



# THE LAND USE TRACKER

**INSIDE THIS ISSUE:**

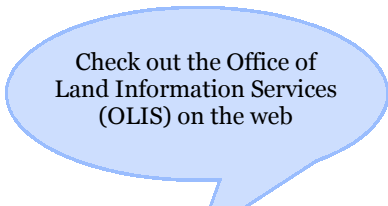
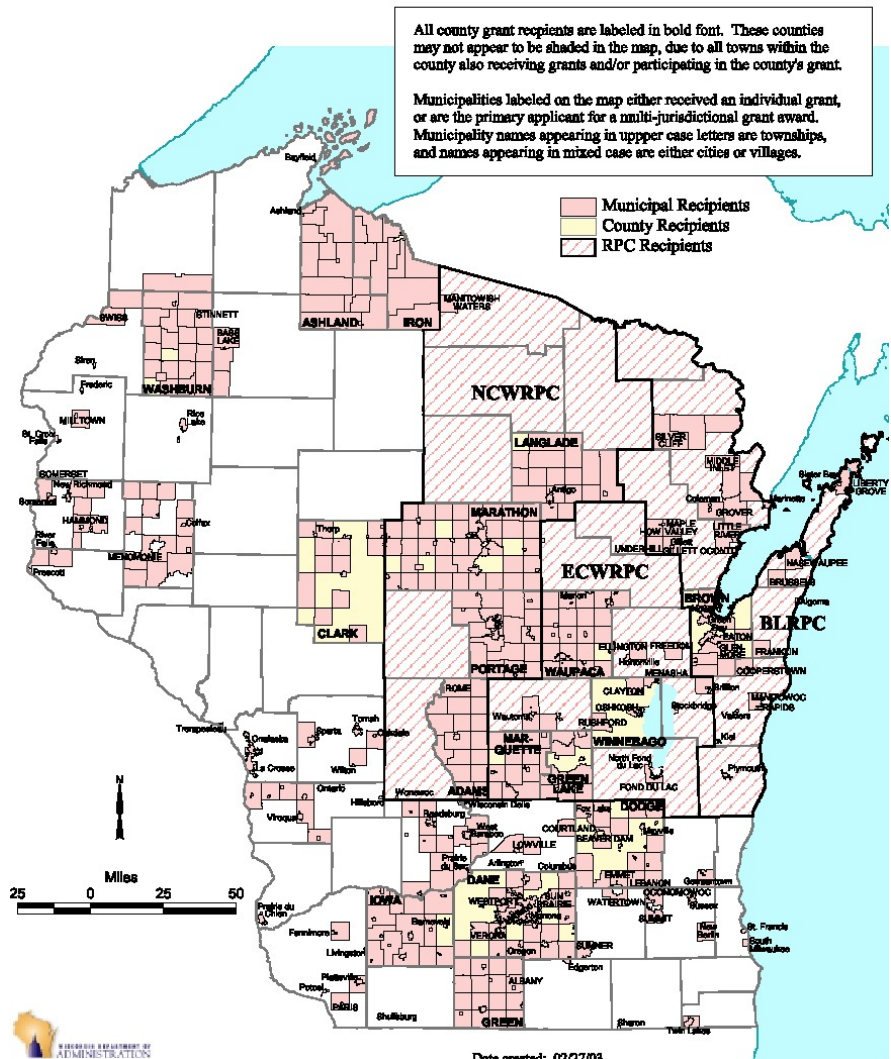
<i>2003 Comprehensive Planning Grant Awards Program</i>	Cover
<i>What's New at the Center—CLUE Launches New Comprehensive Planning Education Project</i>	2
<i>A recent court opinion about expansion of nonconforming uses...</i>	3
<i>Guides to the Planning Elements</i>	4
<i>Smart Growth: A Solution to Sprawl?</i>	6

## 2003 Comprehensive Planning Grant Awards Program

OLIS announced its latest comprehensive planning grant awards. Thirteen grants totaling \$2,713,800 were awarded. OLIS received 41 applications. The map below shows all the local units of government that have received grants including the 2003 grant recipients. CLUE assisted Langlade County, the highest ranked application, and Waupaca County, the highest funded award with their pre-planning programming.

