



# Newsletter

## WAPA Goes Green, M' Darlin'

Is it a coincidence or good planning? The joint WAPA/WASLA conference will be held March 15-16, just prior to the annual St. Patrick's Day festivities, and the conference has gone totally green. The theme of the 2007 conference is "Greening Wisconsin: Planning for a Sustainable Future." Surely Mo's Irish Pub, just blocks from the convention center in downtown Milwaukee, along with the Harp Pub on Juneau and County Clare on Aster Street, will be ready early to greet green planners.

But, of course, WAPA's green tint has everything to do with planning for sustainability, not with green-tinted beer—which may or may not be sustainable, depending on how much one drinks.

Topics at the two-day conference include

A toolkit for local government:

- Inter-governmental cooperation toward sustainability
- Water

### Winter 2007

Upcoming AICP Reviews.....	3
Three Pass AICP.....	3
2030 Challenge: Global Warming.....	4
WAPA Revamps Legal Updates...	8
Law Update.....	8
Civil Conversations.....	16
Planning with Hidden Assets.....	17
Eminent Domain in West Allis.....	18
Small Town Planning.....	19
<hr/>	
Publication Info and Board Members.....	2
Membership Form.....	12
Update Email Info.....	15

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](mailto: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](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**

President, Gary Peterson, AICP  
608-249-2514 (office) / 608-249-6615 (fax)  
[maps@maps-inc.com](mailto:maps@maps-inc.com)

Past President, Rollie Tonn, AICP  
262-567-3888  
[tonn41@ameritech.net](mailto:tonn41@ameritech.net)

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

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

Secretary, Lawrence Ward, AICP  
608-342-1713 (office) / (608) 342-1220 (fax)  
[wardla@uwplatt.edu](mailto:wardla@uwplatt.edu)

Treasurer, Carolyn Seboe  
414-410-6743 / 414-359-2314 (fax)  
[cseboe@hntb.com](mailto:cseboe@hntb.com)

Director at Large, Carolyn Esswein, AICP,  
414-271-2545 (office) / 414-271-2542 (fax)  
[cesswein@pdisite.com](mailto:cesswein@pdisite.com)

Director at Large, David S. Boyd, AICP  
608-242-7779, Ext. 333 or 800-446-0679  
608-242-5664 (fax)  
[dboyd@msa-ps.com](mailto:dboyd@msa-ps.com)

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

S.E. District Representative, Brian Turk  
262-317-3273 / 262-786-0826 (fax)  
[brian.turk@rasmith.com](mailto:brian.turk@rasmith.com)

N.E. District Representative, Linda Stoll, AICP  
715-346-4853 / 715-346-4038  
[linda.stoll@new.rr.com](mailto:linda.stoll@new.rr.com)

S.W. District Representative, Dan Rolfs, AICP  
608-267-8722 (office)  
[drolfs@cityofmadison.com](mailto:drolfs@cityofmadison.com)

Planning Official Development Off., Anna Haines  
715-346-2386 (office) / 715-346-4038 (fax)  
[ahaines@uwsps.edu](mailto:ahaines@uwsps.edu)

### **Student Representatives**

UW - Madison

Bridgit Van Belleghem  
805-709-6665  
[vanbelleghem@wisc.edu](mailto:vanbelleghem@wisc.edu)

UW - Milwaukee

Alyssa Elver  
[aelver@uwm.edu](mailto:aelver@uwm.edu)

### **National Officers**

Michael A. Wozniak, AICP  
AICP Director, Region IV  
(651) 442-7629  
(866) 602-4999

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

**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.**

**MSA**  
**PROFESSIONAL SERVICES**  
 TRANSPORTATION • MUNICIPAL  
 DEVELOPMENT • ENVIRONMENTAL  
**Your Trusted Partner**  
 • Comprehensive Planning  
 • Community and Economic Development  
 • Public Engagement • Development Review  
 • Grants & Funding  
**800-446-0679**  
 www.msa-ps.com

- Energy
- Green building primer for planners
- Green subdivisions
- ... and much, much more.

Tours during the conference include a visit to the Urban Ecology Center, downtown plans and projects, a wine bar tour, and a tour of sustainable, green projects in the Menomonee Valley and nearby suburbs.

Won't you put on a wee bit o' green now, to celebrate the season and sus-

## Upcoming AICP Review Sessions

Are you eligible to take the AICP exam. Ask Nancy. And take advantage of two upcoming AICP review sessions. This spring, a review is planned in conjunction with the WAPA spring conference and another in fall with the Upper Midwest APA conference in Iowa.

The spring review session will be held immediately after the close of the conference on Friday, March 16. WAPA will charge \$20 for this review session, but each participant will receive a complementary copy of the APA Chapter Presidents' Council AICP Exam Review Manual on CD. Details of the fall review have not yet been announced.

## Three Pass AICP Exam

In November, three more Wisconsin planners earned their AICP certification. Congratulations to all.

- Andrew Bremer, Project Planner, MSA Professional Services
- Kristan Grygiel, Milwaukee, WI
- Roberta Retzlaff, Wisconsin Department of Transportation

<b>JJR</b>	
<b>Planners</b>	Contact: Bill Patek
<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

*Building Relationships While Developing Communities... Since 1966*

**MFRA**  
 McCombs Frank Roos  
 Associates, Inc.

**Community Planning  
 Landscape Architecture  
 Engineering  
 Environmental Services**

William Weber, AICP - Director of Planning  
 (p) 763-476-6010 (f) 763-476-8532  
 email: bweber@mfra.com

14800 28th Avenue North  
 Suite 140  
 Plymouth, Minnesota 55447  
 www.mfra.com

### Co-sponsors

Michael Best & Friedrich LLP

R. A. Smith & Associates

HNTB Corporation

Crispell-Snyder, Inc.

Curt Vaughn Brink Co.'s

DeWitt, Ross & Stevens SC

Gorman & Company

Madison Gas & Electric

Planning & Design Institute, Inc.

Schreiber/Anderson Associates

Vandewalle & Associates

Association of Wisconsin

Regional Planning Commissions (AWRPC)

Wisconsin Realtors Association

### Supported by

AIA Wisconsin

League of Wisconsin Municipalities

Wisconsin Alliance of Cities

Wisconsin Counties Association

Wisconsin Towns Association



## The 2030 Challenge

### How the Design Professions Can End Global Warming

BY NANCY FRANK

The headline may be a slight exaggeration, but the design professions are moving toward professional standards that could have a major impact on carbon emissions—and go a long way toward helping to solve the global warming crisis. The design professions include architecture, planning, real estate development, landscape architecture, and interior design. How the design professions can end global warming was the main point of 2010 Imperative Teach-In on February 20, 2007. Over 500,000 students, faculty, and professionals around the world tuned in to learn about global warming, the 2010 Imperative, and the 2030 Challenge.

