

APA - Wisconsin Newsletter



American Planning Association
Wisconsin Chapter

Making Great Communities Happen

A Publication of the Wisconsin Chapter of the American Planning Association

A New “Arts Economy” for Wisconsin? A New Opportunity for Planning?

BY CIARA O’NEILL, STUDENT EDITOR
UNIVERSITY OF WISCONSIN - MILWAUKEE

The Wisconsin state legislature is currently considering the Creative Economy Development Initiative ([Senate](#), [Assembly](#)), which is an effort to encourage economic development in the state by supporting creative industries and job creation. The idea has broad bipartisan support with over a third of the legislature is signed on as co-sponsors, and versions of it have been passed unanimously by respective senate and assembly committees. The program would be a public-private partnership administered by the Arts Board of Wisconsin and involve a 1:2 matching funds (\$500,000 available, individual grants capped at \$40,000 and only given after the matching funds have been secured).

Dun & Bradstreet estimates that Wisconsin’s creative sector is made up of 12,000 businesses and employs nearly 50,000 people. The state’s nonprofit arts and cultural sector is a \$535 million industry, that provides \$65 million in local and state tax revenues, 22,872 full-time equivalent jobs and \$479 million in resident income.¹ These numbers have been capturing attention.

While the terminology of the ‘creative class’ has been popular at least since Richard Florida wrote about it back in 2002, the culture has taken its time in adjusting to the idea. To some, it’s become clear that the idea is not a phase or niche idea but reflective of a real and definitive change in the overall economy.

¹Arts Wisconsin, “Facts and Figures,” accessed March 17, 2014. <http://www.artswisconsin.org/actioncenter/facts-and-figures/>

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Submit articles by email attachment. Graphics are encouraged
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One Wisconsin Community Has Already Acted

"The concept of creative economy is groundbreaking for most of the country as we shift away from a manufacturing base. As such, fostering a creative economy is inherently a work in progress."² Anne Katz from Arts Wisconsin is a prominent proponent of the bill and creative economy consultant who has been working with the Village of Waunakee on its own creative economy initiative since 2012. "Waunakee is

²Unofficial meeting minutes of the Waunakee Creative Economy Initiative Task Force, 22 January 2013, www.waunakee-ed.com/DocumentCenter/View/19

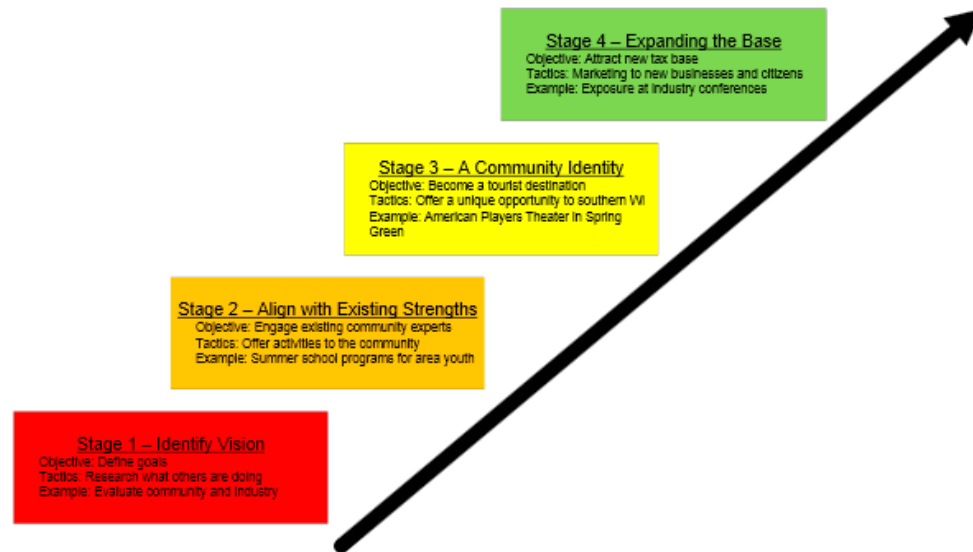


leading the way in actually having an initiative, something down on paper."³

In 2011, Waunakee launched its initiative with an inventory of creative assets to understand the "different ways in which creativity, artistry and innovation" existed and contributed to the village.⁴ The task force then focused efforts on creating [Imagination Celebration](http://www.hngnews.com/waunakee-tribune/news/government/article_3413f40a-2dda-11e2-84e8-0019bb30f31a.html), a now-annual event that brings local crafters, creative hobbyists and professionals together to "reveal,