*(Continued on page 3)*

**Comprehensive Planning Grant Awards, 2000 - 2003**



[www.doa.state.wi.us/dhir/index.asp](http://www.doa.state.wi.us/dhir/index.asp)



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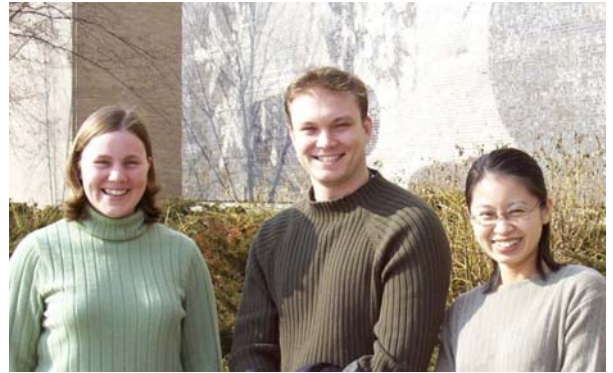
## What's New at the Center

On the web: click on "What's New at the Center" on our homepage.

## CLUE Launches New Comprehensive Planning Education Project

In the previous issue of the Land Use Tracker, you were introduced to three new staff members at the Center for Land Use Education: Douglas Miskowiak, Chin-Chun Tang and Rebecca Vander Kelen. Thanks to a \$2 million dollar grant from the Natural Resources Conservation Service (NRCS), a three-year project has been initiated to look at comprehensive planning efforts throughout the state.

The goals of the project are two-fold: to work directly with communities undergoing the comprehensive planning process, and to produce educational and technical assistance materials designed to assist other



community planning processes throughout the state. The long-term goal of the project is to disseminate lessons learned from Wisconsin planning experiences on a national and international scale.

To kick off the project, CLUE has initiated partnerships with several communities throughout the state, including: Ashland, Langlade, Waupaca and Washburn Counties. Shawano County may become a partner county in the future. As always, CLUE will also continue to monitor changing land use, planning and zoning issues throughout the state, and serve as a valuable resource for general assistance related to these topics.

To learn more about the latest developments related to comprehensive planning education in Wisconsin, a new website dedicated to this project will be launched within the CLUE website. This site will contain a description of our project and will provide public access to educational and technical assistance materials as they are developed.

Related to this project, a series of articles devoted to comprehensive planning will also begin to appear within the Tracker. The first of these articles, written by Vander Kelen, will help a community determine its readiness for planning and outline the steps necessary to begin a planning process. Future articles in the series will lead you through the stages of a typical planning process, and will conclude with issues devoted to plan implementation, monitoring and evaluation. Articles of special interest, such as public participation, digital planning support systems, and techniques of plan writing will also appear.

(Continued from page 1)

This table summarizes the 2003 program. OLIS funded no single community applications. The average funded comprehensive planning proposal had over fourteen participating communities. Those applications not funded averaged just over four partnering communities.

### 2003 Comprehensive Planning Grant Awards

Applicant	Number Participants	Score	Award Amount
Langlade County	18	88	\$234,000
Green County	21	87	\$336,000
City of Edgerton	8	87	\$120,000
Dodge County	19	86	\$321,000
Marquette County	18	84	\$234,000
Village of Prairie du Sac	21	84	\$288,000
Town of Glenmore	5	80	\$ 66,000
Adams County	19	80	\$249,000
Waupaca County	34	79	\$504,500
Town of Silver Cliff	3	79	\$ 36,000
City of Onalaska	2	78	\$ 60,000
City of Viroqua	12	78	\$133,500
Ashland County	16	76	\$131,800

Source: [http://www.doa.state.wi.us/dhir/documents/2003\\_awards.pdf](http://www.doa.state.wi.us/dhir/documents/2003_awards.pdf)

## *A recent court opinion about expansion of nonconforming uses...*

*Lessard v. Burnett County Board of Adjustment*, 2002 WI App 186, 256 Wis.2d 821

The owners of a campground applied for permission to increase the number of campsites from 21 to 44. The owners claimed they had originally planned for 44 camping sites. The property was zoned Residential-Recreational with campgrounds listed as a conditional use. Camping, however, was prohibited within the 75-foot shore land setback area. The campground predated the zoning ordinance, had no conditional use permit, and six of the existing 21 campsites were located in the shore land setback area.

The County granted the conditional use permit for the new campsites with the condition that the six campsites near the water be moved inland within five years. The campground sued asserting that the County had no zoning jurisdiction over the expansion or in the alternative that it could not condition its approval on the move of six of the current campsites. They argued that the County had no jurisdiction over a non-structural expansion. The court held that the County ordinance permitted the continuation of pre-existing uses but this did not include the expansion of those uses to additional land area, regardless of whether a structure is involved. The campsite owners also argued that under *Waukesha County v. Seitz*, 140 Wis. 2d 111, 409 N.W. 2d 536 (1994), a nonconforming use may be expanded to accommodate increased volumes of demand. The court rejected this argument as well holding that *Seitz* sanctioned only increased volume and frequency of use, not physical expansion of a nonconforming use but *Seitz* allowed pier expansion. An argument that the entire property was grandfathered also failed. Finally, the court held that the condition that the six campsites on the water be moved was reasonably related to the legitimate goal of bringing the site into conformity with the ordinances and to eliminate (nonconforming) uses as quickly as possible.

