



Center for Land Use Education

THE LAND USE TRACKER

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On The Web...

New Forest Service report cites rural growth as threat to national forest resources
www.fs.fed.us/projects/four-threats/documents/cooperatingcrossboundaries.pdf

SUSTAINABLE COMMUNITIES: LESSONS FROM WISCONSIN AND SWEDEN

By Anna Haines, Ph.D.

Even the journey of a thousand miles must begin with a single step.

—Chinese proverb

Introduction

Before I start to discuss the topic of sustainable communities, I want to reassure readers I will not discuss the philosophy behind sustainability, or the various arguments, or try to define it. Instead, I intend to try to answer what I consider a key question: What can communities do to move toward a sustainable future?

Box 1: Sustainability Definition

To satisfy those readers who would like a definition of sustainability, I have provided one, although there are countless definitions of the term. Probably the most recognized definition is from the Brundtland Commission: "Sustainable development...meets the needs of the present without compromising the ability of future generation to meet their own needs."

Over a decade ago, Swedish municipalities stopped talking about sustainability and started taking action. Approximately 70 of the 290 municipalities in Sweden have decided to move towards becoming sustainable through The Natural Step (TNS) model (See Box 2). Many other Swedish

municipalities, including Stockholm, Göteborg, and Kalix are moving towards a sustainable future as well, but using a different framework and have joined SEkom – the National Association of Swedish Eco-Municipalities--to share sustainability ideas and learn from one another. I was compelled to write about sustainable communities after going on an eco-municipality tour in Sweden. About halfway through the tour, I realized that most speakers started their talk with two reasons why their municipality is moving towards a sustainable future: 1) rapidly increasing human population and 2) increasing carbon dioxide (CO₂) concentrations as a measure of global warming. While each person had a different graphic to represent these two phenomena, their reasoning was the same: the planet is in trouble. Another reason Sweden is on the forefront of this discussion on a world-wide basis is their lack of fossil fuels. While Sweden has an abundance of natural resources, oil and coal are not part of that resource base.

So, are Swedish communities sustainable? Have they accomplished all there is to accomplish? NO. Are they moving in the right direction? YES. This article will tell some stories of Swedish municipalities, a few Wisconsin ones, and provide lessons for us.

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CLUE Staff**Anna Haines**

Center Director/Assistant Professor/
Land Use Specialist
Anna.Haines@uwsp.edu

Lynn Markham

Land Use Specialist
Lynn.Markham@uwsp.edu

Douglas Miskowiak

Project Planner
Doug.Miskowiak@uwsp.edu

Eric Olson

Assistant Professor/Land Use
Specialist
Eric.Olson@uwsp.edu

Rebecca Roberts

Land Use Specialist
Rebecca.Roberts@uwsp.edu

Linda Stoll

Outreach Specialist
Linda.Stoll@uwsp.edu

Robert Newby

Office Manager
Robert.Newby@uwsp.edu

Affiliated Faculty**Alicia Acken Cosgrove**

Land Use Specialist
UW-River Falls
Alicia.Acken@uwrf.edu

Roger Hammer

Assistant Professor
UW-Madison, Rural Sociology
rhammer@wisc.edu

Brian W. Ohm

Assoc Prof/Land Use Specialist
UW-Madison, URPL
bwohm@facstaff.wisc.edu

Kevin Struck

Growth Management Educator
Sheboygan/Washington County
Kevin.Struck@ces.uwex.edu

Susan Thering

Assistant Professor/Ext Specialist,
UW-Madison, Landscape
Architecture
sathering@facstaff.wisc.edu

CALENDAR OF EVENTS**WISCONSIN COUNTIES ASSOCIATION ANNUAL CONFERENCE**

September 17-19, 2006 – La Crosse Center, La Crosse, WI
www.wicounties.org

“DOLLARS & SENSE” BROWNFIELDS TRAINING

September 20-21, 2006 - Waunakee Village Center, Waunakee, WI
<http://dnr.wi.gov/org/aw/rr/rbrownfields/conference.htm>

