

[Subscribe](#)[Share ▼](#)[Past Issues](#)[Translate](#)[View newsletter in your browser window](#)

## American Planning Association **Wisconsin Chapter**

*Making Great Communities Happen*

The logo for MSA Professional Services, with 'MSA' in large, bold, red 3D letters and 'PROFESSIONAL SERVICES' in white text on a black rectangular background below it.

**(800) 446-0679**  
**www.msa-ps.com**

- » COMPREHENSIVE PLANNING
- » COMMUNITY & ECONOMIC DEVELOPMENT
- » PUBLIC ENGAGEMENT
- » DEVELOPMENT REVIEW
- » GRANTS & FUNDING
- » URBAN DESIGN & REDEVELOPMENT

Four small images arranged in a 2x2 grid. Top-left: A 3D architectural rendering of a modern building complex with a central courtyard. Top-right: An aerial view of a city street intersection with various buildings and parking lots. Bottom-left: A landscape architectural plan showing a winding path, trees, and green spaces. Bottom-right: A detailed urban design plan showing a grid of streets, building footprints, and landscaping.

## Fall 2015 Newsletter

**Thank you to MSA Professional Services, our Silver Level sponsor for the Upper Midwest conference and last Spring's Chapter Workshop.**

For more information about **becoming a sponsor** of the 2016 APA - Wisconsin Conference,

please **contact chapter president Linda Stoll** at [president@wisconsinplanners.org](mailto:president@wisconsinplanners.org).

## In this issue . . .

- Keeping up with "interesting" legislative proposals
- Watch your email for our Member Survey
- APA Chapter Awards Announced
- Let "Spot" help your community see parking differently
- AICP CM programs in Winter and Spring from UWEx
- New Report on Plan Commissions from Public Policy Forum
- International Fellows Program: Middleton's Participation as Host
- New Wetlands Report forthcoming
- News from the Northeast District
- Recent Court Decisions: Case Law Update



## Legislative Activity: Fast and Furious (and Perplexing)

*The pace of legislative proposals affecting planning has increased recently. APA - Wisconsin reporter Lydia Statz, with information provided by Brian Ohm and other members, has put together this story. The good-news story is that the original coalition members that put together Wisconsin's comprehensive planning approach in the 1990s have all spoken in opposition to the repeal of comprehensive planning. The last few weeks, however, have brought new surprises affecting planning and plan implementation tools, and even experienced observers of the legislature have expressed surprise over the fast pace of legislative action and lack of apparent consultation with affected stakeholders. --Nancy Frank, Editor*

### Legislative Activity: Fast and Furious (and Perplexing)

By Lydia Statz, Student Editor, UW - Milwaukee

Over the past few months, several bills have been introduced in Madison that have the ability to weaken community planning efforts statewide.

The most wide-reaching of these is Senate Bill 266, introduced in September by Senators Moulton (R-Chippewa Falls), Lasee (R-De Pere), Marklein (R-Spring Green), Stroebel (R-Saukville) and Wanggaard (R-Racine). This bill would essentially repeal the state's "Smart Growth" requirements, signed into law in 1999, and allow communities to make decisions without having or consulting a comprehensive plan.

An equivalent bill, Assembly Bill 371, has been introduced, but has not yet been taken up for action.

After being introduced on September 29, the senate bill, authored by Senator Moulton, passed into the Committee on Government Operations and Consumer Protections, which held a hearing on October 21. During the hearing, Moulton and one citizen spoke in favor of the bill, countered by eleven local officials, community planners and farmers who spoke against the action.

"Everyone who testified stressed the importance of comprehensive planning and the role of planning in building strong communities," said Brian Ohm. "Some of the farmers spoke of the importance of being able to rely on local comprehensive plans when they make investment decisions related to their farms. Some of the local elected officials spoke of how they have come to rely on their local comprehensive plans when making decisions and how comprehensive plans have improved the local decision-making process."

Despite the overwhelming opposition, the committee voted in favor of the bill on party lines, with all three republicans voting yes, and both democrats against. The bill is now available for further action at any time this legislative session.

A spokesman from Moulton's office said the senator put forth the bill in response to concerns from a number of his constituents, and to allow communities to opt out of the current smart growth statute.

