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**RICHARD A. LEHMANN**  
Direct Dial Number (608) 283-1719  
E-mail: rlehmann@bscf.com

**MEMORANDUM**

**TO:** State Representative Michael Powers, Chair  
Assembly Committee on Conservation and Land Use

**FROM:** Richard A. Lehmann, Chapter Counsel

**DATE:** April 6, 1999

**RE:** Land use provisions in the State Budget Bill

---

I represent the Wisconsin Chapter of the American Planning Association. The Chapter has approximately 450 members, most of them professional planners, throughout the State of Wisconsin.

The Chapter generally supports the land use provisions included in the State Budget. With particular reference to the grant proposal and the proposed definition of a comprehensive plan.

Most professional planners practicing in Wisconsin would, perhaps, not have ranked "statutory definition of comprehensive plan" and a grant program of the magnitude that is proposed at the absolute top of their "wish list," if they were asked what the Wisconsin State Government might do to further planning and implementation of plans.

Nonetheless, these are useful first steps in the improvement of the system.

The planning profession has been represented and has actively participated in the study groups dealing with state government's role in land use planning. The profession is also represented through membership on the Wisconsin Land Council.



Boardman, Suhr, Curry & Field LLP

Michael Powers

April 6, 1999

Page 2

This indicates a continuing interest on the part of the profession in contributing to the evolution of state policy on land use.

Thank you for the opportunity to make these remarks.

RAL/jan

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APR 05 1999

## VILAS COUNTY LAND RECORDS OFFICE



P.O. BOX 369, COURTHOUSE  
EAGLE RIVER, WISCONSIN 54521  
715/479-3655

March 25, 1999

Mike Powers, State Representative  
Rm 19 North State Capitol  
Madison, WI 53708

RE: 1999/2001 Governor's Biennium Budget Bill  
Items 1 & 2 as defined in "the Budget in Brief" on page 23

Dear State Representative Mike Powers:

Vilas County supports the Wisconsin Land Information Association's efforts to redraft those components of the budget bill that affect the WLIP in regard to the funding of the WLIP.

Vilas County has placed a real commitment to modernizing Land Records in the last 10 years. Soils, Zoning, densification of HARN, Digital Orthophotography, Street network, are all completed foundational elements. Parcel mapping is our priority at the present time. We also have a Lake Classification and Land Use Program presently underway.

Vilas commends the WLIP for their effort in understanding our different needs compared to other counties. We need this to continue.

Vilas has added staff and committed general revenue funds for a lot of these projects, but they also need the funding from the WLIP to continue.

Thank you for your consideration in this matter.

Sincerely,

LAND RECORDS COMMITTEE

William Egtvedt, Chairmen

**LAND INFORMATION OFFICE      APR 05 1999**

**ONEIDA COUNTY**

**Courthouse Building**

**P.O. Box 400**

**Rhineland, Wisconsin 54501-0400**

Telephone (715) 369-6179

Fax (715) 369-6277

Email [oneida@newnorth.net](mailto:oneida@newnorth.net)

Judy Beyer

Property Description Technician

David Poffinbarger  
GIS/LIS Technician

Michael J. Romportl  
Land Information Manager

Tim Oestreich  
Property Mapping Technician

April 1, 1999

Representative Mike Powers  
PO Box 8953  
Madison WI 53708

Re: April 6<sup>th</sup> 1999 Committee Hearing relating to Land information System

Dear Representative Powers:

Please accept these comments at your April 6, 1999 Committee Hearing.

Oneida County is very concerned with the Governor's Budget Bill as it relates to the Wisconsin Land Information Program. On page 23 under Land Information Initiative #1, the Governor proposes to reallocate funds from the Land Information Board for completion of the soils surveys and digitization in Wisconsin. We support funding the soils at the level and schedule originally proposed by the Natural Resources Conservation Service and approved by the Land Information Board. This would allow more funds to be returned to the counties in the form of grants during this period.

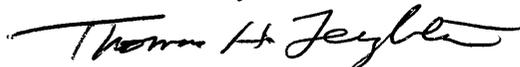
Item 2 in its entirety should be struck from the budget bill. The statewide Wisconsin Land Information Program is successful because of the bottom up approach to land records modernization and integration. The Wisconsin Land Information Board works to advance projects and initiatives from counties and local municipalities and allocates the grant funds for these project. This is a much better approach then turning over the control to a state agency that may not know nor care what local governments want or need.

Retention of the present funding mechanism and retention of the Wisconsin Land Information Board to oversee the program is crucial for continued success. Land records modernization is alive and doing extremely well across the State benefiting not only local government but state agencies. We have never before seen such cooperation and sharing of data of land records at this level in Wisconsin. We believe the Wisconsin Land Information Board, the Wisconsin Land Information Association and the Governor's representatives could work this out, if given the opportunity.

Thank you for your kind consideration of these comments.

Sincerely,

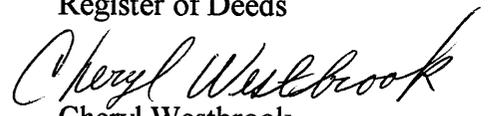
Oneida County Land Records Staff Members

Thomas Leighton  
Register of Deeds

Jennie Huber  
Treasurer

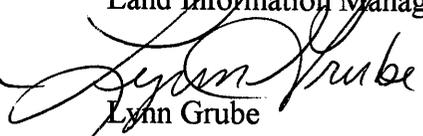
Michael J Romportl  
Land Information Manager



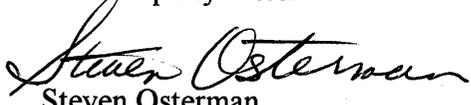
Cheryl Westbrook  
Real Property Lister



Richard Rollman  
Forester



Lynn Grube  
Data Processing



Steven Osterman  
Planning & Zoning Administrator

Cc: Joe Handrick, 34<sup>th</sup> Assembly District  
Roger Breske, 12<sup>th</sup> Senate District



STATE OF WISCONSIN  
Tommy G. Thompson  
Governor

DEPARTMENT OF ADMINISTRATION  
Mark D. Bugher  
Secretary

OFFICE OF LAND INFORMATION SERVICES  
Wisconsin Land Council  
Wisconsin Land Information Board

J. Michael Blaska  
Executive Director  
17 South Fairchild Street 7th Fl  
Madison, Wisconsin 53703-3219  
(608) 267-2707; Fax: (608) 266-5519

March 31, 1999

The Honorable Tommy G. Thompson  
Governor of Wisconsin  
115 East, State Capitol  
P.O. Box 7863  
Madison, WI 53707-7863

Dear Governor Thompson:

The State of Wisconsin continues to be a national leader in land records modernization. We are one of very few states actively working towards the compilation of information in an integrated, locally-based, statewide land information system. The Wisconsin Land Information Program (WLIP) has been very successful in supporting local land records modernization efforts. All seventy-two counties participate in this voluntary program which provides financial support for land records modernization efforts in local governments.

The Wisconsin Land Information Board (WLIB) wishes to thank you and your administration for the continued support of the efforts of the Wisconsin Land Information Program and Wisconsin Land Information Board. The WLIP provides an important partnership between the State and local governments. The continued success of the WLIP depends greatly on local government support. The WLIB wishes to bring to your attention two items that affect the WLIP and WLIB and all local governments across Wisconsin.

In January, the WLIB voted to financially support the statewide completion of digital soil surveys and mapping to be conducted by the USDA-Natural Resources Conservation Service (NRCS). One of the original foundational data elements for land records modernization, the completion of a digital soil survey mapping layer will provide the basis for a framework crucial in advancing WLIP goals. The NRCS has indicated that they will need six years to complete this project. At its January 20, 1999 meeting, the WLIB voted to fund \$2.49 million at \$415,000 per year for this effort over six years.

The WLIB's approved WLIP funding level accounts for nearly 21% of the total project cost of approximately \$12 million. In addition, the WLIP share of the project accounts for 60% of the state's share of \$4.2 million. Your 1999-2001 Executive Budget recommends funding the soils initiative with the WLIP contribution of \$620,000 per year over four years. While the total funding contribution of the WLIP is comparable to your budget recommendations, the

proposed *four-year* project timeframe is not consistent with WLIB's recommendation of a *six-year* timeframe.

Wisconsin's municipalities depend on the WLIP funding for their continued progress in land records modernization. County contributions to the WLIP are a significant source of grant funding for local governments. While the WLIB appreciates the commitment of 40% additional state agency funding provided in your Executive Budget for the soils initiative, we believe the funding should extend over a *six-year* timeframe instead of four years as proposed. The WLIB, at its March 10, 1999 meeting, unanimously reaffirmed this position.

