

APA - Wisconsin Newsletter



American Planning Association
Wisconsin Chapter

Making Great Communities Happen

A Publication of the Wisconsin Chapter of the American Planning Association

Winter Issue: Really?

By NANCY FRANK, EDITOR
UNIVERSITY OF WISCONSIN - MILWAUKEE

For the past two years, I have used the spring equinox as the deadline for posting the winter issue of the APA-WI newsletter. Today, sitting here with the windows of my house open, it seems a bit silly to call this the winter issue. But this is a minor adaptation compared to what planners need to be considering in light of the obvious changes in Wisconsin's weather.

First, here are the highlights of the weather records this week before the first official day of spring. According to Madison.com, "The National Weather Service station at Dane County Regional Airport recorded a high of 82 at 3:28 p.m., a whopping 13 degrees above the old record of 69 for March 15, set in 1995. . . . It's also the earliest it's ever hit 80 in Madison, and it tied the record for the warmest day in March ever, equaling the 82s of March 29, 1986 and March 31, 1981. Madison also set a record for the highest low for March 15, breaking the record set in 1945." (Bill Novak, "Unprecedented

heat wave expected to continue into next week," *The Capital Times*, March 16, 2012.

We know that these records are consistent with the trends observed by climate scientists and the trends they are predicting for the future. The best source of information about past and projected climate change in Wisconsin is the Wisconsin Initiative on Climate Change Impacts (WICCI, <http://www.wicci.wisc.edu/>). From 1950 to 2006, winter daytime highs have increased 1-4 degrees F across Wisconsin, and winter lows have increased up to 7 degrees F. Winter and summer nighttime low temperatures warmed more than daytime high temperatures. The growing season has increased 1-4 weeks across most of Wisconsin (from Serchin and Kucharik 2009, presented by Richard C. Lathrop, August 18, 2011, http://www.wicci.wisc.edu/uploads/Lathrop_8-18-11_WICCI_Overview.pdf).

Continued on page 3



Photo by www.ci.lodi.wi.gov

Winter 2012

Northwoods Rail Coalition.....	4
Open Space Technology.....	6
Planning Shorts.....	7

Law Update

Cases.....	12
Legislation.....	13

Publication Info and Board Members.....	2
Membership Form.....	9

www.wisconsinplanners.org

The WAPA Newsletter is published electronically four times each year by the Wisconsin Chapter of the American Planning Association to facilitate discussion among its members of planning issues in Wisconsin. Correspondence should be sent to:

Nancy Frank, WAPA News Editor
Chair, Department of Urban Planning
School of Architecture and Urban Planning
University of Wisconsin--Milwaukee
P.O. Box 413
Milwaukee, WI 53201-0413
(414) 229-5372
(414) 229-6976 (fax)

Email: news@wisconsinplanners.org

Change of Address: WAPA Newsletter does not maintain the address lists for any APA publication. All lists are maintained at the national APA office and are updated and mailed to the chapters each month. If you have moved, please contact Member Services Coordinator, APA National Headquarters, 122 S. Michigan Street, Suite 1600, Chicago, IL 60603-6107 or call (312) 431-9100 or FAX (312) 431-9985.

Membership Information: To become a member of the Wisconsin Chapter of the American Planning Association, simply become a member of the APA. An application form is provided on the back of this publication. Or you may opt for Wisconsin Chapter only membership.

Professional Services Directory: Put your business in the newsletter. Advertising rates are \$40.00 per issue or \$150.00 per year. Send business card or camera-ready copy (2 inches high x 3.5 inches wide) to the newsletter editor at the address below. Digital copy may be sent as an attachment by email to news@wisconsinplanners.org.

Submission of Articles: WAPA News welcomes articles, letters to the editor, articles from the WAPA districts, calendar listings, etc. Please send anything that may be of interest to other professional planners in Wisconsin. Articles may be submitted by mail, fax, or email. Articles may be edited for readability and space limitations prior to publication. Content of articles does not necessarily represent the position of APA, the WAPA Executive Committee, or the editor.

Submit articles by email attachment. Graphics are encouraged

Deadlines:

Winter issue: submit by January 15.
Spring issue: submit by March 15
Summer issue: submit by June 15
Fall issue: submit by September 15

WAPA Executive Committee

President, Larry Ward, AICP
608-342 1713
608-778-0350 (cell)
l.ward@swwrpc.org

Past President, Gary Peterson, AICP
608-231-1199 / 608-334-0397 (cell)
plannergary@sustainablegary.com

Vice Pres. of Prof. Dev., Nancy Frank, AICP
414-229-5372 / 414-229-6976 (fax)
frankn@uwm.edu

Vice Pres. of Chapter Affairs, Brian Ohm, AICP
608-262-2098 / 608-262-9307 (fax)
bwohm@facstaff.wisc.edu

