planning experience
Undergraduate: 3 years | Graduate: 2 years



This graphic shows the new pathways to AICP certification under the Candidate Pilot Program.

Graduates

Earn professional planning experience
Undergraduate: 3 years | Graduate: 2 years



Visit the APA website for detailed information.

<https://www.planning.org/aicp/candidate/#timeline>



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Law Update

By Brian W. Ohm, JD
Dept. of Urban & Regional Planning
UW-Madison

For questions or comments about these cases, please contact:

bwohm@wisc.edu.

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Visit the [Law and Legislation](#) page any time to access the current and past issues of the Case Law Update.

Wisconsin Supreme Court Interior Home Viewing By Assessor Unconstitutional

Milewski v. Town of Dover, 2017 WI 79, involved a challenge to the tax assessor's revaluation of their property in the Town of Dover in Racine County. The Milewski's challenged the Town's interpretation of state property tax law that allowed the Town to inspect the interior of the Milewski home as part of the revaluation process. In a majority opinion written by Justice Kelly, the Wisconsin Supreme Court held that a tax assessor's inspection of a home's interior is a search within the meaning of the U.S. Constitution's 4th Amendment protection against unreasonable searches and so it is presumptively unreasonable and therefore unconstitutional in the absence of a warrant. The Town offered nothing that overcame that presumption, leading the majority to find that a tax assessor's warrantless search of a home would be unconstitutional without consent.

The majority opinion also held that applying Wisconsin property tax law to require submission to a tax assessor's inspection of the interior as a precondition to challenging the revaluation of their property violated the Milewskis' due process rights as guaranteed by the 14th Amendment to the U.S. Constitution, and Article I, section 1 of the Wisconsin Constitution. The Court remanded the case to the circuit court for further proceedings consistent with the opinion.

Chief Justice Rogensack wrote a concurring opinion, as did Justice Ziegler. Justice Gableman joined Justice Ziegler's opinion. Justice Abrahamson wrote a dissenting opinion, joined by Justice Ann Walsh

Bradley.

Wisconsin Court of Appeals Opinions

County Levy for County-Wide Services Upheld

In *Town of Grant v. Portage County*, the Town and three residents sued the County over property taxes that Town property owners pay to the County for ambulance services provided by the County. The County has provided the service since 1950. Since 2012, the Town contracted with a different ambulance service to also provide ambulance services to its residents. Because of Town provided ambulance service, the Town argued that the County did not have the authority to levy a property tax on Town residents for the County's ambulance services.

The circuit court granted summary judgment in favor of Portage County. Upon review, the Wisconsin Court of Appeals affirmed the circuit court judgment finding that the County had the statutory authority to levy the property tax for the County services.

The case is recommended for publication in the official reports.

Raze Order for Home Damaged by Fire Upheld

Auto-Owners Insurance Co. v. City of Appleton upheld the City's raze order of a home after a fire damaged the building. The Court interpreted the language in the raze order statute authorizing local governments to raze buildings that are "out of repair" as applicable to homes damaged by fire and that the "cost of repairs" under the raze order statute includes all repairs necessitated by the condition justifying the razing, including costs to remediate smoke and water damage.

The case is recommended for publication in the official reports.

Burial Sites Preservation

Two unpublished Court of Appeals cases provide a good review of Wisconsin's Burial Sites Preservation law found at Wis. Stat. §157.70. The cases are *Wingra Redi-Mix, Inc. v. Burial Sites Preservation Board* (Wingra I) and *Wingra Redi-Mix, Inc. v. State Historical Society of Wisconsin* (Wingra II). Both cases involve two Native American effigy mounds near Madison called the Ward Mound Group on three acres surrounded by a large quarry owned and operated by Wingra Stone Company, formerly known as Wingra Redi-Mix, Inc.

In Wingra I, the court affirmed a decision of the Burial Sites Preservation Board, finding that the evidence that a mound held no human remains, was not sufficient to remove the mound from the Historical Society's catalog of burial mounds.

In Wingra II, the Division of Hearing and Appeals (DHA) in the State Department of Administration which conducted a contested case hearing to determine whether a burial site could be disturbed as allowed under the Burial Sites Preservation law. Under Wis. Stat. § 157.70(5)(c)2, the DHA's review of requests to disturb burial sites must:

"determine whether the benefits to the permit applicant in disturbing the burial site or the land outweigh the benefits to all other persons shown . . . to have an interest in not disturbing the burial site or the land. [The DHA] shall weight the interest in the following order of priority: a. Direct kinship. b. A cultural, tribal or religious affiliation. c. A scientific, environmental or educational purpose. cm. Historical and aesthetic

significance of the burial site. d. Land use. e. A commercial purpose not related to land use which is consistent with the purposes of this section. f. Any other interest which the board deems to be in the public interest.”

In this case, the circuit court initially reversed the decision of the DHA, but on appeal to the Court of Appeals, the court found that the DHA had correctly concluded that substantial evidence had been shown demonstrating an interest in the cultural, tribal or religious affiliation and the historical significance of the site, outweighing Wingra Stone Company's interest in the use of its land.

City's Denial of CUP for Shooting Range Invalid: A Cautionary Tale for Planners--"Feelings" Are Not a Rational Basis

Hartland Sportsmen's Club, Inc. v. City of Delafield involved a challenge to the City's denial of a conditional use permit (CUP) for a shooting range located in the City. The Club had been in a long legal battle with the City. In a highly publicized incident in 2010, a woman dining on patio of a restaurant a quarter-mile away was wounded by a stray bullet coming from the club.

A couple of months later, the City revoked the Conditional Use Permit (CUP) (Martinez, Sept 11, 2017). The City then denied a new CUP application in 2013.

The City planner suggested that the shooting range follow National Rifle Association (NRA) guidelines and implement “no blue sky” technology (the shooter cannot see any sky). The shooting range hired an engineer to design a range using the NRA Range Sourcebook, measures used at gun clubs around the country, and a Minnesota best practices manual. According to the shooting range, the designs would make it impossible for a bullet to leave the range.

The Plan Commission voted to deny the CUP because the range did not adequately meet safety and health standards. The Common Council upheld the Plan Commission's recommendation. The shooting range sued, arguing the denial of the CUP was arbitrary. The circuit court invalidated the City's denial of the CUP. The Court of Appeals upheld the circuit court's decision finding that the City failed to make any findings of fact to support the denial other than stating the city “did not feel the plan was adequate to protect the safety of its citizens.” (Emphasis added by the Court.) According to the Court, “Feelings are no substitute for reason, and reason is what we seek. Since the City gives us no rational basis upon which to conclude that its decision was not arbitrary, we can only conclude that its decision was so.”

The case is not recommended for publication.

Source:

Martinez, Steven. (2017) Appeals court rules Delafield gun club can reopen shooting ranges. Milwaukee Journal-Sentinel, Sept 11, 2017. <http://www.jsonline.com/story/communities/lake-country/news/delafield/2017/08/31/appeals-court-rules-delafield-gun-club-can-reopen-shooting-ranges/620032001/>

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