



Center for Land Use Education

THE LAND USE TRACKER

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On The Web...

Status of Zoning

Interested in who has zoning in Wisconsin? Go online to view a map of zoning in unincorporated areas and email Eric Olson at eolson@uwsp.edu with any changes. The updated map will appear in a future edition of the Tracker.

www.uwsp.edu/cnr/landcenter/pdf/Current_Zoning_In_Wisconsin.pdf

STATUS OF COMPREHENSIVE PLANNING AND EDUCATIONAL NEEDS IN WISCONSIN

By Rebecca Roberts

In May 2006, the UW-Extension Community Planning and Plan Implementation Team conducted a survey of Extension professionals to learn more about comprehensive planning efforts throughout the state. The survey attempted to gauge the current status of comprehensive planning efforts in Wisconsin communities, understand UW-Extension's involvement in those efforts, and identify challenges and educational needs faced by communities that have not started a planning process. This article highlights some of the findings from the survey. The full report is available online at: www.uwsp.edu/cnr/landcenter/pubs-other.html.

Status of County Comprehensive Planning Efforts

The map on page 3 depicts the current status of county-level comprehensive planning efforts in Wisconsin. The data shown on the map was compiled from survey responses and has since been updated with records maintained by the Wisconsin Department of Administration and conversations with county staff.

Just over half of Wisconsin counties (39 of 72) have officially adopted or are working towards completion of a comprehensive plan. Of these, thirty-two counties were awarded a comprehensive planning grant from the Wisconsin Department of Administration and seven are planning without a grant. So far, eleven counties have completed a comprehensive plan and adopted it by

ordinance; the others are still developing or working to approve their plans.

Of the remaining thirty-three counties, most have shown some progress towards creating a comprehensive plan. Six counties recently completed a land use plan. (A land use plan does not comply with the definition of a comprehensive plan because it does not contain all nine elements). Some of these communities have expressed a desire to use their land use plans as a starting point to create a comprehensive plan. Three communities with a land use plan applied for funding to do so.

In the 2007 comprehensive planning grant cycle, fifteen counties applied for funding. However, it is unlikely that they will all receive funding. Four additional counties report that they intend to submit a grant application in the near future. Five counties, including Monroe, Vernon, Rusk Oneida and Langlade, currently have no plans to create a comprehensive plan.

Factors Hindering Local Comprehensive Planning Efforts

When asked about factors hindering local planning efforts, lack of financial and staff resources were rated most highly. Lack of political support and property rights concerns were also highly rated. Extension professionals did not feel that a lack of educational resources related to comprehensive planning was a factor.

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CALENDAR OF EVENTS**SMART GROWTH LECTURE – COMMUNITY ENERGY PLANNING**

December 19, 2007 – UW-Milwaukee, Arch. & Urban Planning Room 345
www.uwm.edu/SARUP/

LOCAL LAND USE PLANNING AND ZONING WISLINE TELECONFERENCE SERIES

December 20, 2006 – Impact Fees and Other Methods of Funding Local Public Improvements (#1744-2)

January 31, 2007 – Plan Commission and BOA Members as Local Officials (#1744-3)

February 28, 2007 – The Wisconsin Working Lands Initiative (#1744-4)

March 28, 2007 – Recent Case Law (#1744-5)

April 18, 2007 – Green Tier: Supporting Business for Economic/Environmental Improvement (#1744-6)

Contact the UW-Extension Local Government Center at (608) 262-0810 or visit www.uwex.edu/lgc/program/pdf/LandUse0607.pdf

WISCONSIN LOCAL FOOD SUMMIT

January 4th, 2007 – Holiday Inn Hotel and Convention Center, Stevens Point, WI
<http://aic.uwex.edu/localfood.cfm>

WAPA AUDIO-WEB CONFERENCE – COMPLETE STREETS

February 14, 2007 (4:00-5:30pm) – UW-Stevens Point
www.wisconsinplanners.org/events/events.htm