³"Creative economy initiative has new partner" The Waunakee Tribune, Roberta Baumann, November 14, 2012. http://www.hngnews.com/waunakee-tribune/news/government/article_3413f40a-2dda-11e2-84e8-0019bb30f31a.html

⁴Waunakee Creative Economy Initiative Strategic Plan Proposal, August 2013, p. 3.



surprise and connect people."⁵

Waunakee's task force has set goals for engaging multiple groups and facets of the community, increasing collaboration between the groups, and supporting creative and arts-based programming. "The ongoing action plan is to create a sustained creative economy, populated by small businesses and arts-centered enterprises," according to Katz.⁶

Planning for the New Economy

One inescapable topic for any planner—or politician, business professional, or concerned

⁵Village Administrator and Economic Development Director Todd Schmidt, quoted in Baumann, Waunakee Tribune, 2012.

⁶Unofficial meeting minutes, 2013.



citizen—is how Wisconsin cities compare to others in the country. Wisconsin's neighboring states have had programs in place for some time. Minnesota provides substantial funding for *arts*, *arts* education and *arts* access through its [Legacy amendment](#), Illinois has its own [Creative Economy Initiative](#). Across the country, states have created new institutions to support creative industries. For example, Colorado has a [creative industries council](#)—and the list goes on.

“Now is the moment for Wisconsin to really step up and make that small investment... that will have a great payoff over time.... Wisconsin can and should do much more in terms of making the investment in [the arts] economy to gain jobs, business, tax revenue, better quality of life, etc.”⁷

“Building Better Places to Live, Learn, Work, Play”

For planners, the growing support for creative economy investments is a good fit with community amenities that create livable and

sustainable cities and small town downtowns. Growing the creative economy can be used as an effective argument for all sorts of placemaking and community improvements, including:

- bicycle & pedestrian facilities
- mass transit improvements
- distinctive urban design
- public space
- historic preservation
- green infrastructure

These amenities are sometimes given lower priority in implementation compared to investments that seem more directly connected to job creation. Being able to peg qualitative community values like vibrancy, identity, and aesthetic appeal to actual dollar benefits is what wins the game.

Measuring Success

An effective program must have metrics to demonstrate its success. One benefit of enacting a state program like this is, of course, the opportunity to study its impact on communities. Katz says the grants from the initiative will be evaluated in a highly systematic way.

The Village of Waunakee has wrestled with this over the past few years. Some of their proposed metrics, adapted from [ArtPlace Vibrancy Indicators](#), include:

- More residents who are employed in creative occupations;
- Higher concentrations of indicator businesses (eating and drinking places, shops, personal service establishments

and others that cater to consumers)

- Percentage of independent businesses
- Number of creative industry jobs
- Increase in village population

Other potential measures, based on Waunakee's [2013 strategic plan proposal](#) include:

- Increased participation in community-centered cultural activities will lead naturally to increased participation in other civic activities, as people take more ownership of the community
- The Village will be seen as open and welcoming to all residents and visitors.
- Community/neighborhood/interpersonal interactions in events and activities will increase
- The beauty of Waunakee neighborhoods and businesses will be enhanced

Village of Waunakee Administrator Todd Schmidt says, “We have gained a positive reputation for simply being willing to include creativity, artistry and innovation in the broader conversation about our growth and development. It has also been a joy to see community members, some who have long history in Waunakee, begin to identify and connect with the Village more than before. To top it off, we have proof of business start-ups and success as a result of efforts.”⁸

Proponents of programs to bolster the creative economy may run the risk of selling the arts as a panacea for widespread community ills and a weak economy, understating the complexities and uncertainties involved. Arts Wisconsin's [case](#)

⁷Anne Katz, Interview on WPR, <http://www.wpr.org/listen/528426>

⁸Schmidt from [MadREP](#) Report February 20 2014,

[statement](#) on the state initiative warns, “Wisconsin has fallen behind in recent years – dangerously so – in public investment in the arts and creativity as essential components for economic growth, educational advancement, civic engagement, and vibrant communities.” The proposed creative economy legislation may not cure this, but it will likely help.

