



LEGALIZING MAYBERRY: TND ORDINANCE COMPLIANCE PICKS UP

The classic American neighborhood, with its tree-lined sidewalks, front porches, corner stores and cozy parks is making a comeback, and a new Wisconsin law is helping.

One part of Wisconsin's Smart Growth law, passed in 1999, requires the state's largest cities and villages to enact a "traditional neighborhood development" ordinance. The idea was to counter a trend of the last fifty years that has made that classic American neighborhood illegal to build in most communities. Starting in the 1950's, cities and villages began to require over-large lots and streets that were unnecessarily wide. Even worse, they strictly prohibited mixing businesses, like corner grocery stores, with residences and did not require developers to install sidewalks. The result was the drive-everywhere, sterile subdivision that has become standard issue across America. Essentially, we made Andy Griffith's Mayberry illegal.

The idea was to counter a trend of the last fifty years that has made that classic American neighborhood illegal to build in most communi-

Enter Wisconsin's innovative Smart Growth law. Among its dozen provisions was one that required the University of Wisconsin Extension to draft a model traditional neighborhood development (TND) ordinance. Cities and villages with populations above 12,500 were required to enact the ordinance, or one similar to it, by January 2002.

The idea behind the ordinance was *not* to require communities to accept a type of development they don't want (the ordinance does not require cities or villages to approve any specific development proposal) but simply to remove a big impediment to getting developers to even propose TND's. Because the cost of holding land before it can be developed is one of the biggest costs for developers, few of them would take a chance on proposing a TND if the local zoning code book did not allow it. Developers simply didn't want to fight with city hall over all of the changes to lot size, building set backs, street widths and other details that would cost them time and money. The large-lot, cul-de-sac development was the shortest, most profitable route.

The hope was that, if communities had TND ordinances in place, more TND projects would be proposed.

So, how are Wisconsin communities doing so far in adopting the new ordinances? Because 1000 Friends of Wisconsin conceived and advocated for the model TND ordinance provision, we decided to follow up with each of the communities that was required to enact an ordinance. The results were encouraging but more work needs to be done.

Twenty-two of the 57 communities required to have a TND ordinance have enacted one or have made changes to their existing code to facilitate TNDs. However, six of these ordinances simply incorporate a reference to the model TND ordinance as a "non-exclusive guidebook" as part of a larger planned unit development or unified development ordinance. 1000 Friends does not feel this approach meets the spirit of the law. An additional 17 communities are in the development process. The other 18 communities have either done nothing or the results of their actions are unclear at this point.

A few communities that deserve special attention:

- **River Falls** has passed an ordinance, complete with color photos and illustrations, well-tailored to fit its needs. River Falls has also created TND pages on its website containing an easily accessible, user-friendly handbook that provides an introduction to the ordinance and the principles and objectives of TND, as well as the text of the ordinance itself. You can find the River Falls site at: <http://www.rfcity.org/comdev/comdev/zoning/tnd.htm>
- **Milwaukee** made revisions throughout its entire zoning code to comply with the TND provision of Smart Growth. Milwaukee's initiative proves that TND ordinances are for communities that will experience in-fill development in the future as well as those that are pressing out into the neighboring countryside.

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DIRECTORS' COLUMN

The New Look

This newsletter marks several changes for our organization. We are welcoming several new board members and two new board presidents. Arlen Christenson takes over as president of our advocacy arm, 1000 Friends, Inc., and Juli Aulik is the new president of the Land Use Institute, our public education organization. Both Arlen and Juli have been board members from the beginning of 1000 Friends. They understand our organization thoroughly and we're looking forward to their continued leadership in an expanded role.

We have also added new board members Gerd Zoller, Karl Hakanson and Elizabeth Meyer. Gerd brings experience as a corporate executive, Karl as an educator with UW-Extension and Elizabeth as an organizational development professional. Our organization is strengthened by their addition.

While we welcome new board members, we reluctantly say good-bye to our program assistant, Meghan Morse, who will leave us for the Peace Corps this summer and will spend the next two years in Mali, northwest Africa. Meghan has been a tremendous asset to 1000 Friends and has contributed significantly, especially towards our two websites — which have received rave reviews. We will miss her and wish her the best in her adventures.

You have also undoubtedly noticed our change of logo. The old logo depicted a rural scene, but our work has a lot to do with improving urban places as well. We hope the new logo shows that we're working to protect the best things in both Wisconsin's countryside and its cities and villages.

