

# APA - Wisconsin Newsletter



American Planning Association  
Wisconsin Chapter

Making Great Communities Happen

A Publication of the Wisconsin Chapter of the American Planning Association

## Shifting State Policies Affect Farmland Preservation Efforts

By CIARA O'NEILL AND NANCY FRANK  
UNIVERSITY OF WISCONSIN - MILWAUKEE

Two key tools in Wisconsin's farmland preservation program were eliminated by cuts in the 2011-13 biennial budget, signed into law by Governor Scott Walker in June 2011. The agricultural conversion fee was eliminated as "a barrier to economic development in rural areas" (Vanegren 2011, quoting Cullen Werwie, a Walker spokesperson). In addition, the Purchase of Agricultural Easements program was eliminated; it was funded, at least in part, by the agricultural conversion fee. These changes leave a hole in the system of farmland preservation created by the Working Lands Initiative enacted in 2009. A panel at the September 2012 Upper Midwest APA planning conference, hosted by the APA - Wisconsin chapter and the Wisconsin Chapter

of the Congress for New Urbanism, explored the current status of farmland preservation in Wisconsin.

Wisconsin has been working to develop an effective and fair program for agricultural land protection for the past forty years. The farmland conversion fee, for example, had been around since the late 1970s. The effectiveness of successive waves of policy development is debatable. According to the Natural Resources Inventory, a survey conducted by the USDA Natural Resources Conservation Service, Wisconsin has lost over 520,000 acres of farmland since 1982; half of this land had been some of the most productive in the state. By 2009, Wisconsin was losing roughly 30,000 acres a year. In 2007, before the onset of the recession, "diversion to non-farmland sales made up 12.8% of farmland acreage sold. More recently, with the real estate development

### Fall 2012

Chapter Award Winners Announced.....	8-9
APA - WI Election Results.....	10
2013 Elections Summer 2013.....	10
Charting APA-WI Future.....	13
Survey Link.....	15

### Law Update

Model Zoning Ordinance.....	15
Model Subdivision Ordinance.....	17

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Publication Info and Board Members.....	2
Membership Form.....	11

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*Continued on page 3*

The WAPA Newsletter is published electronically four times each year by the Wisconsin Chapter of the American Planning Association to facilitate discussion among its members of planning issues in Wisconsin. Correspondence should be sent to:

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Submission of Articles: WAPA News welcomes articles, letters to the editor, articles from the WAPA districts, calendar listings, etc. Please send anything that may be of interest to other professional planners in Wisconsin. Articles may be submitted by mail, fax, or email. Articles may be edited for readability and space limitations prior to publication. Content of articles does not necessarily represent the position of APA, the WAPA Executive Committee, or the editor.

Submit articles by email attachment. Graphics are encouraged

**Deadlines:**

Winter issue: submit by January 15.  
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industry slowing during the recession, “about 4.5% of the acreage was sold for non-farm uses” in 2010. Proponents of the changes to state law enacted in 2009 may view this shift as an indication of the success of the Land Legacy Initiative. Others point to the economic recession and severe decline in the development industry as the reason for the dropoff from 2007 to 2010 in conversion of preserved farmland to non-agricultural uses.

Participation in the farmland preservation program appears to be on a long-term decline. Starting in the mid-1980s, participation in the Farmland Preservation Tax Credit program has been declining (Wisconsin Farmland report, 2011, pp. 6-7). The Working Lands Initiative was designed to reverse this trend while simultaneously refocusing funding of farmland preservation on the highest quality farmland that was also the most threatened by development despite its high quality. DATCP reports data showing that participation in the farmland preservation tax credit program continued to decline after 2009, though the dollar amount of tax credit claims started rising dramatically starting in 2008.

The tax credit program is designed to both encourage and compensate farmers for agreeing to preserve farmland (prior to 2009) or being located in a farmland preservation district. A related provision, the now-repealed conversion fee, penalized farmers that pursued land sales for non-agricultural purposes despite preservation agreements or zoning. In 2009, the Working Lands Initiative formalized the farmland conversion fee as an integral part of the farmland preservation program; landowners moving farmland in a preservation district out of farm use were assessed a fee at the rate of 3 times the assessment value per acre. According to the Wisconsin Realtors Association, the effect of the Working Lands Initiative was to increase the premium to develop an acre of farmland within a preservation district from \$270 to \$810 an acre, on average (Vanegeren 2011).

