

# WAPA

WISCONSIN CHAPTER / AMERICAN PLANNING ASSOCIATION

## Newsletter

### WAPA Election Results

On Monday, December 17, 2007, WAPA Secretary Larry Ward announced the results of the WAPA 2007 election for members of the WAPA board of directors.

Northeast District Rep: Diana Schultz, AICP. Welcome to the board, Diana.

Southeast District Rep: Nikki Jones, was re-elected following her appointment to fill a vacancy during the past year.

Southwest District rep: Daniel Rolfs, AICP, was re-elected.

Congratulations to everyone!



Diana Schultz

A photo of Nikki Jones was not available as the newsletter went to press.

Dan Rolfs



### Fall 2007

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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:

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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](mailto: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

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**Visit the WAPA webpage for up-to-date news and information between issues of the WAPA Newsletter.**

**Monthly legal and legislative updates are now posted throughout the month. Look on the Events page for information about professional development programs sponsored by WAPA, APA, and other organizations with programming related to planning.**

## Wanted: WAPA Conference Coordinator

Long Hours, Low Pay

For many years now, Tom Favour has served WAPA as our conference coordinator. Tom is ready to move on to new diversions within the next 18 months, and WAPA needs to identify his successor. Our plan is to recruit a conference coordinator before the WAPA conference in spring 2008 so that the new coordinator can watch and learn, and then work with Tom in preparing for the Upper Midwest conference in Fall 2008. Because of the Upper Midwest Conference, the next 18 months will be a busy conference period, with three conferences in a just over a year.

If you would like to learn more about this role, including responsibilities and compensation, please contact WAPA President Gary Peterson at 608-249-2514 or [petersong@crispell-snyder.com](mailto:petersong@crispell-snyder.com)

## DNR Offers Brownfield Green Space and Public Facilities Grants

Brownfields are abandoned, idle or underused commercial or industrial properties where expansion or redevelopment is hindered by real or perceived contamination. Brownfields can be an abandoned corner gas station, a hundred-acre industrial facility, or other problem properties with which planning officials are all too familiar. Sometimes private redevelopment isn't the solution and the best use is community use - a new park or a public facility. Local governments can get help from DNR's Remediation and Redevelopment Program, which is now offering the third opportunity to apply for Brownfield Green Space and Public Facilities Grants.

These unique grants can be used by to pay for environmental cleanup of brownfields that will be used as parks,

athletic fields and natural areas, storm water basins, libraries, city shops, fire stations and more. For example, in 2006 the City of Superior received a grant for environmental cleanup of a brownfield that will be used by the Superior Amateur Hockey Association to expand their ice rink. In addition, Kenosha, Oshkosh, Geneva, Delavan, Waukesha, Fond du Lac, Kaukauna, Eau Claire, West Allis, Green Bay, Racine, Madison and Milwaukee have already received grants in the two previous application periods, and the 2007-09 state budget designates another \$1 million for the third round. DNR will accept grant applications starting on January 25, 2008, and the

### Upcoming Conferences

**WAPA Annual Conference**  
Madison, March 27, 2008

**APA National Conference**  
Las Vegas, April 27-29, 2008

**Upper Midwest APA Conference,**  
hosted by WAPA  
Madison, September 18-19, 2008

**WAPA Annual Conference**  
Sheboygan, March 26-27, 2009.

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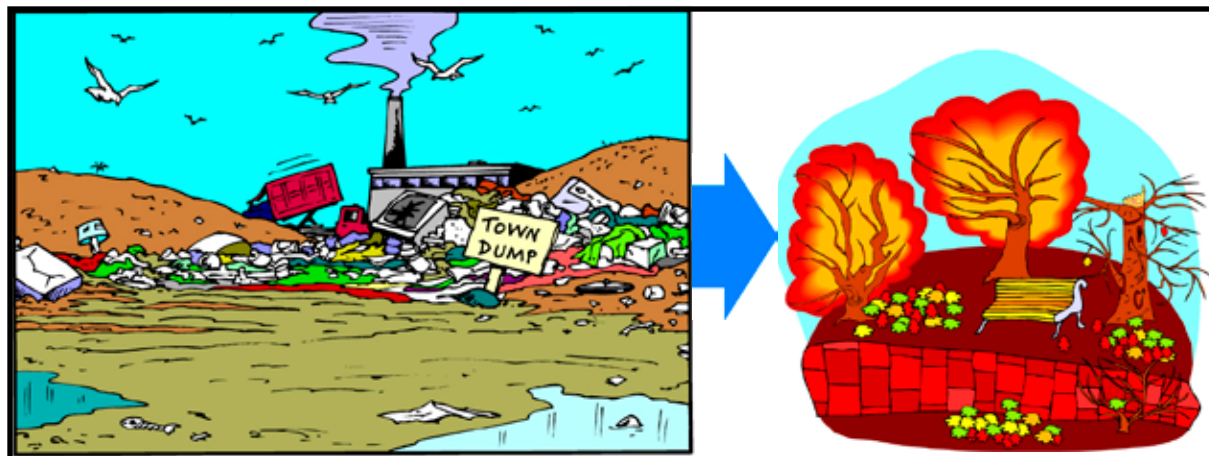
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## Help Push the WAPA Endowment over \$100,000

