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# American Planning Association Wisconsin Chapter

### Making Great Communities Happen





### Summer 2015 Newsletter

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

For more information about **becoming a sponsor** of the 2015 Upper Midwest APA Conference, hosted by the Wisconsin Chapter, please **contact chapter president Linda Stoll at** 

president@wisconsinplanners.org.

In this issue . . .

- New Tools for Environmental Justice and Equity Planning
- Quick tour of the Upper Midwest conference, Madison, October 12-13
- · Learn how to use the RSS feed on our website
- Case Law Update
- Legislative Update









Thanks to our 2015 Bronze level conference sponsors, including the Association of Wisconsin Regional Planning Commissions and the planning firms shown above. Below is a summary of some of the special features of the Upper Midwest APA Conference, October 12-13, in Madison, Wisconsin.

## Coming Soon: Upper Midwest APA in Madison, October 12-13

Here's your quick tour!

"Adaptive Planning: Solutions for Changing Times"

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View the program.

Highlights: Plenaries, Tours, and Special Events

Monday, October 12



Chuck Marohn, AICP, founder and president of Strong

<u>Towns</u> will help us to think differently about transportation and adapt to these resource-constrained times.

#### Tours:

<u>Badger Rock Center</u>, a neighborhood center and school built to LEED platinum standards, Badger Rock is a testbed for urban resilience and adaptation. You will see the sustainability features and unique programming, including an urban farm operation and community kitchen.

**Changing Face of State Street** will give take you through the newly reconstructed plaza at the east end of the UW campus and show you how planners have addressed historic preservation, new apartment developments, and accommodating an increasing amount of pedestrians in the popular and populated section of Madison's isthmus.



Put on your happy face!

Be part of the Raffle and Silent Auction

Bidding starts on the first day of the conference at 2:30

To donate items to the Silent Auction, contact Maria Pandazi at mpandazi@ci·waukesha·wi·us

Evening activities--choices, choices (or do it all!)

Reception, 5:15 - 6:30

Pub Crawl, 7:00 - until you can't crawl no more

Pecha Kucha-Kucha-Ku--Join in a fun, fast-paced Pecha Kucha.

Order some dinner at Cooper's Tavern (not required) and watch some

interesting local ideas to come out of the profession.

### Tuesday, October 13

Pre-Conference Breakfast Discussion: Food Systems Interest Group
Plenary Speaker, Spencer Black, 13-term Wisconsin State Assemblyperson, Vice President of the
Sierra Club, and adjunct faculty member at the UW Urban and Regional Planning program
addresses changes in the political and natural environment, and how it will impact the future.

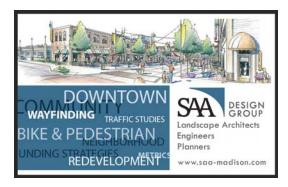
### Tour:

**Madison's Emerging Innovation Corridor** This multi-modal tour of Madison's Capitol East District will include planned, in progress, and completed projects within an exciting area extending east of Downtown to the Yahara River.

Early-Bird registration is available through September 27. Act now!









## New Tools for Environmental Justice and Equity Planning

By Lydia Statz, University of Wisconsin - Milwaukee Assistant Editor, Wisconsin Chapter News

Though the planning profession has long been concerned with the concepts of equity and justice, pursuing true institutional change can sometimes feel like a long, uphill climb. Historically Wisconsin is no different, but a number of local efforts suggest that a subtle shift may be in the air, signaling a new emphasis on equity at all levels of decision making.

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The environmental justice movement seeks to address the fact that many of the worst environmental effects are borne disproportionately by low-income and minority populations. Whether it's traffic noise and exhaust from an interstate cutting through a low-income neighborhood, heavy industrial sites, or a lack of greenspace, historically these burdens have not fallen evenly across the population.

In 1994, Executive Order 12898 set in place the official mechanism by which environmental justice plays out today. All federal agencies were ordered to identify and address disproportionately high or adverse health and environmental effects for minorities and low-income populations.

For planners in Wisconsin, this usually comes into play during the NEPA documentation phase of any project that requires federal funding, including transportation. The data collection required of this analysis is extensive in order to understand the population affected, but beginning this year the Federal Highway Administration has placed new emphasis on the outreach portion as well.

"You can't just wipe your hands and say 'We did an analysis, we're fine," said Monica Wauck, an environmental planner at the Wisconsin Department of Transportation. "There's definitely more of an effort [now] to do some creative public involvement."