The revenue from these fees went to fund the Purchase of Agricultural Conservation Easements (PACE). PACE allowed DATCP, in cooperation with nonprofits and local landowners, to put lands into permanent easements requiring that that they be kept in agricultural use. Such easements are permanent and irrevocable, unlike

farmland preservation agreements. The 2011-13 budget reduced PACE funding dramatically, and potentially permanently. According to Gathering Waters, a statewide land trust organization, the budget kept PACE on the books temporarily, ordering a one-year study of the program by the Department of Agriculture, Trade and Consumer Protection. For the current biennium, the program was cut from \$12 million supported by the farmland conversion fee to \$5.2 million from the Knowles-Nelson Stewardship Fund.

The Natural Heritage Land Trust (NHLT), a Madison-based nonprofit that works on agricultural land preservation in the Dane County region, participated in the PACE program. According to conservation specialist Caleb Pourchot, the budget cuts had an immediate impact on farmland preservation. “Five of the sixteen [projects NHLT was working on] were basically put on hold. We weren’t sure we were going to be able to complete [them].”

Yet, despite the cut in state support, farmland preservation efforts are still moving forward with a combination of Knowles-Nelson Stewardship funding and other sources, usually federal or local funds. According to DATCP, 13 easement

*Continued on page 5*



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**APA President Mitch Silver**

The Upper Midwest APA Planning Conference, held in Madison in September and co-organized by the APA - Wisconsin Chapter and the Wisconsin Chapter of the Congress for the New Urbanism, was a great success, attracting hundreds of planners from across the Midwest. Thanks to our many sponsors, who helped to make the conference financially viable, too.

Finally, thanks to Maria Pandazi for organizing and running the APA - WI raffle and silent auction, which brought in record proceeds which have been deposited in the APA - WI Endowment for graduate scholarships.

### APA-WI Endowment Gift Card

The APA-WI board established an endowment fund to support scholarships for students attending either of the accredited masters degree programs in planning in Wisconsin: UW - Madison and UW - Milwaukee.

APA-WI invites members to contribute to the endowment fund as a way to support the next generation of planners in Wisconsin. Just return this pledge form to APA-WI Treasurer Connie White with your contribution.

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projects have been completed, and they expect to complete two more within the next six months. The NHLT still works with Jefferson County and the Town of Dunn in Dane County, which has their own funding source. “The town taxes themselves to fund their farmland preservation program; we can rely on that money, plus federal funding.”

The panel discussion at the Upper Midwest conference also highlighted challenges to farmland preservation planning. Under state law, in order to qualify for tax credits, farmland must be under a farmland preservation agreement or, starting in 2009 with the Working Lands program, within a certified farmland preservation district.

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ment of certified Agricultural Land Preservation Districts. In order to qualify for the tax credits enacted in 2009, farmland must be located within a certified preservation district. This approach was intended to eliminate the use of state preservation funds in a chaotic way that did not necessarily address funding to the highest priority lands—prime lands in danger of being sold for development.

In the most recent report on the Farmland Preservation Program, DATCP found that local plans were giving too much “consideration of individual landowner preferences” rather than the broader goals of the program. As a result, DATCP “staff have had difficulty convincing counties to apply consistent methods in determining which lands to include in the farmland preservation area” resulting in planned areas isolated like islands or “pock-marked” with holes. “This fashion of land use planning will likely have a detrimental effect on farmland preservation in the county in which it is employed” (Wisconsin Farmland report, 2011, p. 10).

As of last December, 400 local governments across the state had town or county farmland preservation zoning ordinances. They vary a lot in character; of the 27 certified by DATCP since the 2009 Working Lands Initiative, only 5 included full text and a map. The farmland preservation report concludes that local plans base farmland preservation zoning on individual landowner inputs which would create spot type zoning instead of community based zoning approaches” (Wisconsin Farmland report, 2011, p. 9).

Overall, less farmland is being included in farmland preservation districts. DATCP is uncertain whether this is a trend related to a lack of

interest on the part of farmers to participate in the program or whether it is a reflection of a provision in the 2009 law. Under Wis Stats. 91.10(d), “farmland preservation plans may not designate any area as farmland preservation that is planned for nonagricultural development within 15 years after the date on which the plan is adopted.” This provision may have limited the acreage eligible for preservation that had been zoned for preservation prior to the 2009 change.