UPPER MIDWEST PLANNING CONFERENCE

October 4-6, 2006 - Pheasant Run Resort, St. Charles, IL
www.ilapa.org/2006conf.html

LEAGUE OF WISCONSIN MUNICIPALITIES ANNUAL CONFERENCE

October 11-13, 2006 – Marriott West, Middleton, WI
www.lwm-info.org/

WISCONSIN TOWNS ASSOCIATION ANNUAL CONVENTION

October 15-18, 2006 – Radisson Hotel and Convention Center, La Crosse, WI
www.wisctowns.com/

WISCONSIN LAND INFORMATION ASSOCIATION (WLIA) FALL REGIONAL MEETING

October 19-20, 2006 – Stone Harbor Resort, Sturgeon Bay, WI
www.wlia.org/

ADDING WITHOUT SUBTRACTING: SENSITIVE DESIGN AND HISTORIC PROPERTIES

October 20, 2006 – The Pfister Hotel, Milwaukee, WI
<http://wisconsinhistory.org/hp/workshop/>

RECAPTURING YOUR DOWNTOWN: A CONFERENCE DESIGNED TO HELP YOUR DOWNTOWN PROSPER

October 26, 2006 – Jefferson Street Inn, Wausau, WI
www.uwsp.edu/conted/brochures/aBrochures/downtown2006.pdf

WISCONSIN COUNTY CODE ADMINISTRATORS FALL CONFERENCE

November 1-3, 2006 – Holiday Inn, Stevens Point, WI
www.wccadm.com

For additional dates and information, visit the online calendar of events
www.uwsp.edu/cnr/landcenter/events.html

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Box 2: The Natural Step System Conditions and Practices

Guiding Conditions	Types of Policies and Practices
1. Eliminate our community’s contribution to fossil fuel dependence and to wasteful use of scarce metals and minerals.	Transit and pedestrian-oriented development; development heated and powered by renewable energy; alternatively fueled municipal fleets; incentives for organic agriculture that minimize phosphorus and petrochemical fertilizers and herbicides.
2. Eliminate our community’s contribution to dependence upon persistent chemical and wasteful use of synthetic substances.	Healthy building design and construction that reduces or eliminates use of toxic building materials; landscape design and park maintenance that uses alternatives to chemical pesticides and herbicides; municipal purchasing guidelines that encourage low- or non-chemical product use.
3. Eliminate our community’s contribution to encroachment upon nature (e.g., land, water, wildlife, forest, soil, ecosystems).	Redevelopment of existing sites and buildings before building new ones; open space, forest and habitat preservation; reduced water use and recycling of wash water.
4. Meet human needs fairly and efficiently.	Affordable housing for a diversity of residents; locally based business and food production; using waste as a resource; eco-industrial development; participatory community planning and decision making.

(James and Lahti, 2004)

Swedish Communities

Like Wisconsin communities, Swedish communities come in all shapes and sizes. Sweden is one of the largest countries in Europe (158,926 sq miles), but with one of the smallest populations. It is equivalent in land area to California, but only has a population of 9 million.

Kungsör

Kungsör is a small municipality of about 8,300 people on 78 square miles. It is located on the western edge of Lake Mälaren, Sweden’s third largest lake and is connected to the Baltic Sea near Stockholm. The largest percentage of the workforce, 32%, is employed in manufacturing and mining. In 1984, Kungsör, like many rural communities, experienced population decline and loss of employment from companies that moved away or went bankrupt. During the 1980’s, Kungsör tried a variety of economic development policies, but nothing was working. By late 1989, the municipality heard about The Natural Step and in 1990 officially became an eco-municipality. Kungsör went through a visioning process and community members realized that maintaining a good

place to live and work was their primary goal. Sound familiar? A good place to live and work for Kungsör’s citizens means the maintenance of their cultural landscape. The municipality’s landscape of oak savannahs and pastures has been occupied for over a thousand years and is dotted with ancient burial grounds.

