



WISCONSIN LANDSCAPES

Perfecting the Places We Live
to Protect the Places We Don't

Volume 7, Number 5
Spring 2004

NOTES FROM THE FIELD: UFF-DA WAL-MART SUPERCENTER

Uff-da, the Norwegian phrase of disgruntlement, is the rallying cry for this classic David vs Goliath story. A year ago amidst a firestorm of opposition, Wal-Mart Stores Inc. announced their intention to build a 180,000 square foot Supercenter on 22 acres of prime farmland adjacent to Stoughton, a city 18 miles south of Madison with a population of 12,000. Simultaneous to the Wal-Mart proposal, a cadre of citizen planners, planning consultants and elected officials were working on a smart growth plan, based on the Wisconsin Comprehensive Planning Law.

Considering the fact that the Supercenter idea bore absolutely no resemblance to the findings and the vision of the ongoing smart growth planning process, the seeds were planted for a citizen's revolt. Outrage turned to organizing and the group "Uff-Da Wal-Mart Supercenter" was founded with a mission to educate the community about the irreversible impacts of this scale of development.

Armed with data, Uff-Da volunteers organized town meetings, testified at hearings, held press conferences and mobilized hundreds of citizens to participate in the smart growth planning process that started in the fall of 2002. Uff-Da successfully lobbied for a 90-day moratorium on large commercial development during which time a big box ordinance was drafted that capped the size of stores, set design standards and required

(Continued on page 3)

WHY SMART GROWTH IS GOOD FOR ECONOMIC DEVELOPMENT

It's the vision thing. Economic development, like smart growth planning, starts with an image of where the community wants to go and then figures out a way to get there. Early in this deliberative public process a vision is crafted, describing the goals, objectives and strategies of a local economic development program. It's the opportunity for a community to work together to maintain a strong economy by creating and retaining desirable jobs, which provide a good standard of living for individuals. Economic development is also one of the nine elements of comprehensive planning that make up the Wisconsin Smart Growth Law. The economic development element is intended to improve the economic base of a community through careful analysis and programs, that address business development and quality employment opportunities.

A goal of Wisconsin's Smart Growth Law is to encourage redevelopment of lands that have existing infrastructure and public services. Providing electricity, telecommunications, sewers, roads, schools, police and fire stations in existing locations costs less than constructing new infrastructure and facilities in undeveloped areas. Reuse and rehabilitation of existing buildings and new infill development are smart growth tools that improve neighborhoods and are good for business. Downtown locations have competitive advantages based on their proximity to major transportation routes and access to expanding and often underserved retail markets.

Remediation of brownfield sites is another smart growth strategy that is good for business and also reduces the pressure to build on undeveloped lands. Brownfields are abandoned, idle or underused industrial or commercial facilities or sites where development is stalled by real or perceived contamination. There are an estimated 10,000 brownfield sites in Wisconsin and many are in

(Continued on page 4)

**SMART GROWTH
TOOLS IMPROVE
NEIGHBORHOODS
AND ARE GOOD
FOR BUSINESS**

Inside this issue:

Director's Column (By Steve Hiniker)	2
Legislative Update	5
Attorney General Peg Lautenschlager	7
Survey Results	8

BOARDS OF DIRECTORS

1000 FRIENDS OF WISCONSIN

Arlen Christenson, President
 Charlie James, Vice President
 Kristine Euclide, Treasurer
 Emily Earley, Secretary
 Bev Anderson
 Steve Born
 Walter John Chilsen
 David Cieslewicz
 Karl Hakanson
 Steve Hiniker
 Bud Jordahl
 Madelyn Leopold
 Bill Lindsay
 Gaurie Rodman
 Roger Shanks
 Charles Trainer
 Jim Van Deurzen
 Gerd Zoller

THE LAND USE INSTITUTE

Juli Aulik, President
 Meagan Yost, Vice President
 Jim Arts, Treasurer
 Jay Tappen, Secretary
 Dennis Boyer
 Steve Hinker
 John Imes
 Dorothy Lagerroos
 Dan Masterpole
 Elizabeth Meyer
 Brian Ohm
 Bryan Pierce
 Glenn Reynolds
 Jeanie Stelling
 Kine Torinus
 Kim Verhein
 Marcus White

STAFF

Andrea Dearlove, Assistant Director
 Mike Dawson, Southeast Wisconsin
 Director
 Steve Hiniker, Executive Director
 Barb Irvin, Membership Services Dir.
 Ward Lyles, Transportation Policy
 Director
 Lisa MacKinnon, Policy Director
 Deb Nemeth, Development Director
 Kevin Pomeroy, Planning Director

DIRECTOR COLUMN: STEVE HINIKER

Common Sense and the Wisconsin Legislature

So far, the current legislative session in Madison has been, well, uneven.