Case summary used with permission of author Suzanne K. Schalig, City Attorney for City of Brookfield



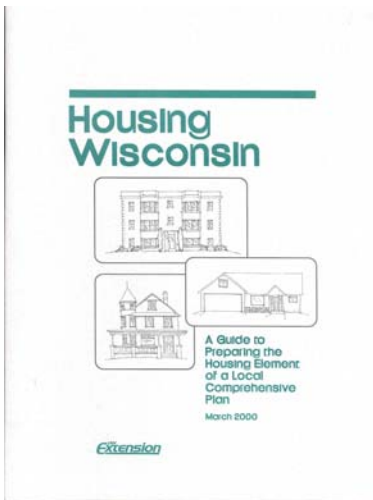
# Guides to the Planning Elements

To assist in preparing comprehensive plans, state agencies and UW-Extension have been issuing guides for each element outlined in the planning law. To this date, there are five completed guides, 3 guides under preparation and 1 guide on other topics. Currently, “Issues and Opportunities”, “Utilities and Community Facilities”, and “Land Use” have no guidebooks under preparation.

<i>The Planning Elements</i>		
<i>Issues and Opportunities</i>	<i>Housing</i>	<i>Economic Development</i>
<i>Transportation</i>	<i>Utilities and Community Facilities</i>	<i>Agricultural, Cultural and Natural Resources</i>
<i>Land Use</i>	<i>Intergovernmental Cooperation</i>	<i>Implementation</i>

Below is a description of each guidebook. The Office of Land Information Services has all the published guides available in pdf format at the following URL: [www.doa.state.wi.us/pagesubtext\\_detail.asp?linksubcatid=369&linkcatid=224&linkid=7](http://www.doa.state.wi.us/pagesubtext_detail.asp?linksubcatid=369&linkcatid=224&linkid=7)

## **Housing Wisconsin: A Guide to Preparing the Housing Element of a Local Comprehensive Plan, March 2000, UW Extension.**



The comprehensive planning process necessitates that local governments analyze the impact of the policies and regulations of the local government on the development of various types of housing. The analysis is intended to take into account the current and projected housing needs in the community. The analysis should result in policies which provide

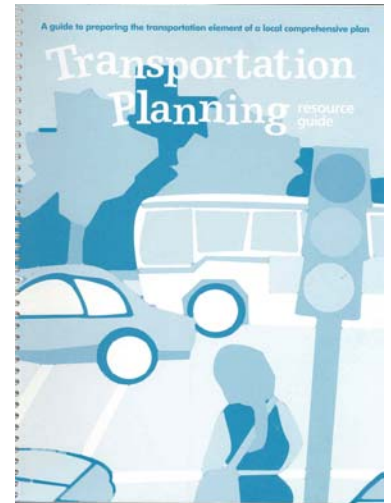
opportunities for the development of the types and amounts of housing expected to be needed over a twenty-year planning horizon.

This guidebook is intended to help Wisconsin communities to develop the Housing Element of their local Comprehensive Plans. The Comprehensive Planning statute does not prescribe the way to prepare the Housing Element of a Comprehensive Plan. This guidebook offers a step-by-step process for developing the Housing Element with an emphasis on securing broad community participation in the planning process. It discusses data needed to document the current housing

supply and demand. It also provides common housing goals.

## **Transportation Planning Resource Guide: A guide to preparing the transportation element of a local comprehensive plan, March 2001, WI Department of Transportation.**

The purpose of the Guide is to provide you with basic transportation planning related information needed to help you through the transportation planning process as you develop the Transportation Element of your community’s comprehensive plan, and make decisions relative to transportation. The qualities and needs of your community will dictate which aspects of the planning process are most applicable.



## **Planning for Natural Resources: A Guide to Including Natural Resources in Local Comprehensive Planning, January 2002. Department of Urban and Regional Planning, University of Wisconsin-Madison/Extension and WI Department of Natural Resources.**

This guide tries to offer some help for communities to: better identify, understand, and protect the natural resources within their boundaries; identify potential environmental issues and conflicts in a land use and development context; and consider possible strategies to use in preparing a comprehensive plan that promotes land uses that address the natural environment of our

communities.

It provides reference information to the many resources available through federal, state, regional, county, and local programs that can help communities make informed decisions about these environmental topics. It is not intended to constrain or dictate the manner in which local governments prepare their local comprehensive plan.