WAPA's endowment stands at \$98,000. You can help us top the \$100,000 mark with your year-end gift. Hey, we'll take a year-starting gift, too!

Please consider a gift to the WAPA endowment for planning scholarships. Make a difference!

All gifts are tax-deductible.

Contact Gary Peterson for more information, 608-249-2514.

application period will remain open until February 6, 2009, or until all available funds are awarded.

Grant eligible costs include development of a remedial action (contamination cleanup) plan and environmental remediation. Ideal projects are ready for environmental cleanup at the time of the grant application. The community should have a clear plan to successfully redevelop the property and preliminary work to define the contamination should already be completed so the applicant can begin the remediation and redevelopment. These grants are a great follow-up to other brownfield grants, such as DNR's Brownfield Site Assessment Grants. DNR is happy to discuss potential grant projects. Please contact Michael Prager in the Remediation and Redevelopment Program at [Michael](mailto:Michael.Prager@Wisconsin.gov).

[Prager@Wisconsin.gov](mailto:Prager@Wisconsin.gov), or at 608-261-4927 with your questions.

More information about Brown-field Green Space and Public Facilities Grants, the application form and instructions, and a list of previous awards are on the web at [dnr.wi.gov/org/aw/rr/rbrownfields/greenspace\\_grant.htm](http://dnr.wi.gov/org/aw/rr/rbrownfields/greenspace_grant.htm). While you're on the web, check out other important information from the Remediation and Redevelopment Program, especially our other grants and loans and the local government exemption from liability for environmental contamination - [dnr.wi.gov/org/aw/rr/](http://dnr.wi.gov/org/aw/rr/).

|                                 |                          |
|---------------------------------|--------------------------|
| <b>JJR</b>                      | Contact:                 |
|                                 | Bill Patek               |
| <b>Planners</b>                 |                          |
| <b>Landscape Architects</b>     | 625 Williamson Street    |
| <b>Urban Designers</b>          | Madison, Wisconsin 53703 |
| <b>Civil Engineers</b>          | 608   251   1177         |
| <b>Environmental Scientists</b> | bill.patek@jjr-us.com    |

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## 2008 CHAPTER AWARDS CALL FOR NOMINATIONS

**Nomination deadline: Monday, March 3, 2008 at 3:00 PM**

Entries shall be submitted to: 2008 WAPA Awards  
c/o Carolyn Esswein, AICP  
PDI  
241 N. Broadway, Suite 300  
Milwaukee, WI 53202

### PURPOSE

To give recognition to outstanding achievements in planning and to publicize persons and organizations whose activities advance planning in Wisconsin.

### ELIGIBILITY

A WAPA or APA member must submit the application.

Plan Document, Planning Tool, Urban Design, and Plan Implementation nominations must be for projects located in Wisconsin and must have included a WAPA or an APA member throughout the planning process. Elected Official of the Year and Citizen Planner of the Year nominees must live and work in Wisconsin. Outstanding Journalism nominations must have a reporter from, and a story about, a Wisconsin community.

No project may be considered if a member of the Jury, or his/her organization, had a role in planning or implementing the project. Jury members are selected from outside of Wisconsin.

### JUDGING and ANNOUNCEMENT

The Jury has the right to select one or more winners per category. Neither the Awards Jury nor the Chapter is under any obligation to grant an award in each category. The Awards Jury may also consider a nomination for an award in a category other than the category indicated by the Nominator.

