



# WISCONSIN LANDSCAPES

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

Volume 7, Number 4  
Winter 2003

## FIX-IT-FIRST

A COMMON SENSE APPROACH

Within the last month the following things have gone wrong with my car. First, it had a flat front tire. When I took it in, I found out I needed both front tires replaced and that a thingamajig that makes the car turn was broken. \$400. Then, my car wouldn't start and I had to get it jumped twice in two days. The new battery cost \$116. Within days, my front headlight went out, a rear

tire has gone flat, and, coincidentally, it's time for an oil change, new spark plugs and other routine maintenance. Cost to be determined next week.

**WisDot  
spends \$200  
for each  
man, woman  
& child in the  
state per  
year.**

So, do I throw in the towel and trade in my aging car and go into debt to buy a new one? No way. Even with 125,000 miles, my car is in great shape and I expect to get at least another 100,000 miles out of it. Instead, I plan on paying for these necessary, if unexpected, annoying, and expensive, repairs so that I get the most out of my investment and

so that even more expensive repairs don't pop up on me in the future. Most Wisconsinites own cars and I imagine that the overwhelming majority are faced with similar choices every year and make the same decision. It's common sense: fix-it-first.

Meanwhile, the state legislature, the governor, and the Wisconsin Department of Transportation spend more than \$1 billion dollars on our state highway system each year. Yes, \$1 billion – nearly \$200 for each man, woman and child in this state! One would expect, reasonably, that like my spending on my car the overwhelming majority of this money is spent on maintenance and repair. However, one would be severely mistaken.

In the last fifteen years the Wisconsin Department of Transportation has spent more than \$12 billion on our state highways. Between 1988 and 2003, the amount spent on Major Highway Projects – in broad terms, the largest expansion and widening pro-

*(Continued on page 3)*

## WHY SMART GROWTH IS GOOD FOR SCENIC CONSERVATION

Beauty is in the eye of the beholder. Or, so the saying goes. But few would disagree that a tree-lined country lane is more beautiful than a highway interchange. And who would argue that a divided highway lined with strip malls is more attractive than a downtown main street with its unique businesses and store fronts? Reaching a consensus on whether one landscape, or feature in a landscape, is more attractive than another is often easy; but measuring the difference, or even explaining exactly why there is a difference, is a question that local communities face constantly.

Consider the reaction of people if you asked them to estimate how much more beautiful one feature or landscape is than another, and why. Although there are scientists and psychologists attempting to address this very issue, most people would think you were nuts for asking such a question.

Allowing a farm field to be turned into a strip mall, focusing community development efforts on reviving a historic downtown, enacting an ordinance to prohibit the construction of new billboards or the enlargement of existing billboards are all local land use decisions that take place in zoning committees, planning committees, and town or village boards.

However, while local communities have these powers, most of the time they are utilized on an ad-hoc basis, as issues arise. And when addressed one-at-a-time - a billboard enlargement here, or a strip mall there - most projects are not perceived by citizens to have enough of an impact on a community's landscape or sense of place to cause them to speak up either in favor or against a proposal. Hence, developers, the outdoor advertising industry, and other interests are able to easily push through projects that, when assessed collectively, often amount to unsightly sprawl. This sprawl often erodes not only a community's landscape, but also its existing neighborhoods and downtowns, as

**SCENIC LANDSCAPES  
ARE A  
LAND USE ISSUE**

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**DIRECTORS' COLUMN**

Dear Friends,

What's water got to do with it?

Normally, we stay focused on promoting sensible land use policies. We did do a good job this fall at the legislature to make sure that Smart Growth was not repealed and not weakened by opponents of planning. We have added staff to reach out to communities trying to implement Smart Growth – helping communities plan their own future. We have also been working hard on developing transportation policies that don't bankrupt the state through sprawl and inducing unnecessary freeway development.

However, we have been working overtime to block efforts that would devastate the state's water resources protection program. Legislation backed by the realtors and builders would dramatically weaken protection of more than 80% of our lakes, rivers and streams. The kinds of development that would no longer be subject to current state regulation of waters and shorelands would change the landscape of Wisconsin forever.