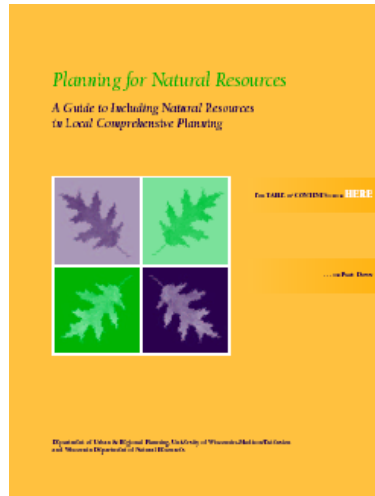
**Intergovernmental Cooperation: A Guide to Preparing the Intergovernmental Cooperation Element of a Local Comprehensive Plan, June 2002, WI Department of Administration.**

This guide covers a variety of topics including: issues that should be addressed in your community's

Intergovernmental Cooperation Element; other governmental units that can help you develop your element; techniques and ideas for coordinating with other governmental units; techniques for improving intergovernmental cooperation and coordination, including common sense ideas; tips on how to implement, monitor, and update your element; and resources that are available to assist your community with its element, along with contact information.

**Planning for Agriculture in Wisconsin: A Guide for Communities. November 2002, UW Cooperative Extension and WI Department of Agriculture, Trade, and Consumer Protection.**

The purpose of this guide is to provide you with basic information to help Wisconsin's rural communities prepare to plan for agriculture. This guide provides in-depth information that should be useful in developing the agricultural element of a comprehensive plan. It is also written broadly enough that communities engaged in other kinds of planning processes (such as county agricultural preservation plans, local land use plans, or nutrient management plans) can also find helpful advice and information.

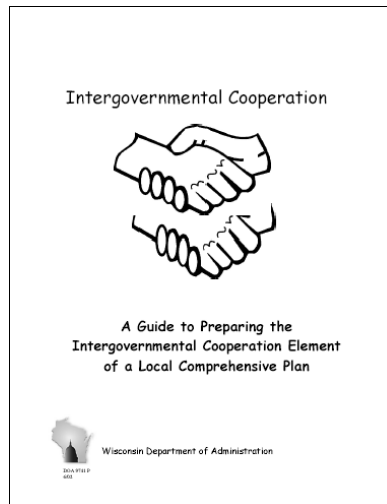


**Guide to the Historic/Cultural Resources Element – In progress.**

- Target date for completion: Spring 2003.
- For more information, contact Rick Bernstein, State Historical Society, at (608) 264-6506 or [rabenstein@mail.shsw.wisc.edu](mailto:rabenstein@mail.shsw.wisc.edu).

**Guide to the Economic Development Element – In progress.**

- Target date for completion: Fall 2003.
- For more information, please contact Roger Nacker, Wisconsin Economic Development Institute, at (608) 661-4626 or [macker@msn.com](mailto:macker@msn.com).



**An Overall Guide to Completing a Comprehensive Plan compliant with §66.1001– In progress.**

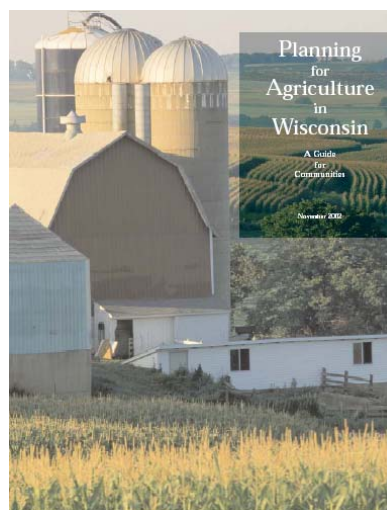
- Targeted completion date: Fall 2003.
- For more information, contact Erich Schmidtke, OLIS, at (608) 264-6102 or [erich.schmidtke@doa.state.wi.us](mailto:erich.schmidtke@doa.state.wi.us).

**How to Hire a Planning Consultant: A Guide to Preparing a Request for Proposals, June 2001, UW**

*Extension (Center for Land Use Education) and Department of Administration, Office of Land Information Services.*

If your community is considering hiring a consultant to help develop a comprehensive plan to meet Wisconsin's comprehensive planning law, this guide will be a useful resources. This document has been prepared as a general guide for developing a request for proposals. A "request for proposals" or "RFP" is an advertisement issued by a community to seek proposals to conduct a service or provide a product. The RFP outlines the services and products that a community wants.

[www.doa.state.wi.us/pagesubtext\\_detail.asp?linksubcatid=370](http://www.doa.state.wi.us/pagesubtext_detail.asp?linksubcatid=370)



## Smart Growth: A Solution to Sprawl?

By Anna L. Haines, Ph.D.