Secretary, Sarah Goralewski, AICP
415-823-2056
sarah.goralewski@gmail.com

Treasurer, Connie White
608-294-5006 / 608-259-0084 (fax)
cmwhite@hntb.com

Director at Large, Carolyn Esswein, AICP,
414-266-9221 / 414-259-0037 (fax)
Carolyn.Esswein@graef-usa.com

Director at Large, David S. Boyd, FAICP
608-334-3239
dsboyd@tds.net

N.W. District Representative
Dennis Lawrence, AICP
715-849-5510 x304 / 715-849-5110 (fax)
dlawrence@ncwrpc.org

S.E. District Representative
Maria Pandazi, AICP
414-286-5836
maria.pandazi@milwaukee.gov

N.E. District Representative
Allen Davis, AICP
920-236-5059
adavis@ci.oshkosh.wi.us

S.W. District Representative
Kathleen Spencer, AICP
608-609-1355
klanespencer@uwalumni.com

Planning Official Development Off., Anna Haines
715-346-2386 / 715-346-4038 (fax)
ahaines@uwsu.edu

Certification Maintenance Coordinator
Linda Stoll
902-725-7321
lstoll@new.rr.com

WAPA Conference Coordinator
Deb Nemeth
1000 Friends of Wisconsin
16 N. Carroll St., Ste. 810
Madison, WI 53703
608-259-1000
dnemeth@1kfriends.org

Student Representatives

UW - Madison
Michael Draper
414-202-8547
mrdraep@wisc.edu

UW - Milwaukee
Nicole Hill
715-892-0144
njernst@uwm.edu

National Officers

APA National—Washington: (202) 872-0611
APA National—Chicago: (312) 431-9100
American Institute of Certified Planners
(202) 872-0611

www.planning.org

Visit the APA - Wisconsin webpage for up-to-date news and information between issues of the the APA-WI Newsletter.

Look around your yard or a nearby nature center to see whether you can see some of the biological indicators that our climate is changing. According to Stan Temple, University of Wisconsin - Madison, comparing the period from 1935-47 to 1976-98, pasque flowers bloomed 9 days earlier and the American robin came bob-bob-bobbin' into Wisconsin yards on March 5, rather than March 19 in the earlier period.

Last October, James LaGro, professor at the Urban and Regional Planning program at UW - Madison, presented to the Capital Area Regional Planning Commission's annual meeting (http://www.wicci.wisc.edu/uploads/LaGro_CARPC%2010-28-11_WICCI.pdf). After reviewing the climate trends from historical records and climate projections from the models, Professor LaGro identified a number of issues that planners need to get ahead of as our communities adapt to climate change.

Anticipated changes include falling lake levels, but also increased flood frequency due to extreme storm events and prolonged periods of excessive precipitation. Critical infrastructure will be at increased risk.

The message for planners is that we need to get serious about planning for climate adap-



Photo: Jamie McCartney
Highway 60 near Excelsior, Wisconsin
August 20, 2007



Photo: Steve Zibell

tation. Professor LaGro offered four "keys to adaptation".

The first, "Triage" means determining the actions to implement first. Where is the community the most vulnerable to change? Increased variability in our weather predicted by climate models necessitates the second key to adaptation, "Flexibility". Weather extremes, perhaps more than the average changes, will stress our infrastructure and our ability to adapt. Management plans need to be flexible, allowing adaptation to a wide range of changes, not just the predicted averages.

"No Regrets" means that some of the things we should be doing to adapt to climate change will be beneficial no matter what happens. Such actions increase resilience and allow communities to succeed across all future climate scenarios. Finally, the "Precautionary Principle" cautions that where vulnerability is high, it is better to be safe than sorry.

The Wisconsin Department of Natural Resources has begun to develop a Climate Change Adaptation Plan to guide the department's adaptation strategies. Many of the findings of the plan will be applicable to local communities in coping with changes to lakes and rivers, floodplains, wastewater and stormwater systems, and many other elements. According to the DNR webpage, staff anticipate presenting to the Natural Resources board in Spring 2012 (<http://dnr.wi.gov/climatechange/adapt.htm>).

The first key to climate adaptation is to recognize the need to plan for adaptation and to commit resources to that planning and implementation. We will all adapt. The only question is whether we adapt in a plan-ful way, or whether we react to one crisis after another.



*Community Planning
Site Design
Development Economics
Landscape Architecture*

**627 Grove Street
Evanston, IL 60201-4474**
fax: 847.869.2059
voice: 847.869.2015

TESKA
www.TeskaAssociates.com

PRESERVE THE PAST,
MANAGE THE FUTURE.





PROTECT
Your Assets.

PRIORITIZE
Your Spending.

PLAN
Your Future.

Municipal Economics & Planning specializes in helping communities realize their vision for high-quality infrastructure and services by providing sound fiscal, economic, and planning advice.