According to panelists at the Upper Midwest APA conference, representing planning and conservation professionals and farmers involved in Jefferson County preservation efforts,

locally-motivated efforts seem to be the direction farmland preservation is heading since the reductions in state support. One key to successful preservation is in the broad involvement of landowners. Jefferson County has made progress by involving local farmers and landowners in the planning process, by inviting them onto steering committees, and maintaining an active dialogue across the community. Broad and intensive involvement by agricultural land owners helps to prevent the sort of “spot zoning” tendency that DATCP staff have observed in some plans.

Another key is having local funding available, especially with the cuts in state funding for farm-

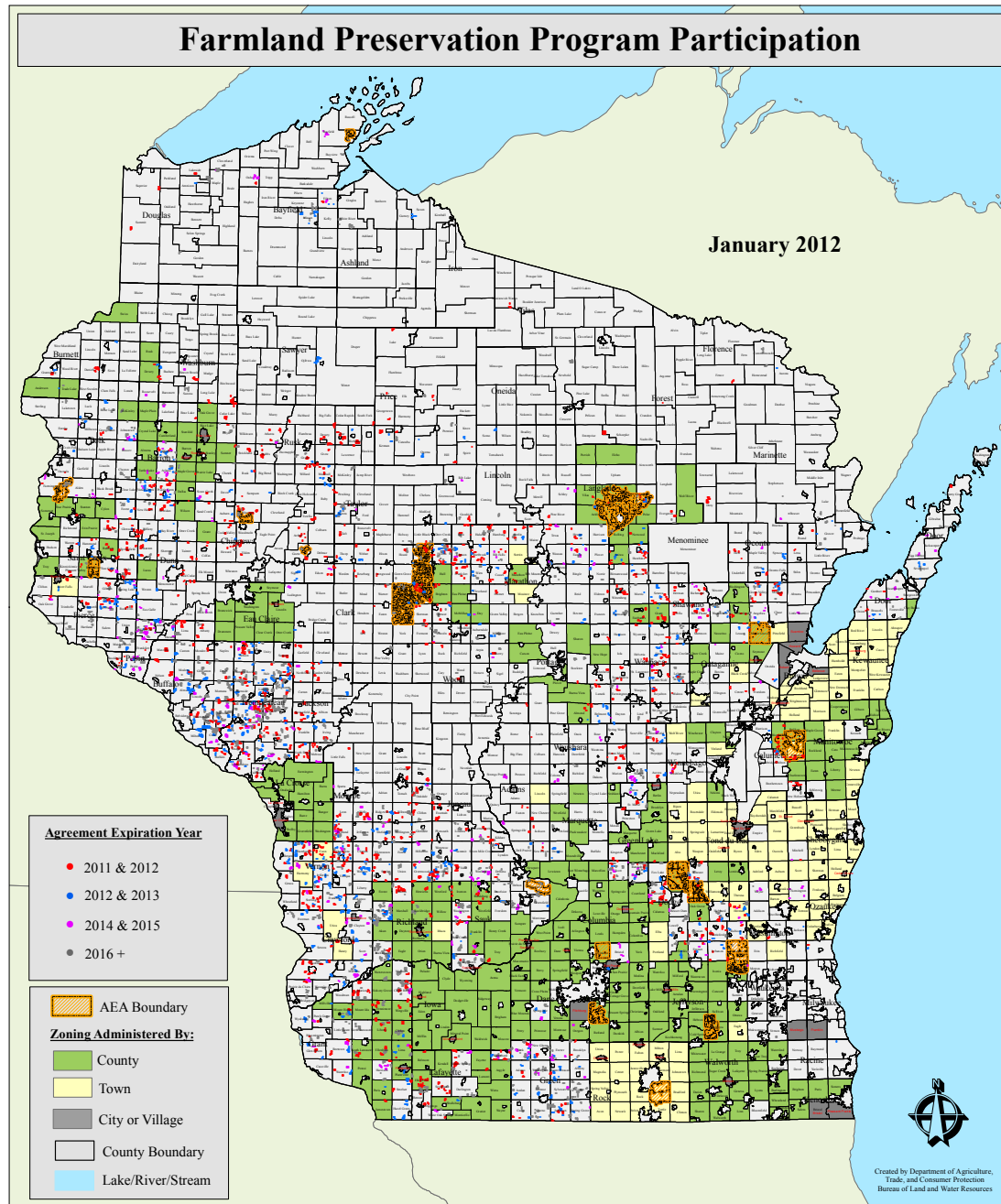
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land preservation. “The strategy is basically to find local governments that have prioritized farmland preservation for funding locally,” NHTL’s Pourchot says, “and then match those as much as possible with federal funding.” The NHTL very recently closed on a 180-acre farm in the town of Black Earth in Dane County and is hoping to close on an 80-acre project in the Town of Dunn before the end of the year.