The time for scientific debate over the key facts about global warming are over. (1) The earth's atmosphere is warming. The warming is occurring everywhere that scientists have looked: at the poles, in the oceans, on mountaintops, on every continent. (2) Human use of fossil fuels is largely responsible for the observed warming. (3) Time is running short to avert a global catastrophe. We have already passed the danger point. "Credible scientists give us 10 years to be well on our way toward *global* greenhouse gas (GHG) emissions reductions in order to avoid catastrophic climate change" (2010 Imperative). Scientists predict that catastrophic climate change is likely to result in loss of 50 percent of the world's species, loss of polar and mountain glaciers, dramatic rise in sea levels, and loss of tropical rain forests.

In the midst of all that bad news, the most important point to remember is that

it is not too late. Technology and human ingenuity got us into this mess, and if we can move quickly enough, technology and human ingenuity can get us out of the worst of it yet.

The key observation that design professionals need to understand is the enormous carbon footprint of buildings. buildings are responsible for almost half (48%) of all energy consumption and GHG emissions annually; globally the percentage is even greater (Architecture2030.org)

Transportation accounts for 27 percent, and industry accounts for 25 percent. Within the building sector, about 12 percent of all emissions are from the manufacture and transportation of the building materials themselves; the remainder occurs over the course of the building's life in heating, cooling, and lighting the building. "Unknowingly, the architecture and building community is responsible for almost half of all U.S. greenhouse gas emissions annually.

**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

#### 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**

Mayo Corporation

Engineers  
Surveyors  
Planners  
Architects  
Landscape  
Architects

600 Grand Canyon Drive  
Madison, WI 53719  
(608) 833-0628  
(608) 833-0746 (fax)

**MAYO**  
CORPORATION

info@mayacorporation.com

The 2010 Imperative is a movement intended to increase the awareness of design professionals about this reality and the solutions. The 2010 Imperative engages university programs that train design professionals to ensure that students are forced to find ways of dramatically reducing the carbon footprints of the neighborhoods, cities, and regions they plan, the buildings and landscapes they design, and the interiors they decorate.

The 2010 Imperative has two parts. First: "Beginning in 2007, add to all design studio problems that: 'the design engage the environment in a way that dramatically reduces or eliminates the need for fossil fuel.'" Second: "By 2010, achieve a carbon-neutral design school campus by:

- implementing sustainable design strategies (optional - LEED Platinum / 2010 rating)
- generating on-site renewable power

- purchasing green renewable energy and/or certified renewable energy credits (REC's, Green Tags), 20% maximum."

The 2030 Challenge is more ambitious. It proposes policy changes that would result in all new buildings being designed to be carbon-neutral by 2030 and reducing the carbon emissions of existing buildings substantially as well. The 2030 Challenge establishes three targets:

(1) That all new buildings, developments and major renovations be designed to meet a fossil fuel, greenhouse gas (GHG) emitting, energy consumption performance standard of 50% of the regional (or country) average for that building type.

(2) That at a minimum, an equal amount of existing building area be renovated annually to meet a fossil-fuel, greenhouse gas (GHG)-emitting, energy-consumption performance standard of

50% of the regional (or country) average for that building type (50% of the regional average through innovative design strategies, the application of renewable technologies and/or the purchase - 20% maximum - of renewable energy).

(3) That the fossil fuel reduction standard for all new buildings be increased to:

60% in 2010

70% in 2015

80% in 2020

90% in 2025

Carbon-neutral by 2030 (using no fossil-fuel GHG-emitting energy to operate)

Meeting these targets would result in dramatic reductions in carbon emissions related to buildings. As the graphic on the next page illustrates, the US building stock today is at about 300 billion square feet (sf). Over the next 30 years, based on current trends, 52 billion sf




Economic Positioning  
Regional Planning  
Redevelopment  
Place Design  
Growth Management  
Transportation Planning  
Communication

**Shaping places,  
shaping change**

[www.vandewalle.com](http://www.vandewalle.com)

**Vandewalle & Associates**  
Madison • Milwaukee



**RUDD & ASSOCIATES**  
Robert T. Rudd, A.I.C.P.

**Planning  
and Zoning  
Services**

W6355 Meadow Valley Road  
New Glarus, Wisconsin 53574  
PHONE 608-527-5828  
FAX 608-527-5941  
E-MAIL [TwoSilos@tds.net](mailto:TwoSilos@tds.net)



**Stockham Consulting**  
Urban Planning & Development Services

**John Stockham**  
Email: [jstockham@charter.net](mailto:jstockham@charter.net)  
[www.stockhamconsulting.com](http://www.stockhamconsulting.com)

424 Virginia Terrace  
Madison, WI 53726  
Tel: 608.233.1827  
Cell: 608.516.8423

will be demolished, 150 billion sf will be remodeled, and 150 billion sf of new construction will be built. That means that targeting buildings for carbon reductions can be a significant source of carbon savings.

Granted, the 2030 targets are ambitious, but the magnitude of the risks and the urgency of immediate action have resulted in some impressive adoptions of the 2030 Challenge. The American Institute of Architects and the National Conference of Mayors have endorsed the 2030 Challenge.

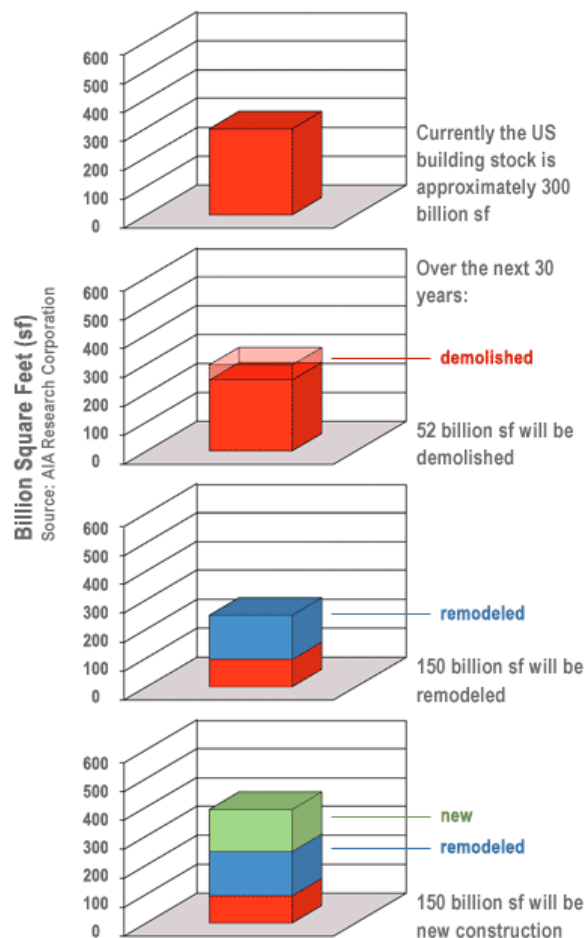
I hope that the APA will soon be on the list of organizations that have endorsed it. To see a list of organizations that have adopted the 2030 Challenge, go to:

<http://www.2010imperative.org/onboard.html>

## Resources

The 2010 Imperative website: [http://www.2010imperative.org/2010\\_imperative.html](http://www.2010imperative.org/2010_imperative.html)

Watch the webcast, learn more about the 2010 Imperative and the 2030 Challenge. Get a short course in the science underlying these policy prescriptions. Make a personal or organizational commitment to support the 2010 Imperative, the 2030 Challenge, or both.