Municipal Economics & Planning
A Division of Ruckert-Mielke

Visit us on the web at: www.ruckert-mielke.com/MEP

Waukesha 262.542.5733 • Madison 608.819.2600 • Kenosha 262.953.2650

Northwoods Rail Coalition

BY DAVID BOEHM

Across northern Wisconsin, rails connect many of the state's businesses to outside markets. With maintenance costs on the rise, freight rail operators have slowly pulled out of northern Wisconsin, a critical economic market for the state. In response, northern counties have joined together to try to stem this outflow of resources. Creating the "Northwoods Rail Coalition," the

counties have a goal of preserving the existing track and enhancing current service.

"These northern counties have been hurt by the periodic decrease of service over time," says Darryl Landeau, planner for the North Central Wisconsin Regional Planning Commission. Asked for a specific industry that has been hurt, Landeau immediately mentioned logging. "Logging is definitely one that has been hurt. When rail service was decreased, there was a switch to trucking for transportation but it's not as cost effective." With diesel prices on the rise, trucking is becoming more expensive and thereby hurting loggers. The added strain to stay competitive in the tight economic climate could be crippling.

GRAEF

collaborate
formulate
innovate

urban design
site development
comprehensive plans/updates
downtown revitalization
redevelopment plans
form-based zoning
corridor studies
town & neighborhood plans



planning

www.graef-usa.com

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.

APA-WI invites members to contribute to the endowment fund as a way to support the next generation of planners in Wisconsin. Just return this pledge form to APA-WI Treasurer Connie White with your contribution.

Your gift is tax deductible.

Name _____

Address _____

City _____

State _____ Zip _____

Send to:

Connie White
APA-WI Treasurer
HNTB
10 W. Mifflin Street, Suite 300
Madison, WI 53703

Make check payable to:
Wisconsin Chapter, American Planning Association

fishing lessons

When Middleton, Wisconsin needed a sustainability plan, MSA offered training. We helped them develop a system that fosters continual improvement as the city grows—a system that they can implement and renew on their own. Instead of giving them sustainability, we taught them how to pursue it with a dynamic system. Instead of giving them fish, we taught them how to catch their own.

More ideas. Better solutions.

MSA

PROFESSIONAL SERVICES

www.msa-ps.com 800.446.0679

The Northwoods Rail Coalition is currently negotiating with CN to restore and maintain rail service. “We’re trying to do everything we can to not lose rail service.” Landeau also maintains that he understands why CN has to reduce service for business reasons, but it is still negative for the northern communities. “They are cutting service because of it being unprofitable, but that does not mean we should accept losing service altogether.”

For areas where service is no longer offered by CN, Landeau sees opportunity with other carriers. “We are working with short-line operators to restore some of the service to areas that CN is no longer offering.” Short-line operators are smaller companies that handle smaller loads than CN. “Maybe CN cannot make a 10 car run profitable, but some of these short-line operators can, which is exactly what we need.”

If track is still owned privately, the state offers programs to help communities maintain their railways. Frank Huntington of WisDOT presented information on these programs at the recent APA-Wisconsin conference in Oshkosh. “We have programs to help restore track, preserve track, or assist in places to keep railroads active.” Any county, local, or other government entity is eligible for such programs according to Huntington. “These programs have been very successful and we want to make sure freight rail remains strong in Wisconsin.”

Landeau believes that these programs may be a good fit for some of the needs in the Northwoods area. “We are working to make sure that these railways remain in our area and will continue to advocate for our communities in northern Wisconsin.”

NATIONAL

& neighborly

Planning and redevelopment

Landscape architecture

Historic preservation



Mead&Hunt

Green Bay • La Crosse • Madison • Wauwatosa • meadhunt.com • 1-888-225-6323

APA-WI Conference Highlights “Open Space Technology”

By NANCY FRANK, AICP

APA-WI VICE PRESIDENT FOR PROFESSIONAL DEVELOPMENT
UNIVERSITY OF WISCONSIN - MILWAUKEE

The one-day spring conference devoted a morning to experiencing a method of facilitating inclusive planning that was unfamiliar to most of the conference attendees. Known as Open Space Technology, this technique offers a means of facilitating discussion at a large meeting and giving everyone the opportunity to talk about what interests or concerns them *the most*.

At the conference, the framing question concerned topics that participants would like offered to see offered by the chapter as professional development programs. Prior to the conference, an email asked people to identify professional development topics. The survey results were used by the facilitators, Linda Stoll and David Boyd, to come up with about ten major topic areas that were of interest to members. At the conference, people were invited to sign up for any of the topic tables or to offer a new topic area.

After a brief introduction to the process, Linda and Dave asked each table to work through a series of questions and record the results. Following the Open Space “Law of Two Feet,” they encouraged participants to move between tables if they wanted to participate in more than one discussion. (The “Law of Two Feet” says, “If you find yourself in a situation where you aren’t learning or contributing, go somewhere else.”) At the end of the discussion, the results were posted so that all groups could see what each other had come up with. Linda and Dave finished up with a description of the ways that the Open Space meeting approach can be used most effectively.