There have been terrific highs and unbearable lows. Sometimes we have been left wondering whether we are dealing with the same group of people from one day to the next. It seems that common sense does not always prevail. Consider the odyssey of three important bills.

On the **Smart Growth** front, the legislature has taken a decidedly common sense approach. The session got off to a bad start with the introduction of a bill (AB 435) by newly elected Representative Mary Williams (R-Medford) to repeal the state's Smart Growth Comprehensive Planning law. After a day long hearing, the committee decided to shelve plans to move the legislation forward.

On the other hand, Representative Sheryl Albers (R-Reedsburg) demonstrated leadership when she introduced legislation that clarified commonly misunderstood provisions of the law. Rep. Albers presented an eloquent defense of Smart Growth planning by explaining the benefits of the law to landowners. Landowners, she argued, are better off with a plan that is locally driven because it allows local citizens the opportunity to control development in their community and add value to their property by assuring that locally acceptable development occurs. This bill to clarify Smart Growth passed the state Assembly by a reassuring 90-9 vote and now awaits Senate action.

Common sense went out the window as the legislature considered measures to restrict the governor's ability to buy lands through the **Stewardship Fund**. The Stewardship program enjoys continued tremendous support from the public. Its history is rooted in bipartisan support for protecting the treasured natural areas of Wisconsin for future generations. However, this legislature has overlooked the history of support. They decided to test Governor Doyle's political resolve to keep the program intact and above politics. Legislative leadership threatened to cut all funding for the program unless the Governor agreed to give them more oversight on approval of individual land purchases. Governor Doyle has refused to let the program be weakened and vetoed another bill to curtail Stewardship purchases in early February.

The lowest point in recent history of the state's governance of public natural resources occurred with the signing of AB 655, a bill touted as a "**Job Creation Bill**" that included a significant retreat on protecting the public interest in the state's waters. (See Legislative Update column, page 6) The changes to public water law have little to do with jobs but a lot to do with a retreat from environmental protections.

AB 655 set low standards on every front. Legislative leaders and industry lobbyists drafted the bill in secret. The 74 page bill was unveiled on a Tuesday afternoon and scheduled for a hearing the next morning. The legislature had plans to pass the bill the same day as the hearing but slowed down after running into stiff opposition. The process got even uglier when legislative leadership and the Governor's office announced that they were going to negotiate a consensus on AB 655. Lobbyists in support of the legislation were allowed a seat at the table in the negotiating room with legislative leaders and the Governor's representatives while conservation and environmental representatives were locked out.

Fortunately changes are already appearing on the horizon. In a critically important issue to the state's waters and integrally linked to future land use, the legislature is prepared to make sweeping changes to the currently under-regulated use of limited groundwater supplies. However, rather than develop the legislation in back rooms, Senator Neil Kedzie (R-Whitewater) and Representative DuWayne Johnsrud (R-Eastman) have flung the doors wide open and invited all affected parties to work on the legislation together. These legislative leaders have made it clear that they value public input and have promised to work openly to get needed reforms to state groundwater law.

That is only common sense.

NOTES FROM THE FIELD: UFF-DA WAL-MART SUPERCENTER

(Continued from page 1)

development impact studies. With Uff-Da input, the planning commission drafted a big box ordinance, which the council finally passed in January 2004. Although the size cap, which started at 60,000 square feet, expanded to a compromise of 110,000 square feet, the ordinance is an excellent tool for improving building design and mitigating many of the environmental, transportation, economic and quality of life impacts of big box developments.