Kungsör now takes a broad view of economic development. It combines habitat restoration with eco-tourism, education and training. Kungsör encourages new environmentally friendly businesses to move into their community. The latest business to open in a restored building near the railway station is Ecoil. Ecoil produces oil for energy (heating) use from rape seed (better known here as canola). The owner contracts with farmers in the area for the rape seed. They use

Kungsör: Nature Reserve, Ancient Oak. Photo courtesy Lisa MacKinnon, 1000 Friends of Wisconsin





Helsingborg Biogas Bus.
Photo courtesy Lisa
MacKinnon, 1000 Friends
of Wisconsin

machines made in Iowa(!) to crush the seed to extract the oil. The municipality provides an annual award to a sustainable business within its jurisdiction to highlight the importance of a sustainable present and future. The 2006 award went to Ecoil. While many businesses in Kungsör do not fit this image, Kungsör believes it is now on a path that will maintain it as a good place to live and work.

Helsingborg

In contrast to Kungsör, Helsingborg is a municipality of about 122,000 people. It is situated on the western coast and is the closest Swedish city to Denmark. The city has a major port that draws large companies to locate in the area such as IKEA and Pfizer. Helsingborg's sustainability initiatives

reach into many aspects of municipal government. After becoming an eco-municipality in 1995, Helsingborg began to focus on six sustainability strategies, including: citizen cooperation, sustainable transportation, sustainable energy, "Healthier Helsingborg," sustainable planning, and clean water. One objective within its sustainable energy strategy aims to reduce 1990 levels of greenhouse gas emissions by 20% by the year 2010. To achieve that objective Helsingborg's Climate Investment Program carries out a number of major initiatives: bio-fertilizer distribution via pipeline, bio-gas (methane) production from waste and sewage, and information. Among other accomplishments, they now have 61 biogas buses operating within the municipality.

Övertorneå

Sweden's northernmost eco-municipality is Övertorneå, a municipality of about 5,200 people that covers 917 square miles and includes a part of the Arctic Circle. Övertorneå became Sweden's first eco-municipality in 1983. The municipality's initial focus was working with farmers on organic and other alternative agriculture methods. Over a twenty year period, the municipality received grants for and implemented education and training programs, fish inventories, the planning and construction of an eco-village, a recycling program, green purchasing, green building, energy planning, a solar heated community swimming pool and green schools. One of the most remarkable accomplishments was achieving a goal of using no fossil fuels in municipal operations. Övertorneå transformed all five of its heating plants to use biomass. Many municipal buildings not part of the district heating system also have switched from oil to wood-based fuel. The municipality also transformed its truck, bus and car fleet to biofuels, such as ethanol and bio-diesel. The municipality produces about 50% of its electricity from wind using seven turbines.

Farm in Övertorneå
Municipality. Photo
courtesy Lisa MacKinnon,
1000 Friends of Wisconsin



There are many more Swedish examples. Each municipality has looked to its own needs and made decisions about how to accomplish the goals and objectives that it established early in a planning process.

Wisconsin Communities

What has been happening in Wisconsin? Much more than you might imagine.

Milwaukee

Wisconsin's largest city, Milwaukee, hired Ann Beier as Environmental Sustainability Director in July 2006. One of her main priorities will be to develop a Green Plan. Prior to that, the mayor also appointed a "Green Team" task force made up of business leaders, government officials and citizens. The task force developed a framework for long-term sustainability and the city now has a number of initiatives related to stormwater management, smart energy, and green economy (see Box 3 for examples).

Chequamegon Bay Region

Issues of sustainability have caught the attention of more than just Wisconsin's largest city. The rural region around Lake Superior is moving forward with a draft sustainability plan for the region. The Chequamegon (pronounced Che-wa-megon) Bay Area of Ashland and Bayfield Counties includes the cities of Ashland, Bayfield, and Washburn, and the Bad River and Red Cliff Bands of Chippewa. The population of this area is about 32,000. The City of Washburn was the first city in the United States to pass a resolution declaring it an eco-municipality based on the Swedish model using The Natural Step framework. The City of Ashland soon followed. The City of Bayfield is currently considering adoption of a similar eco-municipality resolution.