Finally, close readers will notice that we have combined our two columns into one and given the newsletter a facelift. While we don't expect any problems in collaborating on a joint column, we would be remiss if we didn't note one strong disagreement. Andrea has selected a new font for the newsletter, which, for some unfathomable reason, she believes is cleaner and more readable. Dave preferred the old font, Times New Roman, for its classic, solid – and still very readable — feel. (It's your guess as to who won the coin flip to write the first joint column.)

Although we will most probably always disagree about fonts, we will always agree about our steadfast commitment to the principles on which 1000 Friends was built and can ensure that the hard work we all do to protect Wisconsin's landscapes will continue.

Dave Cieslewicz
 1000 Friends of Wisconsin

Andrea J. Dearlove
 The Land Use Institute

WELCOME NEW MEMBERS: 1000 FRIENDS OF WISCONSIN & THE LAND USE INST-

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NOTE: Institute members in regular text, *1000 Friends, Inc. member in italics.* Member numbers follow each name.

TND ORDINANCE COMPLIANCE CONTINUED

- Although **Kenosha** has not yet passed its ordinance, its preliminary draft will incorporate some of the most innovative aspects of New Urbanism planning and design.
- In Dane County, **Fitchburg, Madison, Middleton** and **Sun Prairie**, the four communities required to pass an ordinance, are working together with other communities to develop identical or very similar ordinances throughout the county. Notably, Sun Prairie was working on a TND ordinance before the state mandated one, and **Mount Horeb**, which is not required by law to develop a TND, is doing so on its own initiative.

Great progress on TND ordinances has been made in the last year, and Wisconsin communities will continue to innovate and move forward in this evolving process of comprehensive planning. For more information, please check out our website at www.1kfriends.org.

— By L. Ward Lyles

Thanks to Professor Brian Ohm, Lisa MacKinnon, Nick Lelack and Dave Cieslewicz for their contributions to this survey and article.

Compliance with TND Ordinance Requirement by City/Village		
Complied (22)	TND Ordinance/ Comprehensive Plan in Progress (17)	Not Complied (11)
Appleton	Brookfield	Ashwaubenon
Beloit	Chippewa Falls	Beaver Dam
Eau Claire	Fitchburg	Cudahy
Fond du Lac	Germantown	Greendale
Franklin (*)	Green Bay	Mequon
Glendale	Howard	Neenah
Greenfield (*)	Kenosha	Pleasant Prairie
Manitowoc	La Crosse	Shorewood
Menasha	Madison	Two Rivers
Menomonee Falls	Marshfield	Wauwatosa
Menomonie	Middleton	Wisconsin Rapids
Milwaukee	Sheboygan	
Muskego	Sun Prairie	
New Berlin (*)	Watertown	
Oak Creek	Waukesha	
Onalaska	West Allis	
Oshkosh	Whitewater	
Racine (*)	Notes: (*) Communities with ordinances that refer to the model ordinance as a “non-exclusive guidebook.” 1000 Friends is still evaluating the actions of Allouez, De Pere, Janesville, Kaukana, South Milwaukee, Superior and Whitefish Bay.	
River Falls		
Stevens Point (*)		
Wausau		
West Bend (*)		



Middleton Hills in Middleton, Wisconsin is the state’s first newly constructed Traditional Neighborhood Design development.

GREAT NEIGHBORHOODS: THE BUILDING BLOCKS OF GREAT COMMUNITIES



The Schenk-Atwood neighborhood on Madison's east side is not a high-class kind of place to live. There are few two-car garages. No one has a swimming pool. Most houses have twenty minutes' worth of lawn to mow at most.

But despite the fact that it lacks most of the amenities that have come to define the modern home, this neighborhood is one of the city's most desirable places to live. Houses go on the market and sell in days, often for substantially more than list price. Property values climb steadily upward. This is where people want to move, and where they want to stay. This is a great old neighborhood.

But it's more than just age. The streets are quiet and easy to navigate. Atwood Avenue is lined with local businesses, great restaurants and a live music theater that can't be beat – and you can cross the street without getting hit by a truck. And the annual neighborhood festival brings kids of all ages to dance, eat and enjoy each other's company. In short, there are a lot of things about the Schenk-Atwood neighborhood that we ought to be able to create everywhere – but somehow can't seem to manage to do anywhere.

The evidence of the last fifty years provides a clear indication that we've lost track of how to create a good place to live. But it wasn't just urban design amnesia that pushed us away from building great neighborhoods. It was the law.

As described in our cover article, shortly after World War II it became *illegal* in most of Wisconsin for developers to design neighborhoods that looked anything like Schenk-Atwood. It wasn't until the passage of Smart Growth in 1999 that the legal barriers to building neighborhoods with mixed uses, narrow streets, and all the other things that make Wisconsin's older neighborhoods such great places to live began to come down.