There are two primary reasons the WLIB supports a six-year project timeframe. First, a six-year time period with a WLIP funding rate of \$415,000 per year allows more grant money to be allocated annually to complete other very important foundational data elements. Second, the six-year project time period is consistent with the timeframe NRCS has stated it needs to complete the soil survey and mapping project.

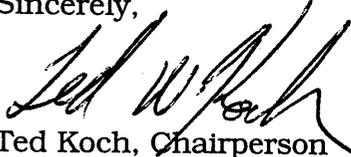
In addition to the soils data layer, completing this initiative will provide a wealth of important data ancillary to the soils layer. For example, digital orthophotography will be created through this effort. This image base will be very useful for a variety of local, state and federal land information and land planning efforts. The partnership with NRCS and the completion of the soils data layer statewide may potentially lead to additional federal funding initiatives for Wisconsin in the future. The WLIB wishes to commend you and your administration for actively seeking ways for Wisconsin to capture additional federal funding.

The second issue the WLIB would like to bring to your attention is the Executive Budget item relating to the funding of the Wisconsin Land Information System. Wisconsin's local governments have successfully utilized the WLIP funds to complete key mapping and data elements. These elements will be the foundation of the statewide Wisconsin Land Information System. While the WLIB supports the creation of the Wisconsin Land Information System, the WLIB at its March 10 meeting voted to oppose the expenditure or commitment of WLIP funds without approval by the WLIB.

Currently, a survey is being conducted of all county Land Information Offices to gather data on the status of land records modernization efforts attributed to WLIP funding support over the past eight years. The survey is also collecting information regarding plans for future modernization efforts at the local level. Out of the six-dollar land records fee collected at the county level, the two dollars contributed to the WLIP is an important source of funding for local communities continuing modernization efforts and to develop new innovative projects. The WLIB believes these funds should continue to be invested in land records modernization projects to, as quickly and efficiently as possible, complete the foundational data elements that will be the primary components of a statewide land information system.

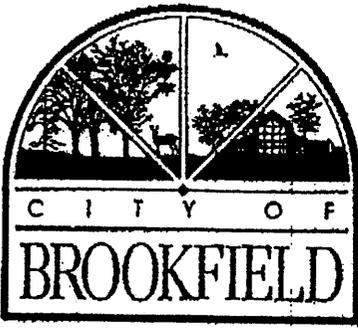
Again, the WLIB wishes to thank you for your continued support of the WLIP and the local land records modernization process. With this partnership, Wisconsin will continue to be a national leader in these efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Koch". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ted Koch, Chairperson  
Wisconsin Land Information Board

cc: J. Michael Blaska, OLIS  
Sec. Mark Bugher, DOA  
Wisconsin Land Information Board Members  
Wisconsin Land Council Members



KATHRYN C. BLOOMBERG  
Mayor

April 5, 1999

TO: Assembly Conservation and Land Use Committee

The City of Brookfield opposes Section 6 Subsection 5 and 6 in the Governor's Proposed Budget. These initiatives do not belong in a budget bill and do not meet the litmus test of keeping the budget free of irrelevant policy.

Briefings need to be held in regions of the State which may be impacted. It seems as if changing the potential area for incorporation to 3 sq. miles increases the number of units of local government and risks increasing the costs of providing the required services while decreasing the efficiency.

Regarding Subsection 5, the request to lengthen the administrative review process from 20 to 60 days will further compromise development of parcels located in both a City and a Town. The City of Brookfield has at times worked with a developer who owns two adjoining parcels and seeks annexation to proceed with an orderly development. It would be burdensome to add 40 days to the approval process which already is exhausting in cases such as this.

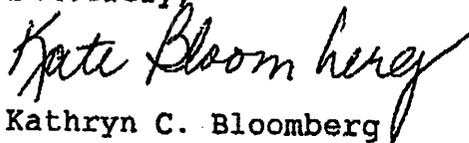
Regarding Subsection 6, I submit to you a map of the boundaries of the Town of Brookfield and the City of Brookfield which clearly shows the redundancy in the response for public safety, street maintenance and utilities. Cutting the final incorporation into small 3 square mile segments could take a township of 36 sq. miles and end up with 12 different units of local government.

Next time an initiative is generated which targets communities within 10 miles of a City of the 1st class, those communities would appreciate having the opportunity to sit down with the author before it is introduced to discuss potential impact.

The City of Brookfield and City of Waukesha have both petitioned Joint Finance to have these initiatives removed from the budget bill. Secretary Bugher has no objection.

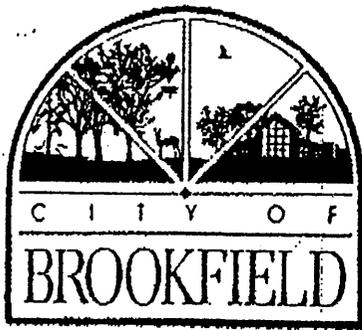
Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Kate Bloomberg". The signature is written in black ink and is positioned above the typed name.

Kathryn C. Bloomberg  
Mayor

enclosures



KATHRYN C. BLOOMBERG  
Mayor

MEMORANDUM

TO: John Gard, State Representative  
89th Assembly District

Brian Burke, State Senator  
3rd Senate District

FROM: Kate Bloomberg, Mayor *KCB*  
City of Brookfield

DATE: March 2, 1999

RE: Governor's Budget Section 6 - Land Information Initiative  
Subsection 6 - Modification of Municipal Incorporation Law

I request that Section 6 Subsection 6 of the Governor's Budget be deleted. Secretary Mark Bugher confirmed the Governor has no problem with this deletion. This was not an initiative of the Governor.

Although we all recognize there is a compelling need to deal with the weaknesses in the current annexation/incorporation statutes, it is inappropriate to target the Incorporation request of the Town of Brookfield as a part of the budget bill. If this initiative has merit, it should be introduced as a bill separate from the budget.

Your consideration is appreciated. Should you have any questions, please contact me.

KCB/mjg

enclosure

cc: Margaret A. Farrow, State Senator  
Dr. Frank H. Urban, State Representative  
Marc C. Duff, State Representative  
Carol Lombardi, Mayor  
City of Waukesha



RESOLUTION NO. \_\_\_\_\_

by the Council as a Whole

City of Brookfield Common Council Resolution Opposing Governor's Budget 1999-2001 Section 6 items #5 and #6 Dealing with Annexation Laws and Municipal Incorporation Laws.

WHEREAS, Governor Thompson's Budget 1999-2001 contains language in the above identified section 6 dealing with annexation laws and municipal incorporation laws; and

WHEREAS, property owners in the state request annexation to municipal boundaries to provide health and safety services necessary to a quality of life style; and

WHEREAS, Section 6, item #5 deals with extension of current 20 days to a 60 day period of time in which the Wisconsin Department of Administration would be authorized to issue an opinion on annexations petitions, authorize suspension of the annexation process and change annexation ordinance(s) to the date of record with the register of deeds; and

WHEREAS, Section 6, item #6 deals with municipal incorporation laws creating a review process considering boundary agreements and incorporation petitions jointly and reduces the minimum area required to incorporate as a village from 4 square miles to 3 square miles, when the incorporated area is located within 10 miles of a first class city or 5 miles of a second (Brookfield) or third class city.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brookfield OPPOSES both Section 6 items #5 and #6 as contained in the Governor's 1999-2001 budget. Further, the Mayor is directed to send this Resolution to local state legislators representing the Brookfield area.