However, these actions did not occur suddenly in the Chequamegon Bay region. The Alliance for Sustainability has sponsored a variety of educational forums for many years, of which "Pie and Politics" held at Big Top Chautauqua is

Box 3: Examples of Milwaukee's Green Actions

- **Stormwater management** – The mayor has directed city departments to reduce by 15% the amount of stormwater runoff from city properties and encourages businesses and residents to do the same. We can do this by disconnecting downspouts, planting rain gardens that absorb stormwater, building green roofs, and more.
- **Smart energy** – The mayor directed the city to begin purchasing biodiesel fuel for 35% of the city's fleet by July 1, 2006. The move to biodiesel fuel will improve the city's environmental sustainability and will have a positive impact on air quality.
- **Green economy** – The mayor has directed the Department of City Development to review current state and local building regulations to eliminate those that unnecessarily prevent green building practices.

Mayor's Green Team Updates

<http://www.ci.mil.wi.us/display/router.asp?docid=13221>; accessed August 14, 2006.

a prominent example. In addition, the Alliance coordinated nine study circles with approximately 80 participants. These learning forums helped many individuals to "realize that it may indeed be possible to have a sustainable city and were inspired to finally take action in the community" (Silberstein, 2006). In June 2006, eight people from the region went on the Sustainable Sweden tour, which was by far the largest local contingent out of 17 participants from Wisconsin.

Madison

Wisconsin's capitol city, Madison, is considered one of the most progressive communities in the state. Not surprisingly perhaps, in December 2005 Madison passed a resolution to use The Natural Step framework to guide their decisions, operations and management. Madison plans to train about 25 city employees in TNS starting in September 2006. Sustain Dane and 1000 Friends of Wisconsin have been working with the city on training issues and will continue to work with it during the post-training implementation period. Figuring out how to institutionalize TNS training within a city's structure is a challenge. Another



“local governments are talking about how to make sustainable decisions for the local economy and ecosystem.”

challenge is working with employees who see sustainability as extra work rather than incorporating it into their daily tasks and decisions. The city has identified a core team to work with employees and elected officials to build support and understanding about the TNS framework and sustainability.

Like the Chequamegon Bay region, Madison’s city council and mayor didn’t wake up one day and decide to become an eco-municipality. Through a local environmental group, Sustain Dane, 125 people participated in study circles addressing such topics as the TNS framework, agriculture, transportation, energy and solid waste management. One result of these study circles was a “Rain Barrel Initiative.” Sustain Dane volunteers installed over 100 rain barrels across Dane County in May 2006, and as a result of education and outreach, there is now a waiting list for other residents who want to install them.

To summarize, Wisconsin communities have taken the following steps:

- Listened to presentations by various “firesouls” from the Chequamegon Bay region
- Held study circles to learn about sustainability and eco-municipalities
- Adopted eco-municipality resolutions
- Planned to train city employees in The Natural Step
- Prepared plans for action

The important part about these initiatives is that local governments are talking about how to make sustainable decisions for the local economy and ecosystem.

The ones we have talked about are local governments that either are using or considering the use of the TNS framework to help them make decisions today for the promise of tomorrow.

Lessons


1. It’s a local decision to move towards a sustainable future using an approach and taking actions that fit your community. There is no one right way to move forward. Each community must choose a path that fits its political, fiscal, economic and social realities.
2. Your community needs firesouls, people who are willing to start the conversation and keep it going. There is no reason why a planner, a plan commissioner, or an elected official cannot act as a firesoul.
3. Building local capacity is an important component to any initiative. Many communities have begun study circles or discussion forums to understand issues, systems thinking, sustainability, and implementation.
4. Sometimes you might lose ground. Some of the Swedish communities took two steps forward, then one step back.
5. Bottom line: **START THE CONVERSATION**

References

James, Sarah and Torbjörn Lahti. (2004) *The Natural Step for Communities: How Cities and Towns Can Change to Sustainable Practices*. New Society Publishers: BC, Canada.

Silberstein, Jane and Hildebrandt, Lauren. (1996) *Study Circle Effectiveness in the Chequamegon Bay: Learning about and Applying the Principles of Sustainability*. Draft manuscript. University of Wisconsin-Extension.