While proponents of the Land Legacy program have been disappointed in the changes to farmland preservation brought by the 2011-13 state budget provisions, Wisconsin has been pursuing farmland preservation for over 40 years. Multiple constituencies support the effort, generally. Together these constituencies are likely to continue working together to identify the bundle of carrots and sticks needed to encourage sound agricultural preservation planning and implementation.

#### References

Gathering Waters Conservancy (2011), “Governor Signs State Budget,” June 30, 2011. <http://www.gathering-waters.org/conservation-policy/working-lands-initiative/governor-signs-state-budget/>

Wisconsin Farmland Preservation Program (2011), 2010-11 Biennial Report, ARM Pub. 217, Wisconsin Department of Agricultural, Trade, and Consumer Protection, [http://datcp.wi.gov/Environment/Working\\_Lands\\_Initiative/index.aspx](http://datcp.wi.gov/Environment/Working_Lands_Initiative/index.aspx).

Vanegeren, Jessica (2011), “Walker Guts Farmland Preservation Effort,” The Capital Times, March 21, 2011.



**EXECUTIVE BOARD SERVICE AWARD**

Gary Peterson, AICP  
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festivals — waterfront — cafes — investment



**WAUKESHA DOWNTOWN**  
events — riverwalk — historic — arts







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City of Eau Claire, Weber Community Planning

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**MILWAUKEE STREETSCAPING GUIDELINES**

City of Milwaukee, Terra Engineering

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City of Waukesha, GRAEF

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Craig Huebner, Kristin Reichert,  
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City of Sturgeon Bay, Door County Economic Development Corp., Vandewalle & Assoc.

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## APA- WI Executive Committee Election Results

The APA - WI membership re-elected several board members to continue service to the chapter and Executive Committee. The membership also approved a number of bylaws changes. The updated bylaws are posted on the APA - WI website.

Congratulations to our re-elected board members:

Brian Ohm, Vice-President for Chapter Affairs  
 Connie White, Treasurer

Carolyn Esswein, At-Large Representative for Awards (the bylaws change resulted in this position being renamed "Vice President for Awards")

Thank you for all those who participated in the election process. A special thanks to Bruce Wilson for administering the election.

## 2013 Chapter Elections: Coming Up in Summer

The 2013 APA - Wisconsin election season will get underway in late summer. It is early—but not too early—to begin thinking about running for a position on the APA - Wisconsin Executive Committee. Four positions are open for election this fall are:

**Planning Official Development Officer:** this position conducts outreach and educational programs with planning officials to assure that the

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<sup>1</sup>Round percentages of APA National Dues to the nearest dollar.

<sup>2</sup>Includes Washington, D.C.; Montgomery County, Md.; and Prince George's County, Md.

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For more information about these positions, feel free to contact member of the Executive Committee. Past president, Gary Peterson, is an especially good resource for answering questions about serving on the Executive Committee.



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## Charting APA - Wisconsin's Future

BY NANCY FRANK, APA - WISCONSIN NEWLETTER

The Executive Committee (aka board) of the APA - Wisconsin Chapter has been engaged in a year-long conversation about its future and the array of services that it ought to provide to members. Board members have been discuss-

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ing and debating how the chapter can best serve the needs of our members. Over the past fifteen years, APA - Wisconsin has substantially expanded and improved its programming and effectiveness. Where should we direct our efforts in the next five years? Where are we not providing the level of service that would benefit members? And how can we best pull together the resources to meet these needs.

As always, the Chapter's efforts for members are primarily focused on communicating with members about issues affecting planning in Wisconsin and on offering high quality professional development activities. These efforts are seen in the Chapter newsletter and webpage, legal and legislative reporting by Brian Ohm and Steve Hiniker, the annual conference, district programs, and participation in the webinar series that assures that our members' skills remain up to date and that AICP members can obtain their AICP certification maintenance credits at minimal cost. All together, these activities represent a substantial share of the annual budget for APA - Wisconsin, totaling well over \$32,000 annually in contract fees for services and direct expenses. These costs are supported by conference income and chapter dues.