The Awards schedule is different this year because the Upper Midwest Planning conference is always held in the Fall. In order to maintain a regular submittal schedule the nominations will still be due in the Spring. Awards will be presented at the **Upper Midwest Planning Conference in Madison on September 18 or 19, 2008**. Nominators will be notified of Jury decisions in late Spring 2008.

### QUESTIONS

For questions on the 2008 WAPA Awards, contact Carolyn Esswein at [cesswein@pdisite.com](mailto:cesswein@pdisite.com) or 414.271.2545.

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# ***Law Update***

## ***2007 - 2008 Wisconsin Legislative Session Bill Tracking***

**By Lisa McKinnon  
1000 Friends of Wisconsin**

### ***NEW LEGISLATIVE PROPOSALS***

#### **NEW ASSEMBLY BILLS**

The following two proposals related to the state comprehensive planning law (Wis. Stats. §66.1001) initially were included in the Assembly version of the state biennial budget, but were removed from the final version of the budget before passage and now are being introduced as separate legislation by Representative Mary Williams:

LRB 2863/1: (Not yet introduced as a bill) – A Proposal to Limit the Applicability of the Comprehensive Planning Statute to Political Subdivisions with Populations of at Least 2,500

This proposal would exempt a city, village, or town with a population of less than 2,500 from the state's comprehensive planning requirement.

The proposal would not bar political

subdivisions under 2,500 from creating a comprehensive plan under the state planning law, but there would be no requirement for them to do so. It is not clear from this proposal whether comprehensive plans in effect in communities under 2,500 would be enforceable under the law.

LRB 2199/1: (Not yet introduced as a bill) – A Proposal to Delay the Compliance Deadline Date of the Comprehensive Planning Law from January 1, 2010 to January 1, 2015.

Under this proposal a local government's official mapping, local subdivision regulations and zoning ordinances would not be required to be consistent with that local government's comprehensive plan until 2015, even if that local government already has a comprehensive plan in place by the current 2010 compliance deadline.

#### **NEW SENATE BILLS -- None ***UPDATES TO PREVIOUSLY REPORTED ASSEMBLY BILLS*****

I have included status updates for previously reported bills only if their status has changed since the September update. If you have been following other legislative bills addressed in previous updates, please go to the WAPA website's Law and Legislation page for links and updates or go to the Wisconsin Legislature's website at: <http://www.legis.state.wi.us>

state.wi.us

[Updates in bill status since the last legislative update are reflected in italics]

AB 33 – County Payment of Use Value Assessment Penalty. Under current law, a person who owns land that has been assessed, for property tax purposes, as agricultural land and who converts the land's use so that the land may not be assessed as agricultural land must pay a penalty to the county in which the land is located. The county pays 50 percent of the amount of the penalty to the taxation district in which the land is located. Under this bill, the county must pay the taxation district's share of the penalty to the taxation district no later than August 20 of each year.

Status: Adoption recommended (9-0) with Assembly Amendment 1 to Assembly Substitute Amendment 1 by Assembly Committee on Rural Affairs and referred to Committee on Rules on 6/14/07. Passed by Assembly (96-0) with Assembly Amendment 1 to Assembly Substitute Amendment. Referred to Senate Committee on Agriculture and Higher Education on 11/6/07.

**[Assembly Substitute Amendment 1 to AB 79](#)** - This substitute amendment authorizes a town board that is authorized to exercise village powers to adopt a resolution, which is subject to ratification in a referendum that the

town board must call, declaring that it is a “charter town.” The substitute amendment allows the town board of a charter town to create a TIF district to the same extent as a city or village; it allows a charter town board to revoke its approval of certain county zoning ordinances and exercise certain zoning powers; and it exempts the town from being subject to certain city and village extraterritorial zoning powers. The substitute amendment does not allow charter towns to annex territory or to engage in extraterritorial zoning or plat approval. Under the substitute amendment, counties must recognize a charter town’s official map in the same way that it recognizes city and village official maps. The powers granted to towns in this substitute amendment apply only if certain conditions are met on the date on which the board adopts the resolution. Some of the conditions that must be satisfied include the following:

1. The population of the town must be at least 2,500.
2. The town board creates a town plan commission and adopts a comprehensive land use plan.
3. The town board enacts and enforces building code ordinances.
4. The town board enacts a construction site erosion control and storm water management zoning ordinance.