Other Reading

Gruder, Haines, Hembd, MacKinnon and Silberstein. (Forthcoming. Expected Fall 2006) *Sustainability Toolkit for Local Governments*. Draft manuscript. University of Wisconsin-Extension. 



REGIONAL COLLABORATION A FRAMEWORK FOR SOLVING COMPLEX PLANNING PROBLEMS

By Linda Stoll

Introduction

Throughout Wisconsin, citizens are dealing with environmental, land use, housing, economic development, and other planning issues that cross jurisdictional boundaries and agency service areas. Since the nature of these problems crosses boundaries, so too must the solutions. Often there is no single entity that can serve as the lead or work on their own to adequately address the problem and implement an effective solution. This can be especially challenging when multiple agencies and organizations need to be involved. Self-interest can impede cooperation; political issues may trump good planning and common sense; and current funding, taxation and recognition mechanisms may confound the situation. The challenge of regional collaboration is the classic democratic problem: How does one realize the common (regional) good while safeguarding individual (local) freedoms?

This article will explore regional collaboration and offer a possible framework for working together to solve regional problems. The Lincoln Institute of Land Policy in Cambridge, Massachusetts has studied this topic extensively and provides the background for this discussion.

Obstacles to Regional Networks

Regional problems by their very nature are complex. One might suggest that if you could just collect enough “facts” and weigh them objectively, you could come up with a solution. But whose facts, on what topics, and using whose criteria for outcomes? This is not so much a scientific or technical problem—though this does play a part—it is more a sociopolitical challenge. If you really look at the process, it seems more like organizing a political campaign than

rational planning. It is also a question of how society addresses shared and competing interests. Consider the disconnect between the public desire for change and the institutional or political will to make it happen, and you have a potential recipe for frustration and disaster.

There are three generally accepted ways to respond to this problem:

1. **Create new regional institutions** to govern and regulate the area of concern. While this was done in the past—for example, with large federal projects like the Tennessee Valley Authority (TVA)—it is almost politically impossible to do now. Creating new regional institutions requires a great deal of effort to maintain public/political support for the agency as well as for the continued funding needed to sustain the initiative.
2. **Realign existing institutions** to correspond to the geography of the problem. This seems the most logical solution but often fails because citizens feel that the agency is overstepping its mission or boundaries, or are concerned that statutory mandates leave them out of the decision-making process. Often the institutions themselves and the people within them resent a top-down, forced change, especially if increases in work load are not accompanied by increases in funding and staff.
3. **Create ad hoc regional forums** to engage people with diverse interests and viewpoints. This structure is the most common in the current political climate. It is usually a “bottom-up” effort and people participate because of the “value added” by being part of the group. It provides a necessary opportunity to leverage resources

Dealing with regional planning issues is challenging when multiple agencies and organizations are involved.



(money, expertise and facilities). It is impossible to mandate this type of organization and it has no authority. Only by creating an acceptable solution for all, does it have a chance to make changes.

Four Parts to a Collaborative Project

There is no single model that can be used for regional initiatives but there are a common set of steps that successful ventures move through. These can be divided into four parts:

1. Get started.
2. Develop strategy.
3. Take action.
4. Evaluate and adapt.

Get Started

Beginning an ad hoc regional collaboration is not a quick process. Attempts to rush through this part of the process often come back to haunt the group when consensus can't be reached or when those excluded block any progress. Regional collaboration becomes compelling when people recognize that they are more likely to achieve their interests by thinking and acting regionally than by acting independently or doing nothing. There is incredible inertia in the existing social and political system. The objectives of regional collaboration form a progression from knowledge and community-building to advocacy and governance.

To begin a regional initiative, focus on things that people are predisposed to do. We engage in regional collaboration because of a:

- Pressing problem, threat or crisis
- Shared vision, goal or sense of place
- Joint opportunity

We tend to be crisis driven. This makes being proactive a challenge. The shared vision or joint opportunity must appear large in the minds of participants for this type of effort to be sustainable.