Some things remain under-resourced. In particular, board members have noted that the visibility of planners within state government, and especially in the legislature, is almost non-existent, even though state government policies have a dramatic effect on the work of planners. In addition, some activities that might yield positive benefits for APA - Wisconsin and for the planning profession generally are not receiving enough attention. These include marketing membership among planning commissioners and

local government officials, but also in related disciplines, such as economic development, urban design, and natural resource management, among many others. The board has also discussed the development of new partnerships, such as reaching out to related profession (e.g. public health), to identify opportunities for collaboration through conferences or other programming.

The ability of APA - Wisconsin to pursue these initiatives is limited by the time that board members can spare, beyond their regular service to the chapter (e.g., coordinating the awards program, developing the conference program, etc.)

As a result, APA - Wisconsin recently discussed whether hiring additional staff is feasible and desirable. The board identified a number of

different clusters of activities. Some of these activities are already part of the work that the chapter pays consultants to provide while others represent new initiatives that are unlikely to be feasible without additional paid staffing. The clusters of activity include legal reporting, legislative tracking, legislative advocacy, administrative assistance, marketing, and communica-



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tions, among others. Of these, marketing and legislative advocacy stood out as being unlikely to move forward without additional resources, beyond current voluntary efforts by members.

The discussion concluded with the idea of asking the membership whether it would support the chapter spending funds to increase the chapter's capacity to engage in legislative advocacy.

If you have not yet taken the survey, distributed initially on November 20, the survey will remain active until mid-December. The Executive Committee will review the results of the survey at its annual strategic planning retreat in January.

Link to the survey: [https://milwaukee.qualtrics.com/SE/?SID=SV\\_a3LbwhJtVarr5b](https://milwaukee.qualtrics.com/SE/?SID=SV_a3LbwhJtVarr5b)

## Law Update



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*The Wisconsin courts and legislature have been relatively inactive during the period since the last newsletter. As a result, the usual legal and legislative updates from Brian Ohm and Steve Hiniker are taking a short break. Instead, Russell Knetzger submitted this resource for*

*planners, a model zoning ordinance and a model subdivision ordinance. Both are presented in relation to specific places where they were originally developed. These will be on the APA - WI Law and Legislation page.*

## Model Zoning Ordinance On Line, 2012

BY RUSSELL KNETZGER, AICP  
MILWAUKEE, WI

A model zoning ordinance has been placed on the APA - WI website for use by anyone ([www.wisconsinplanners.org](http://www.wisconsinplanners.org)) and on the web site of the UWM School of Architecture and Urban Planning. Drafted in February 1991 to implement the new master plan for Marathon County's Town of Weston (population 11,000 and made a Village in 1996), the 216-page ordinance was offered initially to APA - WI readers in July 1991. At a nominal cost, users had to purchase a paper copy or buy a computer disk from the North Central Wisconsin Regional Planning Commission (NCWRPC) in Wausau, Wisconsin. Now, with the convenience of e-mail and the Internet, access to the ordinance is free. It is a modifiable MicroSoft Word Windows 98 file so that adjustments can be made to suit your needs.

The ordinance is based upon s.62.23 Wis. Statutes (city planning), but can also be used by villages or by towns that have adopted village powers. Counties and non-village power towns would need to make modifications to such sections as adoption and amendment, how to process conditional uses, and whether or not site plan approvals would go beyond the town level

to the county level. Currently counties are not known to make such reviews in Wisconsin except as part of Conditional Uses.

The version on the web site has been adapted to two "Smart Growth" provisions. One is Wisconsin's January 1, 2001 mandatory inclusion of a "Traditional Neighborhood Development" section in the zoning ordinances of communities over 12,500 population (see s.66.034(3), Wis. Statutes, renumbered later to 66.1027(3)). The adaptation has been done by designating the Planned Unit Development section, and its corresponding OPD Overlay PD District, as intended to implement said s.66.1027(3) statute. Similarly with the Smart Growth encouragement in that same statute of "Conservation Subdivisions", said Planned Unit Development section is designated for that purpose.

This ordinance incorporates time-tested concepts from earlier model zoning ordinances, such as Waukesha County (1950s by William L. Nelson), and Kenosha County (1980s by Roland Tonn and George Melcher using the 1964 SEWRPC model). It also utilizes features of the prior Town of Weston ordinance that was based upon the model by Barton Aschman Associates,

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a consulting firm of the 1960s, adopted by many Wausau metropolitan area communities. Features are also taken from the ordinance of the Town of Mt. Pleasant in Racine County, drafted by Russell Knetzger in the late 1960s. Ideas were also borrowed from a 1990 NCWRPC model ordinance by then-director Arno W. Haering.