"Because of turnover in the Legislature, most Legislators are not familiar with the history of the [1999 "smart growth"] bill," said Ohm. "Some Legislators think that the bill is part of a national agenda that was somehow forced upon Wisconsin." In fact, he said, it was developed by a coalition of local groups, including the APA – WI along with Wisconsin Realtors Association; 1000 Friends of Wisconsin; the Wisconsin Builders Association; the Wisconsin Counties Association; the Wisconsin League of Municipalities; the Wisconsin Alliance of Cities; the Wisconsin Towns Association; the Wisconsin Council of Regional Planning Organizations; and the Wisconsin Department of Administration, Office of Land Information Services. Many changes were made along the way to ensure that the planning requirements address goals defined by local communities, not by the state.

Returning to the pre-1999 framework for community planning would mean that communities would not need to think about how their plans relate to economic development, housing, transportation systems, agricultural resources, natural resources, historic resources, utilities and community facilities; could make changes to their zoning ordinance without consulting their comprehensive plan; and can adopt plans without any public participation.

Two more bills, AB 568 and AB 563, are among a larger number of bills that have the ability to affect municipalities' ability to regulate and plan were introduced this month. **Assembly Bill 568** would prohibit municipalities from designating properties as historic without the owner's consent, and also from requiring actions relating to the preservation of historic property. This bill would also place many more restrictions on a community's ability to regulate landlords, including being prohibited from requiring landlords to register and from requiring apartment inspections. The Wisconsin Realtors Association and various Apartment Associations have registered their support of the bill, while the Cities of Madison and Milwaukee, League of Wisconsin Municipalities and other groups have registered their opposition.

**Assembly Bill 563** currently applies only to Dane County, but many are afraid it could be expanded in the future. The bill would allow towns in counties with a population over 485,000 to opt out of county zoning and the county development plan in order to adopt their own zoning ordinance and plan. As written, the bill would apply to Milwaukee County as well, but Milwaukee County does not have any towns. A similar measure was proposed but excluded from the state budget, only to be recently revived

on the assembly floor.

Currently, a town board may enact zoning ordinances only if the town has been granted village powers. Then, if the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town and are approved by the county board.

This bill would remove that provision and require that towns adopt their own plan, either based on the county plan or a model ordinance “developed and recommended by a group of towns in a county that have all begun an effort to withdraw from county zoning.”

According to the Wisconsin State Journal, supporters of the bill say it would be more fair to land owners and that it would help towns grow tax bases. However, only 7 of 593 rezoning or conditional-use permits in Dane County were denied by the county in the past three years.

Thus far, the City of Madison, Wisconsin Counties Association, League of Wisconsin Municipalities, Dane County, and the Dane County Cities & Villages Association have registered their opposition to the bill, while the Dane County Towns Association, Madison Area Builders Association, Wisconsin Towns Association, and Wisconsin Builders Association have registered their support.

A public hearing was held for both AB 563 and AB 568 on December 10 in the Assembly’s Committee on Housing and Real Estate, but no further action has been taken at this point.

Additional background information on five bills the board has been watching because of their impact on planning and plan implementation will be posted on the [Law and Legislation](#) page of the APA - Wisconsin website as it becomes available.

- AB 523, relating to replacement of non-conforming structures
- AB 563, allowing town boards in Dane County to opt out of county-wide zoning under some circumstances
- AB 568, prohibiting municipalities from designating properties as historic without the owner’s consent, and also from requiring actions relating to the preservation of historic property
- AB 582, changes to regulation of shoreland zoning and property rights
- AB 583, restricting local government’s ability to prohibit or restrict a person from renting out of the person’s residential dwelling



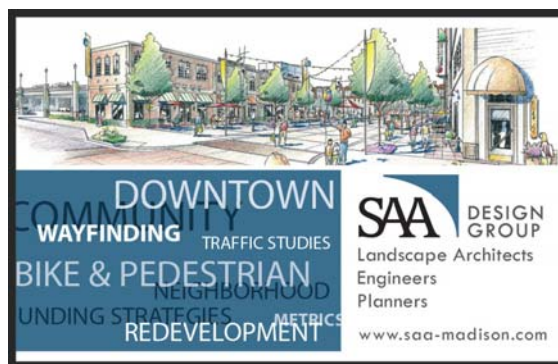
Thanks to our 2015 Bronze level conference sponsors, including the Association of Wisconsin Regional Planning Commissions and the planning firms shown above.