Stoughton has worked hard for 15 years to rescue the historic downtown from many waves of decline that followed the opening of the first Stoughton Wal-Mart store. Many businesses closed while others found ways to reposition and coexist with the world's largest company. A short time ago the existing 45,000 square foot Stoughton Wal-Mart won the American Home Town Store award, bestowed by Wal-Mart on what is the top producing store of its kind. Stoughton has now been given notice by Wal-Mart that the store is too small and must be closed. Although there is ample vacant land adjacent to the existing store suitable for infill and expansion, Wal-Mart insists this strategy will simply not serve the Stoughton market.

Since adoption of the big box ordinance with a 110,000 square foot cap, Wal-Mart officials have said they will close their existing store if a 155,000 square foot store is not approved. Steadfastly claiming that Wal-Mart does not build new stores less than 110,000 square feet in markets like Stoughton, Uff-Da presented the council with evidence of 37 new Wal-Marts under 110,000 square feet that were built in the last 3 years in all sizes of communities. Now Wal-Mart claims they will abandon their local presence and build a new Supercenter in Oregon, a community 6 miles away with a population one third smaller than Stoughton.

Uff-Da knew full well the difficulty of their challenge. Public education and lobbying helped pass both the moratorium and the big box ordinance and increased the public participation in the smart growth planning process. As this article goes to press, a new pro-Supercenter group has formed and is lobbying the council to reconsider the 110,000 square foot cap and put the Supercenter issue on a citywide non-binding referendum. The Uff-Da committee will pound the pavement and broadcast the message that eighteen months of smart growth planning, surveys, town meetings, visioning and public hearings has consistently reached the following conclusion:

“Uff-Da Wal-Mart Supercenter.”

For more information contact Kevin Pomeroy at: kevin@1kfriends.org or 608-663-9050

**MORE
CHALLENGES
AHEAD FOR
UFF-DA
COMMITTEE**



Stoughton Wal-Mart

SMART GROWTH AND ECONOMIC DEVELOPMENT

(Continued from page 1)

**WISCONSIN'S
BROWNFIELDS
GRANT PRO-
GRAM CREATED
4000 NEW JOBS
SINCE JUNE**

prime business locations in downtown or along a waterfront. Since June of 1998, the Wisconsin Department of Commerce's Brownfields Grant Program has awarded a total of \$36.2 million to 88 projects across Wisconsin. The projects helped reclaim 1,090 acres of land, increase property values by over \$607 million and create over 4,000 new jobs. The Wisconsin Department of Natural Resources administers a Brownfield Site Assessment Grant Program and has awarded \$4.85 million for assessments, site clearance and storage tank removal, thus preparing over 554 acres of land for redevelopment. A study by Virginia Polytechnic and UNC - Chapel Hill examined 155 metropolitan areas and found that regions with smart growth policies had one-third more construction activity than those areas with unplanned growth. Smart growth is good for construction jobs as redevelopment and infill projects are typically more complicated and require more labor than sprawling suburban development.

In many regions, there is a geographic mismatch between jobs and workers in places where companies fled the central city for new buildings in suburban locations. Many business relocations have stranded high concentrations of available workers in the central city who are now unable to get to suburban jobs on public transportation or find affordable housing near the new jobs. However, change is happening as businesses recognize the economic benefits and location efficiencies of downtown and traditional neighborhoods. A booming market exists for a larger variety of work and housing options as more workers choose to integrate work and home. The post-industrial economy means additional home workers, telecommuters and independent contractors, all of which increases the demand for a wide range of live/work options in communities of all sizes.

A new wave of residents has moved into downtown to be within walking distance of shopping, restaurants, cultural institutions, jobs and the amenities of urban life. The resounding success of the Milwaukee RiverWalk is a bold illustration of the economic development potential of downtown. The RiverWalk has initiated residential conversions of warehouses, added public open space to downtown, encouraged business development, focused attention on improving Milwaukee River water quality and repositioned downtown Milwaukee as an exciting entertainment destination. Urban entertainment districts, cultural institutions and historic attractions are good for tourism, which in turn is good for local economic development. Tourism is the state's second largest industry, responsible for nearly \$11.4 billion of the annual economy. Successful tourism development, whether

**MILWAUKEE
RIVERWALK IS A
RESOUNDING EXAM-
PLE OF SUCCESSFUL
DOWNTOWN
ECONOMIC
DEVELOPMENT**



Before

Brownfield Project in Milwaukee

After



in urban or rural areas, depends on livable communities, clean air and water, and unique local attractions.

