

# WISCONSIN LANDSCAPES

## Citizens United for Responsible Land Use

A Quarterly Newsletter of 1000 Friends of Wisconsin  
& 1000 Friends of Wisconsin Land Use Institute

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Spring 2001

A shortfall in the Wisconsin Department of Transportation's (DOT) road building budget has created the best opportunity for fundamental reform in transportation policy in many years.

At the current level of taxation, the DOT has about \$15 billion to spend on highways over the next 20 years, but they *want* to spend \$20 billion. In other words, they have proposed \$5 billion more in highway building than they know the current level of taxes would support.

This is true despite the fact that the DOT is the only state agency that gets an *automatic* tax increase every year. Without a vote of the legislature, the state gas tax is adjusted every year under "gas tax indexing." This year the gas tax was automatically increased by nine tenths of a cent, which amounted to a \$28 million tax increase that nobody voted for.

### Worst of both Worlds

From a land use perspective, this is the worst of both worlds: gas tax increases are too small to change driving behavior, but are big enough to support excessive road building that spurs even more driving and sprawl development.

Despite the fact that the DOT itself has estimated that it is \$5 billion in the red — even with their automatic tax increases — they have proposed over \$300 million in new road building projects. The catch is that they know they can't afford them. Instead, they are hoping that by promising the new roads, they will paint future legislatures into a corner and force them to raise taxes to pay for these roads when building actually starts in a few years.

## 1000 Friends Pushes Transportation Reform

### Our Reform Plan

1000 Friends thinks that it is time to bring fiscal sanity to the DOT road building budget. Here is what we are proposing in the state budget:

(1) Commit more revenues to transit and to taking better care of our existing roads before we build new ones. Since 1987, state support for mass transit has



gone up 34% and support for local road repair has actually declined, while the debt service on expensive new road building has increased 182%.

(2) Require life cycle cost estimates for new major road projects. Every time we build a new road or add another lane, we commit ourselves and future generations to maintenance, policing, plowing, resurfacing and eventually rebuilding that road. Before we make this commitment, doesn't it make sense to understand what it will cost?

(3) Do not allow the DOT to propose any future new major highway projects that cannot be supported from current

revenue projections. If tax increases are needed to support new projects, then the tax increases should be voted on in the same budget which authorizes these projects.

(4) Repeal gas tax indexing. If tax increases are necessary then the legislature should vote on them, so that legislators can be held accountable to their constituents. Automatic tax increases just fuel excessive road building.

(5) Plan for a complete and balanced transportation system that will increase economic security. Right now the state has a long-range plan for road building, but not for other forms of transportation. The reaction to the recent increases in gasoline prices — which when adjusted for inflation are still about a dollar lower than the record high of 1981 — indicates how dependent our entire economy has become on fossil fuels. To get real economic security we need to build an economic infrastructure that is less vulnerable to the whims of the world oil market. That means a more balanced land use and transportation policy that doesn't put all of our eggs in the fossil fuel basket.

The road contractor lobby, which contributes heavily to legislative campaign coffers, is lobbying for transportation tax increases or for shifts in taxes from the general fund to the road building budget. We are asking the legislature to resist transportation tax increases or tax shifting until these fundamental reforms are put in place.

If we insist on efficiency, sound fiscal planning and a more balanced transportation system, we can reduce

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## ***Born Again***

At our annual meeting in April, we said goodbye to two long-time board members of 1000 Friends of Wisconsin, Inc., and we welcomed two new members to the board. Both **Marigen Carpenter** and **Tom Quinn** were members of our original board of directors. We thank them for their service and we wish them well in their future projects.

Few people have more knowledge about land use issues in Wisconsin – and how they interact with water quality – than our new board member University of Wisconsin Urban & Regional Planning **Professor Steve Born**. Steve was director of the state’s planning office between 1974 and 1977 and he has been a principal in the development of Wisconsin’s laws for lake and watershed management, groundwater protection and land use planning. He is also regarded as the state’s second best trout fisherman behind long-time Friends board member **Charlie James**.