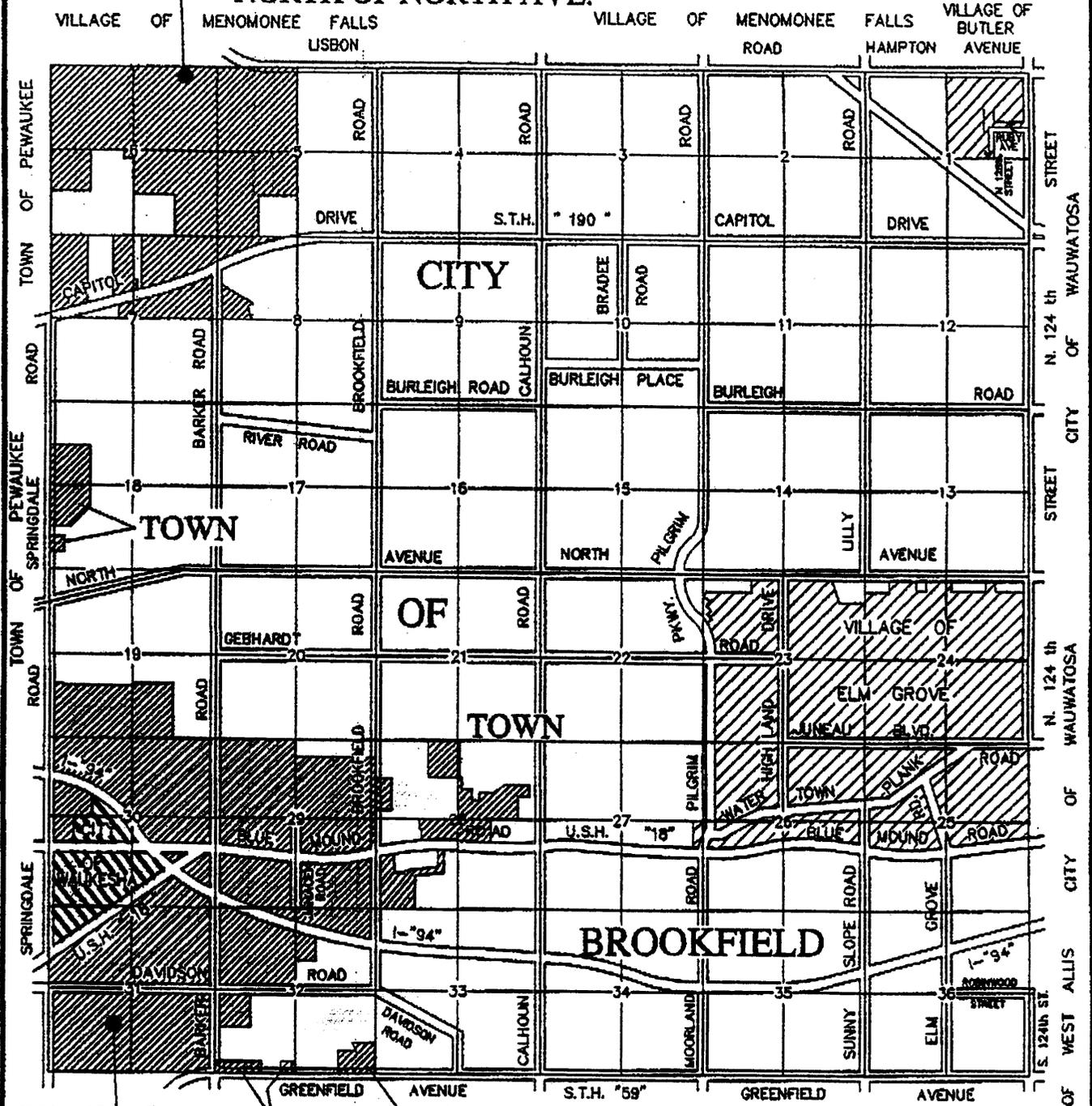
ADOPTED \_\_\_\_\_, 1999

\_\_\_\_\_  
Kristine A. Schmidt, City Clerk

APPROVED \_\_\_\_\_, 1999

\_\_\_\_\_  
Kathryn C. Bloomberg, Mayor

2.01 SQ MILES OF TOWN  
NORTH OF NORTH AVE.



3.65 SQ MILES OF TOWN  
SOUTH OF NORTH AVE.

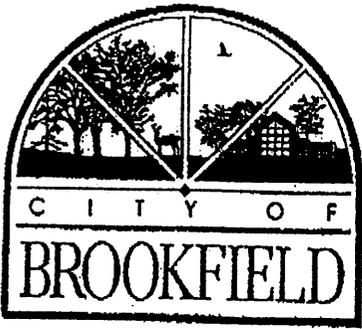
PREPARED BY THE ENGINEERING  
DEPARTMENT, IN CAD

DATE : 10/13/98

# TOWN OF BROOKFIELD

PLANNING DEPARTMENT

NOT TO SCALE



CITY ATTORNEY'S OFFICE  
Suzanne K. Schalig, City Attorney  
Karen J. Flaherty, Assistant City Attorney  
E. Joseph Kershek, City Prosecutor  
2000 North Calhoun Road  
Brookfield, Wisconsin 53005-5095  
(414) 782-9650 FAX (414) 796-6671

April 5, 1999

Honorable Members of the Assembly Conservation and Land Use Committee:

Thank you for accepting my comments via this piece of correspondence.

I support Mayor Bloomberg's opposition to Sections 5 and 6 of the Governor's proposed budget. Furthermore, it is my understanding that the changes outlined in Sections 5 and 6 do not reflect the position of the Governor but rather the proposals of the agency staff which processes petitions for annexation and incorporation. I do not believe that the staff members of the DOA weighed the alternatives or the consequences of their proposed changes.

Enlarging the time for reviewing petitions from 20 to 60 days puts an unfair burden on the citizen asking for the annexation. In many cases the citizen is a developer who is already working under other constraints, financial and otherwise. Extra staff was recently approved to assist the DOA with the work associated with annexations and petitions for incorporations. It would be far more appropriate to use these resources and retain the 20 day review period.

Reducing the size of a potential city from four to three square miles is clearly a legislative decision, not a staff issue. It is inappropriate for employees of the DOA to support and lobby for such an amendment to existing state law. As Mayor Bloomberg pointed out, before such changes should even be considered, existing cities should be consulted and legislators should be informed of the consequences of such an action. The cost involved in the duplication of municipal services at today's prices needs to be seriously considered. At a time when smaller communities should be looking at joining forces for the welfare of their citizens, it would be inappropriate to encourage the proliferation of small mini-cities unable to provide adequate municipal services to their citizens.

Thank you for permitting me to share my concerns with you today.

Very truly yours,

SUZANNE K. SCHALIG  
City Attorney

Legislative Representative  
Tom Harnisch  
P.O. Box 65  
Neillsville, WI 54456-0065  
Phone: 715-743-7477

Legal Counsel  
James JR Habeck  
W 7686 County Road MMM  
Shawano, WI 54166-6086  
Phone: 715-526-3157  
FAX: 715-524-3917

# Wisconsin Towns Association

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**Ph: 715-526-3157**      **Ph: 608-256-0543**  
**Fax: 715-524-3917**      **Fax: 608-256-3986**

To: Members of Assembly Conservation & Land Use Committee  
From: Rick Stadelman, Executive Director  
Re: Land Use & Related Issues in 1999-2001 State Budget  
Date: April 6, 1999

The following is an analysis and comments on various land use issues and related items as included in the Governor's Biennial Budget for 1999-2001 in AB133/SB45.

## I. Municipal Boundary Review Issues

A. Wisconsin Towns Association supports the Governor's Budget proposal as it relates to **extending the time from 20 days to 60 days** for the period of time for the Municipal Boundary Review Unit of the Office of Land Information Services in the Department of Administration to issue an opinion if a proposed annexation by a city or village in a county over 50,000 in population is "against the public interest." [Sec. 1599 of Budget Bill, which amends Sec. 66.021(11)(a) of Wis. Statutes]

B. Wisconsin Towns Association supports the Governor's Budget proposal as it relates to **allowing the Department of Administration to return documents of proposed annexations** by cities and villages in counties over 50,000 in population if the documents if the Department determines the documents of the proposed annexations are illegible, inaccurate, and do not conform to generally accepted standards for the preparation of legal descriptions and scale maps. [Sec. 1599 of Budget Bill, which amends Sec. 66.021 (11)(a) of Wis. Statutes]

C. Wisconsin Towns Association supports the Governor's Budget proposal as it relates to **establishing the effective date of an annexation ordinance as the date the ordinance is recorded with the register of deeds.** [Sec. 1597 of Budget Bill, which amends Sec. 66.021 (7) (d) of Wis. Statutes]

D. Wisconsin Towns Association supports the Governor's Budget proposal as it relates to **reducing the minimum area requirements from 4 square miles down to 3 square miles for incorporation of villages** within 10 miles of cities of the first class and within 5 miles of cities of the second or third class. [Sec. 1595 of Budget Bill, which amends Sec. 66.015 (5) of Wis. Statutes]

E. Wisconsin Towns Association supports the Governor's Budget proposal as it relates to **including consideration by the Department of Administration in incorporation reviews of whether the incorporation of a town as a city or village is a part of an intergovernmental cooperative agreement under Sec. 66.023 of Wis. Statutes.** [Sec. 1596, 1600 through 1605 of Budget Bill, amends Sec. 66.023]

We believe that the Governor's proposals in regard to changes in municipal boundary changes do not prevent annexations from taking place but only insure that boundary changes are made in the public interests. The limited current time for review of 20 days by the Department of Administration does not offer sufficient time to assure adequate review of the approximately 300 to 400 annexation petitions in counties over 50,000 in population each year. (Note this number is quoted from the web page of the Municipal Boundary Review Unit of the Department of Administration.) The proposed budget changes do not do anything more than extend the time to review by DOA, because the city or village may still adopt the annexation petition even if the DOA's opinion is that the annexation is "against the public interest" as defined in Sec. 66.021 (11)(c) of Wis. Statutes.