## Goals Drive Solutions

As planners, we know that the selection of the “right” solution depends on the goals that you are seeking to achieve. Sustainable energy debates often emerge because of shifting and conflicting goals. The following four goals are usually cited in relation to reducing our reliance on fossil fuels:

- Energy independence and national security
- Dwindling supplies of petroleum (peak oil)
- Air pollution in the lower levels of the atmosphere (smog, particulates, etc.)
- Greenhouse gas emissions leading to global warming

The “best” strategies for achieving energy independence rely on increased reliance on coal (as well as increased use of nuclear power generation and

### Engineering Solutions for a working world!



- Planners
- Financial Analysts
- Landscape Architects

*Celebrating 60 Years of Service!*

262.542.5733

[www.ruekert-mielke.com](http://www.ruekert-mielke.com)

### BOARDMAN LLP

LAW · FIRM

#### Land Use and Planning Law

**Richard Lehmann, AICP**

Member, APA National Amicus Curiae Committee

**Mark Steichen**

Experienced Litigator on Land Use Matters

**Matthew Weber**

Associate

P. O. Box 927, Madison, WI 53701-0927  
Phone (608) 257-9521 Fax (608) 283-1709  
Website: [www.boardmanlawfirm.com](http://www.boardmanlawfirm.com)

expanded exploration for oil and natural gas in fragile ecological areas)

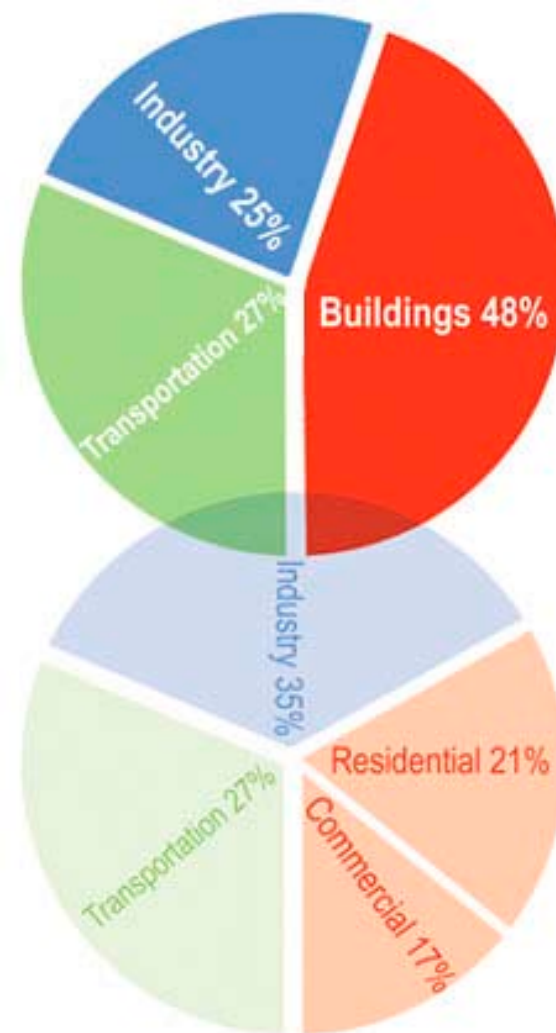
The “best” strategy for averting catastrophic global climate change is to vastly reduce our reliance on coal, especially, and other fossil fuels.

The alternative transportation fuels that are best for reducing carbon dioxide emissions may have somewhat higher tailpipe emissions of conventional air pollutants that contribute to smog.

And then, we have to consider the trade-offs across environmental goals. For example, wind power has almost no carbon footprint, but produces some eco-

logical impacts in relation to bird and bat populations. Compact fluorescent bulbs contain small amounts of mercury, some of which will inevitably escape into the environment where it may cause future health problems.

All of these trade-off issues complicate finding the right solutions—even before we consider the relevant economic costs of alternative strategies. The way forward is murky indeed. The 2030 Challenge is likely to have its detractors based on these sorts of complications.



Source: U.S. Energy Information Administration Statistics, Graphic first published in Metropolis Magazine, October 2003 issue. Reproduced here from Architecture2030.org



**Foth & Van Dyke**

- Community Development
- Economic Development
- Comprehensive Planning
- Plan Implementation Services

Green Bay ♦ Madison ♦ La Crosse  
**800-236-8690**  
[www.foth.com](http://www.foth.com)



**Martenson & Eisele, Inc.**

Planning ■ Surveying ■ Engineering  
 Environmental ■ Architecture

*Professionals dedicated to serving people committed to improving their communities*

1377 Midway Road, Menasha, WI 54952-0449  
 (920) 731-0381 ■ (920) 733-8578 FAX  
[www.martenson-eisele.com](http://www.martenson-eisele.com)

“Successful land use planning takes more than a vision. It takes experienced counsel.”



Suzanne K. Schalig  
 Attorney Schalig, Brookfield City Attorney for the past twelve years, has joined the firm of Schmidt, Rupke, Tess-Mattner & Fox, S.C., and will concentrate her practice in land use issues, including zoning, development, and commercial real estate.

**SCHMIDT  
 RUPKE  
 TESS-MATTNER  
 & FOX, S.C.**  
 ATTORNEYS AT LAW

17100 W. North Ave.  
 Brookfield, WI 53005  
 •262-814-0080 •Fax: 262-814-0085  
 •sks@srsc.com



**SRF**  
 CONSULTING GROUP, INC.

- Community Planning
- Urban Design
- Public Spaces & Trails
- Civil & Structural
- Environmental Planning
- Water Resources
- Transportation & ITS
- Traffic

One Carlson Parkway North, Suite 150, Minneapolis, MN 55447-4443  
 (763) 475-0010 Fax (763) 475-2429  
[www.srfconsulting.com](http://www.srfconsulting.com)



## WAPA Revamps Legal Updates

BY NANCY FRANK, WAPA EDITOR AND WEBMASTER

WAPA is continuing to improve its ability to provide timely information to members about legislative actions and court decision affecting planning. At its January meeting, the WAPA board decided to enter into contracts with 1000 Friends of Wisconsin and with the UW – Madison Department of Urban and Regional Planning (URPL). Staff at 1000 Friends will provide continuous monitoring of legislative activity and post updates directly to the WAPA website. Brian Ohm, WAPA vice president for chapter affairs, will supervise a graduate student in the URPL program to track court decisions.

The WAPA board recognizes the contributions of Michael Christopher and staff attorneys at DeWitt Ross and Stevens, LLC in providing these services during the last several years. The new arrangement with 1000 Friends and with URPL will provide more immediate information at a lower cost. The WAPA board also was interested in being able to pro-

vide some support to a graduate student in URPL, as it does for the student assistant editor at UW – Milwaukee's urban planning program.