GROWING WISCONSIN: A WORKSHOP ON HOW TO SUSTAIN OUR WORKING LANDS

February 26, 2007 – Holiday Manor Inn and Conference Center, Menomonie

February 27, 2007 – Liberty Hall, Kimberly

February 28, 2007 – Olympia Village and Conference Center, Oconomowoc

To register or for more information call: 608-224-5041

WISCONSIN LAND INFORMATION ASSOCIATION (WLIA) ANNUAL CONFERENCE

March 7-9, 2007 – Radisson Paper Valley Hotel, Appleton, WI
www.wlia.org/

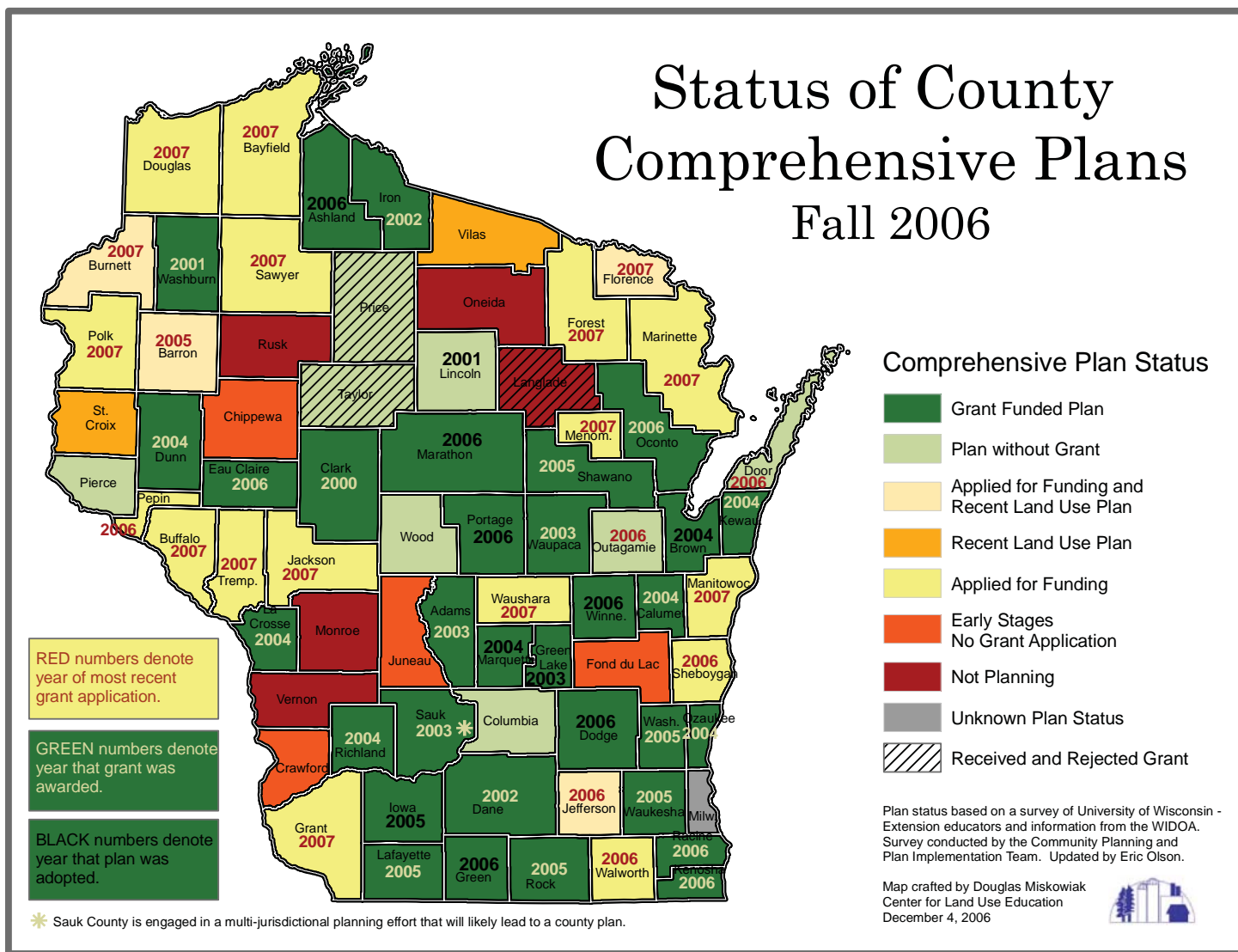
WISCONSIN CHAPTER OF THE AMERICAN PLANNING ASSOCIATION 2007 CONFERENCE

March 15-16, 2007 – Midwest Airlines Center, Milwaukee, WI
www.wisconsinplanners.org/events/events.htm