Smart growth and economic development work together as more businesses desire locations in livable communities, where work and play are within walking distance. The smart growth benefits of livability and quality of life, lower infrastructure costs, compact cities, a wide range of jobs and employment options, shorter commute times, and protected environmental, historic and cultural resources are all good for economic development.

Kevin Pomeroy, Planning Director



Milwaukee RiverWalk

LEGISLATIVE UPDATE: THE 2003-2004 LEGISLATIVE SESSION



THE GOOD, THE BAD AND THE UGLY

FIRST, THE GOOD.....

AB 608 – Smart Growth Clarification Bill Passes the Assembly

On February 3, 2004, the Wisconsin Assembly voted 90 – 9 to pass AB 608. The bill will now move on to the Senate. In our last legislative update we mentioned that Rep. Sheryl Albers (R- Reedsburg) introduced AB 608 to respond to a set of repeated concerns on the part of citizens regarding certain ambiguities within the current law. The bill makes three changes: 1) It clarifies the relationship of regional planning commissions with respect to other governmental bodies by reasserting current state law, which holds that regional planning commission plans are advisory; 2) It clarifies the list of actions that must be consistent with a local governmental unit's comprehensive plan by removing the "catchall phrase"; and 3) It simplifies the overall list of actions that must be consistent with a local governmental unit's comprehensive plan by paring it down to zoning, shoreland zoning, official mapping and subdivision regulation.

Each of the aforementioned issues was raised as a criticism of the current law and has been functioning as a "road block" to communities—particularly rural towns—that have been wary of engaging in the planning process as long as such ambiguities persisted. Certain elements of the consistency clause, in particular, have been misconstrued in several ways that were never intended by the drafters of the law.

Over the last year we have been working with representatives of Wisconsin counties, towns, cities, villages, realtors, builders, planners and legislators to try to respond to repeated criticisms of the law and look at possible ways to clarify areas of confusion without weakening the law. Our goal has always been for communities across the state to be able to move beyond the confusion and get down to the business of planning for their futures.

1000 Friends supports the bill because we feel that it is a reasonable response to criticisms, it does not weaken the purpose or function of the Comprehensive Planning Law, and it could increase support for the law.

► The Senate Committee on Economic Development, Job Creation and Housing, has scheduled a public hearing on Wednesday, February 18th at 1:00 pm in 411 South.

TRANSPORTATION UPDATE

Major Highway Projects Audit Completed

On January 26, the Joint Committee on Audits held a hearing at the Capitol to receive public input on the recent audit of the Major Highway Projects. The audit reviews spending on the Major Highway Projects program from 1993 to 2003.

Transportation Policy Director Ward Lyles testified at the hearing and focused on the following three points: (1) The need for improved financial reporting and cost estimates, as well as increased accountability to the Joint Audit Committee and Transportation Projects Commission; (2) The need to implement a fix-it-first policy for transportation expenditures given that over the last 15 years spending on new highways has increased 101% while spending on maintenance has decreased by 3%; and (3) The need for the audit report to be a starting point for fiscally responsible budgeting that focuses on protecting our existing transportation investments.

UPCOMING TRANSPORTATION LEGISLATION TO WATCH

On the heels of the Major Highway Projects audit report, several legislators including Senator Rob Cowles and Senator Carol Roessler have indicated they will be introducing legislation to address some of the concerns outlined in the audit report. We will be working with these legislators to create a more balanced and fiscally responsible transportation system in the state.

(Continued on page 6)



For those of you who want to learn more about exactly how WisDOT spends your money, please call Ward at 608.663.1097 for a copy of our legislative briefing booklet, *Exceeding the Limit*.