I got to know new board member **Madelyn Leopold** in 1996, when she volunteered to help us with the legal documents needed to form 1000 Friends. She is a partner at the Boardman law firm in Madison and she has served on the Friends of the UW Madison Arboretum and the Aldo Leopold Foundation boards – appropriately, since she is the granddaughter of Aldo Leopold. We are honored to have the advice and direction of a member of a family that has meant so much to Wisconsin and to the cause of conservation everywhere.

\* \* \* \*

In my last column I recounted my experiences in trying to buy a vacuum cleaner at Wal-Mart. It brought out a fair amount of response. Some readers offered their own stories of harrowing journeys through the big box wastelands. Some took me to task for even admitting that I had ever set foot in a Wal-Mart. One reader helpfully suggested the best vacuum to buy (the Hoover Wind Tunnel).

The most persuasive response came from a board member who offered to return the vacuum cleaner herself, just so Wal-Mart didn’t get to keep my money for a machine that didn’t even work very well. (I had vowed never to return to Wal-Mart, not even to get my money back.) So, I sucked it up, and returned the damn thing to the damned place. Then, fate rewarded me for doing the right thing. I took our old vacuum, which I had prematurely given up for dead, to a place that fixes them. “You know what you’ve got there?” asked the owner. I did not. “This is the finest cleaning machine ever made.” He did not say, “They don’t make them like that any more,” but he might as well have. It was what he meant. He explained that he could make it like new and he did.

Eureka! I had snubbed the corporate giant that smears the landscape with cinderblock ugliness. I had kept an *especially durable* durable good from taking up space in a landfill. And, when all was said and done, I owned a good-as-new finest cleaning machine that was ever made. I had been lost, but now was found. Had been blind, but now I see.

***David Cieslewicz***  
**Director, 1000 Friends of Wisconsin, Inc.**

## Responsible Growth

Many of you have heard us say that 1000 Friends is NOT a no-growth organization. Instead we promote responsible, well-planned growth that protects and enhances a community's resources. Along those lines, 1000 Friends has itself grown, we think quite responsibly, through the addition of **Nick Lelack**, our new Smart Growth Planner, and four new board members.

Since late 1999 when Smart Growth became law, our workload has grown exponentially, in sync with our interest in providing citizens statewide with as much information and as many tools as we can regarding achieving responsible growth. It soon became apparent to us that we could not do everything we hoped to without bringing on an additional staff person to our small but effective family.

Nick comes to us from Aspen, Colorado where he was the city planner. Nick was born in Eugene, Oregon and received a Master's in Community and Regional Planning and a Master of Science in Public Affairs from the University of Oregon. The fact that his planning experience comes from two of the country's most innovative centers of planning and responsible growth was certainly a factor in our decision to bring him to Madison. But Nick brings a great deal more than the experience of those states — he brings a sharp intellect and a tireless enthusiasm for planning and working with communities that will enhance our Smart Growth Implementation Project in many ways. You will be reading more about his work over the coming months. We are also excited to welcome Nick's wife Alyssa and their two boys Nate and Graham.

In addition to our new staff member, the Institute is honored to have four new board members join us this year for three-year terms. **Kine Torinus** lives in West Bend and is the president of the Ozaukee-Washington Land Trust. She has a great deal of energy and her land trust knowledge will be an asset to the Institute. **George L.N. Meyer, Jr.** is a long-time advocate for historic preservation and is responsible for a great deal of the advancements made in preservation policy in the state. **Marcus White** brings a special perspective to the Institute board as president of the Interfaith Conference of Greater Milwaukee. We met Marcus during our "Faith in the City" Wingspread conference last year and he shares our concern for and commitment to protecting urban and rural communities from the impacts of sprawl. **Dorothy Lageroos** is a longtime member of the League of Women Voters and is with Northland College in Ashland, Wisconsin; she helps us increase the northern Wisconsin presence on our board.