To move a collaborative effort forward, people must **define a region**. Regions are most often defined in one of two ways:

one rooted in a sense of place; the other based on the functions or geographic boundaries of the problem. Natural ecological boundaries such as watersheds, ecosystems and wildlife habitat can help inform the appropriate definition of a region. However, the region must engage the hearts and minds of people and appeal to their shared interests. The precise boundaries of a region are often less important than clarifying the core area of interest. Boundaries can be soft and flexible, adaptable to changing needs and interests. Regions need to be large enough to capture the problem, yet small enough to get traction.

To be effective, regional initiatives must **engage the right people**—a constituency for change. If your objective is to advocate for a particular interest or outcome, you need to include a different group of people than if you are trying to resolve a multi-party dispute or address a multi-jurisdictional issue. In the latter case, you should seek to be as inclusive as possible. Include people who are interested in and affected by the issue; those needed to implement potential recommendations (i.e. those with authority); and those who might undermine the process or the outcome if not included. Think carefully about the roles and responsibilities of existing jurisdictions and agencies, and keep in mind that there may be people and organizations outside the region that need or want to be involved.

Regional initiatives also require a certain type of **leadership**. In contrast to a command and control model of leadership, people who initiate regional efforts cross jurisdictions, sectors, disciplines and cultures to forge alliances with diverse interests and viewpoints. They also show a high tolerance for complexity, uncertainty, and change. Regional stewards share power by inviting people to take ownership of a shared vision and values. They emphasize dialogue and build relationships by respecting the diversity

To be effective, regional initiatives must engage the right people



of ideas and viewpoints. This type of respect builds trust, which in turn fosters communication, understanding and eventually agreement. Regional stewards provide integrity and credibility and advocate for the integrity of regional partnerships. They practice “regional leadership”.

Develop a Regional Strategy

It is critical that all stakeholders **jointly name and frame land use issues** for regional collaboration. This process fosters ownership and commitment; builds knowledge and understanding of the region; fosters a sense of regional identity or a sense of place; and generates more creative options. Since no single institution or entity is responsible or has the authority to address a multi-jurisdictional problem, the issues and potential solutions must reflect the interests and viewpoints of people that have a stake in the issue, those who are needed to implement any potential outcome, and those that might feel compelled to challenge the process or its outcome.

Since most regional initiatives do not have authority per se, they must **create power**. One of the best ways to create power (that is to say, the ability to foster social change and shape public policy) is through deliberative dialogue and collaborative decision-making. These decisions may or may not result in consensus or unanimous agreement, but they do allow participants to create effective coalitions to get things done.

Take Action


Collaborative decisions produce civic will. The objective at this point is to strategically **translate civic will into political will**. Participants can start by understanding how the proposed regional action supplements other relevant efforts. Only then can they communicate their message to appropriate decision-makers and show that the political capital to be gained is greater than any political risk in supporting the action. Outreach should

rely on multiple strategies to inform, educate, and mobilize people (e.g. media, public events, publications, web sites, etc.). Participants should think carefully about linking their effort to established decision-making systems. Seek access to power—rather than power itself—by building bridges, coordinating actions, and working within processes that are already moving forward.

Evaluate and Adapt

Taking action is usually followed by evaluating what was accomplished. This “civic learning” provides the political momentum to follow-through on difficult problems. In some cases, there may be a need to sustain regional collaboration. Participants should begin by capturing, sharing and celebrating their accomplishments, thereby reinforcing a sense of regional identity. They will need to access the role of the group if the threat is gone or the problem solved. Then, it may be valuable to revise and renew the mission, adapting to new information, opportunities and problems. Participants will also need to identify and develop the capacities to sustain the regional initiative including: people (both current and new members), resources (e.g. money and information), and organizational structure. Finally, participants should assess the value of integrating regional efforts into new or existing institutions.

Conclusion

Given the variation in the objectives of regional initiatives, it is easy to see how each effort could result in a slightly different organizational model to meet the specific needs of the groups and people working on the issue. It is important to remember that ad hoc collaboration only works when people believe that they will gain more by being a member of the group and involved in the solution than by remaining separate and acting alone. Ad hoc regional collaboration takes considerable effort to be effective but it is proving that it can make a difference and provide effective solutions for regional issues. 