LEGISLATIVE UPDATE: 2003-2004 LEGISLATIVE SESSION

(Continued from page 5)

... THE BAD

AB 780 – MORE WETLANDS EXEMPTIONS

This bill would create another exemption from all water quality standards that apply to wetland regulations, including shoreland and floodplain zoning. This new exemption would apply to wetland development activities that meet all the following requirements: (1) The site of the activity is located in a city, village, town, or county that has adopted a comprehensive plan under the state's smart growth law; (2) The wetland area that will be affected by the activity has "negligible functional values"; and (3) The activity incorporates a plan by the person engaging in the activity to create at least 1.5 acres of wetland for each acre of wetland affected by the activity.

You may remember the Ashley Furniture legislation a few years ago, in which the legislature attempted to exempt two separate manufacturers from all state wetland regulations. This bill would extend those exemptions to any wetland that can satisfy the requirements listed above. Once a wetland satisfies those requirements, the DNR would be prohibited from reviewing the local government's decisions with respect to wetland filling activities and shoreland and floodplain zoning amendments.

► 1000 Friends will testify in opposition of this bill at a public hearing before the Assembly Committee on Natural Resources on Thursday, February 12th.

....AND THE UGLY

AB 655 – PUBLIC WATERS DEREGULATION BILL (A.K.A. THE "JOBS CREATION BILL") BECOMES LAW

Over the last several months 1000 Friends of Wisconsin has worked with conservation and environmental organizations around the state to block legislative efforts to weaken protections of over 90% of our lakes, rivers and streams. The changes to state water law were part of a package that included other changes to state air quality statutes and various non-environmental programs. There was strong opposition to the water regulation provisions of the legislation by many organizations and citizens around the state, as well as respected environmental leaders such as former Governor of Wisconsin and founder of Earth Day, Gaylord Nelson, who issued a public statement that said the bill "has nothing to do with jobs and it undermines the State's public trust doctrine in navigable waters and weakens Wisconsin's long-standing air and water standards." We are disappointed to report that despite such strong opposition by those concerned about erosion of environmental protections, legislative leaders ignored public interest concerns and passed the bill,

which Governor Doyle signed into law on January 22, 2004. While it's debatable whether this law will create any jobs, it's clear that it opens the door to more unrestricted development of Wisconsin's shorelines, which will change the landscape of Wisconsin forever.

The law, 2003 Wisconsin Act 118, deregulates water and shoreline protections by authorizing the DNR to issue statewide general permits for activities such as grading, dredging, and construction of bridges over navigable waters while removing the DNR's ability to fully protect the public rights in navigable waters. The law also creates numerous permit exemptions on activities such as the placement of seasonal structures and shoreline fill materials. The law does not require landowners to notify the state regarding any of the exempted activities.

1000 Friends will continue to monitor this process.

One thing you can do now is contact the DNR and ask them to create comprehensive administrative rules that will restore full public trust protections of Wisconsin's waters and shorelines [Phone: 608-267-7694, fax: 608-267-2800, or email: Watershed@dnr.state.wi.us **Don't wait! It won't be long before the ice melts and the building starts!**

Please contact Lisa MacKinnon at lmac@1kfriends.org or 608/663-9049 if you would like more information on the legislation mentioned in this article.

Website Update: Go to www.1kfriends.org

In the past few weeks, 1000 Friends has made some important changes to our website! We've added two features to our home page: **Updates** and **Recent News**. In the **Update** section you will find late breaking news from inside the Capitol, 1000 Friends' press releases and links to newly released studies. In the **Recent News** section you will find links to land use and transportation news stories from media outlets around the state. These features increase our ability to communicate our positions and issues to citizens, the media and elected officials. We think you'll find that visiting our website regularly is an easy way to stay on top of the issues we are all concerned with around the state of Wisconsin.

We will continue the process of the overhauling of our website—graphics, content, design and function—stay tuned!

WELCOME NEW MEMBERS: THANKS FOR YOUR SUPPORT!