AMERICAN PLANNING ASSOCIATION 2007 NATIONAL CONFERENCE

April 14-18, 2007 – Philadelphia, PA
www.planning.org/2007conference/

Status of County Comprehensive Plans Fall 2006



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Educational Needs

Although educational materials were not rated as a factor hindering local planning processes, survey respondents did weigh in on what additional educational resources they would like to see created or improved. As communities move forward in their planning processes, their educational needs have changed. While early materials, such as those that considered how to prepare for a planning process or hire a planning consultant were once urgent, communities are now focusing more on tangible products such as data, maps and ideas to implement their plans. Education related to plan

implementation strategies and model or exemplary plan examples were the most highly-rated educational needs.

Authors and Acknowledgements

This survey was developed as a joint effort of the UW-Extension Community Planning and Plan Implementation team. The survey instrument was created by team members Eric Olson, Rebecca Roberts, Douglas Miskowiak and Patrick Nehring. The survey report and analyses were generated by Rebecca Roberts. The map was created by Douglas Miskowiak. Many thanks to Mary Lucas who assisted with survey design and administration.

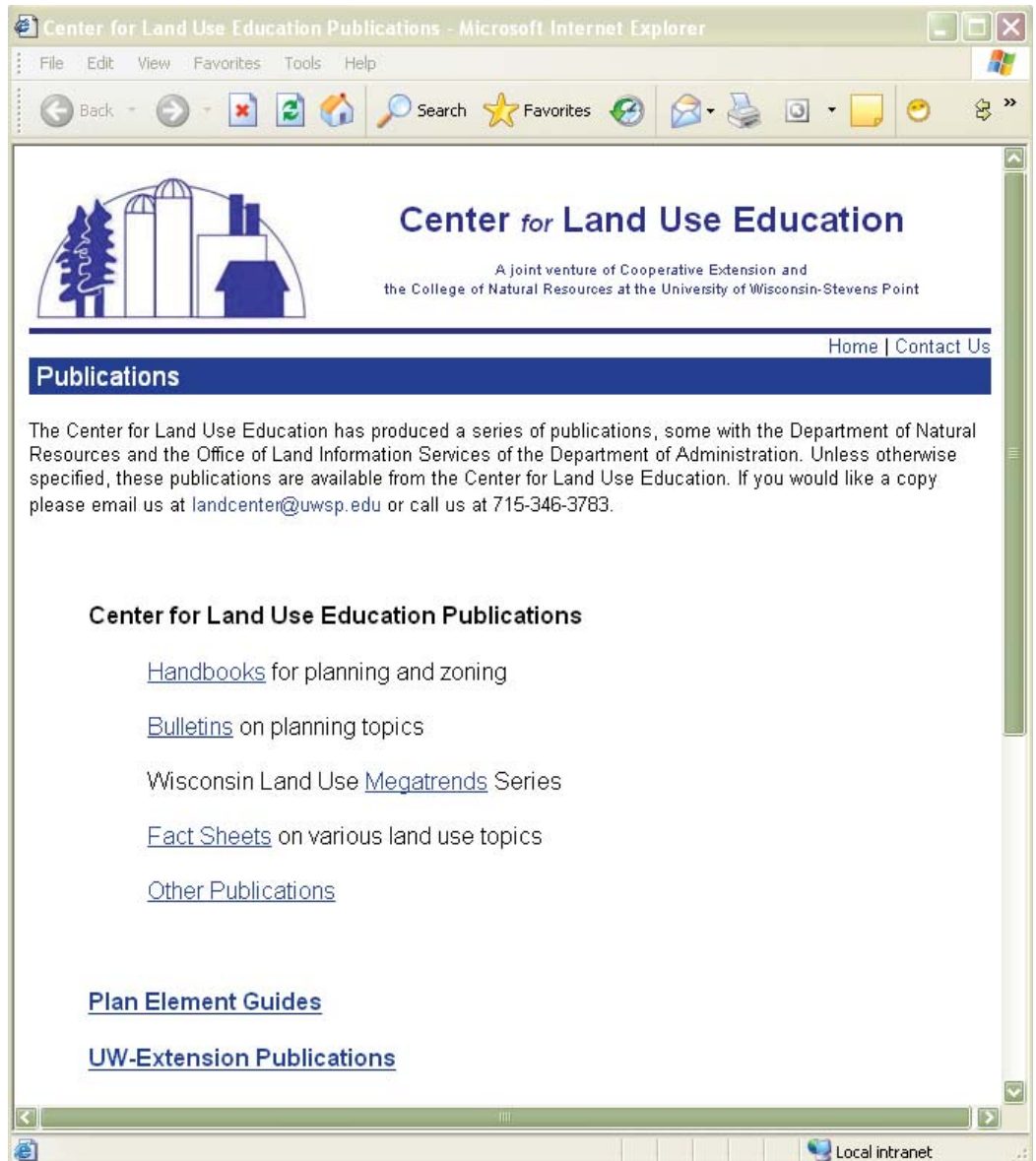


NEW PUBLICATIONS FOR 2006

The Center for Land Use Education has reorganized its publication website and added new publications for 2006.

As shown below, the new website is organized into five sections for ease of searching: handbooks, bulletins, megatrends, fact sheets, and other publications. You will also find links to the comprehensive planning element guides and other UW-Extension publications related to planning.