For instance, Wauck said that while many projects in the past may have allowed the traditional public meeting to suffice, today efforts are made in certain areas to reach out to neighborhood organizations, and cater to certain populations through radio and other means of communication when a public meeting won't suffice.

"There's definitely an evolving understanding of what needs to happen," said Wauck. "But there's definitely still room to go further."

### **30th Street Corridor Showcase Community**

In 2010 the Environmental Protection Agency declared Milwaukee's 30th Street Corridor an "Environmental Justice Showcase Community," part of a two-year pilot program that targeted ten cities around the country. Significant brownfield remediation work was already underway in the area with the cooperation of several local, state, and federal agencies, but the designation offered an additional \$100,000 dollars to target the human health and economic effects left over from the sites' contamination.



According to a DNR report, the grant helped reach 100 area families with information on lead poisoning screening and lead paint removal and healthy home practices, provided training to 170 community health workers, and removed 100 pounds of hazardous chemicals from public schools, among other benefits.

Though that program has ended, Lara Lasky, an environmental justice coordinator at the EPA, said efforts are ongoing. The agency recently released a tool called EJScreen - used in-house for years but

now available to the public - to allow for quick, neighborhood-level analyses for environmental justice concerns, such as environmental contaminants and minority and low income populations.

Launch the Tool

get in the way.

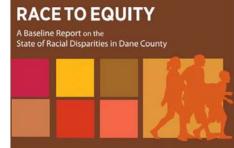
"The difficulty with environmental justice is it doesn't come with regulations attached to it," Lasky said. "It's based on executive order, but with no specific environmental standards to say, "you can't permit here . . . . There's still a somewhat voluntary side to it, and that's one of the difficulties we face."



### **Madison's Equity Initiative**

The City of Madison is placing a newfound emphasis on equity with the help of a new analysis tool rolled out earlier this year. Mayor Paul Soglin's new city-wide <u>Racial Justice and Social Equity initiative</u> seeks to reform city operations, policies and projects to mitigate the racial disparities inherent throughout the community. Though slightly different from environmental justice, each focus on mitigating and preventing the disparities of outcomes based on institutional action, and include large public outreach components.

The initiative is a direct response to a 2013 report titled "Race to Equity" by the Wisconsin Council on Children and Families, which found higher disparities between the white and minority populations in Dane County than in the rest of the state or country. For example, the black population of Dane County had higher arrest, unemployment and poverty rates, and lower educational outcomes than the statewide black population.



"That report, I think, showed that we were really behind what a lot of people would expect for Dane County," said Dana Hanaman from the city's Department of Civil Rights. "That's why it was so necessary."

A large part of the effort has centered on the development of the Equity Impact Assessment Tool, intended to help screen city policies, development projects, and major plan implementations or zoning code amendments for their overall effects on the community. The development was heavily influenced by existing efforts in the City of Seattle, the first U.S. city to implement a social justice initiative.

### Appendix C: Racial Equity and Social Justice Initiative Projected Timeline

## Racial Equity and Social Justice Initiative Five Year Plan 2014 2015 2016

Information Gathering, Foundation Building, Learning	Pilot Equity Impact Assessment Tool, Begin Implementation	Full Implementation	
Goals:	Goals:	Goals:	
Expand Core RESJ Equity Team to All City Departments	Hire Data Project Coordinator	Establish Structure for Ongoing Measurement and Evaluation of Equity Goals	
Inventory and Connect with Current City-Wide Initiatives	Conduct and Evaluate at Least 10 Equity Impact Assessment Pilot	Finalize Equity Analysis Tool(s)	

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City-Wide Initiatives		Equity	Impact Assessment Pilot Projects	Finalize Equity Analysis Tool(s)	
Increase Equity in Personnel Practices		Expand Organizational Effectiveness Measures Project		Conduct Equity Impact Analysis on Key Policy and Budget Decisions	
Explore Community Involvement Options with Community Members (Roundtable, Liaisons)		Appoint Change Teams in Each Department		Align Purchasing, Contracting, and Grants with Equity Goals	
Finalize Internal Training Program Curriculum and Begin Implementation		7,000,000	Change Teams and Equip Train Their Departments	Departmental Change Teams Develop First Annual Departmental Work Plans	
Train Staff and Elec Communicating Ab Med	oout Race in the	25	Key Indicators to Measure Ork and Use in Work Plans	Departments Submit Work Plans to Mayor	
Improve coordination of data development		Assess and Inventory Departments (Data, Current Equity Work, Assets, Challenges)  Community Roundtable F Operational		Community Roundtable Fully Operational	
Continue work on organizational effectiveness measures project		Implement Key Strategies for Community Involvement (Roundtable, Liaisons)		Community Partnerships Solidified	
2017 &	2018	Training		ty involvement continues and is orted on each year.	MADIA

City of Madison Racial Equity and Social Justice Initiative

As with an environmental justice analysis, the tool is only intended to provide additional information for consideration during the decision-making process. The final plans are not obligated to adequately address the concerns and suggestions that arise during the analysis, but only to consider them. However, the tool has been gaining traction in city hall.