Because of the limited time available, the process was shortened in a number of ways. The purpose was to demonstrate the ease with which information can be gathered from a large number of people with diverse interests. Participants also experienced the energy that an open space meeting unleashes, with the ideas expressed by one participant prompting



APA - Wisconsin conference participants experience a meeting using Open Space Technology

Open Space Technology Meeting Facilitation Resources

Open Space World, <http://www.openspaceworld.org/>

Michael Herman, “Working in Open Space: A Guided Tour,” <http://www.openspaceworld.org/cgi/wiki.cgi?WorkingInOpenSpace>

Harrison Owen, *Open Space Technology: A User’s Guide, 3rd edition*. Berrett-Koehler, 2008.

People and Participation.net, Open Space Technology, <http://www.peopleandparticipation.net/display/Methods/Open+Space>

Alan Stewart, “Open Space Technology,” The Co-Intelligence Institute, <http://www.co-intelligence.org/P-Openspace.html>.

another idea from someone else in the group.

Planners can get more information about Open Space Technology from a number of resources on the web. Some facilitators specialize in the Open Space approach to meeting facilitation. But the technique is straightforward and any planner can implement a successful Open Space meeting after a bit of diligent reading. Try it; your community members will like it.

Results of the Open Space meeting at the conference will be posted to the APA-WI webpage.

The most basic principle is that everyone who comes to an Open Space conference must be passionate about the topic and willing to take some responsibility for creating things out of that passion.

Four other key principles are:

- 1) Whoever comes is the right people.
- 2) Whatever happens is the only thing that could have.
- 3) Whenever it starts is the right time.
- 4) When it is over, it is over.

--Alan Stewart, The Co-Intelligence Institute

"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

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

"The rule-of-thumb is that one day in Open Space will get you a lot of great discussion, two days will give you time to capture what happens in a typed proceedings document, and a third day (usually a half-day) will allow a more formal convergence to specific plans for immediate action."

-- Michael Herman, Working in Open Space:

A Guided Tour

The Other Side of Planning: Interesting Projects That You've Never Heard About

BY DAVID BOEHM

Around the State of Wisconsin, some projects get a lot of publicity. Sand mining in western Wisconsin, the High-Speed passenger train from Milwaukee to Madison, and a new downtown plan for Madison. But as planners, many activities occur outside of the limelight. These activities make up the vast majority of the planning profession and are hardly noticed. In this piece, I tracked down some of the lesser known members of our planning community to get a perspective on what is happening in their planning work that would otherwise go unnoticed.

Waste Disposal in Iraq

Imagine if the solution to garbage was to burn everything. This is the current procedure in Iraq where all garbage is burned in the desert.

civi ♦ tek
CONSULTING

Tim Schwecke AICP

phone 920.728.2814
tim.schwecke@verizon.net
135 Milton St. Lake Mills, WI 53551

MUNICIPAL PLANNING SERVICES
FOR GROWING COMMUNITIES

SRF 50 years

Quality • Innovation • Service • Collaboration

www.srfconsulting.com | 608.829.0010
Derek Hungness, AICP or Beth Bartz, AICP



CAMIROS
Planning
Zoning
Landscape Architecture
Economic Development

411 South Wells, Chicago, Illinois, 60607, (312) 922-9211
www.camiros.com

“The amount of pollutants that are put into the atmosphere is very concerning,” says Heather Cleveland, an engineer and planner at AECOM.

UNICEF, the United Nations Children’s Fund, is very concerned about the impact on the health of children. This led to a collaborative effort between UNICEF, a Canadian planning firm, a project manager in Dubai, consultants in Iraq, and Wisconsin-based AECOM. “The amount of international collaboration was just fantastic. It provided a unique perspective that provided more credibility because of the nationalities represented.” The process was very participatory, with the Iraqi consulting firm conducting the interviews with citizens. “We hope this process leads to healthier waste management practices for all the children in Iraq.”

Port Washington GIS Department

Port Washington is on the forefront of GIS technology. “We’re in the process of mapping everything in the city with GIS,” says Niki Hill, planning intern with Port Washington. Sanitary sewer infrastructure, sidewalks, and voting districts are just a few of the areas that are being mapped. “Our goal is to collect as much information as possible to help with future decision making. Not only do we want to know that there is sewer infrastructure, but the pipe size and material.”

When asked about the importance of voting districts, Hill emphasized how important an electronic voting map can be. “I used that data to make signs for the city. With people heading to a new voting booth or maybe haven’t voted before, this information allowed me to access all necessary information immediately.”



ARCHITECTURE
INTERIOR DESIGN
URBAN DESIGN
LANDSCAPE ARCHITECTURE



Contact **Michael Lamb** mlamb@cunningham.com 612 379 5558 www.cunningham.com

JOIN APA

Receive *Planning* and a lot more! Visit www.planning.org for complete details or to join online.