A list of new publications for 2006 is included on page 5. A copy of the Transfer of Development Rights fact sheet from the new plan implementation series is also included as a pullout. Most of the remaining publications are available to download for free on the web. Visit our homepage at www.uwsp.edu/cnr/landcenter/ and click on publications. You can also request printed copies of most publications by calling 715-346-3783 or emailing us at landcenter@uwsp.edu.





Planning Implementation Tools Transfer of Development Rights (TDR)



Center for Land Use Education

www.uwsp.edu/cnr/landcenter/

November 2005

TOOL DESCRIPTION

Transfer of Development Rights (TDR) is a voluntary, incentive-based program that allows landowners to sell development rights from their land to a developer or other interested party who then can use these rights to increase the density of development at another designated location.

While the seller of development rights still owns the land and can continue using it, an easement is placed on the property that prevents further development. (See Conservation Easement fact sheet) A TDR program protects land resources at the same time providing additional income to both the landowner and the holder of the development rights.

COMMON USES

Farmland protection

TDR programs are a way to permanently protect blocks of productive farmlands. Developers give farmers cash for their development rights. Farmers can use the money in any way they please (e.g. pay down debt, start a retirement account, pay operational expenses). The farmer still owns the land and retains the right to farm it.

Natural Resource Protection

A TDR program can provide a source of private money to purchase development rights on unique natural areas, critical habitat, and areas important for resource protection such as groundwater recharge areas.

Guide New Urban Development

A TDR is useful in rapidly urbanizing communities to guide housing to desirable locations. Receiving districts can be located in places where urban growth or higher densities are desired or where urban services are available.

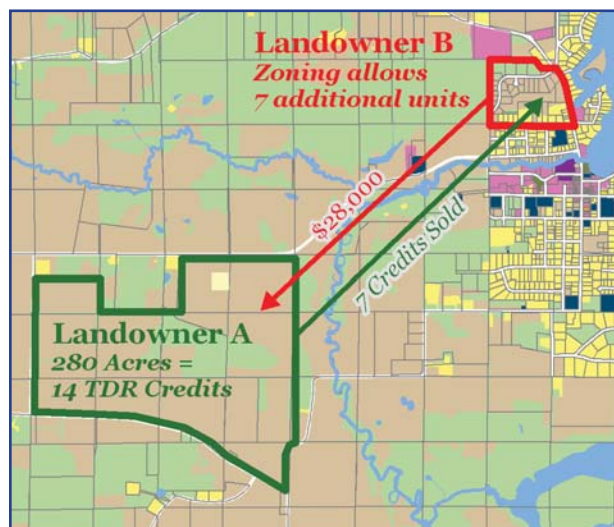
Possible Uses

Preservation of:

- ◆ Farmland
- ◆ Grazing land
- ◆ Timber land
- ◆ Open space
- ◆ Critical habitat
- ◆ Historic buildings and districts

Figure 1. Landowner A, a farmer, would like to get additional economic return from his property. In exchange for restrictions on his land, Landowner

A sells the development rights that are part of his property. This permanent prevention of development helps the community reach its farmland preservation goals. Landowner B would like to develop her property in the receiving area which already has public services. Landowner B finds that she would earn a larger profit by purchasing TDR credits from Landowner A, thereby allowing her to build more housing units.



IMPLEMENTATION

CREATION

There are four elements in successful TDR programs:

- 1. Designate a preservation zone (Sending Area).**
Identify target areas that the community desires to protect (i.e. contiguous blocks of productive farmland or sensitive natural resources).
- 2. Designate an urban growth zone (Receiving Area)**
Identify target areas in the community where development is desirable (i.e. near businesses, existing urban services, along a transportation corridor).
- 3. Determine a market for development rights**
TDRs only work when a demand exists for development rights. It is important that long-term growth expectations exist for receiving areas to assure landowners in the sending areas that their development rights have value. Adequate incentives must be provided to landowners before they will sell development rights.
- 4. Define TDR Procedures and Transfer Ratio**
TDR procedures include establishing what will be used to determine the number of development credits received (i.e. acres protected, amount of prime agricultural soil, dollar value of the land) and determining how many additional units a developer will receive per credit. Guidelines should also be set up to aid staff in their role as liaison between landowners and developers.

ADMINISTRATION

Establishing a TDR bank, run by a local government, can help the program run smoothly. Instead of developers purchasing development rights directly from landowners, the local government acts as a middleman to buy and then sell available development rights. A TDR bank makes the program more predictable and manageable for landowners and developers.

A well trained staff person is needed to manage development right transfers either by running the TDR bank, or by negotiating the transactions between landowners and developers. Staff will need to monitor the market for development rights and recommend adjustments to their value as needed. Staff also plays a large role in educating local officials, landowners, and developers about the program. Staff must ensure that the municipality's capital improvement program and ordinances continue to support the program as development transfers occur.

Creating Development Credits

A formula is used to convert development rights into specific development credits based on such factors as the area put under protection, e.g. one credit for every 20 acres protected, or on the cash value of the land, or for every \$1,000 paid to the landowner. The formula also identifies how much you receive for each credit in the receiving area, e.g. one credit allows you to build an additional family unit or increase the floor area ratio of a building by a given percent.

Successful TDR programs have:

- Credits to buy,
- Increasing growth pressure in the area,
- Incentives that target growth to the receiving area.

Report Card: Transfer of Development Rights

Cost	Money or staff resources required to implement tool.
C	A TDR program will likely require dedicated staff to set up and manage the program. Start-up money will be needed if a TDR Bank is created. Money to purchase development rights comes from developers rather than tax dollars.
Public Acceptance	The public's positive or negative perception of the tool.
B	The public likes the fact that money to purchase development rights comes from the private sector, not taxpayers. Property owners in the receiving area however, may have a problem with the increased density if existing utilities can not support it and building design isn't accepted.
Political Acceptance	Politician's willingness to implement tool.
C	Local officials approve of the market financing the program. Intergovernmental agreements that transfer development from one municipality to another must contend with tax-base transfer issues. Determining appropriate standards and prices for development credits may be difficult.
Equity	Fairness to stakeholders regarding who incurs costs and consequences.
A	Rural landowners voluntarily sell their development rights and are compensated for them. Developers get density bonuses for purchasing development rights, so costs are not handed down to homebuyers.
Administration	Level of complexity to manage, maintain, enforce, and monitor the tool.
D	TDR is one of the most difficult land management techniques to establish. Administration of TDR programs is complex and costly and maintaining a market may be difficult.
Scale	The geographic scale at which tool is best implemented.
Local to Regional	The program can be run on any scale but works best over an area that includes both rural and urban areas. The scale will also be dependent on the ability of the managing agency or organization to create a successful program with enough credits to buy and corresponding need for development.