APA - Wisconsin's 2014 Action Plan: Focus on Expanding Membership

BY NANCY FRANK
UNIVERSITY OF WISCONSIN - MILWAUKEE

Each January, the Executive Committee (aka board) of APA - Wisconsin extends its normal 2-3 hour meeting to a full day. At this annual retreat, we review our progress in meeting goals from the year before and set goals for the coming year. This year, a major focus of the chapter's work plan will be to reach out to planners and professionals in related fields who are not currently members, provide information to them about their membership options, and encourage them to join.

Learn more about advertising in the
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Contact Nancy Frank
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Declining Membership


The economic doldrums of the past five years have put considerable strain on the chapter's ability to maintain programming, such as the annual conference, legal updates, the newsletter, legislative updates, and providing low-cost and high-quality professional development. The downward trend in memberships began almost immediately after the economic crisis began in 2008. Proportionately, membership in the “New Professional” category has declined the most. This appears to correspond to the observations of our Wisconsin graduate planning programs that graduates in the past few years have had to go out of state to find their first planning position, even when they preferred to stay in Wisconsin. And some graduates have remained unemployed or underemployed (continuing in internships and working in non-planning jobs).

Chapter Response

If the chapter is to continue to avoid raising membership dues, the number of members needs to increase--along with other revenue-raising strategies, like continuing to be successful in attracting participants to our conferences, attracting sponsors for the conference and advertisers in the newsletter. At the same time, the chapter continues to examine its expenses to assure that it is using chapter funds efficiently to meet member needs.

The chapter has developed a multi-pronged strategy for reversing the decline in membership.

First, the chapter has begun to more carefully track changes in different membership cat-



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egories to better understand the effects of those trends on the chapter.

Second, the chapter is developing a membership plan that will help us to identify sectors within the planning field that may be targeted and the membership products that may be attractive to different sectors. The first phase of this planning effort will be to carry out a census of planners in the state. This “census” will help us determine the number of planners in the state and compare the total number of planners to the number of members in APA - Wisconsin. This will involve outreach to planning directors to obtain a count of the number of planners in each planning office in the state. A second effort will involve a survey to planning-related organizations to identify professionals in planning-related fields who may be interested in the benefits of affiliation with the Wisconsin Chapter. The survey will help the membership committee to target its outreach and marketing messages.

Third, the chapter is highlighting the option of chapter-only membership for those who do not want or need to be affiliated with the national organization. The lower cost of the chapter-only membership is attractive to some current and prospective members and still pro-

vides the professional benefits of local membership.

Our vision is to reach out more broadly to professionals who are interested in planning trends and practices, including professionals in architecture and urban design, GIS, community organizing and revitalization, public health, economic development, and other fields.

Chapter representatives in each of the four districts in the state have already started this outreach effort. If you are contacted by chapter volunteers seeking information about the number of planners in your office or planning-related organizations in your area, please take a few moments to provide the requested information. When the effort moves into the marketing phase, we may also ask that you forward materials to your staff or other planning-related staff in your organization.

Finally, if you have suggestions about how to attract a broader, more diverse, or younger membership, we welcome your ideas. The membership growth initiative is led by Rich Kedzior, Vice President for Membership, rkedz@hotmail.com.

How You Can Help

You can help bring members into APA - Wisconsin.

Be sure that your plan commission members and other city officials know about the benefits of APA membership and the bargain membership rate of **\$50 per year**, plus a \$100 annual participation fee for the unit of government.

<http://planning.org/join/pdf/commraffiliateform.pdf>

Unlike the “chapter-only” membership, plan commission and public official membership includes all of the benefits of national APA membership, at a much lower cost, and some additional benefits, including access to the planning commissioners’ web portal and a special e-newsletter just for plan commissioners.

<http://planning.org/join/commissioners/>



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Law Update

BY BRIAN W. OHM, JD, VP OF CHAPTER AFFAIRS
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A summary of court opinions decided during the month of January and February related to planning in Wisconsin.

Wisconsin Supreme Court Opinions

Taxpayer has Burden of Proof in Challenge to Classification of Property for Property Tax Assessment

Sausen v. Town of Black Creek Board of Review involved a challenge to a property tax assessment on the grounds that the assessor's classification of the property was erroneous. The town assessor classified the property as "productive forest land" and assessed the property at \$27,500. The property owner argued the parcel should be classified as "undeveloped land" and should be assessed at \$13,750. The parcel in dispute was a 10 acre parcel occasionally used for hunting with low grade woods. The parcel was not used to produce commercial forest products.