The requirement that the annexation ordinance must be recorded with the register of deeds gives a more certain time for all parties to know and have a permanent record of the date the annexation is effective.

The changes to reduce the minimum area for incorporation as a village from 4 square miles down to 3 square miles will impact less than three potential town incorporations pending at this time of the twelve or more currently pending before DOA. This change along with the change to allow the DOA to consider boundary agreements that propose a town incorporation or a portion of a town incorporation as a consideration in incorporation reviews, will only encourage more cooperative agreements under Sec. 66.023 of Wis. Statutes, which is the most desirable solution to resolving boundary disputes.

The Governor's initiatives in regard to municipal boundary changes will work to encouraging more cooperation between towns and cities or villages. They do not take away any power of the cities or villages to annex, a position Wisconsin Towns Association would much rather see. None of the Governor's initiatives in this area should be removed from the budget bill, if anything consideration should be given to extending more authority to the Department of Administration over proposed annexations either by extending the power of review over all annexations not just those in counties over 50,000 of population or even giving the DOA the authority to actually disapprove annexations which are "against the public interest" not just to comment to cities and villages.

## II. Local Government Planning Initiatives

A. Wisconsin Towns Association **supports the inclusion of a definition of a "comprehensive plan"** in the State Budget. This common definition for all units will foster more consistent planning for all units of government. The definition will raise the level of planning to a "higher notch" across the State, by including such elements as housing, economic development, intergovernmental cooperation, and implementation as basic elements of all plans. We believe that the actual language of the Budget Bill may need to be "tinkered with" as to outlined by Professor Brian Ohm, representing all the interest groups who have worked to develop this definition. [Sec. 1606 of Budget Bill, at pages 803 to 807, which creates a new section--Sec. 66.0295]

B. Wisconsin Towns Association **supports the Governor's proposal to earmark \$1 million dollars of Federal Transportation Funds, to be transferred from DOT to DOA for funding planning grants to local units of government.** The only concern that we would raise is that this amount is not adequate for a statewide initiative. There ought to be at least \$3 to \$4 million dollars/year more of funds beyond the DOT funds appropriated for expanding this initiative over a ten to twelve year period. A minimum of \$5,000 per town, city, or village should be available at an 80/20 (state/local) match ratio. Just as an example of the costs and the importance of this type of planning initiative,

in the US Highway 12 expansion from Middleton to Sauk City, the federal, state and local governments have agreed to expend \$750,000 of federal and state funds for land use planning initiatives as a part of the agreed upon project. If this one project, which has had over ten years of discussion and debate, warrants \$750,000 of additional planning funds, how far will \$1 million dollars per year go across the rest of the State? If the State of Wisconsin is committed to improving land use decisions we need to put more money on the table statewide and meet the challenge!

Wisconsin Towns Association also **requests** that additional funds be earmarked for increased technical training in the University of Wisconsin Extension budget for assisting local governments to take steps to develop local comprehensive plans as defined above. UW-Extension would not actually do the planning, but would be a resource to help local governments begin and work through the process of comprehensive planning and implementing such plans. The University Board of Regents proposed such an initiative in their budget request to the Governor, but it was not included. Good technical advice and training on how to plan, how to involve citizen participation, new ideas in planning, how to implement, etc.... will be a wise investment by the State.

### III. Farmland Preservation Program Changes & Farmland Preservation Acreage Credits

FP  
A. Wisconsin Towns Association **reserves its opinion** on the Governor's proposal to change the Farmland Preservation Program. Well our Association believes the program warrants being changed dramatically, we question whether as proposed the changes will "preserve farmland." The Governor's budget does not change one of the biggest structural weaknesses of the current program, that is the income requirements to qualify for the farmland preservation credits. Farmers who have low debt and higher incomes will still not have enough incentive to participate in this program. We would argue that in some of the counties with the best and most productive soils in Wisconsin, these income limits with reduced credits available will not keep the most vulnerable lands subject to the threat of development from being sold. The proposed changes to require soil and water conservation plans as a condition of the farmland preservation credit eligibility is a sound environmental requirement, but will also be an additional disincentive for increased or even maintaining current participation, in our opinion. Possibly, the program should be renamed from a "Farmland Preservation Program" to a name more in line with the focus on "Conservation Preservation."

In regard to the Governor's **proposal to eliminate the 35 acre minimum parcel size** needed to establish a farm operation or a residence under exclusive agricultural zoning, and allow the local government to establish the minimum parcel size, we commend the Governor for recognizing that the state statutory minimum parcel size is not working in some areas of the state. However, we believe that the minimum parcel size should be developed community by community in conjunction with an overall comprehensive land use plan, recognizing that in some areas of a town, the minimum parcel size for allowing residential buildings should be established in conjunction with subdivision authority under Chapter 236 of Wis. Statutes and may in fact be larger than 35 acres, if a town wants to keep rural residential development away from "expansion agriculture."

B. Wisconsin Towns Association **questions** whether the Governor's proposal to establish a **Farmland Preservation Acreage Credit** for those who **sell, donate, or otherwise transfer development rights of their farmland to the state, political subdivision, or a nonprofit entity** at a level of 30 cents per acre or 50 cents per acre will be a meaningful program. While we support the concept of transfer of development rights, to insure that farmers receive a fair value for their property if they are giving up the development potential, these credits will not be enough incentive

to encourage such transfers. We currently have at least two towns in Wisconsin (Town of Dunn in Dane County, and Town of Neenah in Winnebago County) that have levied town taxes to purchase development rights. Wisconsin Towns Association would **suggest** that Sec. 60.10 of Wis. Statutes, relating to the powers of the town meetings, be amended to give a clear statutory authority for town electors to approve the levying of town taxes for the purpose of purchasing development rights.

IV. Other Provisions related to land use issues

A. Brownfield Redevelopment Initiatives. Wisconsin Towns Association **supports** in general the attempts to make "Brownfield Redevelopment" an workable and effective program. The current law needs fine tuning before true brownfield redevelopment will even be attempted.

B. Soil Surveys including digitization initiatives. While improved soil mapping is an important component in a useful land information system, we **question** whether the emphasis on having extensive data, including the latest in soil surveys is the best use of limited resources. Would not earmarking some of the dollars generated for the land information systems be just as valuable for increasing incentives for local land use planning by increasing the Governor's limited \$1 million dollars for local government planning grants? One of the benefits of have an extensive GIS system is as a basis for land use planning, but can we wait form the complete digitization of soil maps before we place an emphasis on such planning?

C. Dane County Regional Planning Commission proposal. Wisconsin Towns Association **supports** the Governor's attempt to create a truly regional planning commission for Dane County and the counties around it. A single county regional planning commission is not truly regional. The concern that towns in counties surrounding Dane County have expressed to our Association however, is that a multi-county regional planning commission must be balanced and not be dominated by one large city such as Madison or even Dane County.

On behalf of the Board of Directors of Wisconsin Towns Association and its members, we thank the Assembly Conservation and Land Use Committee for listening to our views on these very important issues affecting towns, land in towns, and town citizens across the State of Wisconsin. We look forward to working with the State Legislature to pass those initiatives in the State Budget that balances the interests of the State, local communities, and the interests of private property owners.

Position of the Wisconsin Land Information Association  
Regarding the Governors 1999/2001 Biennium Budget  
Land Information Initiative

In 1989, the Legislature approved the formation of the Wisconsin Land Information Program (WLIP) and then in 1991 created a funding mechanism for the program based on deed recording fees. In addition to the funding mechanism, the Legislature provided that the WLIP:

1. Direct and supervise the overall Land Information Program for Wisconsin,
2. Serve as the State Clearinghouse for access to Land Information and to maintain and distribute an inventory of land information systems,
3. Provide technical assistance and advice to state and local governments,
4. Prepare guidelines to coordinate the modernization of land records and information systems,
5. Review and approve applications for grants-in-aid from local government units and
6. Review for approval, countywide plans for land records modernization.

Funding and oversight of the legislative charges above is guided and controlled by the Wisconsin Land Information Board (WLIPB), whose membership is appointed by the Governor. This innovative program implemented organizational reforms, introduced new technologies such as Geographic Information Systems (GIS), and guided the modernization of local land records in such a way as to enhance overall statewide land information resources. Counties and other program participants soon realized WLIP funding was insufficient to pay for all modernization activities single-handedly. Consequently, local governments quickly became innovative in planning and finding supplemental funding for individual projects. (E.G. : \$50 million in WLIP funds have been supplemented with at least another \$50 million in non-program funds.) Therefore, the program has been directly responsible for widespread cooperation between agencies at all levels of government and the private sector. The WLIP has been a critical factor in reducing duplication of governmental records and activities, resulting in significant taxpayer savings. The Wisconsin Land Information Program has become a national model based on this cooperative, grass roots and bottom up system of modernization.