GRADING EXPLANATION

A - Excellent
B - Above Average

C - Average
D - Below Average

F - Failing

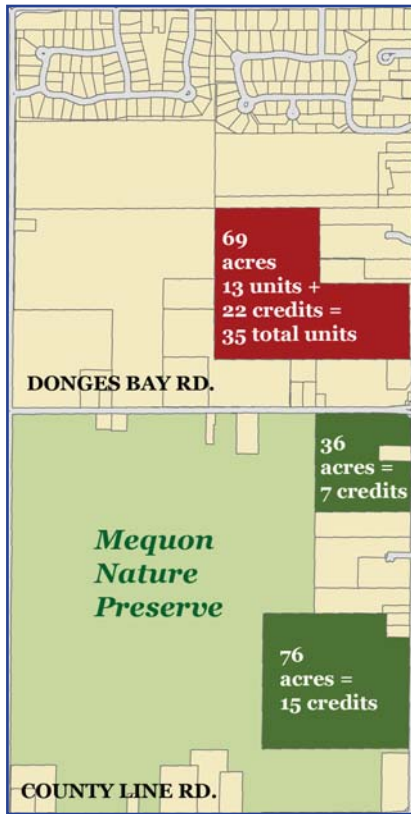


Figure 2
 Transfer Formula for Mequon
 The underlying village zoning yields 1 single family unit per 5 acres. One development credit is equal to one additional unit. Seven development credits from the 36 acre parcel and 15 credits from the 76 acre parcel (the sending areas) were added to the existing 13 units allowed in the 69 acre receiving area for a total of 35 possible units. In addition, the developer received a “1.8 times the allowed units” bonus for constructing duplexes creating a total of 63 duplex units or 31.5 possible two-unit buildings. The final site plan yielded 30 two-unit buildings.

WISCONSIN EXAMPLES

Mequon

The city of Mequon has created a TDR program to protect the city’s nature preserve from bordering development. A developer bought the development rights on 112 acres owned by a local nursery. A conservation easement was placed on the land that guarantees that no housing can be built on the property. The development rights will be transferred by allowing increased density on property north of the preserve that is owned by the developer.

Waukesha County

Waukesha County has a TDR program to protect prime agricultural land. The county allows increased density developments in areas with municipal services in exchange for the purchase of development rights on community identified prime agricultural tillable lands. For the areas of increased density, the ordinance lists permitted uses, defines building location, height and size, requires grouping of lots and a minimum lot size. Each district has a total maximum density that must be maintained. The development proposal must be approved by the Town Planning Commission and the County Zoning Agency before it can be implemented.

FOR MORE INFORMATION

Arendt, Randall (1994). *Rural by Design: Maintaining Small Town Character*. Planners Press, American Planning Association Chicago, IL

Daniels, Tom and Deborah Bowers (1997). *Holding Our Ground: Protecting America’s Farms and Farmland*. Island Press, Washington, D.C.

Dane County, Transfer and Development Rights Introduction. Available at <http://www.co.dane.wi.us/plandev/planning/tdr/section1.htm>

Pruetz, Rick (Summer 1998). *Putting Growth in Its Place with the Transfer of Development Rights*. Planning Commissioners Journal, Issue 31

ACKNOWLEDGEMENTS

Document prepared by Douglas Miskowiak and Linda Stoll, 2006. CLUE gratefully acknowledges all external reviewers. Design and layout by Robert Newby. Figure 1 and 2 developed by Douglas Miskowiak. Data for the Mequon example provided by the City of Mequon Department of Community Development.

This document is part of CLUE’s collaboration with the USDA, NRCS, GEM, and UWEX, entitled, “Partnership for Community Planning – Models for Land Use Education, Planning, and Management.”

HANDBOOKS

Zoning Board Handbook, 2nd Edition (2006)

This handbook is intended to assist zoning board members, local government officials and citizens in understanding the role of the zoning board and the procedures and standards with which their decisions must comply.