As part of the transition, Kevin Pomeroy of 1000 Friends and Ohm have redesigned the Law and Legislation webpage on wisconsinplanners.org. That page had grown incrementally, and often without any clear organization, since its inception. The new organization and updated links to resources provide a more useful resource for WAPA members and members of the public who rely on WAPA for clear and accurate information about planning law and policy.

1000 Friends will update the Legislation information on an ongoing basis, rather than just once a month. For the court decisions, Brian Ohm will provide a synopsis of cases for the quarterly newsletter, with longer discussions of important cases posted to the webpage.

## Law Update

BRIAN W. OHM, J.D.,  
VICE PRESIDENT OF CHAPTER AFFAIRS  
DEPARTMENT OF URBAN & REGIONAL PLANNING  
UW-MADISON  
925 BASCOM MALL  
MADISON, WI 53706  
BWOHM@WISC.EDU

## Case Law Update

### WAPA Files Motion to Become a "Friend of the Court" in the Planning Moratoria Case

WAPA has filed an "amicus curiae" or "friend of the court" brief in the case entitled Wisconsin Realtors Association



**DEWITT  
ROSS & STEVENS, LLC**  
LAW FIRM

Capitol Square Office  
2 E. Mifflin St., Suite 600  
Madison, WI 53703  
608-252-9365



**Michael R. Christopher**  
mrc@dewittross.com

*WAPA Legal Counsel  
Experienced Attorney Since 1972  
Offices in Madison and Metro Milwaukee*



**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



v. Town of West Point. This case has been discussed in previous case law updates. The case addresses an unresolved legal issue about the authority of local governments in Wisconsin to enact a temporary moratorium ordinance to stay local government approvals while the local government completes a plan.

The Town of West Point, in Columbia County, adopted a moratorium ordinance to prohibit the acceptance, review, and approval of applications for land divisions within the Town while the Town completed an update to its comprehensive plan. The Town is under county zoning but the Town has its own subdivision ordinance. In Wisconsin there is no express authority for local governments to adopt a moratoria ordinance for general planning purposes. Express authority for moratoria is limited to certain things such as the express authority for adopting interim zoning to temporarily freeze existing uses under section 62.23(7)(da) of the Wisconsin Statutes and interim zoning as part of the extra-territorial zoning process under section 62.23(7a) of the Wisconsin Statutes. The Town based its moratoria ordinance on the general police power authority that came when the town adopted “vil-

lage powers,” and the general authority given to local governments to regulate subdivisions under section 236.45 of the Wisconsin Statutes.

WAPA’s brief supports the use of moratoria as a planning tool, citing the statement by the United States Supreme Court in *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002), that “moratoria . . . are widely used among land-use planners to preserve the status quo while formulating a more permanent development strategy. In fact, the consensus in the planning community appears to be that moratoria, or ‘interim development controls’ as they are often called, are an essential tool of successful development.” *Id.* at 337-38. WAPA’s brief then makes the argument that local governments in Wisconsin have implied authority to adopt a moratoria ordinance under the authorities relied upon by the Town of West Point.

---

There were no Wisconsin Supreme Court or Wisconsin Court of Appeals cases of significant interest published since the last case law update.

## Legislative Update

By LISA MACKINNON  
1000 FRIENDS OF WISCONSIN

February 20, 2007

### The 2007 Legislative Session Opens & Governor Doyle Unveils his 2007-2009 Budget Proposal

A reconfigured Wisconsin Legislature has begun a new session and the 2007-2009 Biennial Budget process is under way. I will be tracking bills and other legislative developments of potential interest to WAPA members and passing along the information to members via these regular email updates. We also will be posting these updates and other related information on the WAPA website’s Law and Legislation page for members to access and personally track bills that they are interested in following more closely.

### 2007-2009 State Biennial Budget News

The Executive budget was released to the public on February 13th. I will be following the state budget as it moves from the Governor’s desk through the Joint Finance Committee and other legislative channels and will keep you informed of future budget action via

these updates and the WAPA website. Here is a synopsis of items included in the Governor's budget proposal that I thought might be of interest to WAPA members (budget sections listed in parentheses): [NOTE: Feedback from WAPA members to Brian Ohm regarding which of these items are of particular interest to members would be useful for purposes of focusing future legislative updates].

• **Comprehensive Planning Grants Funding and Land Information Grants (Administration)**

The appropriation for the funding of the comprehensive planning grants program administered by the Wisconsin

Department of Administration remains the same at \$2 million annually in the Executive budget. The funding for the Land Information Grants program also remained at the same level of \$801,600 annually.

**Background**

Right now, over 800 (of the state's 1,923) units of local government around Wisconsin are working on their comprehensive plans with the assistance of these grants. Each year, the Department of Administration is able to fund only a fraction of the planning grant applications submitted by communities around the

state in order to leverage local funding for the comprehensive planning process. For instance, in the 2006 grant cycle the Department of Administration received 34 grant applications representing 316 communities around the state for a total of \$5.8 million. With its current budget of \$2 million annually, the Department was able to fund 9 of the 34 applications, which means that 239 of the applying communities received no assistance with their planning last year. For the 2007 grant application cycle, the state DOA has received applications representing 305 units of government and asking for a total of \$4.8 million.

• **Funding for County Land and Water Resource Management Plans and Nonpoint Source Water Pollution Controls (Agriculture, Trade and Consumer Protection)**

The Governor's budget recommends providing \$7 million in new GPR-supported general obligation bonds for grants to counties for implementation of land and water resource management plans, including cost-share grants to landowners. The budget also recommends providing \$12 million over the biennium for cost-share grants to farmers to develop nutrient management plans and other nonpoint source water pollution control practices. It further recommends providing \$75,000 in FY08 and

\$40,000 in FY09 to establish and operate a manure management advisory system to provide information to assist farmers and manure applicators in identifying the least risky fields and times to apply manure.

• **Farmland Preservation Program Changes (Agriculture, Trade and Consumer Protection)**

The Governor's budget recommends allowing the Department of Agriculture, Trade and Consumer Protection, rather than the Land and Water Conservation Board, to certify county farmland preservation plans and zoning ordinances, and allowing county self-certification. The Governor also recommends restructuring payback requirements when land is rezoned out of a preservation area by eliminating the requirement that the landowner repay farmland preservation tax credits received and instead require the landowner to pay a \$100 per acre conversion fee to counties to support preservation planning and monitoring activities.

• **Beloit Development Opportunity Zone (Commerce)**

The Governor's budget recommends extending the Beloit Gateway Project development opportunity zone for 24 months and increasing the amount of available tax credits by \$2 million.

### - Inspection Rights of Redevelopment Authorities (Commerce)**

The Governor's budget recommends expanding the power of a redevelopment authority to inspect a blighted property located in a city or village, but not necessarily in a blighted project area, to assist in its efforts to eliminate and prevent deteriorated areas and properties through redevelopment.