All sections and all definitions were re-examined and updated to 1991, and reviewed again in more cursory fashion for the June, 2003 insertion on the WAPA web site. Districts range from unsewered rural (but the agricultural preservation zone is a “holding district” where development may not be imminent, but is expected) to diversified urban development on sewers. It contains single family 1/4 acre to 1-acre lot sizes, mobile homes, duplexes and several multiple family residence districts. The commercial section ranges from neighborhood convenience (suitable for intermixture in “TND – Traditional Neighborhood Developments”) to office-only districts, to a blended office/industrial district called Business Park.

The industrial district Permitted Uses are based principally upon compliance with the performance standards chapter, and commercial and industrial permitted uses are described primarily by class and characteristic, rather than only by exact use name.

All non-single family uses are only permitted subject to approval of their individual building, site, and operational plans (BSOP) by the Planning Commission. BSOP Review guidelines are built into the ordinance.

Extensive use is made in the ordinance of Overlay Districts, relying upon strong foundational enabling language that delineates overlay districts from basic districts. Strong foundational

language is also provided for conditional uses, the planned unit development district, and for the Board of Zoning Appeals, though the ordinance generally restricts the appeal process as much as possible.

This restrictive approach to all variances and appeals in 1991, ended up foreshadowing the current doctrine of the Wisconsin Supreme Court set forth in 1998. That doctrine is that deviations from the shoreland zoning regulations should not be made unless denial renders a property without any reasonable use (see Wis. DNR v. Kenosha County Board of Adjustment, 218 Wis. 2d 396, 577 NW 2d 813 (1998)). While such a harsh doctrine may be appropriate for shoreland situations, when the court (or the legislature) eventually relaxes on non-shoreland circumstances, this model ordinance should strike a better balance between maintaining the spirit of the ordinance, while granting relief where inherent conditions, not created by the petitioner, merit some relief.

Unusual districts include a well-head protection district based upon Joseph Pribanich’s work for the Town of Rib Mountain. That approach excludes specific named land uses if they still employ processes common to their class of use, which processes can seriously pollute ground

water resources. A woodland protection overlay district is included that functions over residential, commercial or industrial districts to preserve wood lots. A mineral extraction overlay zone is provided, and specific overlay districts are established for institutional and recreation uses, both public and private.

Another unusual inclusion is “provisional zoning” whereby re-zonings may be revoked if development has not proceeded as planned within a stated time, up to three years. This is especially useful in dealing with speculative re-zonings where there is doubt about the marketability of the use, and the community wants to prevent vesting of rights in the re-zoning. The authority for provisional zoning comes from the 1970’s Wisconsin Supreme Court case by Skelly



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All numerical regulations (lot size, density, setbacks, side yards, etc.) are on a single 11x17 inch foldout table, which streamlines the remaining individual Use District regulations. The residential density regulations provide for the possibility of development initially occurring without public sewers, but stressing re-subdividability to pay for sewers when they arrive. The goal is to overcome the natural financial resistance to adding sewers in subdivided areas.

All Use Districts contain extensive Statements of Intent, meant to interpret the sample permitted uses and conditional uses, and to provide guidance in allowing for unclassified uses.

Off-street parking is in its own comprehensive section and deals with parking for all classes of uses, and with parking of non-residential vehicles in residential areas, as well as non-agricultural vehicles in farm areas.

Sign regulations are also in their own separate and comprehensive section, and commercial and industrial signs are based upon a ratio of sign size to building size. Existing billboards are allowed as non-conforming uses without required removal by amortization, but new off-premises signs are limited to those portraying non-commercial speech.

Throughout the ordinance, and especially in the general enabling sections, emphasis is placed upon keeping the zoning regulations and map closely tied to the goals of the community's comprehensive plan as interpreted by the Planning Commission. Wisconsin's year 2010 Smart Growth legislation carries this interconnection to a rigid, unmanageable extreme. But the need for some relationship between zoning and planning is not arguable, and this ordinance offers practical

steps. For example, where the governing body does not agree with the Planning Commission's advice on a zoning petition, the governing body is prevented from acting until it first allows the matter to return to the commission. This cooling off period gives the Commission the opportunity to better buttress its position, and for the governing body to reflect on the importance of following Commission advice as much as possible.