BULLETINS

Citizen's Guide to Future Land Use Mapping (August 2006)

This bulletin is for citizens, plan commissioners, and local public officials that wonder, "How is a future land use (FLU) map developed?"

MEGATRENDS

Wisconsin Land Use Megatrends: Housing (2006)

This publication illustrates statewide land use trends related to Wisconsin's housing supply.

FACT SHEETS

Implementation Tool Fact Sheet Series

Conservation Design

Conservation Easements

Density Bonus

Overlay Zoning

Purchase of Development Rights (PDR)

Planned Unit Development (PUD)

Transfer of Development Rights (TDR)

Traditional Neighborhood Design (TND)


OTHER PUBLICATIONS

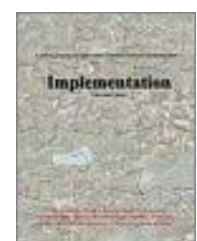
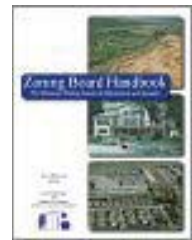
Comprehensive Planning in Wisconsin: Status of Current Planning Efforts (2006)

This survey, conducted by the UW-Extension Community Planning and Plan Implementation Team looks at the current status of comprehensive planning efforts in Wisconsin counties and municipalities, UW-Extension's involvement in those efforts, and challenges and educational needs faced by communities that have not yet begun to plan.

PLAN ELEMENT GUIDES

Implementation Element Guide: A guide to preparing the implementation element of a local comprehensive plan (September 2006)

The implementation element gives decision-makers, land owners, non-profit organizations, and others a road map to move their plan to action; serves as a prioritized, master "to do" list for the community; and can ensure that the completed plan is a useful community planning guide. 



DESIGNING COMMUNITIES FOR ACTIVE LIFESTYLES

Excerpted from *Designing for Active Recreation (January 2004)* by Barbara McCann

A growing number of studies show that people in activity-friendly environments are more likely to be physically active in their leisure time.²⁻⁴ Consider the following research findings:

Access to Recreational Facilities

Several studies have found that people get more physical activity if they have good access to specific places to exercise, such as parks, basketball courts, or gyms, and if their neighborhoods provide a high-quality environment for outdoor activity.

- People with access to recreational facilities were twice as likely to get recommended levels of physical activity.⁵
- People with the best access to a variety of built and natural facilities were 43% more likely to exercise 30 minutes most days than those with poor access.⁶
- People living in areas without many public outdoor recreation facilities were more likely to be overweight.⁷

However, some studies don't clearly support the hypothesis; for example, a recent study in North Carolina found that the presence of sidewalks, trails and street lights had little impact on recreational physical activity.⁵

Walkable Neighborhoods

"Walkable" neighborhoods are those where it is possible to walk to common destinations such as food stores. They are defined by a mix of homes, stores, connected streets and higher densities.

- Residents in a highly walkable neighborhood engaged in about 70 more minutes per week of moderate and vigorous physical activity than residents in a low-walkability neighborhood.¹²
- One study used the age of neighborhoods as a proxy

for walkability. People in neighborhoods built before 1946 were 46% more likely to walk long distances than people living in homes built after 1974.¹³


Aesthetics and the Social Environment

The research has found strong evidence that scenery and the friendliness of neighbors were linked to physical activity levels. But it is not yet clear which factors are most important.

- People in Australia who reported they had friendly neighbors and attractive surroundings close to home were 41% more likely to walk.¹⁰
- Rural women in the U.S. were more likely to be sedentary if they reported a lack of scenery near home.¹¹

Safety and Weather

- It is not clear whether people's perception of safety affects their participation in physical activity. Only half of the studies reviewed found any evidence that unsafe sidewalks and neighborhood crime discouraged exercise and results within these studies were not consistent.³
- Only two of the reviewed studies asked about weather and neither found any correlation between poor weather and sedentary lifestyles.³ However, national studies show that adults tend to be most active in the summer and least active in the winter.¹

The full article and citations are available online at: www.activelivingresearch.org/downloads/recreationrevised021105.pdf. 