### - Authorizing the Milwaukee Metropolitan Sewerage Design-Build Process (Environmental Improvement Program)**

The Governor's budget recommends authorizing the Milwaukee Metropolitan Sewerage District to use the design-build construction process for the purpose of constructing a deep tunnel pump station.

### - Reinstatement of the Office of the Public Intervenor (Justice)**

The Governor's budget proposal reinstates the Office of the Public Intervenor.

### **Background**

The State of Wisconsin initiated the Office of Public Intervenor in 1967 under Republican Governor

Warren Knowles to protect public rights in the state's natural resources.

Under intense pressure from lobbyists representing clients that had been cited by the Public Intervenor for violating the public trust,

Governor Tommy Thompson signed legislation in 1995 that abolished the office. The Public Intervenor Office gives ordinary citizens a place to call for technical and legal advice, and referrals, when they face complicated environmental problems or can't get results from government agencies. Historically, the Public Intervenor assisted hundreds of Wisconsin citizens every year with their environmental concerns by advising them on the use of existing local and state law to preserve their public rights and protect their families and property.

### - Stewardship Program Reauthorization (Natural Resources)**

Governor Doyle's budget recommends reauthorizing the Stewardship Fund at \$105 million per year from 2011 through 2020. Governor Doyle's proposed budget increases funding by 75 percent from \$60 million annually.

### **Background**

Established in 1989 in honor of former Governors Warren Knowles and Gaylord Nelson, the Stewardship program has helped protect more than

475,000 acres of high-quality recreation and environmentally-sensitive land in Wisconsin.

These lands are available to the public for hunting, hiking, fishing, camping, wildlife viewing and other outdoor activities in 71 of the 72 counties of Wisconsin.

### - Managed Forest Law Public Access Grant Program (Natural Resources)**

The Governor's budget recommends establishing a public access grant program funded at \$1.8 million over the biennium by closed acreage fees under the Managed Forest Law program. A new Managed Forest Land Board will award grants to local units of government, the department and nonprofit conservation organizations for the purpose of acquiring easements or purchasing land for public access to offset the impact of closed acreage under the Managed Forest Law program.

### - Nonpoint Source Pollution Abatement for Counties and Municipalities (Natural Resources)**

The Governor's budget recommends providing \$18 million in new GPR-supported general obligation bonds for grants to counties and municipalities for installation of nonpoint source pollution abatement practices. The bonding will be

issued for cost-share grants under the priority watershed program (\$5 million to meet existing agreements); targeted runoff management program (\$7 million); and urban nonpoint, municipal flood control and riparian restoration program (\$6 million). The Governor further recommends authorizing the department to provide a cost-sharing grant to a county that applies on behalf of a landowner or operator of an animal feeding operation who has received a notice of discharge.

### • Tax Incremental Financing Extension (Shared Revenue and Tax Relief)

The Governor's budget recommends allowing first class cities to extend a tax incremental financing district by 12 months after all costs have been paid, on the condition that up to 75 percent of the increments earned during the 12-month extension are used to support affordable housing in the city and the remainder is used to improve the quality of the city's existing housing stock.

### • Rail Assistance (Transportation)

The Governor's budget recommends the following changes to maintain and improve Wisconsin's rail infrastructure and service: (a) provide \$1,289,500 in FY08 and \$1,483,300 in FY09 to fully fund Amtrak passenger rail service and add a new car to the Hiawatha line to increase capacity; (b) authorize an addi-



**American  
Planning  
Association**

#### NATIONAL & CHAPTER MEMBERSHIP

Includes full chapter membership; 11 issues of *Planning* magazine; support for APA's policy and public information programs; and discounts on books, reports, national APA conferences and workshops, and group insurance programs.

- ☐ I want to join National APA and the Wisconsin chapter. Check the dues category that applies:
- ☐ Member. National dues (from table below) \$\_\_\_\_\_ plus \$40 chapter dues. Enter total under **PAYMENT**.
- ☐ Student member. Dues \$42\* (national dues \$37; chapter dues \$5)
- ☐ Planning board member. Dues \$65\* (national dues \$56; chapter dues \$9)

*\*Verification of status required*

#### NATIONAL DUES TABLE

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

Salary Range	Dues
<input type="checkbox"/> less than \$29,000	\$ 95
<input type="checkbox"/> \$29,000 - \$34,999	\$110
<input type="checkbox"/> \$35,000 - \$41,999	\$130
<input type="checkbox"/> \$42,000 - \$49,999	\$150
<input type="checkbox"/> \$50,000 - \$59,999	\$170
<input type="checkbox"/> \$60,000 - \$69,999	\$195
<input type="checkbox"/> \$70,000 and over	\$220

- ☐ You may pay flat national dues of \$225, plus chapter dues.

#### CHAPTER MEMBERSHIP ONLY

Includes chapter publications and entitles you to participate in all chapter activities.

- ☐ I want to join the Wisconsin chapter (dues \$40).

#### PAYMENT

Amount due \$\_\_\_\_\_

- ☐ Purchase order enclosed  
☐ Check enclosed payable to APA  
☐ Charge my ☐ MasterCard  
☐ Visa ☐ American Express

Cardholder's name \_\_\_\_\_

Cardholder's signature (required) \_\_\_\_\_

Card number \_\_\_\_\_

Expiration date \_\_\_\_\_

#### MAIL TO:

**American Planning Association  
Lock Box 97774  
Chicago, IL 60678-7774  
312-431-9100**

#### STUDENT STATUS VERIFICATION

I certify that I am enrolled as a full-time student at

Name of College/University \_\_\_\_\_

Expected graduation date \_\_\_\_\_

Student ID# \_\_\_\_\_

#### PLANNING BOARD VERIFICATION

I am a current member of the agency listed below. I do not earn my living in planning.

Name of board or commission \_\_\_\_\_

Date \_\_\_\_\_

Phone number of primary board contact \_\_\_\_\_

**Full-time student/Planning board member**

- ☐ By checking this box I verify that all of the above information is correct.

Rev. 12/03

*Join APA Today!*

#### NAME & MAILING ADDRESS

Name \_\_\_\_\_ ☐ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Home phone number \_\_\_\_\_

Preferred E-mail address \_\_\_\_\_

CHAP \_\_\_\_\_

#### EMPLOYER MAILING ADDRESS

Employer Name \_\_\_\_\_

Employer Address \_\_\_\_\_ Suite No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Office Phone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

**Please tell us where to send correspondence from APA.**

Send invoices to: ☐ Home ☐ Office

Send publications and other mail to: ☐ Home ☐ Office



tional \$32 million of GPR-supported general obligation bonding authority for passenger rail capital improvements; (c) expand the potential uses for bonding authority for passenger rail capital improvements; (d) increase bonding authority for the Freight Rail Preservation Program by \$22 million; and (e) provide \$1,000,000 in FY08 for engineering for the Metra commuter rail service in South-eastern Wisconsin.

• **Funding a Safe Routes to School Program (Transportation)**

The Governor's budget recommends providing \$8.6 million over the biennium to administer the Safe Routes to School program, which provides grants to local governments for projects to enhance bicycling and walking routes to school for children in kindergarten to eighth grade.