**Status:** Fiscal estimate received 3/28/07. It would increase state costs by \$50,000 and town costs by an undetermined amount. *Assembly Substitute Amendment 1 offered by Representative Kerkman on 11/2/07.*

**AB 181 – Authorizing the Examining Board to establish continuing education requirements for renewal of credentials for architects, landscape architects, professional engineers, designers of engineering systems, and land surveyors.**

**Status:** Introduced on 3/19/07 by Representatives Wieckert, A. Ott, Mursau, Albers, Van Roy, Townsend and Bies; cosponsored by Senators Lassa and Cowles and referred to Assembly Committee on Labor and Industry. Public hearing held on 5/2/07. Passage recommended 9-0 by committee on Labor and Industry and referred to Committee on Rules on 5/31/07. *Placed on calendar by Committee on Rules and messaged to the Senate on 10/30/2007. Referred to Senate Committee on Labor, Elections and Urban Affairs on 11/2/07.*

**AB 254 – Municipal Annexation and Boundary Disputes** – This bill was developed and is recommended by the joint legislative council’s special committee on municipal annexation. The special committee was directed to review conflicts that arise under current annexation law and practice and

the consequences of those conflicts, including costs to taxpayers and other affected parties, to determine if there is consensus on means to reduce annexation disputes and encourage more boundary cooperation between towns and cities or villages.

The bill addresses 1) the determination of common municipal (city, village, and town) boundaries by agreement; and 2) the use of alternative dispute resolution (ADR) in annexation and other boundary disputes.

**Status:** Introduced and referred to Committee on Urban and Local Affairs on 4/10/07. Fiscal estimates received 4/17 and 4/18/07. There is no state fiscal impact. Local governments may have some fiscal effect resulting from this bill, including a possible decrease in litigation costs related to boundary dispute. However, the effects are undetermined. Public hearing held 4/18/07. Passage recommended 9-0 by Assembly Committee on Urban and Local Affairs and referred to Committee on Rules on 5/29/07. [Fiscal estimate received](#) on 5/30/07. Passed the Assembly on 10/24/07, [Ayes 95, Noes 1](#), and sent to Senate.

*Referred to Senate Committee on Labor, Elections and Urban Affairs on 11/2/07.*

**AB 341 – Making Changes to Impact Fees and Subdivision Law**

– This bill is intended to address several concerns expressed about the changes that were made last session by 2005 Wisconsin Act 203, as well as making several other changes to subdivision and impact fee law, as follows:

- Restores the ability of municipalities to accept a fee in lieu of park land dedication and improvements, *provided that the fee bears a rational and proportionate relationship to the need for the improvement.*
- Prohibits a municipality from increasing development related “pass through” fees for engineering and legal services above the amount that it pays for the service.
- Extends the time period during which impact fees must be used from *seven years to ten years*, and allows for a three year extension, *provided that detailed, written findings are submitted to justify the extension.*
- Clarifies the dates by which fees collected prior to Act 203 must be used.
- Changes the time at which impact fees must be paid to either a time mutually agreed to by the parties, *or no later than the earliest of (a)*

five years after final approval of the development, (b) issuance of a building permit, or (c) issuance of an occupancy permit.

- Provides that the dedication of lands in a subdivision plat for storm water facilities must be accepted when at least 80 percent of the lots in the subdivision have been sold and the storm water facilities are certified to be properly functioning.

**Status:** Public hearing held in the Assembly Committee on Urban and Local Affairs on 5/22/07. Representative Gunderson and Senator Roessler added as coauthors on 5/29/07.

[Fiscal estimate received](#) on 6/1/07.

[Fiscal estimate received](#) on 6/14/07.

[Assembly Amendment 1](#) offered by Representative Gottlieb on 7/17/07.

Assembly Amendment [2](#) offered on 7/17/07. [Assembly Amendment 1](#) and Assembly Amendment [2](#) adopted 8-0 on 7/19/07. Passed out of Urban and Local Affairs Committee, 8-0, and referred to Committee on Rules on 7/19/07. Passed with amendments 1 and 2 by Assembly and sent to Senate on 10/24/07.