Neatly tucked into legislation called the "Job Creation Act of 2003" (AB 655/SB313), the legislative proposal would deregulate grading operations adjacent to shorelines, would allow for rivers and streams 35 feet wide or less to be relocated for up to 500 feet or channelized or placed into a culvert without any permit requirement. Bridges could be placed over rivers and streams without any state oversight. Lakes could be dredged without permits, devastating aquatic life and changing the landscape, irrevocably.

The legislative proposal was developed in secret and when it was introduced, it was put on a fast track. The bill was introduced on November 11 and a hearing was scheduled on November 12. The plan was to pass it by November 13th ..... until nearly every environmental and conservation group in the state strongly objected. The bill is now scheduled for action during the week before Christmas.

1000 Friends objected to the policies of the legislation, as well as the process. We succeeded in winning a reprieve and only time will tell if Wisconsin's waters will be threatened by new policies that promote development at the expense of the environment.

We extend a special thank you to our activist network members who contacted legislators to oppose the provisions that would forever change our landscape. We call on all of our membership to watch this legislation closely and contact their legislators regarding the need to maintain strong oversight of the development of our water and other natural resources in the state.

And as always, we thank you for your interest and your loyal support.

Sincerely,  
*Steve Hinker*  
 Executive Director

# FIX-IT-FIRST

(Continued from page 1)

jects – increased 101% and debt service to pay off these projects increased 360%. What’s worse, at the current pace of borrowing, by 2020 WisDOT will be paying more than \$1.5 billion each year just to pay off past highway expansion. (See Figure 2.)

Comparatively, in the same period, spending on Rehabilitation projects – most of the repair work and some of the smaller expansion and widening projects – increased 40%. Incredibly, spending on maintenance work actually decreased 3% over these 15 years. The system is getting bigger and bigger and the amount of money to maintain and repair it is not even close to keeping pace.

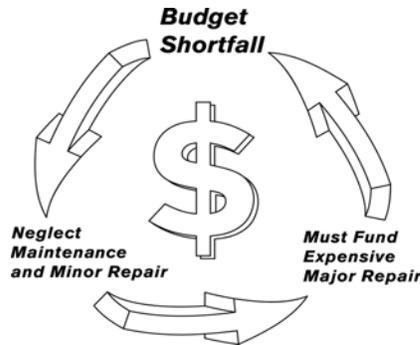
The real consequence of this spending pattern is the cycle known as the “Concrete Triangle” (See Figure 1.) If maintenance is neglected, then minor repair is necessary sooner. If minor repair is neglected, then major repair becomes imperative. And when a stretch of highway is at a crisis point, and funding is constrained, regular maintenance and repair are neglected on other highways in order to pay for this major repair. This cycle is inefficient and unsustainable, but also self-feeding and difficult to break.

Looking at WisDOT’s plans for future state highway spending in its Six Year Plan indicates that it doesn’t expect to break this cycle – and may even be making it worse. For example, WisDOT plans to spend approximately \$850 million on Major Highway Projects. Not only that, but when accounting for all of the highway expansion and widening buried in rehabilitation projects, WisDOT plans to spend more than 40% of its state highway budget on expansion and repair.

Clearly, it’s time for a change. WisDOT must increase transparency in the way that it categorizes its work, starting with the separation of expansion and widening projects from rehabilitation. And more importantly, the legislature, the governor, and WisDOT must adopt a Fix-it-First policy and revise highway plans to indicate this shift. Otherwise, the state will be stuck in its currently unsustainable cycle akin to neglecting repairs on your car, trading it in because it demands expensive repairs, and then racking up tons of debt to keep buying bigger, newer cars.