The previous article entitled “Defining and Characterizing Sprawl” focused on defining sprawl and identifying its urban and rural characteristics. In turn, this article tackles how to address sprawl by examining smart growth. Like the previous article, this one will focus on small town and rural areas.

There are two basic models presented in the literature as possible solutions to sprawl – smart growth and new urbanism. Generally, both models aim at tackling sprawl in metropolitan areas, such as the Milwaukee/Waukesha/Kenosha area, the Fox Valley, and Dane County. Because smart growth policies can be altered to fit a small town or rural area more readily than new urbanism (see Box 1), this article will attempt to define smart growth and discuss how several smart growth policies can be adopted for use in small town or rural settings.

### So What Is Smart Growth?

Smart Growth is a new term for an old idea – growth management, which is a strategy that communities have used for approximately forty years. Growth management evolved over time, and one could argue that smart growth is its latest evolution. Growth management has largely been used in states and metropolitan areas that have experienced rapid growth rates – Florida, Oregon, and New Jersey to name a few. Some of the primary tools used in growth management include: zoning, development buffers, purchase of development rights programs, urban growth boundaries, minimum density requirements, cluster development, and exclusive agricultural zoning. Over time as the number of places that experienced more rapid growth than they were used to and that growth tended to spread outward more quickly than previously, growth management was repackaged and expanded into the “smart growth” movement.



*Reedsburg, Wisconsin*

### Box 1: New Urbanism

New Urbanism generally focuses on the neighborhood or town scale, on new areas of development, and almost exclusively on physical design. Seaside and Celebration, Florida are examples of New Urbanist developments. These developments aim to produce compact, livable communities. An idea that stems from new urbanism is called “traditional neighborhood development” or TND.

Generally, TND’s occur on greenfield sites, i.e., undeveloped land, including agricultural fields. Ideally, they could be built on brownfield sites (previously developed, vacant and/or polluted sites) within cities. Rather than allowing a 200 acre subdivision with 100 houses evenly spread over that land with garages and roads dominating the feel of the development, a TND would bring the houses closer together, add a small retail district with the possibility of apartments above stores, de-emphasize cars and roads by creating alleys and placing garages in the rear of the lot, and focus attention on people through sidewalks, front porches and small lot sizes. This development option is important because it potentially provides consumers with additional choices about the kind of suburban development they will choose to live in.

Wisconsin’s comprehensive planning law (WI statute 66.1027) provides that cities and villages over 12,500 people must pass a TND ordinance. However, TND’s do not present a viable option for many smaller communities that experience development at a much slower pace. Small cities and villages that would like to encourage this type of development over time could therefore use the land use element of their comprehensive plan and incorporate many of these principles into their zoning ordinance. Since TND’s are focused on replicating a bygone era, it is necessary to understand a community’s past development patterns and include those design standards into a community’s zoning and subdivision regulations.



Smart growth, like sprawl, has many definitions depending on one's perspective. Below are five definitions or ways in which different groups have conceptualized smart growth:

- Smart growth is “understanding that suburban job growth and the strong desire to live in single-family homes will continue to encourage growth in suburbia.” National Association of Home Builders
- “Smart growth promotes economic prosperity and enhances the quality of life through measures that respect the importance of freedom of choice, flexible land uses, and natural resource management.” National Association of Industrial and Office Properties
- “Smart growth does not seek to stop or limit growth, but rather to accommodate it in a way that enhances the economy, protects the environment and preserves or improves a community's quality of life.” Urban Land Institute
- Smart growth solutions are “those that reinvigorate our cities, bring new development that is compact, walkable, and transit-oriented, and preserve the best of our landscape for future generations.” Natural Resources Defense Council
- Smart growth is “calling for an end to sprawl and a new vision of urban/suburban collaboration and regional growth management.” Sprawl Watch Clearinghouse (Gillham, 2002: 157).

Like definitions of sprawl, there are no agreed upon definitions of smart growth. Neither what it is nor how it works is clearly defined. Most definitions depend largely on whether an organization favors development or conservation. Embedded in many definitions are the following ideas:

- Acknowledgement of continued construction of single-family homes,
- Importance of balancing development with natural resources,
- Importance of managing growth rather than stopping it,
- Recognition that cities are important to our quality of life,
- Recognition that new development patterns that favor compact and walkable/bikeable communities are possible and allow for a wider range of transportation choices, and
- Recognition that intergovernmental cooperation is a key factor in addressing growth.