• **Funding for Surface Transportation Grant Program (Transportation)**

The Governor's budget recommends providing \$3.4 million in 2009 for surface transportation grants. These grants generally are awarded to local units of government for projects such as bicycle and pedestrian paths.

For more information on the 2007-2009 biennial budget documents, see:

<http://www.doa.state.wi.us/debf/execbudget.asp>

2007 - 2008 Wisconsin Legislative Session Bill Tracking

The following are bills that have been introduced since the beginning of the 2007-2008 session in which WAPA district representatives have indicated an interest. Again feedback from WAPA members to Brian Ohm regarding these or other

items of particular interest to members would be useful for purposes of focusing future legislative updates.

ASSEMBLY BILLS

AB 19 - Tax Incremental Finance District in Village of Edgar - This bill specifies that if the village of Edgar clerk had submitted to the Department of Revenue on or before December 31, 2006, the required forms and an application for a TID that was created, or attempted to have been created, on January 1, 2005, based on action taken by the village in October 2004, even though the forms and application were originally due on December 31, 2005, DOR must proceed as if the forms had been timely filed not later than December 31, 2005, except that DOR may not certify a value increment before 2007.

Status: Passed Assembly unanimously on 2/1/07. Public Hearing held in

Senate Committee on Economic Development, Job Creation, Family Prosperity and Housing on 2/14/07.

AB 21 - This bill makes numerous changes to laws governing mobile homes, manufactured homes, and the mobile and manufactured housing industry.

Status: Public hearing held in Assembly Committee on Housing on 2/15/07.

AB 25 (SB 7) - Under current law, rules of the road apply upon highways, with certain exceptions. This bill applies all of the rules of the road to private



Comprehensive Planning  
Economic Development  
Community Design  
Ordinance Development  
Environmental Planning  
Mapping/GIS

Appleton, WI  
800.571.6677  
[www.omni.com](http://www.omni.com)

**Plan Smart . . . . .**

- Comprehensive planning
- Park development
- Smart Growth planning
- Economic development
- Site Planning
- TIF



**Brookfield 262-786-1777**  
**Appleton 920-731-3499**  
**Oshkosh 920-233-2884**  
**Madison 608-441-1300**  
**Green Bay 920-434-8500**

Call Brian Turk to learn more about our planning  
[www.rasmith.com](http://www.rasmith.com)

Municipal Engineering • Planning  
Landscape Architecture • Surveying  
GIS • Technical Services

**CLEAR THINKING. GREAT RESULTS**

COMMUNITY PLANNING  
GRANT WRITING & ADMINISTRATION  
ENVIRONMENTAL CONSULTING  
PARK & OPEN SPACE PLANNING

2801 Crossroads Drive  
Suite 2000  
Madison, WI 53718  
608.244.6277

Lake Geneva  
Germantown  
Racine  
Fox Valley

**CRISPELL-SNYDER, INC.**  
PROFESSIONAL CONSULTANTS

800.203.7700  
www.crispell-snyder.com

*Defining, enhancing, & sustaining  
communities and the land,  
now and for the future.*

**SAA**  
Define. Enhance. Sustain.

Urban Design  
Land Planning  
Civil Engineering  
Community Planning  
Landscape Architecture

**Schreiber/Anderson  
Associates, Inc.**  
717 John Nolen Drive  
Madison, WI 53713  
T 608.255.0800  
F 608.255.7750

roads that are located within mobile home parks.

Status: Introduced and referred to Assembly Committee on Transportation on 1/24/07.

AB 33 - 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 tax-

tion 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: Introduced and referred to Assembly Committee on Rural Affairs on 1/24/07.

AB 36 - Current law requires the Department of Natural Resources (DNR) to administer a program under which counties, cities, villages, towns, and non-profit organizations receive grants of up to 50 percent of the cost for certain projects relating to tree management such as development of ordinances and tree inventories. Under this bill, in addition to the grants under existing law, DNR may award grants to any of these entities, plus Indian tribes, for the costs of saving, removing, or replacing trees damaged in a catastrophic storm event in an urban area for which the governor has declared a state of emergency. This type of grant does not require that the recipient contribute to the costs of saving, removing, or replacing the trees.

Status: Public hearing held on 2/6/07 in Assembly Committee on Homeland Security and State Preparedness.

AB 55 - Under current law, a newspaper must meet certain qualifications to be eligible to receive compensation for publishing legal notices. Under this bill, newspapers that have been in existence

for at least two years and are published and delivered, without requiring a subscription fee, to 80 percent of the households and businesses in the newspaper's coverage area are also eligible to receive compensation for publishing legal notices for cities, villages, and towns. Also, these free newspapers are not required to publish news.

Status: Introduced and referred to Assembly Committee on State Affairs on 2/1/07.

## SENATE BILLS

SB 7 (AB 21) - This bill makes numerous changes to laws governing mobile homes, manufactured homes, and the mobile and manufactured housing industry.

Status: Public hearing held on 2/14/07 in Senate Committee on Economic Development, Job Creation, Family Prosperity and Housing.

SB 15 - Under current law, the sec-

**VIERBICHER ASSOCIATES**

- Community Planning
- Real Estate Development
- Economic Development
- Redevelopment
- Market Analysis
- TIF and Grants
- Downtown Revitalization

800-261-3898  
999 Foutner Drive, Suite 201  
Madison, WI 53717  
www.vierbicher.com

Engineering • Planning • Surveying

retary of natural resources is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. Under this bill, the Natural Resources Board appoints the secretary of natural resources. The change takes effect on January 3, 2011, which is inauguration day for most state constitutional officers.

Status: Referred to Senate Committee on Environment and Natural Resources on 1/24/07.

SB 17 - Creation of charter towns and expanding TIF authority for towns

Status: Introduced and referred to Senate Committee on Commerce, Utilities and Rail on 1/26/07. Fiscal estimate received on 2/8/07.

SB 29 - Current law imposes a fee of \$3 per ton on solid waste, other than certain kinds of high-volume industrial waste, disposed of at a landfill or other waste disposal facility. This type of fee is often called a tipping fee. The recycling fee is deposited into the recycling fund. This bill increases the recycling fee to \$10 per ton on April 1, 2008. The bill also increases funding by \$48,000,000 in fiscal year 2008-09 for the program that provides financial assistance to local governmental units that operate recycling programs.

Status: Introduced and referred to Senate Committee on Environment and Natural Resources on 2/7/07.

SB 36 - Under current law, if a town meeting authorizes a town board to do so, the town board may exercise powers relating to villages and conferred on village boards by statute, except those powers that conflict with statutes relating to towns and town boards. This bill 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 bill allows the town board of a

**II**

**Planning Service & Solutions**

---

Independent Consulting  
Pamela A. Lazaris, AICP

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



**PLANNING  
AND DESIGN  
INSTITUTE, INC.**

414.271.2545  
www.pdisite.com

urban design  
site development  
smart growth plans  
downtown revitalization  
redevelopment plans  
form-based zoning  
corridor studies  
town & neighborhood plans

Planning | Architecture | Engineering | Environmental | Transportation

*consulting services*

Let our resources be yours.