In an opinion written by Chief Justice Abrahamson, the Wisconsin Supreme Court held that reviewing Courts should defer to decisions made by local boards of review in classifying property and taxpayers bear the burden of proof to prove that the assessor's classification is erroneous. In this case, the Court determined that the taxpayer did not meet the burden of proving the classification was erroneous and upheld the Town's classification.

Wisconsin Court of Appeals Opinions

Remedy in Property Tax Assessment Challenge Should Not Include Windfall

In 3301 Bay Road LLC v. Town of Delevan, a group of lakefront property owners challenged their property tax assessments as both excessive and in violation of the tax uniformity clause of the Wisconsin Constitution. The circuit court found the Town violated the uniformity clause because the Town under-assessed non-lakefront property at forty-five percent below fair market values but the Town did not provide a similar

reduction for lakefront properties. The circuit court also determined that the lake-front property assessments were excessive and adopted the fair market values presented by the property owners to calculate refunds for excessive assessments. The circuit court based the property owners' refund on the amount the property owners would have paid in property taxes if the under-assessed properties had been properly assessed.

The property owners appealed the decision of the circuit court to the Wisconsin Court of Appeals arguing that the refund should have been calculated at forty-five percent below the fair market values of the properties. The Court of Appeals disagreed with the property owners. The Court of Appeals acknowledged the discretion given to the circuit court in fashioning an equitable remedy in property tax assessment appeals. The Court of Appeals found that the circuit court did not erroneously exercise its discretion in calculating a refund that did not include a "windfall reduction" based on the underassessment of other properties.

The case is recommended for publication.

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Challenge to Tax Assessment Must Begin with the Board of Review

Northbrook Wisconsin, LLC, v. City of Niagara, involved a lawsuit for excessive 2011 assessment for a hydroelectric plant. The City moved to dismiss Northbrook's complaint. The City argued Northbrook was required under Wis. Stat. § 74.37(4)(a) to challenge the 2011 assessment before the Board of Review prior to filing an excessive assessment claim. Northbrook responded it was not required to object before the Board of Review because the City did not send it a notice of assessment, pursuant to Wis. Stat. § 70.365.

In reply, the City asserted under that statute it was not required to send Northbrook a notice of assessment because the assessed value of Northbrook's property did not change between 2010 and 2011. The circuit court agreed with the City and dismissed the challenge to the assessment. The Court of Appeals agreed with the circuit court and upheld the dismissal. According to the Court, the City was not required to send Northbrook a notice of assessment in 2011, and, consequently, the City's failure to send a notice

of assessment did not exempt Northbrook from objecting before the Board of Review.

The case is recommended for publication.

City Has No Extraterritorial Plat Approval Authority to Deny Proposed Plat Based on Density Standards

In Lake Delavan Property Co., LLC v. City of Delavan, the Wisconsin Court of Appeals further limited city and village extraterritorial plat approval authority. The case involved the proposed development of approximately 600 homes in the Town of Delavan in Walworth County. The development is within the City of Delavan's extraterritorial plat approval jurisdiction that extends to land within one and one-half miles of the City's limits. The Town is under county zoning and the area of the proposed development is zoned residential. The proposed development is within the planned sanitary sewer service area designated by the Southeastern Wisconsin Regional Planning Commission and was designated as a "traditional neighborhood" in the

City's 1999 comprehensive plan and "urban density residential" in the Town and County comprehensive plans.

The City later amended its comprehensive plan to designate the area as "agricultural" and amended its subdivision ordinance to place a density limit of no more than one residence per 35 acres within the City's extraterritorial jurisdiction. Lake Delavan Property Co. submitted a preliminary plat to the City, Town, and County for approval. The City denied the plat.

Lake Delavan Property Co. challenged the City's denial of the proposed plat arguing that the density requirement in the City's subdivision ordinance was a regulation of land use prohibited by state law. 2009 Wis. Act 399 amended Wisconsin's subdivision statutes to prohibit a city or village from denying a plat or certified survey map "on the basis of the proposed use of land within the extraterritorial plat approval jurisdiction" of the city or village unless the denial is based on extraterritorial zoning regulations. Wis. Stat. § 236.45(3)(b). The City argued that it is appropriate for subdivision regulations to establish lot sizes and the City's requirements were merely a density restriction, not a use restriction.