But fifty-year-old habits die hard. The vast majority of new developments are still being built as separated pods of large-lot housing, shopping centers, and business parks. And while a few forward-thinking developers have begun to experiment with traditional neighborhood designs, most simply don't know where to start.

This is where the Great Neighborhoods Project – a new initiative of 1000 Friends' Land Use Institute – comes in. The goal of the project is to help residents

and developers appreciate the social, environmental, and economic benefits of building compact, mixed-use neighborhoods. If we do our job right, we should start to see more proposals for developing new great neighborhoods over the next few years.

The project is being piloted in Dane County with the generous support of Madison Gas & Electric, the Madison Community Foundation and the Dane County Executive's Office. The centerpiece of the project will be a Neighborhood Design Handbook, which will mix text and pictures to show, step-by-step, how developers can design and communities can encourage new great neighborhoods, from urban wards to rural hamlets. Design elements will be tied to zoning and subdivision code requirements to show how they shape neighborhoods. The handbook will be accompanied by a scripted slide presentation and a speakers' bureau, which will spread the handbook and the ideas it offers across the county.

In short, the handbook will help us return to our roots: well-designed neighborhoods that are just as welcoming, safe and desirable as the best old neighborhoods that define the character of cities and villages throughout Wisconsin.

— By Jason Van Driesche

**Thank you to Dane County Executive
Kathleen Falk and her staff,
Madison Gas & Electric and
the Madison Community Foundation
for supporting and participating in the
Great Neighborhoods Project!**

WHY SMART GROWTH IS GOOD FOR AFFORDABLE HOUSING

This article begins the first in a new series of “Why Smart Growth is Good For...” that will illustrate why a community, coming together to plan for its future, improves our quality of life here in Wisconsin.

What is Affordable Housing?

When many people think of affordable housing, they envision huge apartment building clusters or trailer parks. One of the many challenges to providing affordable housing has been the public’s misconceptions about it—that it’s for the poorest of the poor, that it’s only an urban problem, and that it’s ugly. In fact, today’s affordable housing encompasses a wide range of housing choices that maintain a community’s aesthetic character and accommodates low- and middle-income people, the elderly, families, singles and the disabled.

Why Do We Need Affordable Housing?

Teachers, police and firefighters, small business owners and other essential community members are being priced out of many communities and regions. Communities that do not provide housing for all citizens suffer economically and socially without them. Affordable housing provides a framework for healthy, sustainable communities and offers characteristics we associate with healthy communities:

- **The Ability to Live and Serve in a Community Through All Stages of Life.** As age, family size, and income change so do requirements for housing. Healthy communities provide housing options for all cycles of people’s lives.
- **Good Schools.** Where a child lives greatly shapes the educational opportunities the child will have. Studies show that economic segregation hinders academic achievement.
- **Mobility.** Separating citizens’ homes from the places they work, shop, and play leads to traffic congestion, the demand for parking lots, and pollution.

The Smart Growth Law & Affordable Housing

A common concern raised about the smart growth movement is that the strategies it advocates lead to increased housing costs. *Wisconsin’s Smart Growth law contains several provisions that should lead to more—not less—affordable housing.* Many communities across Wisconsin are giving affordable housing a serious look for the first time because of the following provisions in Wisconsin’s law:

- By 2010, virtually all communities in Wisconsin will need to adopt a comprehensive plan. The law requires that the plan, “provide a range of housing choices that meet the needs of persons of all income levels and of all age groups and persons with special needs, (provide) policies and programs that promote the availability of land for the development or redevelopment of low-income and moderate-income housing, and

(provide) policies and programs to maintain or rehabilitate the local governmental unit’s existing housing stock.” Because the law requires that, beginning in 2010, any land use decision must be based on a complete comprehensive plan, communities must plan for affordable housing or risk legal challenge to their land use decisions.

- The law contains 14 new land-use planning goals for local governments. Goal 9 calls for, “Providing an adequate supply of affordable housing for individuals of all income levels throughout each community.” When communities apply for state planning grants, they must explain how they will meet this goal in their plan. Moreover, part of their planning grant can be withheld if they fail to meet this (or any other) goal in their final plan.
- Starting in 2005, the state will reward communities that create affordable housing with a new state aid payment. The “Smart Growth Dividend” will provide an aid credit for each unit of new housing that is sold at 80% or less of the county median sales price. The program also rewards small lot development, which is generally less expensive than large lot subdivisions.
- Affordability requires access to transportation choices. The transportation element of a comprehensive plan must include policies regarding “transit, transportation systems for persons with disabilities, bicycles, (and) walking...” In addition, Goal 14 requires “Providing a...transportation system that affords mobility, convenience and safety and that meets the needs of all citizens, including transit-dependent and disabled.”