*What is an "activity-friendly environment?"
A place that makes it easy to make the choice to be physically active, through planned exercise or routine daily activity.*



SHORELAND PROTECTION RULE REVISIONS MOVE FORWARD: FOCUS GROUPS FINALIZE RECOMMENDATIONS

By Toni Herkert, Wisconsin Department of Natural Resources


Since we reported to you in the last edition of the Land Use Tracker, focus groups have been busy working on recommendations to change Wisconsin's Shoreland Management Program (NR 115) and shoreland zoning laws. If all goes as planned, the public will have a second chance to comment at statewide public hearings next summer.

The focus group recommendations shift how the state seeks to prevent polluted runoff from entering lakes and rivers. Currently, regulations are based on how, when and where shoreland structures were built. The new recommendations call for regulating new or remodeled structures based on their size and amount of impervious surface.

To illustrate, different amounts of rain run off of structures based on the structure's size and the amount of native plants, trees and shrubs left intact around it. Under options developed by the focus group, a property owner would be required to divert a portion of the expected runoff from a new structure or addition so that it could soak into the ground rather than entering lakes or rivers. They could achieve this goal by implementing various techniques, such as creating a rain garden, replacing a driveway with porous materials, or making sure gutters flow onto land rather than hard surfaces. Measures would also be required during construction to prevent exposed soil from entering lakes or rivers, such as lying mulched construction waste wood over bare soil. Projects not able to meet the minimum standards for reducing impervious surfaces or runoff would have to take measures to offset or "mitigate" polluted runoff coming from the site.

These requirements comprise what's called an "impervious surface standard." To make this standard easy to apply and consistent with other standards, it's based on requirements for new construction that occurs away from lakes and rivers.

These changes to the shoreland zoning law are still in the recommendation stage. In January 2007, these suggestions will be reviewed by a subset of county code administrators who will examine whether these ideas can be easily implemented and enforced on shoreland properties.

Whether or not the focus group ideas are incorporated into NR 115 and become law, these approaches benefit Wisconsin's lakes and rivers and the people who live along them. They safeguard clean water and the habitat necessary for healthy fish and wildlife, and in so doing protect shoreland property values. If you are thinking about making proactive changes to your shoreland property, please consider the resources and publications listed in the box below. 

For more information:

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www.dnr.state.wi.us/org/water/wm/dsfm/shore/news.htm

Additional Resources

"Resources on Shoreland Restoration" (Wisconsin DNR):

<http://dnr.wi.gov/org/water/wm/dsfm/shore/restoration.htm>

"Rain Gardens Infiltrating Wisconsin!" (Wisconsin DNR):

<http://dnr.wi.gov/org/water/wm/nps/rg/index.htm>

"Rain Gardens: A How-to Manual for Homeowners" (UW-Extension):

http://learningstore.uwex.edu/product1.aspx?Product_ID=372&

"Wisconsin Soils Program" (Natural Resources Conservation Service):

<http://www.wi.nrcs.usda.gov/technical/soil>



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
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NATIONAL ASSOCIATION OF COMMUNITY DEVELOPMENT EXTENSION PROFESSIONALS 2007 CONFERENCE "DECLARATION OF INTERDEPENDENCE: THE FABRIC OF COMMUNITY"

April 16-19, 2007 – Philadelphia, PA
<http://nacdep.net>

NEW STRATEGIES FOR URBAN NATURAL RESOURCES: INTEGRATING WILDLIFE, FISHERIES, FORESTRY, AND PLANNING

May 14-16 2007 – Chicago, IL
www.informalearning.com/Wildlife

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

TRAINING OPPORTUNITIES

PLAN COMMISSION WORKSHOP

January 17, 2007 - Sawyer County, Comfort Suites, Hayward, WI, 1-4 p.m.
Topics covered include plan commission basic, roles and responsibilities and comprehensive planning basics. www.uwsp.edu/cnr/landcenter/workshopspc.html

Contact CLUE if there is an interest for either Plan Commission or Zoning Board of Adjustment workshops in your area.

More information will be posted to the workshops webpage as it becomes available.
www.uwsp.edu/cnr/landcenter/workshops.html 