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The Wisconsin Court of Appeals, however, did not agree with the City. The Court of Appeals held that the City's subdivision regulations were land use restrictions. Citing no authority other than "[c]ommon knowledge and experience" the Court of Appeals held that the subdivision ordinance's "blanket density requirements effectively preclude residential development throughout the extraterritorial jurisdiction." To support its conclusion that the subdivision ordinance was a use prohibition, the Court of Appeals also noted the language in the City's ordinance that stated the ordinance was enacted "in order to protect rural character and farming viability." The Court of Appeals then ordered the approval of the proposed plat.

The case is recommended for publication.



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Bridging Public Health and Planning Cases, Resources and Action

April 9, 2014

The April 9 workshop is a new partnership between APA - Wisconsin and the Wisconsin Public Health Association (WPHA). The goal of the Workshop is to develop means by which the planning profession can incorporate health provisions into our plans and policies promoting improving the health of Wisconsin residents.

The Workshop has reached attendance capacity but **watch for the opportunity to live stream** or hear a summary at the APA-WI Conference June 12 and 13, 2014. The grant is also funding a video related to the workshop.

The workshop is supported by a grant received jointly by APA-WI and WPHA from the Robert Wood Johnson Foundation.

Keynote: Karen Timberlake, Director of Wisconsin Population Health Institute

Special guests from Dubuque, IA, will share how they successfully combined a comprehensive plan with their community health assessment and community health improvement process.

Wisconsin communities will also share their successes in integrating planning and public health.

Attendees will leave with new strategies, partnership ideas, and resources to inform health in all policies.

APA-WI Endowment Gift Card

The APA-WI board established an endowment fund to support scholarships for students attending either of the accredited masters degree programs in planning in Wisconsin: UW - Madison and UW - Milwaukee.

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²Planning board member and student verification required—please use forms above.

³APA welcomes members from outside the U.S. Please join online at www.planning.org/join.

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Gays & Lesbians in Planning	GALIP	Small Town & Rural Planning	SMALL_TOWN
Housing & Community Develop.	HOUSING	Technology	INFO_TECH
International	INTL	Transportation Planning	TRANS
Latinos & Planning	LAP	Urban Design & Preservation	URBAN_DES
New Urbanism	NEW_URB		

Chapter Dues (mandatory for U.S. members)

Chapter	Regular	Student	Chapter	Regular	Student
Ala.	\$30	\$7	Mass.	\$35	\$15
Alaska	\$35	\$25	Mich.	\$60	\$15
Ariz.	\$42	\$5	Minn.	\$50	\$5
Ark.	\$25	\$15	Miss.	\$35	\$10
Calif.	\$85	\$15	Mo.	\$25	\$5
Colo. ¹	25% APA dues	\$10	Natl. Cap. ²	\$30	\$12
Conn. ¹	35% APA dues	\$14	Neb.	\$30	\$20
Del.	\$30	\$5	Nev.	\$30	\$15
Fla. ¹	45% APA dues	\$5	N.J. ¹	35% APA dues	\$5
Ga.	\$35	\$10	N.M.	\$40	\$10
Hawaii	\$25	\$5	N.Y. Metro	\$49	\$17
Idaho	\$25	\$5	N.Y. Upstate	\$35	\$5
Ill. ¹	25% APA dues	\$12	N.C.	\$40	\$10
Ind.	\$35	\$15	N. New Eng. ^{1,3}	25% APA dues	\$5
Iowa	\$34	\$11	Ohio	\$45	\$15
Kan.	\$25	\$5	Okla.	\$30	\$12
Ky.	\$35	\$5	Ore.	\$55	\$10
La.	\$50	\$10	Penna. ¹	45% APA dues	\$15
Md.	\$27	\$5	R.I.	\$25	\$15

¹Round percentages of APA National Dues to the nearest dollar.

²Includes Washington, D.C.; Montgomery County, Md.; and Prince George's County, Md.

³Includes Maine, New Hampshire, and Vermont.

⁴Includes Montana, North Dakota, South Dakota, and Wyoming.

For chapter-only membership, write **CHAPTER ONLY MEMBERSHIP** on the top of the form, and send your \$45 check to the address listed on the form, or fax if paying with a credit card.

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