**"Building Relationships with a Commitment to Client Satisfaction through Trust, Quality and Experience."**

**JSD Professional Services, Inc.**  
• Engineers • Surveyors • Planners

Madison, WI 608.848.5060  
Milwaukee, WI 262.513.0666  
Kenosha, WI 262.925.8367  
[www.jsdinc.com](http://www.jsdinc.com)

- Planning & Development
- Civil Engineering
- Transportation Engineering
- Municipal Engineering
- Structural Engineering
- Water Resources
- Landscape Architecture
- Construction Services
- Surveying & Mapping




**SAA DESIGN GROUP**  
Landscape Architects  
Engineers  
Planners  
[www.saa-madison.com](http://www.saa-madison.com)

COMMUNITY WAYFINDING TRAFFIC STUDIES  
BIKE & PEDESTRIAN NEIGHBORHOOD  
PLANNING STRATEGIES METRICS  
REDEVELOPMENT

# APA WI 2015 AWARDS

**Congratulations** to the eight communities that received Wisconsin Chapter awards for 2015. In addition, the Chapter recognized two Great Places in Wisconsin, APA - Wisconsin board service, and a planner retiree.

Carolyn Esswein, the outgoing Vice President for Awards, has prepared a [great overview](#) of the winning plans, places, and people.



**Spot's Parking Lot**  
Bridget G. Brown

"Spot's Parking Lot will not only entertain children but also subtly educate them about cities, economics, and the environment."  
— Donald Shoup, author of *The High Cost of Free Parking*  
[www.espressopress.com](http://www.espressopress.com)  
Order at your favorite local bookstore; also available online

## Spot's Parking Lot: A Book Review

By Nancy Frank, University of Wisconsin - Milwaukee

When Donald Shoup, the internationally renowned researcher on the unintended costs of free parking, praises *Spot's Parking Lot*, that says a lot. I am not sure what more I can say.

But let me try. Although the author describes this modest volume as a "children's picture book," it is really much more. First, it is delightfully clever and well-illustrated. Spot the terrier shows us how the space that we devote to parking our cars might be put to more productive and elevating uses. I think Spot is a pretty smart little canine.

If you are still looking for a gift for the hard-to-shop-for person on your holiday gift list, I recommend



"Spot".



## Upcoming AICP CM Opportunities at a Distance

The University of Wisconsin Extension WisLine teleconference series offers audio training programs. Upcoming programs in early 2016 include:

- January 20, Understanding Local Sign Cores
- February 17, Promoting Local Protection of Wetlands and Updates to Shoreland Zoning
- March 16, Housing and the Community
- April 20, Community Vitality and Placemaking
- May 18, Case Law and Legislative Updates

For more details, visit [lqc.uwex.edu](http://lqc.uwex.edu) or call 608-262-0810. The cost varies--from \$20 to \$35 depending on which option you select: live attendance, live attendance plus a hard copy of the reference materials or online audiostream with a pdf of the reference materials.

## New Member Survey Coming Soon

The APA District Representatives have developed a new Member Survey to update our information about members' needs and interests, including communication preferences, chapter services to members, and ways that members can volunteer to make the Chapter stronger. The survey should arrive soon--or you may have received it already. Please take a few minutes to help us tailor our efforts to your highest priorities.

**Public Policy Forum issues research report:**

## The Who, What, and How of Local Plan Commissions in Southeast Wisconsin

Ever wonder how your plan commission compares with others in Wisconsin?

A report released earlier this year by the Public Policy Forum – *The Who, What, and How of Local Plan Commissions in Southeast Wisconsin* – aims to examine this often overlooked local government body. The study's author is Kari Smith, the 2014-2015 Norman N. Gill Civic Engagement Fellow at the Public Policy Forum. Smith collected information through an electronic survey and interviewed a sample of municipalities in the seven-county southeast Wisconsin region. The resulting report is a resource for readers who are familiar with the work of plan commissions or who work intimately with them, while also being informative to those with little familiarity.

For a link to the full report and YouTube video summarizing the main findings, go to:

<http://publicpolicyforum.org/research/who-what-and-how-plan-commissions-southeast-wisconsin>



## Asian Planners Visit Middleton

For the second year, Middleton participated in the Professional Fellows program, hosting two international planners. From October through November, the ICMA (International City/County Management Association) hosted 40 fellows from Southeast Asia, including the two that spent their time in Middleton. Mark Opitz, Middleton's Assistant Planning Director, played a key role in planning the Fellow's visit, which included site visits to other places around the state. Middleton's participation two years in a row speaks to the value that that community has found in hosting these international experts.