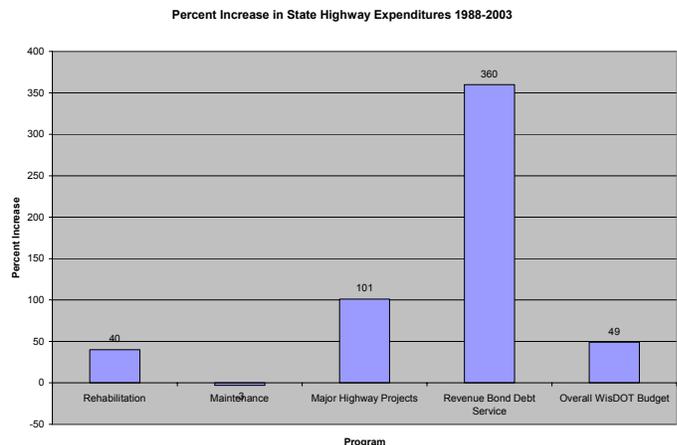
Ward Lyles, Transportation Analyst

Figure 1



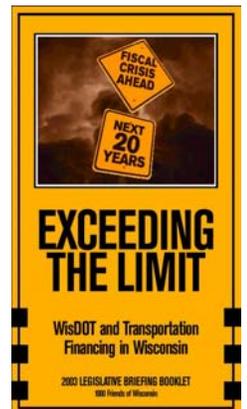
**WE NEED TO AVOID THE CYCLE KNOWN AS THE “CONCRETE TRIANGLE” - IT IS INEFFICIENT AND UNSUSTAINABLE.**

Figure 2



Note: All percentages are adjusted for inflation.

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*.



## SMART GROWTH AND SCENIC CONSERVATION

(Continued from page 1)

well as residents' quality of life.

**SMART GROWTH INVOLVES LOCAL CITIZEN INPUT IN DETERMINING WHAT THEIR COMMUNITY LOOKS LIKE.**

This is where planning comes in. Planning is essentially the process by which a community comes together to assess its current situation on issues from transportation to housing to scenery. Then, working from this assessment, the community can identify goals and the tools it will use to accomplish them.

Fortunately, in Wisconsin we have a Comprehensive Planning (a/k/a "Smart Growth") Law. This law requires all local government units in Wisconsin's roughly 1900 communities that make land use decisions to involve the public in the development of a comprehensive plan by the year 2010. It bears repeating, time and again, that public involvement is what drives this process.

While the law requires that these plans address issues such as housing, transportation and land use, it does not dictate how to do so. For instance, if a community wishes to promote strip malls on every road entering their community and sets a goal for 1,000 new billboards by 2020, they can do so. The bet is, however, that if citizens are actively involved in the process of determining what they want their community to look like, they will choose to build better communities.

Communities receive grant funding from the state to complete a comprehensive plan. Communities that receive these grants funds must address 14 goals, including:

- protection of natural areas, including wetlands, wildlife habitats, lakes, woodlands, open spaces, and groundwater resources;
- preservation of cultural, historic, and archaeological sites;
- building of community identity by revitalizing main streets and enforcing design standards; and,
- planning and development of land uses that create or preserve varied and unique urban and rural communities.

These goals should serve as models for all communities, not just those that receive the grants.

Smart Growth is good for scenic conservation because it requires communities to *involve* citizens in determining how their community looks, feels and functions. This law is a vitally important tool for scenic advocates in Wisconsin. Find out if your community has started the planning process and *get involved*.

This article was written by Ward Lyles, Transportation Analyst for 1000 Friends and Citizens for a Scenic Wisconsin Volunteer Board Member



**WHEN CITIZENS ARE INVOLVED IN THE PLANNING PROCESS—THEY WILL CHOOSE TO BUILD BETTER COMMUNITIES.**

A picture is worth 1000 words: (see above)

- Protecting natural areas
- Revitalizing main streets & business districts
- Preserving varied & unique urban neighborhoods