The smart growth movement has highlighted the need for attractive, diverse, affordable housing located near employment, commerce, community facilities, and transportation options. Wisconsin’s Smart Growth law will help communities begin to meet that need.

— By Lisa MacKinnon



Is this what you think of when you envision “affordable housing”? The development, called Coachyard Square, was a partnership of many groups and organizations, including Movin’ Out, Inc., an organization that helps to create opportunities for low and middle-income people with disabilities to purchase housing of their choice.

What is 1000 Friends doing about affordable housing?

- Endorsed “Affordable Housing & Land Use: A Report and Recommendations for Action,” prepared by Dane County’s Housing-Land Use Partnership.
- Spoken at several housing conferences in 2001-02 on how to implement the housing element of the Smart Growth law.
- Developing a report on exclusionary zoning and other local practices that discourage affordable housing.
- We will speak out if communities fail to meet their obligations to provide affordable housing and transportation alternatives under the law and we will work to strengthen the law if it proves inadequate.



LEGISLATION & LITIGATION UPDATE

The State Budget Waiting Game

As we went to press, the legislative conference committee was still meeting to iron out differences between the Senate and Assembly versions of the state budget repair bill designed to fix the state's projected \$1.1 billion deficit. Here are the major land use issues. In each case we support the Senate position.

- **Stewardship.** The conference committee *accepted* the Senate version of the budget bill and the fund will keep the \$60 million per year funding level that 1000 Friends and other have advocated for. *Thank you* to our members for calling their legislators and arguing for the importance of this fund!
- **Planning Grants.** The Senate would increase the popular Smart Growth comprehensive planning grants program by \$150,000, while the Assembly and the governor would cut it by \$500,000.
- **Smart Growth Full Implementation Date.** The Senate would keep January 1, 2010 as the date on which all communities must be covered with a comprehensive plan as the basis for all land use decisions. The Assembly would move that date back to 2014.
- **Dane County Regional Planning Commission.** The Senate would eliminate the sunset date for the commission of October of this year while the Assembly would retain it.

Ashley Wetlands Fill Seeps Back Into State Budget

A year ago, 1000 Friends worked with a coalition led by the Wisconsin Wetlands Association to defeat a state budget amendment that would have allowed Ashley Furniture Corporation to fill in wetlands near their plant in Trempealeau County. The "Ashley exemption" was especially egregious because it violated both Wisconsin traditions of clean government and environmental protection. Failing to get Department of Natural Resources approval to fill in the wetlands, the corporation used campaign contributions and baseless threats of job loss to get the legislature to give them what good science and fair play would not: a permit for the largest wetlands fill in recent state history.

With our partners in the environmental community we took Ashley Furniture to court and we won. The circuit court ruled that it was unconstitutional for the legislature to slip the Ashley exemption into the massive budget bill. We hoped that would be the end of the story. But Ashley came back. This spring, the corpo-

ration got the State Senate to grant them another exemption, again as an amendment to a much larger bill — the budget repair bill. And this time they were more clever. Rather than grant a bold-faced exemption just for Ashley, the language of the amendment allows the governor to grant one exemption based on certain criteria. But nobody is fooled. The entire Senate floor debate centered on Ashley Furniture and there is no question that if this budget provision survives, Ashley will be the sole beneficiary.

We're fighting back again. 1000 Friends crafted a letter to Governor Scott McCallum signed by us, Midwest Environmental Advocates, the River Alliance of Wisconsin, the Sierra Club-John Muir Chapter, the Wisconsin Wetlands Association, and the Wisconsin Public Interest Research Group urging him to veto the new Ashley exemption when it comes before him.

You can help by contacting the governor's office to register your support for a veto of this provision. His address is P.O. Box 7863, Madison, WI 53703-7863 and his phone number is (608) 266-1212.

Comm 83 Suit Goes to Supreme Court

Since our inception in 1997, 1000 Friends has been fighting new regulations for septic systems that would open nine million acres (25% of the Wisconsin landscape) to increased development pressure. These regulations eliminate natural barriers to development, like steep slopes and thin soils, by allowing the use of septic system technologies that were not allowed under the old code. Our argument has been that, before these new technologies are unleashed, we should allow time for the Smart Growth law to take effect. A 1000 Friends analysis found that only 22% of the communities most affected by the new code had any land use plans in place at all and many of these were substandard. Our lawsuit against the state was defeated at the circuit court and, just recently, at the court of appeals. *But we are not giving up.* In June we asked the Wisconsin Supreme Court to review and overturn the court of appeals ruling. We should know later this summer if the court agrees to take our case. (Meanwhile, unfortunately, the new, destructive code remains in effect.)