Name ☐ Mr. ☐ Ms. ☐ Mrs. APA ID (former members only)

Employer name _____

Employer address _____ Department _____

City _____ State _____ ZIP _____

Office phone number _____ Fax number _____

Home address _____

City _____ State _____ ZIP _____

Home phone number _____ E-mail address (required) _____ M—REG

APA Membership Dues			
Fill in the column for the membership level requested	Regular	Planning Board ²	Student ²
National Dues¹ (see table on reverse)	\$	\$60	\$40
Chapter Dues¹ (see table on reverse) Chapter membership is mandatory for U.S. members.	\$	\$	\$
JAPA (optional): Quarterly Print & online \$48 (\$24 APA student members) Online only \$36 (\$16 APA student members)	\$	\$	\$
The Commissioner (optional) Quarterly \$25	\$	Free	\$
APA Divisions (optional) See table on reverse. Enter division codes below and total division dues at right.	\$	\$	\$

Total	\$	\$	\$

☐ I'd like to subscribe to *Planning* magazine without joining APA.
A one-year subscription (10 issues) is \$75.

☐ Check enclosed payable to APA
☐ Bill me (member services will begin when APA receives full payment)
☐ MasterCard ☐ Visa ☐ American Express

Card number _____ Expiration date _____

Cardholder's name (please print) _____

Cardholder's signature (required) _____

Tell Us Where to Send

Invoices ☐ Home ☐ Employer
 Publications ☐ Home ☐ Employer

Planning Board Member Verification

I verify that I am an unpaid member of the planning board or commission named below. I do not earn my living in planning.

Name of planning board or commission _____

Name of primary planning board contact _____

Phone number of primary planning board contact _____

Student Verification

I verify that I am a full-time student at the school named below.

Name of college/university _____

Student ID# _____

All APA members receive *Planning* magazine. To accord with postal regulations, \$30 of membership dues support the magazine. Dues are not tax-deductible as a charitable contribution. Dues may be considered as a business expense except 17.5 percent of California chapter dues, which are allocated to chapter lobbying costs.

¹This will be your e-mail address of record. APA will use it to conduct electronic voting, deliver member benefits, and perform other administrative tasks.

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.

⁴Your chapter is the one that corresponds to your preferred mailing address. Prices are subject to change.



Fax credit card payments
to 312-786-6735

APA National Dues (mandatory for regular members)

Choose the range that reflects your salary and other professional income. APA and its members operate with integrity. Our salary-based dues structure depends on that integrity. Records are kept confidential.

Income	Dues
Less than \$35,000	\$140
\$35,000–\$41,999	\$160
\$42,000–\$49,999	\$180
\$50,000–\$59,999	\$200
\$60,000–\$69,999	\$225
\$70,000–\$79,999	\$250
\$80,000–\$89,999	\$275
\$90,000–\$99,999	\$300
\$100,000 and above	\$325
Undisclosed	\$330

Division Dues (optional)

Each division is \$25 for regular members; \$10 for students.

Division	Code	Division	Code
City Planning & Management	CITY_PLAN	Planning & Law	LAW
County Planning	CPD	Planning & the Black Community	PLAN_BLACK
Economic Development	ECON	Planning & Women	WOMEN
Environment, Nat. Res. & Energy	ENVIRON	Private Practice	PRIVATE
Federal Planning	FED_PLAN	Regional & Intergovernmental Plng.	INTER_GOV
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	Chapter	Regular	Student
Ala.	\$30	\$7	Mass.	\$35	\$15	S.C.	\$35	\$15
Alaska	\$35	\$25	Mich.	\$60	\$15	Tenn.	\$25	\$7
Ariz.	\$42	\$5	Minn.	\$50	\$5	Texas	\$45	\$5
Ark.	\$25	\$15	Miss.	\$35	\$10	Utah ²	25% APA dues	\$5
Calif.	\$85	\$15	Mo.	\$25	\$5	Va.	\$45	\$15
Colo. ¹	25% APA dues	\$10	Natl. Cap. ²	\$30	\$12	Wash. ¹	25% APA dues	\$8
Conn. ¹	35% APA dues	\$14	Neb.	\$30	\$20	W. Va.	\$45	\$5
Del.	\$30	\$5	Nev.	\$30	\$15	W. Cen. ¹	\$25	\$5
Fla. ¹	45% APA dues	\$5	N.J. ¹	35% APA dues	\$5	Wis.	\$45	\$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.

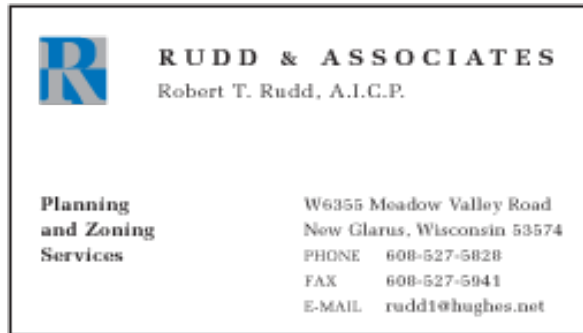
³Includes Maine, New Hampshire, and Vermont.