Resources

Additional information on the Lincoln Institute of Land Policy and the course they offer on Regional Collaboration can be found at www.lincolninst.edu. The following publications are also available from the Institute:

Porter, Douglas R. and Allan D. Wallis. (2002) *Exploring ad hoc regionalism*. Lincoln Institute of Land Policy, Cambridge, MA.

Foster, Kathryn A. (2001) *Regionalism on Purpose*. Lincoln Institute of Land Policy, Cambridge, MA.



ADOPTING MORE STRINGENT STANDARDS FOR LIVESTOCK FACILITY SITING

By Richard Castelnuovo, Wisconsin Department of Agriculture, Trade and Consumer Protection

Under the recently adopted livestock facility siting law, local governments must use state standards if they want to regulate the siting or expansion of livestock operations. In most cases, local governments may only apply the state siting standards when making a decision about a local siting application. In some instances, however, local governments may be able to adopt more stringent standards if the more stringent standard is necessary to protect public health and safety.

requirements include locally-specific nutrient management requirements, such as winter spreading restrictions, or more stringent standards for overlay zones. Any standards that are more stringent than the state standards must be adopted into the local ordinance prior to receiving a siting application that must meet the more stringent standard. If a more stringent standard is adopted into local ordinance, it becomes part of the siting application. If an applicant does not meet the standard, the application can be denied. The applicant retains the right to appeal the decision to the Livestock Facility Siting Review Board. The Board has the authority to determine if the more stringent standard was adopted properly and for defensible reasons by the local government, and has the right to uphold or overturn the disapproval decision.

The issue of protecting public health and safety is an important consideration under the siting law. As discussed in this article, a local government must be able to show, through scientifically defensible findings of fact, that a more stringent standard is necessary to protect public health or safety. Additionally, if a local government wishes to prohibit or exclude livestock operations of a certain size in an agricultural zone, it must be able to show a public health or safety reason.

For more information on prohibitions or exclusions within an agricultural zone and public health or safety, see <http://livestocksiting.wi.gov>. For more information on the issue of adopting more stringent standards based upon public health or safety, county officials should contact the Wisconsin Counties Association and town officials should contact the Wisconsin Towns Association.



Scientifically defensible findings of fact must support adoption of more stringent standards at the local level.

In order to adopt a more stringent standard, a local government is required to develop scientifically defensible findings of fact to show that the standard is necessary to protect public health and safety. Such findings might include a county specific study or a report showing the need for the more stringent standard. The standard must be adopted by local ordinance and subsequent decisions must be supported by facts on a case-by-case basis. When deciding whether to pursue the adoption of a more stringent standard, local governments should work closely with their corporation counsel.

One situation in which a more stringent standard was thought to be necessary to protect public health or safety was identified in a legal opinion on this topic

prepared for the Wisconsin Counties Association. In this example, increased landspreading precautions to protect private and public drinking water wells were supported by scientifically defensible findings of fact based on local soil and geologic conditions. Other situations where local governments commonly consider more stringent

For more information contact:
Richard Castelnuovo, Section Chief
WI Department of Agriculture, Trade
and Consumer Protection
(608) 224-4625
richard.castelnuovo@datcp.state.wi.us

Or visit DATCP's Livestock
Facility Siting website:
<http://livestocksiting.wi.gov>



EFFORT TO UPDATE SHORELAND PROTECTION RULES ENTERS NEW PHASE: GROUPS TO FOCUS ON AREAS CRITICIZED IN ORIGINAL PROPOSAL

By Toni Herkert, Wisconsin Department of Natural Resources

Wisconsin's efforts to update its 38-year-old statewide shoreland protection standards entered a new phase in summer 2006. Department of Natural Resources staff finished reviewing the 12,000 citizen comments received during and after public hearings in summer 2005 and in June reconvened the citizen advisory committee that had helped design the original proposal and had been meeting since the rewrite effort began in Fall 2002.