The Weston regulations were principally drafted by Russell Knetzger, AICP of Shorewood in Milwaukee county, as part of a joint venture with the North Central Wisconsin Regional Planning Commission (NCWRPC) in Wausau, and with Max Anderson, AICP, formerly a consultant in Monona, Wis. and now retired in Columbia, Missouri.

## **(Model) Land Division Ordinance Town of McMillan Marathon County, Wisconsin**

### **Model Subdivision Ordinance On Line**

BY RUSSELL KNETZGER, AICP  
MILWAUKEE, WISCONSIN

As with the model zoning ordinance discussed in the Summer 2003 "WAPA News", a model land division ordinance for use by anyone is now available on the WA PA web site, ([www.wisconsinplanners.org](http://www.wisconsinplanners.org)).

The ordinance was drafted in January, 1992 for the Town of McMillan in far southwestern Marathon County. It was drafted under the auspices of the North Central Wisconsin Regional Planning Commission (NCWRPC), located in Wausau, Wisconsin. The Town of Marathon is the recipient of sprawl growth from the City of Marshfield, home of the famous Marshfield Clinic. Marshfield is in adjacent Wood County. The ordinance has been available from NCWRPC in hard copy and on diskette. It is intended the on-line access would relieve NCWRPC of such requests.

### **Is A Land Division Ordinance Necessary?**

Wisconsin has some rural towns and incorporated hamlets that are not growing much, and might be able to function without a local land division ordinance. This is because Wisconsin Law, Chapter 236, provides a few basic protections to the local community, and because most Counties have land division ordinances that provide additional protections.

For example, it is not possible under Chapter 236 to create the right of way for a public street without the consent of the local community that would be receiving jurisdiction of that street. Said state law will also guarantee that absent a local ordinance to the contrary, the street right of way must be at least 66 feet wide, and any lots fronting on it must be at least 60 feet in width. County ordinances typically add a clause that no street can be created unless the local community also is satisfied with the improvements to be placed in the proposed street.

But if the local community, (using towns as the most likely example) has no “town road ordinance,” the community is vulnerable to receiving a substandard road bed, paving, and drainage system, because neither Chapter 236, nor the typical County land division ordinance, goes into that kind of detail. Thus any town expecting even a small amount of land division activity, but wishing not to administer a land division ordinance, should have a road ordinance.

A community that has available public utilities such as sewer and water should by ordinance be able to impose the utilization of those utilities upon any construction within the boundary area of the utility district. Such an ordinance would typically be a building code or a general local ordinance. But if a lot is to be created with private intent to avoid conventional placement of a structure upon a street, the community without a land division ordinance may have difficulty insisting a street be extended and improved to the structure.

There also still are land division ordinances in existence which regulate only “subdivisions” (5 or more lots within five years, each under 1.5 acres in size), which is the Chapter 236 definition. Thus especially in rural situations, large “country lots” or “lake lots” might be created without local government oversight.

For this reason, a modern subdivision ordinance will take the title “Land Division Ordinance” because all divisions of land are regulated, not just subdivisions. The model ordinance described herein regulates all divisions of 35 acres in size or smaller. The 35 acre number was taken from the minimum acreage needed to qualify for State of Wisconsin farmland preservation tax credits.

## Teaming With the County

If a community only has minimal need for a local land division ordinance, or even communities with moderate platting activity feel overwhelmed by the administrative responsibilities of such an ordinance, it is recommended that the community team up with its County planning office. That means that by mutual agreement, the local community adopts its own ordinance, but allows for critical steps to be assumed for it by the County. The model ordinance contains such a County-partner provision.

The most critical step to allocate to the County, is that copies of maps and plats filed for action are distributed in a timely fashion to other communities and agencies listed in Chapter 236 for their review and comment. These include the Wisconsin Dept. of Administration, and state and county highway departments abutting land divisions. Where water frontage is involved the Dept. of Natural Resources will be a receiving agency. Nearby communities with Extraterritorial Jurisdiction under Chap. 236 are also entitled to copies.

Some counties will also help review storm water management plans, and where public sewer is not being provided, the County Sanitary function will review suitability of lots for soil absorption sewage treatment.

## What is the Role of a Preliminary Map or Plat?

By common usage, a “plat” refers to a “subdivision” plan as defined above, and a “map” refers to a “land division” other than a subdivi-

sion, what are commonly called “land splits” or “CSM’s” (division by Certified Survey Map). Chapter 236 allows a community by ordinance to review and deal with a divider of land via “preliminary” drawings submitted by the divider. Both local governments and land dividers are more likely to engage in healthy give and take on the proposals in the drawings if the plans were not expensive to create, and can cheaply be modified. That is the purpose of Preliminary Maps or Plats.

