

HOW SMART IS SMART GROWTH IN WISCONSIN?:  
A PRE-IMPLEMENTATION EVALUATION OF  
LOCALLY DEVELOPED COMPREHENSIVE LAND USE PLANS

by

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## Abstract

This study aims to answer the question of how effective Wisconsin's Comprehensive Planning and Smart Growth Legislation (CPL) will likely be by examining the ability of communities to develop comprehensive plans for managing their localities into the future.

This pre-implementation study uses a multiple case study research method where each case comprises an evaluation of a community's plan and stakeholder interviews to better understand the plan development process. A set of evaluation criteria based on the literature are used in assessing plans. The Towns of Scott and Roxbury and the City of Thorp were selected as case studies because they recently completed comprehensive plans. Plan preparation in each of these cases was conducted in different ways. The Town of Scott represents a citizen prepared plan; The Town of Roxbury's plan was assisted by a private planning firm; and The City of Thorp's plan was written by a regional planning commission.

Experiences of the three communities in this study show varying levels of success in meeting with the requirements of Wisconsin's CPL. Four key issues are distilled from the case studies: 1) weaknesses in public participation; 2) the failure of the CPL to account for varying degrees of community capacity and capability; 3) significant differences in plan quality; and 4) weaknesses in the ability of this mechanism to address land use problems and issues at a regional scale. These issues appear to be related to the contents of the CPL and how it influences planning across the state. Based upon these implied weaknesses in the legislation, the author argues that through either amendments to the law or guidance to communities undertaking the comprehensive planning process. Four areas of improvement to the CPL are proposed that would enhance the functioning of the law: 1) efforts to assist localities conduct participation processes; 2) arrangements that account for and respond to the diverse community capabilities across the state; 3) mechanisms to ensure a consistent standard of plan quality; and 4) mechanisms that enable comprehensive plans to account for and manage regional land use problems.

Keywords: Wisconsin, smart growth, statewide growth management, regionalism, localism, plan evaluation, public participation, planning process, devolution, plan development

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## Chapter VIII: Conclusion

### 8.1 Introduction

This chapter provides the major conclusions to this thesis based on the three case studies of the Towns of Scott and Roxbury, and the City of Thorp. It is intended that the findings from these three case studies be used to reflect on the operation of the CPL, in the hope that it will contribute to further refinement and development of this law. Wisconsin's management of urban growth and development depends on fine-tuning the operation of the law, and improving the response of local communities to the mandate it provides. This chapter provides:

- 1) the primary conclusions that are drawn from the previously presented case studies;
- 2) suggestions for improvements to the implementation of the CPL;
- 3) the implications of these findings for conceptual debates in planning;
- 4) ideas for future research.

This thesis set out to investigate the likely efficacy of Wisconsin's Comprehensive Planning and Smart Growth Legislation by examining the ability of communities to develop comprehensive plans for managing their localities into the future. Specifically, this thesis evaluates the plans of three communities and reflects on their data.

This research was conducted using a multiple case study research method. This method is most appropriate for complex phenomena. Case studies are best used to answer "how" questions; i.e. "how effectively might communities respond to the CPL mandate?" (Yin 1994). Case study selection was based on the three main types of organizations chosen by Wisconsin communities to prepare their plans. The Town of Scott's plan was prepared by a Town Board appointed Plan Committee comprised of motivated citizens; the Town of

Roxbury's Plan was assisted by a private planning firm with the considerable support of an active Plan Commission and Town Board; and the City of Thorp's Plan was written by one of Wisconsin's Regional Planning Commissions. These case studies can be situated on a continuum from most active citizen involvement to the least involvement, respectively.

Each case study consisted of an in-depth plan evaluation and six to nine stakeholder interviews, which provided a good basis for answering operational questions as well as contributing to theoretical debates in planning. The plan evaluation was based on an evaluative framework developed from the program and plan evaluation literature. (Berke and French 1994; Berke *et al* 2002; Connell and Kubisch 1998; Fishman 1978; Innes 1999; Kaiser and Godschalk 1999; Kaiser, Godschalk and Chapin 1995; McDonald and Lane 2002) It went beyond the traditional plan evaluation by evaluating areas of plan implementation, monitoring and evaluation, planning process, and planning context. The semi-structured interviews were conducted with six to nine community officials who were involved in some capacity with the planning process, either as a member of the local Plan Commission or Town Board, or in the capacity of consultant to the community.

The case analyses presented here highlight four key issues that will influence the efficacy of Wisconsin's CPL law. These are:

- 1) weaknesses in public participation;
- 2) the failure of the CPL to account for varying degrees of community capacity;
- 3) significant differences in plan quality; and
- 4) weaknesses in the ability of this mechanism to address land use problems and issues at a regional scale.