Hanaman said the fire department has used the tool to make planning and station siting decisions, and a draft analysis was drawn up on the city's proposed public market before that plan was put on hold.

Though the tool is mostly currently used for policy decisions, Hanaman said she would like to see it employed in key development projects in the future.

"I suggested many times that this be implemented on large-scale development projects. Unfortunately, it has not occurred as an application of the tool as much as it should be, in my opinion," she said. "I envisioned it being applied much more consistently to public works improvements projects. (Such as) why are some streets repaved much before others? Seattle revamped their streetlight replacement program after applying the tool...and I think we'll find some ways to improve as well."

## Wisconsin planning news delivered daily Using the RSS Feed to the website

By now our members are likely all familiar with our "new" website, launched in March

2015. You may have noticed a new feature on the right-hand side called "Wisconsin Planning News." Here, we aggregate news items of interest from all over the state into a sort of digest to keep you updated about developments, environmental issues, legal actions and other issues planners care about.

You can always check in with the website to catch up on the latest, but we've set up the feed to be even more convenient for those looking to stay in the know. For those who already use an RSS reader online, such as Feedly or Digg Reader, simply click on the link at the bottom of the sidebar that says "Subscribe" to be taken to the feed. Copy that link (http://feeds.rapidfeeds.com/78105/), then paste it into your reader to subscribe to new updates.

For those of you who don't use an RSS reader but still wish to receive regular updates, try a site like Feedmyinbox.com. Follow the same steps as above, paste it into the site's "Feed URL" bar, and input your email address to receive regular email alerts about planning news.

We hope you enjoy these new options to stay updated about what's going on around the state!











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### Law Update

As of September 20, 2015

By Brian W. Ohm, JD VP of Chapter Affairs

### **UW-Madison**

For questions or comments about these cases, please contact: <a href="mailto:bwohm@wisc.edu">bwohm@wisc.edu</a>. Copyright © |2015| American Planning Association -Wisconsin Chapter| All rights reserved.

Visit the <u>Law and Legislation</u> page on our website for cases reported over the summer. Here is a quick summary of the issues addressed by the courts over the summer.

### Cases reported in June

- Freedom of Speech Under the First Amendment: Government Speech v. Sign Ordinances
- Takings -- "I heard it through the grapevine"
- Court Upholds "Disparate-Impact" Analysis Under the Federal Fair Housing Act
- Same-Sex Marriage and Fair Housing
- U.S.E.P.A. Must Consider Cost Impacts of Emission Rules
- Housing Impact Report Not Required For State Wind Energy Rules
- Attorney Fees Not Allowed in Public Records Case
- Notes Are Not "Records" Under State's Public Records Law
- Religious Land Use and Institutionalized Persons Act

#### Cases reported in July

- City Sign Regulation Preempted by State Law
- State Law Preempts City Ordinance Requiring Landlords Notify Tenants of City Inspection Program
- State Law Does Not Preempt City's Residency Requirement Ordinance
- · Nude Dancing and the First Amendment

#### Cases reported in August

- · Regulation of Speech After Reed v. Town of Gilbert
- Sign regulations after Reed
- Boundary Change via Intergovernmental Agreement Was Proper
- · Distinguishing Between Rules, Ordinances, and Resolutions

Case law updates are posted monthly, usually in the second half of the month, at the Chapter <u>Law and Legislation</u> page.

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### Legislative News

By Steve Hiniker, 1000 Friends of Wisconsin

No new legislative initiatives were discussed over the summer. The July legislative report briefly describes changes in the state budget act affecting shoreland regulation and land acquisition under the Stewardship Program.

If you are interested in being actively involved in the chapters legislative advocacy efforts, please contact your <u>District Representative</u>.

Legislative news is posted on the Law and Legislation page at least monthly.

### Image Credits:

30th Street Corridor: Milwaukee Business Journal

Madison skyline: Wikipedia user Emery (has given share permissions)

Madison seal: City of Madison

Race to Equity logo: Wisconsin Council on Children and Families

Social Equity recommendations chart: City of Madison