## LEGISLATIVE UPDATE: THE 2003-2004 LEGISLATIVE SESSION



### WRAP-UP OF THE 2003 FALL LEGISLATIVE SESSION: A STRONG DEFENSE PAYS OFF!!

During the fall legislative session we spent much of our time defending the “Smart Growth” comprehensive planning law against a complete repeal. We’re happy to report that it was time well spent! Here is where the Smart Growth Law and some of our key legislative agenda items stand as the 2003 legislative session comes to a close:

#### AB 435 -- SMART GROWTH REPEAL EFFORT FAILS!!

The effort to repeal the Smart Growth Comprehensive Planning Law “died in committee” this legislative session. 1000 Friends worked with other members of the Smart Growth coalition group—the Wisconsin Realtors, Wisconsin Towns Association, WI League of Municipalities, Wisconsin Counties, Wisconsin Planners and others—to educate legislators about what the Comprehensive Planning Law can do for communities across the state and why a repeal of the law would be “throwing the baby out with the bathwater.” Much of our work centered on dispelling the myths and misunderstandings about the law concerning local control and property rights. As a part of this effort 1000 Friends met with legislators and agency staff to respond to criticisms and misunderstandings of the law and to make sure they understood the many benefits of comprehensive planning that would be lost through repeal of the law.

On October 9<sup>th</sup> the Assembly Committee on Rural Affairs held a public hearing on AB 435, which was introduced by the committee’s co-chair Rep. Mary Williams (R-87 Medford). Citizens from around the state came to Madison to testify at the very lively day-long hearing. The majority of those who spoke in favor of repeal appeared to be united by a common animosity toward zoning and regulation of land use in general. Those who opposed repeal of the law spoke about their positive local planning experiences, the benefits of bringing multiple local jurisdictions together to plan, the economic development benefits of planning and other common sense reasons to maintain comprehensive planning around the state.

We met again with committee members after the hearing and learned that *at least* seven of the ten committee members planned to vote against the repeal bill and some of them were even signing on to an alternative bill that would preserve the Comprehensive Planning Law with a few clarifications (see AB 608 below). In the end the Assembly Rural Affairs Committee never voted on AB 435, so it languished in that committee and failed to make it either to the Assembly floor or the Governor’s desk.

#### AB 608 – SMART GROWTH CLARIFICATION

As part of the effort to defend the comprehensive planning law, we also worked with the Smart Growth coalition group 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 was for communities across the state to be able to move beyond the confusion and get down to the business of planning for their futures. AB 608, introduced by Rep. Sheryl Albers (R-50 Reedsburg) to respond to a set of repeated concerns on the part of citizens regarding certain ambiguities within the current law, made three changes: 1) It clarified 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 clarified the list of actions that must be consistent with a local governmental unit’s comprehensive plan by removing the “catchall phrase”; and 3) It simplified the 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 law and was 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, had been misconstrued in several ways that were never intended by the drafters of the law. 1000 Friends supported the bill because we felt that it was a reasonable response to certain criticisms, it did not weaken the purpose or function of the Comprehensive Planning Law, and it could increase support for the law.

The Assembly Property Rights and Land Management Committee held an initial hearing on the bill on October 8<sup>th</sup>. On November 19<sup>th</sup> the committee voted unanimously in favor of the bill. Because the committee vote occurred so late in the session, any further legislative action on it will have to be taken up in January.

Lisa MacKinnon, Policy Director

*Thanks to all our members who responded to our action alerts by contacting their legislators and attending or testifying at the hearing. You made a difference!*



## LEGISLATIVE UPDATE: 2003-2004 LEGISLATIVE SESSION

### TAX INCREMENTAL FINANCING ("TIF") REFORM BILLS

Several bills that aimed to reform the tax incremental finance law surfaced near the end of the legislative session.