The three cases suggest that the comprehensive land use planning undertaken by Wisconsin localities under the auspices of the Wisconsin CPL have important weaknesses. The cases also suggest how the CPL might be more successfully implemented (either through revisions to the law or through guidance to communities undertaking the comprehensive planning process).

The planning efforts described in all three case studies suffered from low levels of public participation. Despite the efforts made by the Town of Scott, the Town was unable to involve representatives from all stakeholder groups in the community. Thorp's relative homogeneity, shared interests, and limited goals and objectives ensured that their low turnout was sufficient. In addition to monthly meetings, a draft plan public meeting, and a traditional public hearing, The Town of Roxbury incorporated a vision setting workshop and a future alternatives open house. Although this was a significantly more developed process, there is a nagging concern that the community's efforts are targeted towards a few farming interests instead of being representative of the larger community. The reliance the CPL places on public involvement makes it imperative that public involvement is successful in plan preparation. This research suggests that more systemic efforts are required to improve local skills in civic engagement.

Wisconsin's CPL does not sufficiently account for the varying levels of capacity in communities across the state. By situating planning at the local level, it sets the stage for incorporating local interests and local knowledge, however, by mandating that all communities follow the same guidelines, it does not acknowledge the differences in capacity that might exist. The Town of Scott was faced with the challenging task of creating a plan that served the needs of multiple interests. When a dissenting group became involved late in

the process, the plan committee was unsuccessful in bridging the divide. Despite the support of a Regional Planning Commission, and accepting the assertion that Thorp's Plan was simple, there was little evidence that the required changes to the City's ordinances would be completed or that the community was making any use of the document. Moreover, it is an incomplete plan missing important parts of four elements. Coupled with the skepticism about the functionality of the plan and the law itself of several members of the plan commission, it leads me to believe that these two communities do not have the capacity to successfully manage the implementation and maintenance of the plan.

The varying levels of community capacity and the tools and skills available to the individual communities are reflected in the differences in plan quality and ability to meet with the requirements of the CPL. The failure of Scott to address significant planning challenges on their own is partly responsible for the failure of the plan; Thorp's plan fails to meet three elements of the law, despite OLIS' approval of the plan. Roxbury's plan meets all of the requirements of the law and introduces several effective tools for determining land uses based on soil characteristics, a useful regional framework to determine potential areas of conflict with other communities. Their plan is partly the result of an active plan commission and substantial support from a county active in land use planning. These cases provide evidence that plan quality varies greatly and that the state has insufficiently helped those communities with less technical capacity.

Finally, the CPL's commitment to intergovernmental cooperation is less than significant in coordinating land use issues that are regional in scale. Joint goals, policies and objectives and sharing of plans after completion are initial steps, but are no guarantee that communities will incorporate greater consistency and/or coordination between plans. This

### 8.2.1 Improving Public Involvement

The wide range of community capacities that exist in Wisconsin requires that the state provide technical support in addition to the existing grant program. The priority the law places on volunteer planners makes it imperative that public participation be effectively managed to incorporate all relevant voices. Support roles have increasingly become a central component of state-sponsored land use planning, and Wisconsin's CPL could benefit from an increased focus in this area (Weitz 1999). There are several methods to improve the functionality of the law and the ability of communities to manage public involvement processes. These include the continued development of element guidelines, improved provision of mediators and facilitators, and improved technical assistance.

Findings from these case studies suggest that guidelines be developed on managing the public participation process. Wisconsin's Land Council and OLIS with support from various planning professionals have already developed six element guidelines for developing plans available from OLIS in the areas of planning for cultural, agricultural, and natural resources; preparing the intergovernmental cooperation element; transportation planning; and housing. The public involvement process would be greatly enhanced by providing communities with a guide to designing and conducting public involvement programs as part of a local land use planning process. Such a guide might address issues pertaining to community education, acquiring and sustaining public involvement, and suggesting alternatives to the traditional Town Board/Plan Commission meeting.

Currently, several guidelines do exist through the Wisconsin Department of Natural Resources (DNR) and the University of Wisconsin Extension offices (UWEX), but in these three case studies, they were not being used (Brian Ohm, pers. comm. 5/13/03). It would be

very helpful if OLIS were to post this publication on their website for improved access. Moreover, reliance on the development or existence of a guideline is less crucial than the knowledge of the availability and use of such guidelines.

A second method to improve managing the public involvement process is through the provision of independent facilitators and mediation for communities developing the plan independently. The effectiveness of the CPL could be improved and conflict reduced through support of conflict resolution and planning facilitation. While encouraging citizen involvement and all of the benefits associated with local land use planning, a professional facilitator may mitigate some of the problems communities face while determining priorities and basic values. According to responses from the Towns of Thorp and Roxbury, good facilitation and education about the law were two crucial functions planners served. Given the low level of familiarity with basic levels of planning in the state as shown by few communities with land use plans, the knowledge a third party outsider can bring to the planning discussion can be immeasurable.