The role of the WLIPB in supervising the WLIP funding was to assure that funds for individual projects are used in concert with the overall WLIP plans, so as to enhance the entire state's land information resources. The ultimate goal was to build a coordinated statewide Land Information System (LIS) through the use of a distributed system of local data warehouses. In other words, data would be generated and used locally but integrated across jurisdictional boundaries, allowing "horizontal" and "vertical" access to data by all layers of government and private sector users. The WLIPB recognizes that the realization of a confederated LIS is only possible if the combined expertise found within the community of land information professionals in this great state is used to the fullest extent possible.

This expertise resides, for the most part, in the Wisconsin Land Information Association (WLIA), which was organized in 1987. The WLIA conceived the idea of a "bottom-up" approach to a land information system, organized throughout the state, involved in and based on the data and systems of the same agencies producing and maintaining the information. WLIA promoted the legislation creating the WLIP and the WLIPB. This community, of stakeholders and concerned land information professionals, is committed to the continued deliberate development of an integrated land information system for Wisconsin, thereby guaranteeing the success of not only the system but that of the decision makers who will use it.

## ISSUES

In the Governor's Budget, there are two Land Information Initiatives that dramatically change the intent of the original legislation regarding the WLIP and the ability of the WLIB to control the funding and direction of the program. These proposals, found in "The Budget in Brief" on page 23, are:

1. To increase the amount of yearly WLIP contribution for the NRCS soil mapping/digitization initiative allocated by the WLIB, by decreasing the timeframe for payment.
2. To use WLIP funds to create a Wisconsin Land Information System (WLIS) housed and controlled exclusively by the DOA.

### *ITEM #1- SOILS MAPPING & DIGITIZATION INITIATIVE WITH NATURAL RESOURCES CONSERVATION SERVICE (NRCS)*

The NRCS has proposed a cost-sharing program to speed up the mapping of soils and digitization of soil data in Wisconsin. This project was considered beneficial by the WLIB and they were willing to contribute program funds at the rate of 20% (approximately \$415,000) of the available funds over a six year period because:

1. It completes a much needed foundational element enhancing the state's overall resources for planning initiatives
2. It captures almost 8 million dollars in federal funds by partnering with NRCS.
3. It will take a minimum of 6 years to complete the entire project.
4. It keeps 80% of the WLIP funds available for other much-needed local projects.

This deliberate rate of funding allows the continuance of the original intent of the legislative charges and vision of the WLIP.

The Governor's proposal has the following ramifications:

1. It reduces the time frame for completion of the soils digitization and mapping project to 4 years, which is technically infeasible according to the NRCS (stated at the WLIB meeting on 3/10/99).
2. It increases the rate of funding to approximately 35% of the available program funds (\$620,000), reducing the funding available for local projects.
3. It abrogates the WLIB's legislative charge to control allocation of the WLIP funding.

### WLIA PROPOSAL ON ITEM #1

- **Redraft the legislation allowing the WLIB to retain control over the rate of funding for the statewide soil initiative.**

### *ITEM #2- REALLOCATING WLIP FUNDS TO THE DOA FOR THE PURPOSE OF BUILDING AND HOUSING A WISCONSIN LAND INFORMATION SYSTEM (WLIS) WITHOUT DIRECTION OR SUPERVISION OF THE WLIB*

Throughout the history of the WLIP, we have recognized the need for and have been working deliberately toward a confederated, integrated, and accessible Wisconsin Land Information System. With the advent of the Wisconsin Land Council in 1997, the WLIB and the WLIA have all agreed to a partnership that works in concert to develop a system worthy of Council's legislative charges, without compromising the vision of the WLIP. Specific agreements made included:

1. Preserving the integrity and statutory role of the WLIB
2. Preserving the funding of the WLIP for Board approved and directed activities
3. That the... "proposed council provides new opportunities to expand, not restrict, the resources available to collect and use land information needed by local governments..."<sup>1</sup>
4. That the council activities "involve researching, developing, designing, recommending and coordinating. They do not involve policy making, rule making, controlling, directing or restricting the authority of any state agency or local government."<sup>2</sup>
5. The creation of a Memorandum of Understanding between the DOA, WLC and the WLIB; which is evidence of the clear intent by at least two of the groups to work together in harmony for the betterment of Wisconsin.

This budget initiative is the antithesis of the legislative intent of the 1991 acts providing for the supervision and funding of the WLIP, the functionality of the MOU (that is yet to be ratified), the agreements and assurances of the DOA, and 10 years of foundational work by the land information professionals in the state. The funding of the DOA's WLIS is premature, since the statutory charge of the WLC is to study and propose recommendations for a WLIS prior to legislative funding requests. The Governor's proposal has the following ramifications:

1. It diverts WLIP funds to the DOA for an as yet undefined Wisconsin Land Information System (WLIS) which has the disastrous potential of being a monolithic database housed and controlled at DOA, eliminating the confederated system already being developed by experts statewide.
2. It also creates an incredibly costly duplication of effort as the WLIB has a statutory charge to serve as a clearinghouse for land information, and has been funding and guiding a partnership with the State Cartographer's Office to such ends.
3. It eliminates a confederated systems approach, which support individual local needs while allows the most current information to be made available to all citizens statewide.
4. It removes all funding control and development supervision of the WLIS from the Wisconsin Land Information Board and allows the Department of Administration to invest itself with the entire responsibility of building a statewide tool for decision making; thereby ignoring the expertise of the land information specialists in the form of WLIA, working in concert with WLIB, which is the foundation for the achievements realized in the last 10 years.

#### WLIA PROPOSAL ON ITEM #2

- **Remove item #2 from the budget in its entirety**
- **Restore control of the funding to the WLIB**
- **Require the DOA to adhere to the legislative charges of the Wisconsin Land Information Board and Program, the Wisconsin Land Council and to follow the proposed MOU between WLIB, WLC and DOA.**

<sup>1</sup> DOA Secretary, Mark Bugher's letter to Wisconsin legislators dated March 21, 1997

<sup>2</sup> DOA Secretary, Mark Bugher's letter to Wisconsin legislators dated March 21, 1997

Roxanne Brown / Jim Johnston WLIA

4-6-99

AB - Remove WI Land Info. System from the budget

Oppose DOA Total Control of WLIS

would like to help WLIB build system

# MADISON METROPOLITAN SEWERAGE DISTRICT

1610 Moorland Road  
Madison, WI 53713-3398  
Telephone (608) 222-1201  
Fax (608) 222-2703

James L. Nemke  
Chief Engineer & Director



## COMMISSIONERS

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Thomas D. Hovel  
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Caryl E. Terrell  
Commissioner  
Scott McCormick  
Commissioner

*April 6, 1999*

Conservation and Land Use Committee  
State Capitol  
Madison, WI

**Subject:** Budget Proposal to Dissolve the Dane County Regional Planning Commission

Dear Committee Members:

We want to make it clear at the outset that this letter is not intended to affect the appropriately political decisions about the planning structure with which the Madison Metropolitan Sewerage District (MMSD) is to work under s. 66.24(b) of the statutes. However, we are concerned that dissolution of the Dane County Regional Planning Commission (RPC) is a complex policy issue that may require more attention than it will receive as one item among many within the state budget.

The MMSD has watched with interest the effort to dissolve the Dane County Regional Planning Commission (RPC). Because of the tie between the MMSD and the RPC, as required by s. 66.24(b), MMSD has significant concerns that, upon dissolution of the RPC, adequate thought be given as to how the existing RPC functions will be handled. The interests of municipalities, individuals and developers are involved.

The MMSD must approve extensions of sewerage service required by municipalities. The RPC certifies that the proposed extension conforms to adopted plans. A well-defined relationship currently allows the MMSD to plan water quality improvement projects smoothly and to process sewer extension plans within two days of receiving the design information. The rapid turnaround allows expeditious actions by municipalities and saves individuals, developers, and municipalities the costs of delays.

The MMSD has worked successfully with the RPC in defining and implementing water quality initiatives within Dane County. The MMSD has relied heavily upon the RPC to provide accurate and timely information on which areas within the District should receive extensions of urban services. The RPC staff interacts with the MMSD staff almost daily in providing advice relative to water quality planning issues.



The RPC staff has served on numerous facilities planning committees formed by the MMSD. Their ability to provide a regional perspective and proactive approach in helping define the best long-range water quality programs for Dane County has always been appreciated.