**SEH...Your Trusted Resource.**

Contact David Carlson at SEH Planning Group  
800.472.5881 | www.sehinc.com



## 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](http://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](mailto:frankn@uwm.edu) so that the change can be included immediately in the WAPA email list.

charter town to create a TIF district to the same extent as a city or village; it allows a charter town board to exercise certain zoning powers and exempts the town from being subject to certain city and village extraterritorial powers. This bill does not allow charter towns to annex territory or to engage in extraterritorial zoning or plat approval.

Status: Introduced and referred to Senate Committee on Commerce, Utilities and Rail on 2/12/07.

#### OTHER LEGISLATIVE ITEMS NOT YET INTRODUCED

These are items that are being proposed by legislators but that have not been introduced as bills yet. I will continue to track and inform WAPA members about them if they move forward.

Assembly Joint Resolution LRB 0640/2, Sponsored by Representative Sheryl Albers

Amending the WI Constitution to create a property tax classification for development rights, limit percentage of property tax assessment increases, prohibiting property tax increases without voter approval

Assembly LRB 0605/1 (Same as 2005 AB 388), Sponsored by Representative Steve Wieckert

Establishing a state waterfront development program

Assembly LRB 0690/01, Sponsored by Representative Sheryl Albers

Amending the comprehensive planning law to require local governmental units to add drainage districts as a jurisdiction under the intergovernmental cooperation element of the comprehensive planning law

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.

#### Legislative Links and Resources

The following links to resources are available on the WAPA website, as well:

Assembly Committee Members  
Assembly Members Contact Info  
Assembly Members List (.pdf)  
Joint Finance Committee Members  
Legislative Reference Bureau Profile of 2007 Wisconsin Legislature (.pdf)  
Legislative Session Schedule  
Senate Committee Members  
Senate Members and Contact List (.pdf)  
Wheeler Report  
Wisconsin Blue Book Online

## Civil Conversations on Tough Topics

Lecture & Seminar by Laura Chasin  
Founder & Executive Director, "The Public Conversations Project," March 7, 2006

REPORTED BY RUSSELL KNETZGER, AICP, MILWAUKEE

Laura Chasin's hour talk at the Milwaukee War Memorial used one tough subject—abortion—to illustrate how to engage in civil conversations about another tough topic – race.

Considering that the Chasin presentation was co-sponsored by UWM's Institute of World Affairs, and such Milwaukee-area civic groups as the Public Policy Forum and the Rotary Club of Milwaukee, the sponsors seem to see potentially wide application of the Chasin technique.

But those sponsors are probably thinking of equally tame topics as abortion and race, topics like Third World drought and famine, inter-tribal war, fanatical religious oppression, energy restraint in developed counties so under-developed ones can take their place in advancing global warming, . . . . How likely would the Public Conversations Project principles apply to really tough situations, such as zoning a plot of land



for a Wal-Mart superstore, or for a rental apartment project in an all-single family area, or for (gasp) extending a dead-end street to the new subdivision?

Judge for yourself – here is the technique in a nutshell.

Someone acting as a Convenor, be it a Mayor, a clergy group, or some other potentially neutral person or organization, invites people by stating in advance these ground rules: nobody needs to give up the position they have already staked out; participants will not try to persuade or intimidate other persons to their point of view. Rather the focus will be on listening to learn how others have reached their positions, if they have one.

A convenor looking for helpful hints can download specific Guidelines for Constructive Conversations by visiting Chasin's website at [www.publicconversations.org](http://www.publicconversations.org). There they will learn about holding to strict timetables, avoid-

ing stereotyping, personal attacks, or rehearsing a response while "listening," changing the subject, and other inhibitors to true conversations. The convenor can also receive lists of positive steps for participants, such as listening to learn, and asking genuine questions rather than ones that are rhetorical or personal attacks.

Interested parties looking at Laura Chasin's website will not be surprised to learn that before starting her Conversations Project she was a practicing family therapist.



## Finding Hidden Assets in Urban Decay

**Lecture by Jacky Grimshaw, Center for Neighborhood Technology, Chicago, Illinois**  
**Smart Growth Lecture Series, UW-Milwaukee, April 19, 2006**

REPORTER: RUSSELL KNETZGER, AICP, MILWAUKEE, WI

Not only Chicago but its south and southwest suburbs were hit hard in the 1980s and 1990s by the closing of steel mills and the migration outward of other inner-ring industries. Between 1970, when blue-collar prosperity still reigned, and 1997, the area lost 20,000 good paying jobs in steel, and possibly another

10,000 jobs in secondary industries. In planning, we call this a problem.

Scott Bernstein, a Northwestern University grad, looked at it differently. As Jacky Grimshaw described, where most of us would see a daunting burden of underemployment, vacant lands, brown-fields, underutilized infrastructure, and a tangle of railroad lines criss-crossing the sub-region, Bernstein saw hidden assets.

Bernstein formed the Center for Neighborhood Technology (CNT) and associate Jacky Grimshaw presented the CNT approach for two "southside" blue-collar Chicago suburbs, Blue Island and Harvey, Illinois. While Chicago's median house price is \$170,000, Blue Island's is \$111,500, and Harvey can only muster \$81,000.

CNT saw the underemployment as an asset because a work ethic was present, and a labor force ready for better use. The vacant lands were viewed as fully improved sites ready for new development. And the freight railroads typical of Chicago, after study became an opportunity to replace the lost employment, and a focus for job retraining.

Freight railroads can move a ton of cargo for 1/3rd the fuel per ton as trucks. Chicago has 6 Class One railroad lines moving through it, carrying 1/3 of all US freight. The west and south portions of metro Chicago are the most active areas,

providing railroads with “hub of the hub” traffic volume. Projections are this area will see doubling of rail tonnage over 20 years.

The hitch is that Chicago is also seen as a delay zone. Rail traffic can take as long to clear Chicago as it takes to reach either coast from Chicago. The delay occurs in the “make-up of trains” where cars are transferred from one train to many others to reach the ultimate destination of each car. Trains stretching a mile to a mile and a half long are common, and the make-up process can result in train cars blocking cross highways for long periods.

Improving the rail traffic flow through the Chicago region could mean an increase to 160,000 rail jobs by 2020 from the 113,000 existing in 1999 when CATS-the Chicago Area Transportation Study, looked at the potential. CNT capitalized on a cooperative railroad plan undertaken by the railroads themselves, that would increase the efficiency of the train make-up process, including \$1.5 Billion worth of grade separations of rail and highway crossings.