We extend our thanks to the Boardman Law Firm and to attorneys Rich Bolton and Richard Heinemann for working so hard on this case because they believe we are right.

— By Dave Cieslewicz & Lisa MacKinnon

HELP US DO MORE TO PROTECT THE WISCONSIN LAND-

Dear Friend,

Each Spring, we ask our members to support the work of our organization with a special gift beyond their regular membership renewal. These gifts allow us to do more to protect the Wisconsin landscape we all call home.

This year we seem to have a dizzying number of things going on at once.

Our office is buzzing with five very bright summer interns. They are working on studies of **regional government, traditional neighborhood developments, transportation policy, farm tax policy, and affordable housing**. Their work will inform our biennial retooling of our **WisConservation** land use and transportation agenda for the 2003-04 Legislature. Our goal, as always, is to have the most well-researched, grounded legislative agenda of any organization in the state.

Later this summer, we will begin **in-district meetings with legislators**. In this project, we will visit legislators in their own districts with at least one of our members who also is their constituent. The idea is to introduce legislators to our agenda and get them to see why it is needed through the eyes of their own constituents by using examples that hit close to home, literally.

While we are already looking ahead to next session, at least at this writing, the 2002-03 Legislature is still in session, trying to hammer out compromises in the budget repair bill. We're happy to report that we fought off attempts to cut the **Stewardship Fund**, thanks in large part to the 500 members of **our e-mail network**. But another half-dozen land use and transportation issues still remain.

Sometimes we lose in the Legislature and then it's time to consider court action. We continue to challenge the **Comm 83 septic rules** – this time at the state Supreme Court --because they open nine million acres to increased development pressure before planning and zoning can be updated or put in place to manage it. And we are ready to join a suit to overturn another attempt to illegally fill wetland for the **Ashley Furniture** Corporation in Trempealeau County.

Our **Great Neighborhoods** project is just starting to take off. The idea here is to introduce and promote the concepts of new urbanism to local planners, plan commission members, other officials and citizens. We have always believed that every new home that is created in the city is one less that will fill the countryside.

In a sense, we've started all this work on faith – the belief that enough of our members will help us with Spring Appeal gifts to fund what we've begun. We think that's a good bet because you have always come through before. Please don't let this year be the exception. If you are as excited as we are at what we can accomplish together, please use the envelope attached to the spine of this newsletter to make a Spring Appeal contribution today.

Thank you!

Dave Cieslewicz
1000 Friends of Wisconsin, Inc.

Andrea Dearlove
The Land Use Institute

THANK YOU! Thanks to our members who heeded our call and got your hair cut, your shoulders massaged and your stress levels reduced at an Aveda salon during the month of April 2002! Our first year as Aveda's Earth Month Partner brought in \$42,000 that will go towards our efforts to protect our communities from the pollution that leads to global warming. We will do this by working with communities throughout the state to protect our natural resources and to design communities that offer a wide range of transportation choices and reduce our dependence on our cars. **SPECIAL THANKS** goes to Sonya Newenhouse, of the Madison Environmental Group, who told Aveda about 1000 Friends and our work to fight sprawl.

Madison Environmental Group is a consortium of business professionals, researchers and educators who provide customized environmental consulting and education services for businesses, communities and organizations. Learn more at www.madisonenvironmental.com.



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NEW & IMPROVED LOOK!

WISCONSIN LANDSCAPES



MEMBERSHIP INFORMATION

If, for some reason, you get more than one newsletter per household — please pass this newsletter on to a friend who you think would like to learn about the work of 1000 Friends of Wisconsin. They can use the newsletter to join as one of our growing membership!

Yes, I would like to become a member of 1000 Friends of Wisconsin and join in the fight to perfect the places where we live, to protect those places where we don't! I would like to support:

- 1000 Friends of Wisconsin, Inc. (advocacy, not tax-deductible)
- The Land Use Institute (research & education, tax-deductible as allowed by law)

Please sign me up for an annual membership at the following level:

- Friends' Circle (\$1,000)
- Friends' Society (\$500)
- Friends' Fellowship (\$250)
- Friend (\$100)
- Regular Membership (\$35)

Contact Information (Use enclosed envelope to mail in gift, or mail to: 1000 Friends, 16 N. Carroll St., Ste. 810, Madison, 53703).

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