We feel that with the addition of Nick, Kine, George, Marcus and Dorothy we are most certainly growing in the most responsible way possible. We heartily welcome each to the Institute and are confident that working with them, we will become even more effective in our efforts to encourage responsible growth throughout Wisconsin.

*Andrea J. Dearlove*

**Director, 1000 Friends  
Land Use Institute**

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### **Public Television Special: Save our Towns, Save our Land**

Recently, Wisconsin Public Television aired a program on how we develop land called, "Save our Towns, Save our Land." We thought it articulated the land use challenges we face, as well as outlined some solutions, with humor and insight. It would be ideal to show at a plan commission or town board meeting. For

copy of the video, please contact **Bullfrog Films:**  
P.O. Box 149  
Oley, PA 19547  
Call toll free: 800/543-3764  
email: [video@bullfrogfilms.com](mailto:video@bullfrogfilms.com)  
home use only \$29.95 = \$6 S&H  
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## Legislative Update

The Spring and early Summer legislative floor period has been dominated by the wetlands debate (see sidebar article on this page) and the state budget. The budget process is especially challenging this time because the state faces a \$761 million deficit due to the downturn in income and sales tax revenues and to big increases in school aids and prison operations. As a result, we are focusing on policy reforms that come with a small price tag. Here are some issues we are working on:

**Farmland Preservation.** We have put together a workgroup representing farmers, local officials, environmentalists and others to develop a reform package for the state's 20 year-old Farmland Preservation Program. As of this writing, after two months of discussion, we are very close to agreement on a proposal which would: focus the program's \$16 million in annual payments on places in the state that have the best and most defensible farmland; mesh the program to the goals of the state's new Smart Growth law; prompt new county agricultural preservation planning to replace plans that are often at least 20 years old; study a purchase of agricultural conservation easements program. If we can get the work done in time to incorporate the package in the state budget we will do that, but if we miss the budget we will introduce separate legislation.

**TIF Reform.** Tax incremental financing is a taxpayer subsidy for development that is *appropriately* used only for the redevelopment of blighted urban areas. We have been trying to get the law focused back on that purpose and away from its use in the development of open space. The most egregious example of the misuse of TIF is the Pabst Farms development proposal

in Oconomowoc where a well-healed developer wants public money to develop an historic farm and one of the most sought after pieces of real estate in Wisconsin. We served on a governor's task force on TIF reform last year and now we are working with legislators to get the task force's well-balanced recommendations incorporated into law. Those changes would substantially slow open space development using TIF.

**Smart Growth Funding.** The governor's budget included a \$2.5 million increase in funding for local comprehensive planning efforts, to bring total two-year funding to \$6 million. We'll work to increase that as the budget progresses through the legislature.

**Smart Growth Dividend.** One of the most innovative parts of the Smart Growth law was the smart growth dividend, a new state aid program for local governments that would reward them for growing in ways that are less sprawling and, as a result, less expensive to serve. While that program wasn't scheduled to start until 2005, the details of how the program would work need to be established well before then. We have been working with legislators and groups representing local governments to make this program a powerful incentive for smart growth.

**Smart Growth Data Set.** There is information throughout state government that local officials and citizens can use to write informed comprehensive plans for their communities. The problem is that it is not easily accessible. It resides in the departments of Natural Resources or Transportation or Housing and Economic Development or a dozen other places. The smart growth data set would pull all of this information together under one cyber-roof. We hope to get the smart growth data set included in the state budget and to get

### Wetlands Bill Passes

It was a harrowing early Spring, but millions of acres of Wisconsin wetlands are once again protected by state law after being thrown open to development by the U.S. Supreme Court.

In early January, the court ruled that "isolated" wetlands, not associated with navigable waters, were not covered by federal laws that require permits before they can be filled or dredged. In response, the Wisconsin State Senate passed a bi-partisan bill to protect these wetlands under state law, but that bill was stalled in the Assembly.