In light of these relationships, potential disruption of these productive staff connections causes us concern. If the area-wide planning function were to revert to the Wisconsin Department of Natural Resources, the local views of the citizens may not be as well represented. Our current interactions with the WDNR clearly show us that the WDNR staff already has a workload that is hard to manage. It does not seem that addition local water quality planning responsibilities on top of that workload would be wise.

In summary, we need a locally-based professional planning staff with whom we can interact to carry out our responsibilities so as to avoid increased costs and inconvenience for our current and future customers who are engaged in orderly development of Dane County.

In keeping with the District's policy of strict political neutrality, we do not advocate any particular solution to the current situation with the Dane County Regional Planning Commission. However, we are greatly concerned that a workable answer will not be found within the budget process. We would be more than happy to provide additional information upon request.

Sincerely,



James L. Nemke  
Chief Engineer and Director

:dms

Attachment 11-13-98 Memorandum

# MADISON METROPOLITAN SEWERAGE DISTRICT

1610 Moorland Road  
Madison, WI 53713-3398  
Telephone (608) 222-1201  
Fax (608) 222-2703

James L. Nemke  
Chief Engineer & Director



## COMMISSIONERS

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President  
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Secretary  
Caryl E. Terrell  
Commissioner  
Scott McCormick  
Commissioner

*November 13, 1998*

## ISSUES OF IMPORTANCE TO MMSD RELATIVE TO DCRPC DISSOLUTION

- The District relies on input from the DCRPC and the local units of government to determine the timing and acceptability of providing sewer service to an area. The District feels this is a local planning function that is best provided by an organization(s) that has special expertise in coordination and timing of public services. The District has no desire to be the lead agency in determining the timing associated with the need for sewer service. The District also relies on the DCRPC to provide demographic information for the District's planning of District facilities. It will be important to be able to continue to obtain good population and growth projections in a timely fashion.
- The District is primarily interested in providing wastewater collection and treatment services on a regional basis in a cost-effective way. Any changes in structure for regional planning will need to insure logical extensions of future service.
- The District can currently provide the technical review and approval of requests for extensions of sewer service within two days of receipt of plans. Any new structure should not diminish the District's ability to provide this timely customer service.
- Regional water quality planning needs to be proactive and progressive. The District has concerns that some possible assignments of responsibilities for regional water quality planning may not meet those criteria.
- It is important that the District maintains its political neutrality. The District serves both urban and rural interests and acceptance of the District as a non-political agency is central to the District's ability to provide comprehensive, low cost and efficient service.





# Wisconsin Builders Association

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Bill Binn  
Lake Geneva

**President-Elect**  
John O. Shaline  
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Mark Etrheim  
La Crosse

Keith Weller  
Wausau

**Executive Vice-President**

Bill Wendle

**Director Government Affairs**  
Jerry Deschane

To: Members of the Assembly Conservation and Land Use Committee

From: Jerry Deschane, Director of Government Affairs

Date: April 6, 1999

RE: AB133/SB45 Land Use elements

The Wisconsin Builders Association urges your support for the following four land use initiatives contained in the 1999-01 Budget Bill:

- Creation of a uniform definition of comprehensive plan
- Enhancement of the state's land information system
- Addition of a fifth public member to the Land Council
- Resources for planning.

### Definition of comprehensive plan

Wisconsin's land use laws are incomplete. Wisconsin encourages local governments to establish a "comprehensive plan." This is a good thing. Unfortunately, those same laws never explain what a comprehensive plan should look like. As a result, Wisconsin communities have responded with everything from multi-volume encyclopedias to colored maps in the back of the zoning ordinance book.

The Wisconsin Builders Association represents the housing industry and the land development industry. Those industries depend upon clear, consistent local land use rules. The definition proposed in the budget will help provide that clarity and consistency (without mandating that local governments develop plans).

### Enhancement of the state's land information system

The Builders support creation of a computer-based land information system. The most helpful thing the state can do in the land use discussion is provide timely, accurate, and detailed information. To plan for the future, local governments need access to the massive amounts of demographic, geologic and environmental data that are available.

### Addition of a fifth public member to the Land Council

One of the core principles of the Wisconsin Builders Association with regard to land use is that all interests should have an equal role in the discussion. When Governor Thompson appointed the members to the Land Council, it became apparent that four public seats at the table was not enough. There are currently five public members on the Land Council; four appointed by statute and one by executive order. This provision makes all of public members statutory members.

### Resources for planning grants

The Wisconsin Builders Association supports resources for local planning, using the definition created in the budget proposal. The proposed \$1 million in transportation planning funds is an adequate start, but is probably not enough to be a significant incentive.



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(608) 242-5151 • (800) 362-9066 • Fax (608) 242-5150

We also caution that the direction of plans not be dictated by the source of funds. Keep in mind that the goal is to establish comprehensive plans. Because of the source of funds, we may inadvertently shift the focus from “comprehensive” plans to “transportation-dominated” comprehensive plans. This defeats the purpose of comprehensive planning.

**The best remedy for both concerns may be financial support from other state agencies, with funding decisions overseen by the Land Council.**

#### Conclusion

The proposals in the Governor’s budget are not cure-alls. They do not address at all the difficult decisions that local governments are still faced with when it comes time to actually put these plans into practice. In the very near future we also need to re-examine our zoning and subdivision laws, wetland regulations, and impact fees.

However, just as a properly built home starts with a well-drawn plan, a successful community should also start with a clear and consistent comprehensive plan. These proposals will help local governments and their citizens establish those plans, and we therefore encourage you to support them.

# WISCONSIN ALLIANCE OF CITIES

14 W. MIFFLIN • P.O. BOX 336 • MADISON, WI 53701-0336  
(608) 257-5881 FAX 257-5882 • EMAIL: wiscall@inxpress.net

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Stevens Point  
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Wausau  
Wauwatosa  
West Allis  
West Bend  
Whitewater  
Wisconsin Rapids

April 6, 1999

**TO: Honorable members of the Committee on Conservation and Land Use**

**FROM: Edward J. Huck, Director**

**RE: AB133, SB45, Land Use Issues**

Thank you for holding this hearing relating to land use policy issues included in the Governor Budget Bill. These are issues that impact many municipalities across Wisconsin.

First, we believe it would be appropriate to remove some <sup>of</sup> these provisions from the budget bill and deal with them separately. Specifically incorporation language in sections 1593, 1594, 1595 and 1600 through 1604. We believe there is potential for compromise here but under current practice the reduction of minimum area will do nothing but increase the work load of the Department and freeze annexations across Wisconsin for more cities and villages.

Currently, because there is little correlation between the criteria for the circuit court standards and the standards applied to the Department in 66.015 and 66.016 of the Wisconsin Statutes for incorporation, many towns are applying for incorporation only to avoid annexations from the town to cities and villages. This has created a backlog and we believe is the basis for the requests to extend time by the Department.

Reducing the square miles from three to four will only exacerbate an already unacceptable problem for cities and villages throughout Wisconsin. We respectfully request the time extension, the incorporation under border agreements and the reduction of four miles to three be dealt with separate from the budget with legislation.

At this time the technical requests by the Department for timely filing and accurate information seems to meet the non policy criteria and are not unreasonable in my opinion.



# WISCONSIN LEGISLATURE

P.O. BOX 8953 - MADISON, WI 53708

March 12, 1999

Representative John Gard  
315 North, State Capitol  
Madison, WI 53708

Senator Brian Burke  
316 South, State Capitol  
Madison, WI 53707

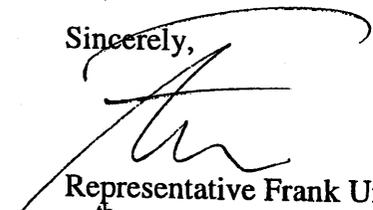
Dear Representative Gard and Senator Burke,

We are writing to request that you delete Section 6 (modification of the municipal incorporation law) of the Land Information Initiative from the Governor's Budget bill.

This provision is a policy item of local interest and should not be included in the budget. While we understand that there are weaknesses in the current annexation/incorporation statutes, the budget is not the proper forum to address this issue. This proposal should be introduced as separate legislation so that proper attention and scrutiny can be afforded such a significant proposed change to current law.

If you have any questions, please do not hesitate to contact us. Your consideration in this matter is appreciated.