*Referred to Senate Committee on Labor, Elections and Urban Affairs on 11/2/07.*

**AB 409 – Expanding Area of Tax Incremental Financing District Project Cost Expenditures** –Currently, with

one exception that applies to the area within a one-half mile radius of a Tax Incremental District (TID) in the city of Kenosha, project cost expenditures may be made only within the boundaries of the TID. This bill authorizes a city or village, other than Kenosha, to make or incur an expenditure for a project cost in an area that is within a radius of up to one-half mile of the TID’s boundaries, provided that the city’s or village’s proposed expenditure is approved by the joint review board.

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**Status:** Introduced by Representatives Newcomer, Fields, Hahn, Hintz, Jeskewitz, Montgomery, Moulton, Nygren, Sheridan, Staskunas, Strachota, Townsend and Ballweg; cosponsored by Senators Plale, Darling, Cowles, Grothman, Roessler and Wirch on 6/14/07. Read first time and referred to Assembly Committee on Ways and Means on 6/14/07. [Fiscal Estimate](#) received on 7/9/07. Public hearing held in Assembly Committee on Ways and Means on 7/11/07. Assembly Amendment [1](#) offered by Representatives Kerkman and Newcomer. Passed out of Assembly Committee on Ways and Means with Amendment [1](#) on a vote of 11-0 on 10/16/07. Passed with Amendment [1](#) by Assembly by a vote of 96-0 and sent to Senate on 10/24/07. *Referred to Senate Committee on Economic Development on 11/6/07.*

#### UPDATES TO PREVIOUSLY REPORTED SENATE BILLS

**[SB 81](#)– Management of Greenhouse Gases (also [AB 157](#))** – This bill proposes the following:

- 1) Requires the Department of Natural Resources (DNR) to:
  - a. promulgate rules requiring the monitoring and reporting of greenhouse gas emissions by significant sources;

- b. determine the level of greenhouse gas emissions in Wisconsin in 1990 (including emissions from the generation of all electricity used in this state);
- c. by January 1, 2009 set a statewide greenhouse gas emission limit for 2020 that is equivalent to the 1990 level;
- d. identify measures for reducing greenhouse gas emissions;
- e. make rules implementing the interim measures to take effect no later than January 1, 2011;
- f. create a long-term plan for greenhouse gas emissions reduction;
- g. promulgate rules specifying greenhouse gas emission limits

- 2) Allows the governor to extend deadlines in the bill or in rules promulgated under the bill in the event of extraordinary circumstances, catastrophic events, or threat of significant economic harm.
- 3) Provides civil and criminal penalties for violations of the



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- greenhouse gas management provisions. The penalties are the same as under the current air quality laws.
- 4) Authorizes DNR to impose fees on greenhouse gas emission sources that are regulated under the bill.
  - 5) Requires state agencies to take actions to reduce their greenhouse gas emissions.
  - 6) Creates two bodies to advise DNR about greenhouse gas management: The Greenhouse Gas Management Environmental Justice Council and the Greenhouse Gas Management Economic and Technology Advancement Council.

Status: Introduced 3/6/07 by Senators Miller, Erpenbach, Risser, and Lehman; cosponsored by Representatives Black, Boyle, Molepske, Hebl, Berceau, Parisi, Hilgenberg, Sinicki, Pocan, Benedict, Pope-Roberts and

Smith.  
Read first time and referred to committee on Environment and Natural Resources on 3/6/07. Public hearing held in Senate Committee on Environment and Natural Resources on 9/25/07. Passage recommended (3-2) by Senate Committee on Environment and Natural Resources and referred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (5-0) on 10/31/07. Fiscal Estimate received on 11/15/07. If you see a bill of interest to you, sign up for the Wisconsin Legislative Notification Service that allows anyone to track legislative activities on proposals, committees, authors and subjects. For other legislative links and resources, please see the list available on the WAPA website.

**No cases were decided in this period related to planning practice.**

Watch the WAPA Law and Legislation page for the latest updates.



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- ☐ Planning board member. Dues \$65\* (national dues \$56; chapter dues \$9)

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Check the range that includes your salary plus other profession-related income.