The Wisconsin environmental movement, led by the Wisconsin Wetlands Association with help from the Sierra Club and the River Alliance, launched a major effort to get the stalled legislation moving again. 1000 Friends of Wisconsin helped out with our email network, some modest financial support and some advice on strategy.

A few acres of isolated wetlands were destroyed during the brief period between the Spring thaw and the enactment of the protection measure in May. But more importantly, the Wisconsin environmental movement did not bend to pressure to weaken wetlands protections. In the end, the new legislation extends state protection to every acre of wetland that had been protected by the federal law before the court ruling. Moreover, while the process was slower than we would have liked, Wisconsin is still the first state to respond to the crisis.

## Great Public Buildings: A Call for a Renewed Civic Architecture in Wisconsin

*In Rice Lake, parents have fought for four years to save three historic elementary schools from being abandoned in favor of one large school at the periphery of town, where few children would be able to walk to school.*

*In Mount Horeb, citizens are fighting to build a new library downtown instead of on the edge of the city. Many residents feel that building the library on the fringe would effectively open “a gateway to sprawl” and would weaken Mount Horeb’s historic downtown district. They also argue that in choosing the less expensive “edge” site, the city is not considering the additional infrastructure costs necessary to connect the undeveloped site with the rest of the city.*

Too often today, the mentality guiding public building construction is one of quick fixes, with quality and character sacrificed to lowest cost. We choose to build cheap buildings on cheap land (often on the outskirts of cities) without thoroughly considering the legacy we are leaving, or more appropriately, the legacy we are destroying. By abandoning downtowns as civic focal points, we create a landscape of sprawl. The decisions affecting our architectural and cultural heritage are made daily by state and local governments and, perhaps most often, by school districts that emphasize short-term costs over long-term character.

Last year, the National Trust for Historic Preservation reported on the current trend of school building sprawl and the abandonment of historic neighborhood schools. The report cites several reasons why historic schools are being replaced by new buildings on the urban fringes. These include large acreage requirements, conflicting building regulations, state funding biases and confusing or inflexible building codes.

### Large Acreage Requirements

State education departments often

require minimum acreages for schools. Typical acreage requirements:

RElementary schools — 10 acres plus 1 acre per 100 students;  
 RMiddle schools — 20 acres plus 1 acre per 100 students; and  
 RHigh schools — 30 acres plus 1 acre per 100 students.

Wisconsin’s Department of Public Instruction (DPI) has no requirements, but recommends:

RElementary schools — 15 acres plus 1 acre per 100 students;  
 RMiddle schools — 25 acres plus 1 acre per 100 students; and  
 RHigh schools — 40 acres plus 1 acre per 100 students.

If school districts choose to follow

DPI’s recommendations, they often discover that the existing site is not large enough. School districts often must move schools to the urban fringes to meet DPI recommendations. To avoid such developments and encourage smart growth, the State of Maryland has eliminated all acreage requirements, allowing each community to determine its own proper acreages for schools.

### Confusing or Inflexible Building Codes

Building codes are updated every few years, and modern codes are based on modern construction methods and materials. As a result, few buildings – especially older ones – comply with every code. A rigid application of building codes can rule out plans to renovate old buildings. The rigid and confusing codes make new construction look much simpler than building renovation – again providing incentive to tear down old buildings and build new.

### One Solution



Madison East High School: An architectural treasure within walking distance of most students.



Fort Atkinson High School, shown in the middle, is seated behind Piggly Wiggly and the Stockade Restaurant within a commercial district.

1000 Friends recommends that the state develop a financial incentive for local governments and school districts to build civic buildings within designated “smart growth areas” as defined under the state’s new Smart Growth law. (A smart growth area is defined as “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.”)