Sincerely,

  
Representative Frank Urban  
99<sup>th</sup> Assembly District

  
Representative Marc Duff  
98<sup>th</sup> Assembly District

  
Senator Margaret Farrow  
33<sup>rd</sup> Senate District

FU:slb

Cc: Kathryn Bloomberg, Mayor, City of Brookfield



Wisconsin State Cartographer's Office

550 North Park Street  
Madison, WI 53706-1491

160 Science Hall, UW-Madison  
phone: 608/262-3065

email: sco@facstaff.wisc.edu  
fax: 608/262-5205

**Date:** April 6, 1999  
**FROM:** Ted Koch, Chair, Wisconsin Land Information Board  
**TO:** Assembly Committee on Conservation and Land Use,  
Representative Mike Powers, Chair  
**RE:** **FY00 and FY01 Budget Proposals Regarding Land Use Decision Making  
(Administration, page 23) - Items 1 (Soils Mapping) & 2 (Computerized  
Land Information System).**

\$620,000 (22%)  
**RECOMMENDATIONS**

1. **Soils Mapping:**
  - Reallocate \$415,000 annually over six years from the Land Information Board to support the USDA-Natural Resources Conservation Service complete the digitization of soil maps statewide and complete soil surveys in nine northwestern counties.
  
2. **Computerized Land Information System:**
  - Eliminate reallocation of any Land Information Board funds in FY00 and FY01 to develop and implement a computer-based land information system.
  - Under the direction and supervision of the Wisconsin Land Information Board develop in FY00 and FY01 a technical and fiscal plan and test the implementation of a computer-based land information system.
  
3. **Sunset:**
  - Extend the Wisconsin Land Information Board sunset date two years to September, 2005.

FY'00  
Local Grants \$1,575,000 (57%)  
WLIS (Computerized System) \$202,000 (7%)  
OLIS (Administration) \$400,000 (14%)



WISCONSIN CHAPTER  
633 West Main Street  
Madison, Wisconsin 53703

608/251-8140  
608/251-8535 FAX

April 6, 1999

Comments from The Nature Conservancy regarding the Wisconsin CREP proposal  
before the Assembly Committee on Conservation and Land Use

I appreciate the opportunity to present these comments about the proposed Conservation Reserve Enhancement Program (CREP) to the Committee this morning. The Nature Conservancy is a non-profit conservation group with approximately 20,000 members in Wisconsin. Our mission is to protect the diversity of native plants and animals found in our state and the communities in which they need to survive. In the 40 years since the Wisconsin Chapter was founded, we have worked with willing sellers to protect more than 50,000 acres of important habitat throughout the state.

We often times work closely with other conservation groups, local governments, state agencies, the federal government and Native American Tribes to protect important habitat throughout the state. We have been strong supporters of the Warren Knowles – Gaylord Nelson Stewardship Fund since it was created with the support of the Legislature and Governor in 1989. We were pleased that our former State Director, Peter McKeever was appointed by the Governor to serve on his Blue Ribbon task Force to recommend the future of the Stewardship Fund and we have been working closely with the members of that Task Force over the last year to strengthen the Knowles Nelson Stewardship program.

We support creating a Conservation Reserve Enhancement Program (CREP) in Wisconsin with the following three major components:

1. Funding be established in a special "Federal Opportunities Fund" that is independent of the State Stewardship program;
2. Permanent protection as an attractive option for willing landowners;
3. Grassland areas remain a key part of the proposal.

## **1. Federal Opportunities Fund**

We strongly support the Governor's Task Force on the Stewardship Fund when it recommended the creation of a special "Federal Opportunities Fund" to be a source of matching funds for federal programs like CREP. We believe that the state needs to be prepared to take advantage of these opportunities to leverage federal funds for conservation type programs in Wisconsin. In addition to CREP, this Special Fund could be a source of matching funds to leverage other federal programs including the Forest Legacy program, the Wetlands Reserve Program and the Conservation and Reinvestment Act (CARA). These programs all require a state match to leverage the federal funds.

More importantly, however, we believe that it is important to maintain the focus of the Stewardship Program on permanent land conservation. The current CREP proposal calls for a majority of 10 and 15 year contracts and a limited number of permanent easements. In addition, 85% of the eligible lands in the current proposal will focus on water quality improvements. We believe that the Stewardship program has best served the people of the state by remaining focused on permanent investments conservation lands for recreation and protection. Creating a new federal Fund will maintain the ability of the Stewardship Fund to continue its effective work protecting conservation lands and will also provide an enduring source of state matching funds for other important federal programs.

## **2. Permanent protection option for landowners.**

Successful CREP programs in other states have provided landowners with significant opportunities for permanent easements. We believe that this option should be emphasized in the state of Wisconsin proposal and that restrictions on easements be eliminated. State investments in water quality improvements and wildlife habitat should be done on a permanent basis. This is especially true when the state issues long term bonds to pay for the state match in the CREP program. Providing landowners with this option will be more cost effective for the taxpayers and will likely prove a popular option for landowners. Both water quality improvements and habitat protection require long term investments. We believe that the CREP proposal should allow willing landowners to enroll in permanent easements to improve both water quality and habitat for grassland species. In addition, we support allowing landowners within the grassland areas who currently participate in the Conservation Reserve Program to enroll in the state financed easement programs.

## **3. Grassland protections**

The inclusion of a grassland component to the CREP proposal is very important. Populations of grassland bird species have suffered significant – and continuing – losses in recent years. Over the last 30 years, grassland birds have declined more than any habitat grouping of birds (see below for listing). Thirteen species of grassland birds have been designated special concern, threatened or endangered species. A successful CREP proposal could go a long way towards providing significant and targeted wildlife habitat and benefits for grassland birds. The grasslands projects that have been proposed are based upon research done by the Department of Natural Resources and represent some of the best opportunities to provide the habitat needed by these declining grassland birds. This proposal will address this important wildlife objective in a cooperative, incentive based approach where the state and federal governments will work together with landowners to protect this important habitat.

Important reasons to protect grasslands:

- Less than one half of one percent of pre-settlement acreage of prairie remains in Wisconsin.
- Grassland birds are the most rapid and consistently declining group of birds on the continent because of loss and fragmentation of habitat.
- Many species need large areas of grasslands to survive – for example: prairie chicken populations need approx. 10,000 acres for their survival. Combinations of protected prairie remnants, alongside CREP lands, pastures and non row crop agriculture will provide long term protected habitat for these species. Most of these lands can and should remain in private conservation ownership.
- Grasslands provide important habitat for game species such as Blue Winged Teal and Pheasant.

**Critical Grassland Bird Species in Wisconsin**

24 species of grassland birds in Wisconsin are declining or are especially restricted. Three species no longer live in Wisconsin because of habitat loss.

**Grassland Bird species declining significantly between 1966 and 1991**

Grasshopper sparrow	80% decline over last 30 years <b>on state threatened, endangered and special concern list</b>
Bobolink	60% decline over last 30 years
Eastern meadowlark	55% decline over last 30 years
Western meadowlark	8% annual decline <b>on state threatened, endangered and special concern list</b>
Vesper sparrow	4% annual decline
Dickcissel	<b>on state threatened, endangered and special concern list</b>
Loggerhead Shrike	<b>on state threatened, endangered and special concern list</b>
Northern Harrier	<b>on state threatened, endangered and special concern list</b>
Greater Prairie Chicken	<b>on state threatened, endangered and special concern list</b>
Sharp-tailed grouse	<b>on state threatened, endangered and special concern list</b>
Upland sandpiper	<b>on state threatened, endangered and special concern list</b>
Short eared owl	<b>on state threatened, endangered and special concern list</b>
Lark sparrow	<b>on state threatened, endangered and special concern list</b>
Le Conte's sparrow	<b>on state threatened, endangered and special concern list</b>
Henslow's sparrow	<b>on state threatened, endangered and special concern list</b>
Bell's Vireo	<b>on state threatened, endangered and special concern list</b>
Blue Winged Teal	
Wilson's Phalarope	
Field sparrow	
Savannah Sparrow	
Sedge wren	
Eastern Bluebird	
Clay Colored sparrow	

## APPENDIX D

### **The Natural Resources Federal Opportunity Fund**

The Governor's Blue Ribbon Task Force on the Stewardship Program recommends creation of a new program called the Natural Resources Federal Opportunity Fund which would complement the Stewardship Program, but be separate from it.

#### **Purpose of Fund**

The purpose of the Natural Resources Federal Opportunity Fund would be to provide state funds to match or otherwise leverage federal funds for projects that are consistent with Stewardship goals and strategies, including natural resource conservation; water quality management; habitat improvement, protection or restoration; riparian corridor establishment; and outdoor recreation. Funds are needed for (a) permanent easements or long-term land rental agreements with landowners and (b) cost-sharing for necessary management practices, as defined by administrative rule.

#### **Funding**

Due to annual funding of federal programs, state funding for the Natural Resources Federal Opportunity Fund should be determined on a biennial basis depending on federal program dollars that are available. This contrasts with the Stewardship Program which requires a stable, ongoing source of funds for a broader range of projects and partners.