An unfortunate trend over the past few decades has been for land division ordinances to impose ever more technical detail in Preliminary submittals, to the point that dividers are reluctant to make changes to their submittals, and some reviewers become reluctant to ask for changes.

Here is a test for whether your land division ordinance has gone too far in what is requested on a Preliminary Map or Plat: If your review body has created neighborhood plans, either ahead of time as part of master planning, or concurrently to show alternatives to what the divider has submitted, do those plans contain the same level of detail as your ordinance requires of a Preliminary submittal? If not, your community may be committing overkill on your preliminary submittal requirements.

Some communities have sidestepped this issue by calling for a “Concept Submittal” before submission of a Preliminary Plat or Map. Concept plans tend to require less rigorous information than an official Preliminary Plat or Map. The model ordinance does not provide for the Concept step because Chapter 236 establishes Preliminary Plats as the official “bargaining process”, and once agreed to, an approved Preliminary is

binding upon the Final Plat. Thus the Preliminary Plat/Map is a critical step, and not to be taken lightly.

To balance the need for enough information to make informed decisions, without turning the Preliminary step into a Final Plat, the model tries to set the Preliminary requirements at a reasonable level. The goal is to not burden the divider with expensive unnecessary detail, and yet provide enough information that both parties, the community and the divider, can live with the approved Preliminary Plan through final engineering and infrastructure installation. The model could, however, easily be adapted to include a Concept Plan stage.

### **What Role Do Design Standards Play?**

Most local subdivision ordinances do, or should, contain "Design Standards" for street arrangement, block sizes, minimum and maximum road and drainage gradients, easements, lot proportions, and similar physical criteria. County ordinances are prone to downplay these criteria because their jurisdictions vary so much, from very rural, to suburban situations with utilities just outside corporate limits. Where the County ordinance does not contain standards suitable for your community, a local land division ordinance is called for.

It is important such standards be adhered to. At this point in Wisconsin's development history, dividers are resisting extending existing unimproved stub streets, or platting new stubs touch-

ing adjacent open lands. Blocks are becoming exceptionally long, well beyond the most lenient limits. Together these conditions create "you can't get there from here" situations of disconnected subdivisions. That pattern will defeat any ultimate sense of achieving "community."

### **What About Improvements and Parkland Dedication?**

The model ordinance referred to herein provides for the possibility of all possible urban or rural improvements, ranging from streets with drainage swales and no walking paths, to full sewer and water utilities, and sidewalks. Storm water detention basins are included, plus the option for parks.

With regard to dividers dedicating parkland or "a fee in lieu thereof" toward the neighborhood park plan, Wisconsin's Impact Fee law is not used. Rather the model relies on the still valid earlier standard approved in the Wisconsin Supreme Court case of *Jordan v. Menomonee Falls* (28 Wis 2<sup>nd</sup> 608, 1965). Said earlier approach is easier to establish and administer, though it does require separate non-lapsing funds for each planned park. Such funds if held for long periods before use can be difficult to administer accurately.

### **Is a Model Development Improvements Contract Included?**

Yes. It is taken from the version developed in Racine County in 1983 by a diverse committee of

county and local planning staff and officials, plus private surveyors. Using a contract with dividers for improvements allows details to be bargained and agreed to that then become clearly defined and enforceable via the contract. The contract covers such items as: Who pays for municipal inspection fees of road and utility work, and how much? Is liability insurance being provided? If stub streets are extended to adjacent properties, how much reimbursement will later flow to the divider? Are financial sureties required that guarantee all work will be completed in a specific time?

The Irrevocable Letter of Credit has become the favored method of ensuring financial performance by the divider in completing the improvements to the division. A model Letter of Credit is included.

The model contract is also adaptable to enforcing developments under the Zoning Ordinance, where land divisions creating additional abutting public street rights of way s may not be occurring. Examples would be commercial or office centers with private drives, or private road condominium projects or Planned Unit Developments, including some forms of Conservation Subdivisions. All of these types of developments are better administered if a Development Contract has been bargained and executed between the developer and the local community.

*(The above is a copy of the article submitted in September, 2003 to the WAPA NEWS, newsletter of the Wisconsin Chapter of the American Planning Association.)*