For a copy of the full 1000 Friends report, “Great Public Buildings: A Call for a Renewed Civic Architecture in Wisconsin,” please visit our website (“Land Use Projects: Research Papers”) at [www.1kfriends.org](http://www.1kfriends.org) or call our office at 608/259-1000. The report was written by 1000 Friends intern

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 Grzelak, Bill, 2170  
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 Mittag, Duane, 2147  
 Nash, Edith, 2138  
 Raasch, Martin, 2155  
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 Sneed, Carolyn, 2081  
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 Ullrich, Doris, 2150  
 Wahl, Leonard, 2073  
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## Land Use Institute holds its first Smart Growth Training Seminar

On May 3-5, 2001 the Land Use Institute held its first Smart Growth Training Seminar at the Inn on the Park in Madison, Wisconsin. The seminar, made possible in part by a grant from The Cavaliere Foundation, brought together local officials, planning staff and concerned citizens from 55 communities statewide to learn about the state's new Smart Growth law and how to tackle implementation of the comprehensive planning effort at home.

The 3-day seminar was designed to guide participants through the comprehensive planning process — providing insight and tools to make the process easier and better informed. Presentation topics included:

- ⇒ An overview of the law
- ⇒ A look at how four diverse communities are writing their plans

⇒ Information on where to find the demographic and environmental data necessary to conduct the planning process

⇒ Advice on how to ensure the highest level of public participation possible.

⇒ An overview of urban development tools.

⇒ An overview of rural conservation tools.

⇒ A discussion of how to prepare for and address private property rights concerns.

⇒ Advice for how to coordinate planning, zoning and ordinance writing successfully.

The seminar's keynote was given by Senator Brian Burke, the Smart Growth law's primary sponsor. Senator Burke spoke of his hopes for the law's proper

implementation and emphasized the law's unique aspects, such as the Traditional Neighborhood ordinance and the Smart Growth Dividend. Burke explained that when communities plan and develop wisely, less pressure is exerted on local resources; and efficient use of resources translates to tax savings. The state hopes to reward these communities for efficient growth through the Smart Growth Dividend, available in 2005.

Response from participants was enthusiastic and we were encouraged to plan additional training seminars — both to follow up with this round of participants and to offer the initial training to more communities statewide.

We thank the 60 participants from our first training seminar and look forward to hearing how their comprehensive planning processes are going at home.



### WEBSITE NEWS!

This new feature of our newsletter will allow us to update you on our constantly evolving website — in the case that you haven't visited us online lately!

**New features** you will find at [www.1kfriends.org](http://www.1kfriends.org) include:

- ⇒ Registration information for our Northern Wisconsin Forest Fragmentation Workshops
- ⇒ Information on our new book, *In My Neighborhood — Celebrating Wisconsin Cities*
- ⇒ An overview of the 1000 Friends position on the 2001-2003 budget
- ⇒ Our 2001-2003 legislative agenda, *WisConservation*

#### Soon to come:

- ⇒ A significantly expanded section of "Frequently Asked Questions" about the Smart Growth law and tools for responsible development
- ⇒ A new, exciting "Picture Smart Growth" section!!!

[www.1kfriends.org](http://www.1kfriends.org)

### Spreading the Word About Smart Growth

One of the biggest challenges facing us as we work to develop comprehensive plans to cover every community throughout the state is getting *as many people as possible* to participate in, and therefore improve, the local planning process. We strongly believe that an inclusive planning process that incorporates as many perspectives as possible is the key to successfully protecting our resources and our economy.

1000 Friends, in conjunction with the design firm Sustain, has published an information booklet, *Embracing Smart Growth*, which introduces the concepts of smart growth and the importance of civic participation.

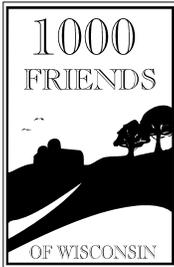
For more information on or a copy of this full-color, 12-page piece, please call our office at 608/259-1000 or email us at [friends@1kfriends.org](mailto:friends@1kfriends.org).

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