### Are Smart Growth Policies Solutions to Sprawl?

Box 2 (page 9) outlines ten smart growth goals, recognized by many groups, including government, business and civic groups. A key idea behind these goals is the need to balance development with the protection of natural resources, such as farmland, forests and wetlands. From identifying goals and objectives, a community needs to identify policies and implementation tools so that those goals and objectives can be achieved. Below are three guidelines for thinking about how to get from goals and objectives to policies and tools:

- ✓ No one policy will achieve an identified goal; use a number of policies in combination, including but not limited to, community planning, education, use of technology, incentives, and regulations.
- ✓ A key step in the planning process is evaluating and understanding how your community has grown and changed in the past, and making a group decision (through visioning, for example) on whether or not your community wants to modify the way that growth and change have occurred.
- ✓ If a community vision lends endorsement to establishing a new “smart” way for growth and change to occur, then explore innovative policies to accomplish that vision.

*(Smart Growth Network)*

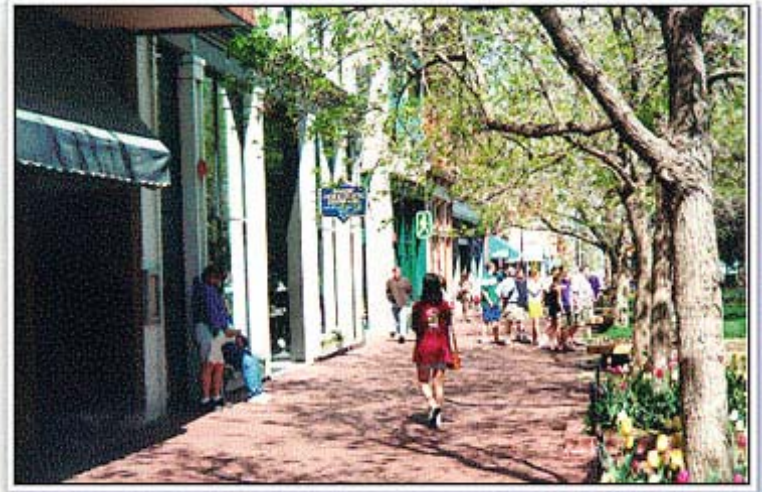


*Kentlands, Maryland, NRDC*

On pages 10 and 11 is a table that outlines a few policies for each goal outlined in Box 2 (next page). The tools can be implemented at the local government level and are appropriate for small towns and rural areas.

### Conclusion

Sprawl and smart growth represent two opposing and contrasting patterns of development along a continuum. Communities have not consciously chosen the path to sprawl, but communities now have the opportunity to consciously choose an alternative path. Wisconsin communities are in a unique position, because of the comprehensive planning law, to examine community growth trends, understand the implications of those trends, decide the future path their community will take (visions, goals and objectives) and how they will move along that path (policies and tools). The planning process that many communities are going through, and will go through, afford the public a chance to decide the future of their communities. Altering a community's growth pattern away from sprawl towards one that preserves, maintains, and creates a sense of place and better balances development with natural resources and open space will not be an easy or simple task. However, in making plans and abiding by them, communities can begin to create healthy and vibrant places to live and work.



*Boulder, Colorado, NRDC*

*Dana Lucero, Kassandra Walbrun, WDNR Land Use Team, and the Center for Land Use Education staff have reviewed this article for form and content. Any errors, mistakes and omissions remain the responsibility of the author.*

### References

- Gillham, Oliver. 2002. **The Limitless City: A Primer on the Urban Sprawl Debate**. Washington, D.C.: Island Press.
- Nelson, Arthur C. 2000. **The Practice of Local Government Planning**. Washington, D.C.: ICMA.
- Smart Growth Network. Undated. **Getting to Smart Growth: 100 Policies for Implementation**. Washington, D.C.: ICMA. [www.smartgrowth.org](http://www.smartgrowth.org)

### Resources

- The American Planning Association. [www.planning.org](http://www.planning.org)
- Congress for New Urbanism. [www.cnu.org/](http://www.cnu.org/)
- EPA smart growth website. [www.epa.gov/smartgrowth/](http://www.epa.gov/smartgrowth/)
- The Lincoln Institute of Land Policy.  
[www.lincolninst.edu](http://www.lincolninst.edu)
- Smart Growth Network. [www.smartgrowth.org](http://www.smartgrowth.org)
- Traditional Neighborhood Development.  
A Model Ordinance.  
[www.wisc.edu/urpl/people/ohm/projects/tnord.pdf](http://www.wisc.edu/urpl/people/ohm/projects/tnord.pdf)
- The Wisconsin Department of Natural Resources.  
[www.dnr.state.wi.us/org/es/science/landuse](http://www.dnr.state.wi.us/org/es/science/landuse)