In addition to written element guidebooks, OLIS, the RPCs and UWEX would be well served to provide technical expertise in managing the process and to specifically address the shortcomings identified in this study. The existing RPCs and UWEX offices would be a natural fit for this task especially since they are involved to varying degrees with the implementation of Wisconsin's CPL. Refinancing of the RPCs to include independent funding would be necessary for them to assist communities on a non-contractual basis. The consultants could be instrumental in improving public involvement, diffusing conflict, improving the overall quality of the plans, while still preserving the autonomy of communities in their land use decision making processes.

### 8.2.2 Differences in Plan Quality

A third important area in the management of the CPL is the role of the Office of Land Information Services. Its current function with the CPL is in managing the planning grants, reviewing only those plans receiving grants completions of all plan elements, and maintaining copies of all completed plans. The review consists of a simple checklist procedure to determine whether or not the individual element and sections of the element are included. The authority does not include a substantive, qualitative review of the plans. The evaluation of Thorp's Plan revealed that despite a review by OLIS, which required only minor changes (pers. Comm. Sarah Kemp, OLIS 3/16/03), four elements still do not comply with the law. Increased review capacity for OLIS might be modeled after Oregon's Land Conservation and Development Commission whereby individual communities' plans must receive approval by the Board. Reauthorizing OLIS to possess greater planning review authority to some level of quality would ensure improved compliance with the law and reduce costs to local governments that might result from suits brought forth by concerned citizens for a community not complying with its plan.

### 8.2.3 Responding to regional land use problems

A fourth improvement to the functioning of Wisconsin's CPL pertains to solving the law's current inability to address problems of regional significance. Wisconsin's diverse economy and diverse natural resources present a variety of regional planning problems. Issues range from urban blight, increasing sprawl and congestion to farmland loss, forest fragmentation, and rural sprawl in the Northwoods. Focusing its funds and/or support to regional coordination for growth, while still preserving local interests and voices would be a

more useful approach to comprehensive planning enabling legislation and growth management.

An inherent part of any regional planning process would include increased coordination between the communities. Despite provisions in the law that require communities to identify objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, there are few examples of substantive coordination existing. Findings from two of the case studies show little concern about extra-jurisdictional planning issues. Thanks to the de facto regional process along Hwy 12, Town of Roxbury's Plan did a better job of understanding surrounding jurisdictions' interests through their regional framework that identified areas of conflict that might arise between them and others. However, a substantive dialogue among communities about larger scale, longer term impacts are not guaranteed.

The CPL's intent to improve intergovernmental cooperation would be enhanced by requiring a community to share proposed ideas in the developmental stage with adjacent communities before it is passed as a way for communities to define common interests as well as identify areas of potential conflict. A further program that would greatly improve the intergovernmental cooperation element is a review provision for projects of metropolitan significance. Borrowed from a similar provision in Minneapolis, the communities within in the Council area of Minneapolis have the authority to request a review of projects that may have metropolitan significance and impact their community. Although the Council has the authority to suspend action on a proposed matter up to 12 months in duration, the purpose is to foster communication and resolve issues through negotiation and mediation to reach consensus between parties.

### 8.3 Conceptual issues

By charging local communities with the task of completing comprehensive plans, it affords communities the opportunity to become involved with directly managing the future direction of their communities. Democracy is an investment that requires a lot of time and money and not likely to be an efficient process. The benefits have the potential to be great.

As one government official described:

“we have put our sweat, blood and tears into [the plan], and you know what, we are not going to throw that plan on a shelf—we are going to live with it. We are going to make sure that what we put in there is going to be enforced. Now if that comes down in a hierarchical model and this is what you have to do, yeah—we can meet the letter of the law, but that is different from living with it and creating it and making sure that it happens” (R6).

This member understood the power that creating something for the local community can have. However, that does come at a cost. One unique impact of this law is that local volunteer groups unaccustomed to such demands are now addressing issues often addressed in institutions with greater capacity. Thus, these case studies present a challenging problem, what scale should these problems be addressed as to maximize the knowledge and strengths of the local communities while preventing the overloading of institutions unaccustomed to such challenges?

### 8.4 Future Research

Although this research provides insight into the functionality of Wisconsin's CPL, due to the small sample size and the selection of three plans developed by different groups, results may not necessarily be generalized to the state as a whole. Case analysis used to illuminate complex interaction, social phenomena, and to build theory. Future research might profitably focus on producing statewide aggregate data on communities' plans and could

provide further feedback on the functionality of the law. Moreover, due to the diversity in communities in Wisconsin, regional studies on specific planning topics such as farmland preservation, environmental protection, or community development are other areas that could be of interest to the Wisconsin planning community.