Watch this video, compiled from the experiences of the International Fellows, and see if you can spot the two Middleton visitors.



<https://www.youtube.com/watch?v=V7hITYNdEUU&feature=youtu.be&app=desktop>

See also:

[http://icma.org/en/Article/106519/International\\_Fellows\\_Blog\\_about\\_Their\\_US\\_Visit](http://icma.org/en/Article/106519/International_Fellows_Blog_about_Their_US_Visit)

To learn more about the program and how your community can participate as a host, contact Luke Owsley at [lowesley@icma.org](mailto:lowesley@icma.org).

## News Briefs

### Now Available! Model Wetland Conservation Ordinance

Wetland destruction and alterations to wetland hydrology can contribute to expensive or undesirable water-related problems such as washed-out culverts, flooded basements, stream-bank erosion, and the proliferation of aquatic invasive plants. The Wisconsin Wetlands Association (WWA) has released a text-only version of a Model Wetland Conservation Ordinance (MWCO) to help county, municipal, and tribal governments maximize the benefits of a healthy wetland landscape.

Adoption of the MWCO or select policy options can help communities address water-related problems, and protect and restore wetlands by:

1. Providing local control over an asset that affects a community's bottom-line and public health, safety, and welfare.
2. Ensuring land use decisions with wetland implications are made according to local plans and priorities.
3. Providing discretion to consider impacts to wetland hydrology and habitat that are not addressed under federal and state wetland laws.

By design, the MWCO does not encourage creation of a new wetland permit requirement. Instead, the MWCO provides wetland-specific development standards and conservation measures which can be applied by local officials in the review of grading and stormwater permits, conditional uses, variances, and plats.

An enhanced, final publication with additional background and educational graphics will be released in early 2016. Please contact WWA's Local Government Outreach Specialist, Kyle Magyera, at [localgovs@wisconsinwetlands.org](mailto:localgovs@wisconsinwetlands.org) or 608.250.997, if you would like to receive an electronic copy of the



text-only MWCO. A legal memo addressing the authority of local governments to adopt wetland conservation standards is also available.

## Northeast District News: Presentation on Titletown development

APA-WI members in the Northeast District were treated to a presentation on the Green Bay Packers' plans for the Titletown District plans, 30+ acres to the west of Lambeau Field. About 12 or 14 district planners were able to attend. Elements of the presentations included graphics of the plans and renderings, future land uses, open space designs, timeline and economic development strategies. For more information on the plan for this new entertainment destination, visit the [Green Bay Packers](#) website.



[Back to top](#)

## Law Update

As of December 15, 2015

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

For questions or comments about these cases, please contact:

[bwohm@wisc.edu](mailto:bwohm@wisc.edu).

Copyright © [2015] American Planning Association -Wisconsin Chapter| All rights reserved.

Visit the [Law and Legislation](#) page on our website for cases reported since summer. Here is a quick summary of the issues addressed by the courts over the summer.

### Cases reported in October and November

Court Decisions Reported  
 Wisconsin Court of Appeals Opinions

#### Plan Commission Had Authority to Grant Special Exception

[Hasanoglu v. Town of Mukwonago](#) involved a dispute between two neighbors over the construction of a riding arena in the suburban estate zoning district of the Town of Mukwonago in Waukesha County and concerned application of the definition of an accessory building.

#### Special Assessments Appropriate After Developer Defaults

[First State Bank v. Town of Omro](#) presented the Wisconsin Court of Appeals with the issue of whether a municipality may use its police powers to build roads and levy special assessments after a developer defaults in its obligation to build the roads. The Court of Appeals found that the development agreement did not constrain the Town from exercising its power to levy special assessments. In the words of the Court, the developer's default does not "require the town to abandon the roads or have the general public shoulder the burden of providing finished roads" to the subdivision. The Court also found that the Ordinance only established minimum standards and the Ordinance allowed the Town engineer to recommend different specifications, which the Town engineer did. The Court also denied relief on several other grounds requested by the bank that owned the unsold lots.

Case law updates are posted monthly, usually in the second half of the month, at the Chapter [Law and Legislation](#) page.

[Back to top](#)

---

## Legislative News

**By Steve Hiniker, 1000 Friends of Wisconsin**

APA - Wisconsin Legislation Tracking

If you are interested in being actively involved in the chapters legislative advocacy efforts, please contact your [District Representative](#).

Legislative news is posted on the [Law and Legislation](#) page at least monthly.



Website



Facebook



Twitter