Fellowship

American Transmission Co., 2700

Friends

Jim Ballard & Barb Ballard, 2698 * Amy Dixon, 2641 * *Shawn Doherty, 2604 * Gary Goyke, 2680 * Sue Neahous, 2681*

Basic

*Sue Allen, 2697 * David Balsiger, 2678 * Steve Books, 2684 * Bob Bowen, 2705 * Margaret Buchberger, 2686 * Matthew Coffey, 2693 * Bob DeMars & Ann DeMars, 2673 * Jane Doughty, 2699 * David Drews, 2691 * David Drews, 2691 * Michael Finney, 2685 * Edwin Gilbert, 2672 * Lyle Guralski & Pearl Guralski, 2690 * Bill & Marian Hall, 2671 * Doug Hartman, 2674 * David & Margarete Harvey, 2669 * Jim Hunter & Karen Hunter, 2688 * Paul Klawiter, 2703 * Jerome Krings, 2687 * Gary & Mikie Kuhman, 2676 * Larry & Jennie Larson, 2667 * Renee Lauber, 2696 * Brian Lochen, 2670 * George Massmann, 2682 * Sigurd Midelfort, 2694 * Susan Morrissey, 2675 * John Nicol, 2683 * Gerald Ottone, 2668 * Donald Peotter, 2666 * Nancy Schanke, 2695 * Francis Schrag & Sally Schrag, 2701 * Mark & Lori Severtson, 2677 * Stanley Solheim, 2704 * Ron Thompson, 2689 * Douglas Wilcox & Elizabeth Kalscheur, 2692 * Robert & Barbara Wolter, 2679 * Margaret Wood & Daryl Wood, 2702 **

Note: Institute members are listed in regular text. *1000 Friends, Inc.* members are in italics. Membership numbers follow each name.

Welcome Mike Dawson

We are excited to announce the hiring of Michal "Mike" Dawson as our new 1000 Friends of Wisconsin southeast Wisconsin Director. Mike will lead our efforts in reaching out and developing new friends of sustainable development in the greater Milwaukee area.

Mike comes to us with an exceptionally strong background in community development. A former city of Milwaukee employee, she recently retired from her position as Deputy Commissioner of City Development where she lead the city's efforts to attract sustainable commercial and industrial development as well as working closely with neighborhood groups in addressing needs to maintain a high quality of life in residential areas in the city.

Prior to her work in the Department of City Development, Mike worked as the Mayor's liaison between his office and the Common Council. Mike is also active as a board member of the YWCA of Greater Milwaukee and the Downtown YMCA.

Mike will focus on establishing a permanent presence of 1000 Friends of Wisconsin in southeast Wisconsin and will work closely with business and community leaders to enlist their active participation in our efforts to promote responsible land use and transportation policy in southeastern Wisconsin.

Mike can be contacted via e-mail at mdawson@1kfriends.org or 414-332-1064.

WATCH FOR MORE
ON OUR NEW
MILWAUKEE OFFICE



MIKE DAWSON
SOUTHEAST WISCONSIN
DIRECTOR



1000 FRIENDS OF WISCONSIN

16 North Carroll Street, Suite 810
Madison, WI 53703
608.259.1000
www.1kfriends.org
www.PictureSmartGrowth.org

NonProfit Org.
US Postage
PAID
Madison, WI
Permit No. 1115

WISCONSIN LANDSCAPES



MEMBERSHIP SURVEY RESULTS

Recently we included a survey in one of our mailings and 20% of those surveyed responded. We will use your input and ideas as we plan for the future. We have already responded to one concern by updating our website. (See page 6) We are especially pleased to hear that so many of you are actively involved with comprehensive planning in your local communities.

3 most important program areas: Fighting sprawl—**68%** Defending Smart Growth Law—**54%**
Promoting a balanced transportation policy—**48%**

3 biggest threats to quality of life: Loss of natural areas—**73%** Air & water pollution—**55%**
Traffic congestion—**44%**

- **39%** of those answering the survey have lived in Wisconsin for over 50 years.
- How do our members get to work? **64% car 13% bike 10% walk 9% bus.**
(According to the Wisconsin Blue Book: The average Wisconsinite gets to work by 90% car .4% bike 4% walk 2% bus)
- **37%** visit our website. **95%** read our newsletter.
- **80%** believe the majority of the people in Wisconsin value our land use planning laws, but also believe special interests can drown them out. **78%** have contacted local officials regarding land use issues and **62%** have been involved in land use planning!
- You rated **being an effective voice in the legislature** and **having an organizational power to hold elected officials accountable** as the most important benefits of membership in 1000 Friends.

Thank you to all who responded. If you would like a copy of the full survey and results—please let us know.