The advisory committee heard summaries of the public comments on the original proposal to update Chapter NR 115 of the Wisconsin Administrative Code, which governs such things as how far houses need to be set back from the water, lot sizes and limits on cutting down trees and other vegetation.

The comments roughly fell into nine main areas with several common themes. The public indicated:

- Their desire for a concise code that increases flexibility while guaranteeing statewide consistency and increased protections for our natural resources, and
- Strong desire for greater resource protection in the new regulations.


Importantly, the critical player in carrying out and enforcing the rules—the Association of Wisconsin County Code Administrators—said the rules were too complicated and unworkable. Changes are clearly needed to develop rules that work on the ground.

Our goal in coming months will be working with members of the advisory committee, the County Code Administrators and other key stakeholders to address areas identified in the public comments. Three technical work groups will help us in this task.

Two groups will consider options for “impervious surfaces” and “mitigation”.

Impervious surfaces are surfaces (such as paving, roofs, etc.) that prohibit water infiltration into soils. The group will consider whether an impervious surface control standard should replace the existing non-conforming structure standard. The standard might focus on where a structure is built on a shoreland lot, the impact of the location on the water resource, and opportunities to address those impacts.

Mitigation is an action taken to minimize the impacts of development. The original proposal sought to let owners of grandfathered structures keep their structure indefinitely but required owners to take steps to mitigate or offset the impacts of any proposed changes to the structure. The mitigation focus group will try to refine this concept and devise performance standards that can realistically meet the standards over the long term.

Once these groups have developed their options, a third group, comprised of County Code Administrators, will consider the revised code and make sure it is workable for the local officials charged with administering and enforcing the final rules. DNR Water Division Administrator Todd Ambs has said he hopes to refine the rules to be acceptable to all parties. He anticipates taking a revised proposal back to the Natural Resources Board in several months, with public hearings on a new proposal likely sometime in 2007. 

WCCA will consider revisions to NR 115 to make sure they are workable for local officials charged with administration and enforcement.

For more information contact:

Toni Herkert, Policy Coordinator,
Bureau of Watershed Management,
WI Department of Natural Resources
(608) 266-0161
toni.herkert@dnr.state.wi.us

Or visit DNR's website for
NR 115 updates:

<http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/news.htm>



Submit Articles!

Please submit an article to our newsletter.

It should be:

- 1,000 words or less,
- Informative,
- Of statewide concern,
- And address a land use issue.

The managing editor will review your submission and get back to you if any changes are necessary.

Managing Editor
Rebecca Roberts



Center for Land Use Education
University of Wisconsin-
Stevens Point
College of Natural Resources
800 Reserve Street
Stevens Point, WI 54481

Phone: 715-346-3783
Fax: 715-346-4038
Email: landcenter@uwsp.edu

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MINI-CONFERENCE ON IMPLEMENTING COMPREHENSIVE PLANS

November 9, 2006 (9:30am-12:30pm) – Midway Hotel, Wausau, WI
Contact Mike Agnew at 715-849-5510 ext. 307

IAP2 ANNUAL INTERNATIONAL CONFERENCE: “DÉCISION MONTRÉAL”

November 10-15, 2006 – Montreal, Quebec, Canada
www.iap2.org/displayconvention.cfm

WISCONSIN ASSOCIATION OF MEDIATORS CONFERENCE: “EMERGING ISSUES IN MEDIATION”

November 15-17, 2006 – Concourse Hotel, Madison, WI
www.wamediators.org/eiconference/EIwebcall.pdf

ZONING BOARD OF ADJUSTMENT WORKSHOP

October 18, 2006, Sheboygan County Agricultural Bldg, Sheboygan Falls, WI
www.uwsp.edu/cnr/landcenter/workshops.html

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Zoning Board Handbook

for Wisconsin Zoning Boards of Adjustment and Appeals
2nd Edition, 2006

Update of the Zoning Board Handbook is nearing completion. As we ready the publication for print, we are asking you to pre-order your copies. Due to limited storage space, the initial printing of the Handbook will be limited to pre-orders plus a small number of extras. To ensure you get enough copies, pre-order now at a reduced cost of \$8.00 per copy.

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