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| <input type="checkbox"/> \$42,000 - \$49,999   | \$150 |
| <input type="checkbox"/> \$50,000 - \$59,999   | \$170 |
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## Reduced 2008 AICP Exam Fee Scholarships

APA and AICP once again strongly encourages you to submit names of those with financial hardships to become AICP members by taking advantage of the 2008 Reduced Exam Fee Scholarship program. This program was put into place to offer assistance to those individuals who may defer taking or are unable to take the AICP exam because of the high cost.

Scholarship recipients pay reduced fees to AICP as follows:

- First time AICP applicants: \$125 (combined \$60 application and \$65 exam fee)
- Previously approved AICP applicants: \$65 (exam fee only)

Please note that if scholarship recipients pay the regular instead of the reduced fees before receiving notice of selection, APA/AICP will promptly refund the fee difference to the candidates.

We suggest that those who think they might qualify should send a brief letter or note to WAPA Chapter PDO Nancy Frank (frankn@uwm.edu) showing how they meet the criteria listed as listed below.

Applicant shall submit a written explanation of financial hardship (including financial hardship caused by a budget cutback in a firm or agency),



## Update Your Email Address

- Email addresses change frequently. If you are not receiving emails from WAPA, then APA probably does not have your correct email address.
- To update your email address, go to the APA website (www.planning.org). Hold the cursor over Member Services on the menu bar near the top of the page. In the dropdown menu that appears, select "My Information" and follow the on-screen instructions.
- Contact Nancy Frank at frankn@uwm.edu so that the change can be included immediately in the WAPA email list.

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which necessitates the request.

- Members of ethnic or racial minorities shall be given preference.
- The applicant(s) selected will be otherwise unlikely to take the exam without the reduced fee.
- The applicant's employer will not subsidize the exam fee.

It is ultimately up to each chapter PDO to decide what constitutes financial hardship. Item #1 merely gives the general framework. The final scholarship recipient selection rests with the PDO and shall be final.



## CM Credit Programs Coming Online

A number of programs have now been posted to the AICP CM credit database online. Other programs will be posted in the coming weeks.

If you attended a program for which the provider is seeking CM credits, please check the APA / AICP CM page regularly to see if a program you attended has been listed.

Please be aware that APA continues to struggle with a large backlog of courses and training sessions. Most AICP planners will have until December 31, 2009 to post their 2007, 2008, and 2009 eligible credits. So—no rush!



Did you know . . .  
 , , , the WAPA webpage posts  
 RFPs and RFQs related  
 to planning work.

Email to:  
[wapa@wisconsinplanners.org](mailto:wapa@wisconsinplanners.org)

## New Energy Bill: What Will It Mean for Wisconsin Planners?

BY NANCY FRANK, UWM

On December 19, 2007, President Bush signed the new federal energy bill, which represents just a tiny down-payment on what the U.S. will need to accomplish to meet our long-term energy needs and environmental protection responsibilities. While the bill represents only modest advances over current policy—and many provisions are of debatable merit, planners in Wisconsin can expect their workload to shift in some significant ways.

Probably the most significant provision of the bill, for planners, will be the Renewable Fuel Standard, which “requires refineries to increase the use of ethanol from about 6 billion gallons a year this year to 36 billion gallons by 2022 and mandates that by then at least 21 billion gallons are to come from feedstocks other than corn” (Chicago Tribune, December 19, 2007). For Wis-

consin planners, that is likely to mean an increase in the number of ethanol plants seeking to locate in the state. Wisconsin planners will need to become ever more aware of the water and transportation needs associated with ethanol production.

A provision that planners should embrace will encourage combined heat and power systems, recycled energy, and

- o Encourage the rationalization of utility grid access for CHP and recycled energy systems

- o Authorize a new generation of energy efficiency programs for public buildings with funding through a grant program for construction of infrastructure including CHP, recycled energy and district energy systems. (American Council for an Energy Efficient Economy, December 19, 2007.)

The bill also took a first step toward achieving the 2030 Challenge (see WAPA Newsletter, Winter 2007). The bill adopts a goal that by 2030 all new commercial buildings will use zero net energy, and by 2050, all existing buildings would meet the same goal. This focus on commercial buildings can generate positive effects for residential construction as well, as some of the strategies that become commonplace in commercial

construction will become more affordable for residential construction as well because builders will become knowledgeable about how to achieve these goals in commercial buildings.



district energy systems. The bill includes:

- o Direct the quantification of the potential for recycled energy
- o Authorize the expansion of Regional CHP Assistance Centers