*New Richmond  
Metropolitan Council*



<b>Box 2: Smart Growth Goals</b>	
<b>Goals</b>	<b>Explanation</b>
Mix land uses.	Mixing land uses – commercial, residential, recreational, educational, and others – in neighborhoods or places that are accessible by bike and foot can create vibrant and diverse communities.
Take advantage of compact building design.	Compact building helps create the convenient neighborhood center that people want and present opportunities to absorb growth and development in a way that uses land more efficiently.
Create a range of housing opportunities and choices.	Provide quality housing for people of all income levels.
Create walkable neighborhoods.	Located within an easy and safe walk of goods (such as housing, offices, and retail) and services (such as transportation, schools, libraries) that a community resident or employee needs on a regular basis.
Foster distinctive, attractive communities with a strong sense of place.	Encourages communities to craft a vision and set standards for development and construction which respond to community values of architectural beauty and distinctiveness.
Preserve open space, farmland, natural beauty, and critical environmental areas.	Preserve those areas in a community that people value and that provide valuable environmental functions.
Strengthen and direct development towards existing communities.	Directs development towards existing communities already served by infrastructure, seeking to use resources that existing neighborhoods offer, and conserve open space and irreplaceable natural resources on the urban fringe.
Provide a variety of transportation choices.	Communities are increasingly seeking a wider range of transportation options in an effort to improve beleaguered transportation systems. Communities are coupling a multi-modal approach to transportation with supportive development patterns to create a variety of transportation options.
Make development decisions predictable, fair and cost effective.	For a community to be successful in implementing smart growth, it must be embraced by the private sector. Government can help make smart growth attractive and profitable to private investors and developers.
Encourage community and stakeholder collaboration in development decisions.	Community and stakeholder collaboration can lead to creative, speedy resolution of development issues and greater community understanding of the importance of good planning and investment. Involving the community early and often in the planning process vastly improves public support for smart growth and often leads to innovative strategies that fit the unique needs of each community.

(Smart Growth Network)



*Middleton Hills  
1000 Friends of Wisconsin*

**Table 1: Smart Growth Implementation Tools**

Goals	Tools
Promote mixed land uses	<ul style="list-style-type: none"> <li>• Adopt codes like the traditional neighborhood ordinance that can parallel existing codes.</li> <li>• Use flexible zoning tools, such as overlay zones or planned unit developments.</li> </ul>
Take advantage of compact building design	<ul style="list-style-type: none"> <li>• Use public meetings to educate community members about the relationship among transportation, density and compact building options.</li> <li>• Use density bonuses.</li> <li>• Ensure a sense of privacy and safety through design of homes and yards.</li> </ul>
Create a range of housing opportunities and choices	<ul style="list-style-type: none"> <li>• Revise zoning and building codes to permit a wider variety of housing types.</li> <li>• Plan and zone for affordable and manufactured housing developments in rural areas.</li> </ul>
Create walkable communities	<ul style="list-style-type: none"> <li>• Adopt design standards for streets that ensure safety and mobility for pedestrian and non-motorized modes of transport.</li> <li>• Identify economic opportunities that stimulate pedestrian activity.</li> <li>• Connect walkways, parking lots, greenways, and developments.</li> </ul>
Foster distinctive, attractive communities with a strong sense of place	<ul style="list-style-type: none"> <li>• Preserve natural features and plant communities in addition to planting new trees throughout communities, and preserving existing trees during new construction.</li> <li>• Preserve scenic vistas through the appropriate location of telecommunication towers, and improve control of billboards/signage.</li> <li>• Preserve historic buildings or structures that are valued by the community.</li> <li>• Encourage outdoor art, such as sculptures, murals and other examples of creative expression.</li> </ul>
Preserve open space, farmland, natural beauty, and critical environmental areas	<ul style="list-style-type: none"> <li>• Use purchase of development rights (PDRs) and other market mechanisms to conserve environmental functions of private lands.</li> <li>• Coordinate with county state and federal planning on land conservation.</li> <li>• Expand use of innovative financing tools to facilitate open space acquisition and preservation, such as a PDR program.</li> <li>• Include a green infrastructure<sup>1</sup> plan into your comprehensive plan.</li> <li>• Create a network of trails and environmental corridors/greenways.</li> <li>• Design and implement zoning tools that preserve open space (for example, conservation subdivisions).</li> <li>• Partner with nongovernmental organizations, such as land trusts, to acquire and protect land.</li> <li>• Maintain agriculture land and ensure agricultural activities are a viable option for community members.</li> </ul>
Strengthen and direct development towards existing communities or development	<ul style="list-style-type: none"> <li>• Institute regional tax base sharing to limit intergovernmental competition and to support schools and infrastructure throughout the region.</li> <li>• Create incentives for contiguous development and/or limitations on scattered development.</li> <li>• Institute regional governmental planning for infrastructure, municipal services, and economic development.</li> </ul>
Provide a variety of transportation choices	<ul style="list-style-type: none"> <li>• Finance and provide incentives for multi-modal transportation (biking, walking, driving, snowmobiling, x-country skiing, etc.) systems that include supportive land use and development</li> </ul>
Make development decisions predictable, fair, and cost effective	<ul style="list-style-type: none"> <li>• Display zoning regulations and design goals in pictorial fashion to better illustrate development goals.</li> <li>• Conduct impact analyses and/or cost of community service studies on proposed developments.</li> <li>• Provide continuing education for local land use decision makers related to their roles and responsibilities.</li> <li>• Strive for “one stop shopping” for development-related permits.</li> </ul>
Encourage community and stakeholder collaboration in development decisions	<ul style="list-style-type: none"> <li>• Seek technical assistance to develop a public participation process for land use policy development and development decisions (for example, UW Extension).</li> <li>• Conduct community visioning exercises to determine how and where the community should grow.</li> <li>• Include the public and stakeholders often and routinely into each step of the planning process.</li> </ul>