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

RETURN TO:
MEMBERSHIP
AMERICAN PLANNING ASSOCIATION
97774 EAGLE WAY
CHICAGO IL 60678-9770

FAX 312-786-6700

You may also download this form at
<http://www.wisconsinplanners.org/org/WAPAmembershipform.pdf>



A more traditional planning task that Hill is working on in Port Washington is surveys. “I’ve done six different park surveys since I started here. We want to know what kind of amenities and equipment citizens desire.” Asked for any last comments, Niki responded, “This is a great place to intern and I’ve been lucky to learn so much.”

Kenosha County Aging and Disability Department

The Kenosha County Department on Aging and Disability houses a division of transportation. “I work with transportation data to assist public transit for the elderly,” says Michelle Dolnik, Transportation Planner with the Kenosha County. Asked about the responsibilities of her



distinctive character. enduring quality. prideful connection.

**Invest in your community with
SEH's multidisciplinary planning approach.**



architects | engineers | planners | scientists

6808 Odana Road, Suite 200, Madison WI 53719 • 800.732.4362 • www.sehinc.com



position, she responded “There are data reporting requirements for grants that help pay for the public transit.” Dolnik specifically looks at Western Kenosha County Transit and includes ridership numbers, demographics of riders, and other similar statistics.

Other tasks that Dolnik works on for Kenosha County is creating layers for their GIS mapping system. “When I arrived, there was no GIS data available. I had to start from scratch and create the layers. Everyone in the office is very grateful that the mapping is being done. It should help with efficiency in the future tremendously.” Dolnik received the job after working as an unpaid intern during the summer with the county. “Some students don’t want unpaid internships, but I learned a lot and now I have a full-time job. Maybe they should take a second look.”

Milwaukee Water Council

The Milwaukee Water Council is in the process of launching a new website. Michael Kavalor is a collaborator on the project whose role is to write blog posts concerning “Youth and Water.” “There is a hope on getting the next generation involved in water issues. Many young people don’t realize how important water is for society.” Kavalor has worked with the Water Council in the past on an EDA strategic water-market report. “The hope is to raise the profile of water and Milwaukee’s water industries overall. This is a huge asset for Milwaukee’s economy and the global environment.”

PROFESSIONAL PLANNING SERVICES

- Community Planning
- Urban Design
- Redevelopment Planning
- Environmental Planning
- Transit Planning
- Neighborhood Planning
- Public Involvement
- Comprehensive Planning
- GIS/Technology Services
- Park/Recreation Planning

HNTB-Milwaukee
Telephone (414) 359-2300
www.hntb.com

HNTB-Madison
Telephone (608) 259-0045

HNTB



GORMAN
& COMPANY, INC.

**Revitalizing
Communities**

www.GormanUSA.com

Law Update

Court Decisions

BRIAN W. OHM, JD, VICE-PRESIDENT OF CHAPTER AFFAIRS
C/O DEPT. OF URBAN & REGIONAL PLANNING, UW-MADISON
925 BASCOM MALL
MADISON, WI 53706
BWOHM@WISC.EDU

Wisconsin Court of Appeals Opinions

Conveyance For Highway Was an Easement, Not Fee Title

Berger v. Town of New Denmark involved a quest to determine whether two lots in the Town of New Denmark in Brown County are buildable lots under the Town's zoning ordinance. The lots are zoned A-1 which requires a minimum area of

35 acres and a frontage of at least 500 feet. Both lots are bordered on one side by a County Highway. To calculate the total acreage of the parcels, the Town Board excluded the land occupied by the County Highway. The Board concluded each parcel contained approximately 34.5 acres. As a result, the two lots were not buildable as zoned.

The Bergers initiated this lawsuit challenging the Town's decision. The Town argued Brown County owned the land under the highway so it should be excluded from the determination of parcel size. The Bergers argued they owned the land under the highways. The Court examined the conveyance documents for the highway land. Those documents stated that the land was conveyed to the County "for highway purposes as long as so used." The Court of Appeals determined that this language only granted an easement to the County, not fee title. The Court of Appeals agreed that the Bergers owned the land under the highway.

The Court of Appeals remanded the case to the Circuit Court to determine if the parcels are otherwise buildable and whether the zoning ordinance allowed for the inclusion of public right-of-ways when calculating acreage.

The case is recommended for publication.

Criteria in Subdivision Ordinance Not Unconstitutionally Vague

Guse v. City of New Berlin involved a challenge to the City of New Berlin's rejection of an application to divide a parcel into two lots. The City Council rejected the subdivision based on the following provisions of the City's subdivision ordinance:

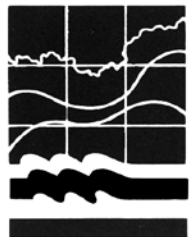
New lots within existing residential subdivisions may be prohibited under any of the following criteria:

- (1) When the new lot area is less than the average of the existing lots within the subdivision excluding unbuildable lots; or
- (2) When the new lot width is less than the average width of the existing lots within the subdivision excluding unbuildable lots; or
- (3) The subdivision was platted over 25 years ago.