• **SB 305**, introduced by Sen. Cathy Stepp (R-21 Sturtevant), made both technical and substantive changes to the current tax incremental financing law. Some of the technical changes were positive and followed the recommendations of Governor Thompson's TIF Task Force, which included increased Department of Revenue oversight of TIF certification requirements and an accounting requirement for TIF districts regarding final project costs and expenditures. The substantive changes, however, did little to reduce the existing overuse of TIF developments on greenfields and might, in fact, increase greenfield TIF districts. These changes included a provision that would expand the use of TIF to "mixed-use development" that includes newly platted residential uses. Why would 1000 Friends be opposed to a measure encouraging mixed-use development? Because this bill's definition of "mixed-use development" defines minimum density as 3 units per acre and still allows greenfield development rather than focusing TIF funding on redevelopment of blighted areas. SB 305 was passed by both the Senate Committee on Economic Development and the Joint Finance Committee. It ended the legislative session in the Assembly Ways and Means Committee without a vote but may be taken up in the December extraordinary session on economic development or in the new session beginning on January 20, 2004.

• **AB 654**, introduced by Rep. Mickey Lehman (R-99 Hartford), includes the provisions of SB 305 but also allows 52 counties across the state to create TIF districts in towns under certain circumstances. Again, we opposed this bill on the basis that it moves the TIF law in the opposite direction from where we want to see it going, which is toward more redevelopment and less greenfield development. AB 654 was passed by the Joint Finance Committee. It ended the legislative session in the Assembly Ways and Means Committee without a vote but may be taken up in the December extraordinary session or in the new session beginning on January 20, 2004.

It was tough to oppose these bills given that they contained several good provisions, but we felt that these changes alone were not effective from a land use perspective without stronger limits on greenfield TIF developments.

### TRANSPORTATION UPDATE

#### **Major Highway Projects Audit Completed**

The Legislative Audit Bureau just released its audit report of the State's Major Highway Projects Program. You may remember that an audit of the major highways program was one of the recommendations we made in our Transportation Briefing Booklet released in the spring of 2003. The Joint Committee on Audit will hold public hearings on the Audit Bureau's recommendations starting in January. Expect to see more from us on this issue in early 2004.

*Again, thanks to all of you who took the time to contact your legislators and attend hearings on these and other important land use issues during the fall.*

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



This photo is just an example of the possible results of deregulation of grading operations adjacent to shorelines. (See Director's letter for details.)

## WELCOME NEW MEMBERS: THANKS FOR YOUR SUPPORT!

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

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**WE COULDN'T DO  
IT WITHOUT YOU!**

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### A Special Message From Andrea Dearlove

As the holidays approach and 2003 comes to an end we look back over the past year and reflect on our accomplishments and we look ahead to our plans for 2004. We're proud to say we played a large part in ensuring that thousands of Wisconsin citizens are having a real say in how their communities are growing, how they look, how they feel and function. We will continue to work with and educate elected officials on land use issues that impact all of our lives—our property taxes, the water we drink, the open spaces where we play, the opportunities we have for affordable housing and transportation options. We are determined to protect our quality of life all over the state of Wisconsin.

It is because of you and all of our members across the state that we have been able to accomplish great things with a small staff in a short period of time. And now, as we look ahead to 2004, we must work even harder to protect the progress we've made in order to fight sprawl and protect Wisconsin's amazing urban and rural landscapes.

Please consider a special year-end gift that will help us move into 2004 with the resources we need to meet and exceed your expectations. We can't do it without you. (If you have already sent your gift—Thank you!)

**Thank you so much for your support and have a wonderful holiday season!**

*Andrea Dearlove*

Assistant Director

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**THANK YOU FOR  
YOUR CONTINUING  
SUPPORT!**

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### WISCONSIN LANDSCAPES



## HOLIDAY GREETINGS TO OUR FRIENDS

Our wishes go out to you and your families  
for a healthy, happy and peaceful New Year.

*Thank you for your support. We couldn't do it without you!*

*Steve, Andrea, Lisa, Ward, Deb, Kevin & Regina*

#### Holiday Gift Ideas for your special friends:

1000 Friends Gift Memberships  
AND/OR

One of our beautiful books:

*In My Neighborhood: Celebrating Wisconsin Cities or  
A Place to Which We Belong: Wisconsin Writers on Wisconsin Landscapes*

Just call the office at 608.259.1000 and we'll mail a gift out for you.