*(table continued)*

Goals	Tools
Encourage community and stakeholder collaboration in development decisions	<ul style="list-style-type: none"> <li>• Work with the media to disseminate planning and development information on a consistent basis.</li> <li>• Engage children through education and outreach.</li> <li>• Cultivate relationships with service and professional organizations, schools, universities, and community and technical colleges.</li> <li>• Invite developers, property rights advocates and other members of the development community to participate in the visioning and planning process.</li> </ul>

<sup>1</sup>**Green Infrastructure** encompasses a wide range of landscape elements, including: *natural areas* - such as wetlands, woodlands, waterways, and wildlife habitat; public and private *conservation lands* - such as nature preserves, wildlife corridors, greenways, and parks; and public and private *working lands* of conservation value - such as forests, farms, and ranches. It also incorporates outdoor recreation and trail networks. Green Infrastructure .Net Website, [www.greeninfrastructure.net/index.htm](http://www.greeninfrastructure.net/index.htm)

### A Review of Wisconsin's Comprehensive Planning Law

Often, Wisconsin's comprehensive planning law (WI Statute 66.1001) is referred to as the "Smart Growth" law. However, labeling the entire law "smart growth" is a misrepresentation. The law changed the definition of comprehensive planning, so that now plans must:

- ✓ Include nine elements (issues and opportunities; housing; economic development; transportation; utilities and community facilities; agricultural, cultural and natural resources; land use; intergovernmental cooperation; and implementation)
- ✓ Include public participation,
- ✓ Be adopted in whole by ordinance by the elected body, and
- ✓ Future land use decisions should be consistent with the plan.

The plan only needs to be prepared and adopted if that local government, be it town, village, city, county, or regional planning commission, is going to make land use related decisions after January 1, 2010.

The "smart growth" part of the law is attached to the funding mechanism. If a local government would like to receive state assistance for preparing its plan, planning grants (both general and transportation-specific) are available. A local government that discusses within their grant application how it will plan for fourteen goals specified in the law (Box 2a), and how it will plan for "smart growth areas" (Box 2b) will likely receive a higher score in the grant application process. An incentive for local governments to plan with their neighbors (to promote intergovernmental cooperation) is also included within the grant scoring criteria.

**14 Local Comprehensive Goals:** Planning grant awardees must specify how they will achieve these goals and state agencies are encouraged to integrate these goals into their work plans.

1. Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
2. Encouragement of neighborhood designs that support a range of transportation choices.
3. Protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
4. Protection of economically productive areas, including farmland and forests.
5. Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
6. Preservation of cultural, historic and archaeological sites.
7. Encouragement of coordination and cooperation among nearby units of government.
8. Building of community identity by revitalizing main streets and enforcing design standards.
9. Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.
10. Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
11. promoting the expansion or stabilization of the current economic base and the creation of a range of employment opportunities at the state, regional and local levels.
12. Balancing individual property rights with community interests and goals.
13. Planning and development of land uses that create or preserve varies and unique urban and rural communities.
14. Providing an integrated, efficient and economical transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled citizens.

### Smart Growth Area Definition

"'Smart growth area' means an area that will enable the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable, or that will encourage efficient development patterns that are both contiguous to existing development and at densities which have relatively low municipal, state governmental and utility costs." (WI Statute: 16.965)



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