The lot owned by Guse was platted over 25 years ago, the proposed lots would also be smaller in area and width than the average in the subdivision.

Guse challenged the City's decision arguing that the ordinance did not set forth adequate standards for decision making. An ordinance is unconstitutionally vague if "it fails to afford proper notice of the conduct it seeks to proscribe or if it encourages arbitrary and erratic enforcement." The Court of Appeals, however, found that the above standards were fairly specific and hence not unconstitutionally vague.

Guse also argued that the City's action was arbitrary and capricious because there were two parcels on his side of the street and three smaller lots on the other side of the street. The Court of Appeals, however, found that "inconsistencies



Russell Knetzger
A.I.C.P.

Community Planning
Real Estate Analysis

Fax. 414-962-0671
2625 E. Shorewood Blvd.
Milwaukee, WI 53211-2457
414-962-5108

II
Planning Service & Solutions

Independent Consulting
Pamela A Lazaris AICP

110 E Madison Street ▲ PO Box 17 ▲ Lake Mills WI 53551
(920) 648-6617 ▲ FAX (920) 648-2115
pal@gdinet.com

in determinations arising by comparison are not proof of arbitrariness or capriciousness.”

The case is recommended for publication.

Legislative Update

By STEVE HINIKER, 1000 FRIENDS OF WISCONSIN
APA - WI LEGISLATIVE ANALYST

FOR THIS ISSUE, BECAUSE THE LEGISLATIVE SESSION ENDED JUST BEFORE PUBLICATION OF THE NEWSLETTER, NANCY FRANK COMPILED MUCH OF THE INFORMATION BELOW FROM A VARIETY OF SOURCES. IN SOME INSTANCES, SHE WAS NOT ABLE TO DETERMINE THE DISPOSITION OF THE BILL.

The Wisconsin legislative session that began in January 2011 closed this week. Here is an update on some of the bills that APA-WI and planners have been watching. The sources for the information below are emails from Steve Hiniker and a search on the Wisconsin Assembly and Senate websites conducted on March 17, 2012. Other sources are indicated as needed.

AB 303, an act to repeal comprehensive planning, was not passed.

AB 421, streamlining DNR permitting processes, was tabled on March 15.

AB 562, an act limiting the authority of a city, village, or town to enact a development moratorium, was not passed. The committee on Housing passed Assembly Amendment 1, 8-0, but the

bill was not scheduled for a vote by the Rules Committee.

AB 618, relating to outdoor advertising signs that are relocated due to state highway projects, was not passed.

AB 627, relating to trading of water pollution credits, was expected to be taken up before the end of the legislative session. As of March 17, 2012, it was not possible to confirm whether the bill had been enacted.

According to the Legislative Reference Bureau synopsis, this bill would:

“This bill requires DNR to administer a program, rather than at least one pilot project, for the trading of water pollution credits. . . .

“Under current law and under the bill, a water pollution credit trading agreement is only allowed if it results in an improvement in water quality and if the increase and the reduction involve the same pollutant or the same water quality standard. . . . This bill eliminates the requirement concerning a project area, but requires that the increase and the reduction in pollution occur within the same water basin or portion of a water basin, as determined by DNR. Under current law, the term of a water pollution trading agreement may not exceed five years. This bill eliminates the restriction on the term of an agreement. Both current law and the bill require that trading of water pollution credits be conducted in accordance with the federal Water Pollution Control Act.”

Trading is being explored in the Milwaukee area as a means of improving water quality at a lower cost than is feasible under existing regulations. This legislation paves the way for the

DNR to promulgate rules that will allow trading statewide.

SB 310, relating to brownfields redevelopment grants, was not passed.

The Legislative Reference Bureau summary described the purpose of this proposal as follows:

“Current law authorizes WEDC, in making brownfields redevelopment grants, to consider certain criteria, including the potential of a project to promote economic development and the extent and degree of soil and groundwater contamination at the project site. This bill requires



CENTENNIAL, CO • SUGAR LAND, TX • CHICAGO, IL
ELK GROVE, CA • STURGEON BAY, WI

Comprehensive Plans
Growth Management Plans
Downtown and Special Area Plans
Land Development Regulations
Land Use Modeling and Impact Studies
Parks, Recreation and Open Space Master Plans

KENDIG KEAST
COLLABORATIVE

Phone: (920) 746-5500
Email: bret@kendigkeast.com
Website: www.kendigkeast.com



SAA | define | enhance | sustain

- Community & Downtown Planning & Redevelopment
- Neighborhood Plans
- Park & Open Space Plans
- Grants/Funding Strategies
- Bike & Pedestrian Plans
- Wayfinding

Schreiber Anderson Assoc., Inc. | 608-255-0800 | www.saa-madison.com

WEDC to consider these criteria in making brownfields redevelopment grants. The bill also requires WEDC to consult with local economic development entities before making brownfields redevelopment grants.”