Another job maker could be to gain Foreign Trade Zone (FTZ) status, somewhere in rail-active parts of Chicago, especially on the south side. FTZ status allows foreign and domestic products to be “stored, sold, exhibited, broken-up, repacked, assembled, distributed, sorted,

graded, cleaned, mixed with foreign or domestic merchandise, otherwise manipulated, destroyed, or manufactured.” Payment of duties and taxes is deferred until the items enter into U.S. domestic commerce. The purpose of FTZs is to promote international trade. Creating an FTZ in the “rail rich” district would capitalize on the hidden asset that lay in the dense rail network.

The moral of the story: every “distressed area” has hidden assets. The planner’s job is to uncover them.

## **Eminent Domain and the Mature City: West Allis, WI**

**Lecture by John Stibal, Director of Development  
Smart Growth Lecture Series, UW-Milwaukee**

REPORTERS: SARAH HORN & RUSSELL KNETZGER, AICP

West Allis, Wisconsin is in the first tier of communities next to the City of Milwaukee, but West Allis is not so much a suburb as an independent, old manufacturing city that, like Milwaukee, kept growing until they touched each other in the 1950s. In its heyday, which lasted into the 1960s, West Allis had more good jobs available than population to

fill them, so like the central city, it was an economic anchor for a large ring of surrounding communities, including Milwaukee. West Allis topped out at 72,000 population in 1970.

Between 1979 and 1989 West Allis followed the path of many Northern cities in the United States, losing significant manufacturing activity. It lost 8,500 jobs, among them whole large companies with worldwide reputations: Allis Chalmers, a maker of farm tractors and hydro/steam driven turbines for electric generation, Kearney & Trecker, a major maker of machine tools. At its peak Allis Chalmers employed 10,000. Its remnants now support 300 workers. City population slipped to 61,000 by the 2000 Census.

To add insult to injury, the City has discovered that as much as one-third of its lands are polluted from industrial spoils, such as foundry sand, used as backfill for “every” low spot, and sub-base for many pavings. Foundry sand can contain lead and carcinogenic resins. West Allis, working closely with the Wisconsin DNR, has had to become expert at remediating its “brownfields.”

Responding to this major downshift of fortunes, the population of West Allis, mostly blue collar, has had to elect public officials and hire city staff willing to take on major redevelopment risks, and do battle with major corporations, to reverse

city fortunes. Especially with the major corporations, the city's ultimate weapon of eminent domain has been an important tool to obtain fair prices for vacant factories and polluted land. In most cases, "like a gun lying on the table," it has not had to be fired, but when all negotiations have stalled, the city has proceeded with condemnation, as it did in an Allis Chalmers case.

The immensity of some city risks is exemplified by its contentious purchase of the empty Kearney & Trecker plant from Fond du Lac's Giddings & Lewis. Giddings had bought Kearney but moved all the operations out of West Allis. The plant, at 600,000 sq.ft., had almost 14 acres under roof, and a large amount of land for potential expansion or for other uses. Despite the contamination on the site, the private market was failing to generate a reasonable price because Giddings was asking an excessive price for the property. West Allis stepped in

and purchased it at a price that would allow redevelopment to occur. It then spearheaded cleanup of the brownfields and attracted QuadGraphics printing to buy the plant and site. Quad has since expanded the 600,000 sq.ft. to 1.0 million sq. ft., and now employs 1,000 at that site.

In addition to eminent domain as a tool in its arsenal of redevelopment, West Allis has made extensive use of tax incremental financing (TIF) and business improvement districts (BIDs).

Stibal believes that even with such tools, a city development director needs to appreciate the point of view of business managers and developers and how they reach decisions. Attracting developers to a city's reclaimed sites takes understanding of what makes them "tick."

Stibal's address occurred just as the legislation had been introduced in the Wisconsin legislation in reaction to Connecticut Kelo eminent domain case. Stibal argued that using eminent domain can be crucial for economic redevelopment, and limiting the city's ability to acquire land through eminent domain for economic development purposes could be shortsighted. Eminent domain, if used "holistically" within a comprehensive framework of resources to accomplish redevelopment, can be a very beneficial tool in a toolkit of options.



## Join APA Small Town and Rural Planning Division: Be a STaR!!

BY DALE POWERS, AICP, STaR DIVISION CHAIR, AND  
PAUL BEDNAR, AICP, STaR MEMBERSHIP COORDINATOR

Every year when you get your invoice for renewing your APA membership, you are also renewing your dues for membership in your State Chapter. Down on the bottom of the invoice, you are also given the option of joining one or more of the Divisions of APA. Unlike Chapters that are geographically based, Divisions are based on some aspect of planning and are nationwide in scope.



By far the most dynamic of APA's Divisions is the Small Town and Rural (STaR) Division. STaR is dedicated to planners in small town and rural areas of the USA and Canada. While many of you could not imagine working as the only planner in your agency, many of STaR's members are solo practitioners and are called upon by their agency's Planning Commission and City Council to provide professional guidance on planning issues. Further, these planners typically have less experience than metropolitan-area planners. Consequently, these planners look to STaR for answers to general planning and zoning matters that come before them.

Another set of planners that look to STaR for guidance are county planners. STaR is nationally known for its work in agricultural land preservation and has recognized experts in conservation subdivision among its members.

Finally, many private practitioners located in metropolitan areas are STaR members due to their client base in rural areas. Planning in rural areas is quite different than what metropolitan planners experience, and the STaR connection has proved invaluable to these planners when working with small town elected officials and staff.

What are the benefits of joining STaR? The following list is just a sampling:

- Access to our quarterly newsletter that is an eclectic mix of planning information, planner profiles, columns on planning management and technical planning, as well as the most fascinating photography of small town and rural America of any Division newsletter.
- Access to the STaR message board where questions to your planning questions can be posted and responses received from throughout the country.
- 24-hour "rapid response" to any questions posed directly to the Division Chair, Dale Powers of Pine County, Minnesota.
- Qualification for the STaR Awards programs for best small town plan, small town planner, and student awards.

STaR is also working on an initiative to subsidize a portion of the cost of AICP certification maintenance for those STaR AICP members whose income falls below the state median.

STaR is excited about the menu of services offered to its over 750 members nationwide (including 19 here in Wisconsin), and we would like you to consider joining our Division. We believe the \$25.00 annual dues are returned to you and your agency several times over in service.

For more information about joining STaR, contact Division Chair Dale Powers at [drpowers@co.pine.mn.us](mailto:drpowers@co.pine.mn.us) or

Membership Coordinator Paul Bednar at [paul@paulbednar.com](mailto:paul@paulbednar.com)

## Squires Joins Vierbicher Associates



Vierbicher Associates, Inc., Madison, announces the addition of

Chris Squires to the Madison

office team. Squires joins as a planner and community development consultant. He will assist public and private clients with a variety of planning and community development projects. He has a master's degree in urban planning from the University of Wisconsin-Milwaukee and a bachelor's degree in civil environmental policy and planning from the University of Wisconsin-Green Bay. He most recently worked as a land planner for Barraco and Associates, Inc., in Fort Myers, Florida. Squires is a member of the American Planning Association. Vierbicher Associates is an engineering and planning consulting firm delivering successful development projects to public and private clients for over 30 years.