SB 368, relating to wetland permits, passed and became Wisconsin Act 118, published March 14, 2012.

According to the Wisconsin Wetlands Association (WWA), which followed the bill closely, the legislation enacted has the following provisions. The + and - signs indicate whether WWA viewed the change as positive or negative.

1. Establishes one permit system for all wetlands (+).

2. Creates General Permits (GPs) for minor projects impacting wetlands (10,000 sq. ft. in most cases) for various activities (+). Authorizes DNR to create additional GPs (+/-). Establishes 30 day time limits and “presumptive approval” after 30 days (-).

3. Modifies the standards and review process for the review and approval of individual permits (IP) as follows:

a. Requires mitigation at a minimum of 1.2 acres restored for each acre destroyed for all IP approvals (+ on the requirement, but the ratio should be higher in some cases).

b. Enables establishment of an “in lieu fee” mitigation program (+/-) and establishes a preference for purchase of credits from a mitigation bank or in lieu fee program (-).

c. Loosely encourages, but does not require, mitigation to occur within the same watershed where the impact occurs (-) (watershed-based mitigation should be required).

d. Removes requirements to consider parcels with no wetlands if the project is an expansion of an existing industrial, commercial, or agricultural facility, will be located in an existing industrial park, or will have an economic public benefit (-) (limiting alternatives review makes sense in some, but not all, of these cases).

e. Requires DNR to select the “least environmentally damaging practicable alternative,” but DNR must now consider “the benefits of mitigation on wetland functional values” and the “net positive and negative environmental benefits of the project” “up front” in that determination (-) (avoidance and minimization should come first).

f. Maintains DNR authority to deny a permit application if the proposed project will result in significant adverse impact to wetland functional values or water quality, or other significant adverse environmental consequences (+).

g. Establishes time limits for IP review, but does not include presumptive approval (+/-). h. Adds public notice and comment and gives DNR inspection and citation authority for wetland fill violations (+).

4. Eliminates the “areas of special natural resource interest” designation for certain wetland types and fails to replace it with explicit language to acknowledge that certain types of wetlands cannot be replaced through mitigation (-).

SB 456, authorizing the creation of a Fox Cities regional transit authority and making appropriations, failed to pass when Republicans killed the measure 3-2 in the senate committee on Transportation and Elections.

SB 472, relating to certain shoreland zoning standards and ordinances that regulate the repair and expansion of nonconforming structures, unclear disposition.

SB 504, limiting the authority of a city, village, or town to enact a development moratorium ordinance, passed with minimal amendments.

The synopsis of the original bill described the provisions as follows:

“The municipality may enact a development moratorium ordinance (moratorium) only if its governing body adopts a resolution stating either that a moratorium is needed to prevent a shortage in or the overburdening of its public facilities or that a moratorium is needed to address

a significant threat to the public health or safety. In either case, the municipality must obtain a written report from a professional engineer stating that the possible effect on public facilities, or the possible threat to public health or safety, justifies the need for a moratorium. In the case of a possible health or safety threat, the report may also be from a physician or registered nurse.

Senate Amendment 1 substituted changed some of the terms used in the bill, but appears to have left intact the provisions regarding the necessity of getting a written report from a professional engineer or a nurse stating the significant threat to public health and safety necessitating the moratorium.”

Continued on page 15

SB 557, relating to water quality trading, passed. This legislation authorizes the DNR to establish statewide water quality trading guidelines, replacing the more limited pilot projects that had been authorized previously.

bill reads “Amounts transferred on or before the date of enactment of this paragraph to the Mass Transit Account for fiscal year 2012 are hereby transferred to the Highway Account”.)

Federal Legislation

Thursday, February 2, 2012

The House Ways and Means Committee has released the text of the surface transportation revenue title. The bill is H.R. 3864 and it can be read here:

<http://goo.gl/ocx6i>

Here is what the initial read-through of the bill seems to indicate:

Extension of Highway Trust Fund, Sport Fish Restoration and Boating Trust Fund, and Leaking Underground Storage Tank Trust Fund through October 1, 2016.

Extension of current rates of motor fuel taxes, tire, truck and trailer taxes, and the truck heavy use tax until October 1, 2018.

A new provision directing all proceeds from the three Natural Resources Committee energy exploration bills (marked up by that panel on Feb. 1) in the Highway Trust Fund. Presumably this means the Highway Account, since technically, the entire Trust Fund is the Highway Account unless another account is specifically mentioned.

A new provision renaming the Mass Transit Account of the Trust Fund the Alternative Transportation Account and apparently transferring all FY 2012 receipts of the Mass Transit Account to the Highway Account. (This provision of the