Initial annual funding of \$15 to \$20 million could be needed to take full advantage of federal funds available to Wisconsin.

#### **Examples of Federal Programs**

1. **Conservation Enhancement Program (CREP)**

The U. S. Department of Agriculture (USDA) has offered Wisconsin up to \$200 million in federal funds for enrolling up to 100,000 acres in this program. The acreage must be targeted to address high priority water quality, soil erosion or wildlife habitat needs of national and state significance. Wisconsin must submit a program proposal identifying targeted areas, eligible practices and other program components. In addition, the state must make a 20% financial commitment. CREP is authorized through September 2002.

An Interagency Development Team is preparing a proposal to be submitted by the Governor to the USDA in the spring of 1999. This proposal will likely include riparian buffer projects that focus on impaired waters and areas contributing significant amounts of pollutants to the Mississippi River and Lake Michigan. These projects will assist farmers in complying with state nonpoint source performance standards, such as the Animal Waste Advisory Committee animal waste prohibitions, and potential federal regulations. In addition, this proposal may include grassland restoration with the intent of restoring threatened species and songbird species with substantially declined populations.

2. Wetlands Reserve Program (WRP)

USDA, working in partnership with state agencies, local governments and others, restores drained wetlands to provide wildlife habitat and improve water quality. Landowners receive cost sharing to restore wetlands and may enroll the land in 30-year agreements or perpetual easements. Congress instructed USDA to focus on the 30-year option to provide an opportunity for the partners to stretch such agreements into perpetuity with easements or buy the underlying fee with the bulk of the cost being born by USDA.

3. Forest Legacy Program

The goal of the Forest Legacy Program, a U.S. Forest Service program, is to protect and manage for future generations environmentally important forest areas that are threatened by conversion to non-forest uses. Conservation easements are purchased to achieve this goal. Priority is given to lands having important scenic or recreational values, riparian areas; fish and wildlife values; or other ecological values. The State can choose the State Grant Program option and receive funding that must be matched at a 3:1 (federal:state) basis.

4. Conservation and Reinvestment Act (CARA)

The Conservation and Reinvestment Act would dedicate a portion of federal income from offshore oil and natural gas leases for a variety of purposes, including wildlife conservation, education, and recreation. Funds could be used for projects like water quality improvements; conservation of fish, wildlife and wetlands; wildlife education, and wildlife-associated recreation. In addition, this bill would fund the Land and Water Conservation Fund. Each state dollar would be matched by three federal dollars. The program would be administered by the U. S. Fish and Wildlife Service.



# BOARD OF SUPERVISORS County of Dane

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April 6, 1999

Representative Michael Powers, Chair  
Conservation and Land Use Committee  
Wisconsin State Assembly

Dear Representative Powers,

I am presently serving on a subcommittee to the Dane County Zoning and Natural Resources Committee that is looking at issues relating to the potential dissolution of the Dane County Regional Planning Commission (DCRPC). As you are likely well aware, the governor has proposed in his budget submittal to the State Legislature that a multi-county regional planning commission will be established to replace the DCRPC.

I am sponsoring a meeting this Friday, April 9, 1999 in Madison to discuss DCRPC dissolution issues with the County Board Chairs of surrounding counties, specifically the counties of Sauk, Columbia, Dodge, Jefferson, and Rock. We will continue to keep your office apprised as to the progress of our subcommittee.

Attached for your use is a progress report that summarizes the activities of our subcommittee.

Thank you very much for your time and consideration.

Sincerely,

Supervisor Kevin Kesterson, District 34, Chair  
Dane County Board of Supervisors

Attachment



## *PROGRESS REPORT*

### *Dane County Zoning and Natural Resources Committee: Subcommittee on the Options for Designating a Replacement for the Dane County Regional Planning Commission*

*April 6, 1999*

#### **BACKGROUND**

- ◆ In the summer and fall of 1998, the Dane County Towns Association (DCTA) initiated an effort to dissolve the DCRPC.
- ◆ In order to dissolve a regional planning commission that was established via s. 66.945 of Wisconsin State Statutes, action by the Governor is required.
- ◆ The issue has been presented to Governor Thompson, who has in turn referred it to Secretary Mark Bugher of the Wisconsin State Department of Administration (DOA).
- ◆ A plan for a reconstituted regional planning commission was included in the Governor's budget proposal (Assembly Bill 133/Senate Bill 45), which was submitted to the State Legislature this past February.
- ◆ The Governor and DOA are currently proposing that the current one-county commission be replaced with a more regional six-county planning commission comprised of Dane County and five other counties surrounding Dane (i.e. the Counties of Sauk, Columbia, Dodge, Jefferson, and Rock).
- ◆ The subcommittee to the Dane County Zoning and Natural Resources Committee was established to discuss issues relating to the potential dissolution of the Dane County Regional Planning Commission (DCRPC).

#### **SUBCOMMITTEE ACTIVITIES**

- ◆ The subcommittee has identified six major concerns related to dissolution of the DCRPC and the DOA/Governor's proposal:
  1. fair taxation and representation of Dane County and its communities;
  2. how will services currently provided to Dane County and its communities be maintained;
  3. will there be adequate staffing to provide the necessary services;
  4. separation of the MPO designation and services related to water quality planning;
  5. continuity of past and current planning activities (i.e. what happens to existing DCRPC plans?); and
  6. status of outstanding indebtedness and financial obligations to current staff.
- ◆ The Subcommittee has developed a counter-proposal to that currently outlined in the State's budget bill.

#### **SUBCOMMITTEE PROPOSAL**

- ◆ The Subcommittee's proposal consists of two parts.
- ◆ The first part of the proposal is to get the language regarding dissolution of the DCRPC removed from the State Budget Bill (Assembly Bill 133/Senate Bill 45).
- ◆ The second part of the proposal is to simultaneously submit an alternative, locally prepared proposal to the State that includes in tandem both a proposal for a modified single-county RPC and a regional, multi-county planning organization to be called the South Central Wisconsin Regional Planning Organization (SCWPO).

### *MODIFIED SINGLE-COUNTY REGIONAL PLANNING COMMISSION*

- ◆ Like the current RPC, the modified single-county RPC proposal consists of an 11-member commission:
  - three members appointed by the towns;
  - three members will be selected by a combined faction of small cities and villages; and
  - five Madison members, three appointed by the Executive and two appointed by the Mayor.
- ◆ The towns and small cities and villages will both select their respective representatives based on proportional representation: Each municipality will get one vote, and the three individuals receiving the most votes from each group will serve on the commission (terms of the members will not be staggered).
- ◆ This is different from the current membership in that the towns gain one member; small cities and villages together gain one member; and the Executive no longer gets to appoint the two at-large members. The two at-large members under the current structure are selected on the basis of geographic distribution in the County: One is selected from east Dane County, and the other is selected from west Dane County.
- ◆ Madison's representation is not directly affected by this proposal.
- ◆ Furthermore, this proposal includes that the single-county RPC will continue to provide all of its existing services, with the exception that:
  - 1) there will be no comments from RPC staff on zoning petitions, and
  - 2) the Commission will not vote on town land use plans.

### *SOUTH-CENTRAL WISCONSIN PLANNING ORGANIZATION (SCWPO)*

- ◆ The South-Central Wisconsin Planning Organization (SCWPO) will serve as a multi-county agency to facilitate planning initiatives addressing issues of regional concern.
- ◆ It will advise the constituent counties on a range of issues and may provide services to individual municipalities.
- ◆ The SCWPO will become a planning organization upon a positive vote of the county boards of four of six potential county constituents. If this is not achieved, three counties may form the organization.
- ◆ A Board of Commissioners shall govern the organization with equal representation from each county.
- ◆ The SCWPO will be funded on the basis of county contributions, which will come equally from the county constituents: Each member county will pay the same amount.
- ◆ It is envisioned that the SCWPO will initially operate with a small staff, the number of which will be determined at a later date.
- ◆ The purpose of SCWPO is to allow the creation of a regional planning entity in the short term: By initially making SCWPO an advisory body, many of the concerns about governance and control can be foregone. If SCWPO proves capable of addressing regional planning concerns and providing balanced services to its diverse audience, it may form the basis of a more extensive regional planning organization, such as something more closely resembling the Southeastern Wisconsin Regional Planning Commission (SEWRPC).
- ◆ Dane County and the other constituent counties will be free to continue to provide planning services through their own planning departments or similar organizations.



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To: Members, Assembly Conservation & Land Use Committee

From: Michael Theo and Thomas Larson

Date: April 6, 1999

Re: Budget Provisions on Comprehensive Land Use Plans

---

The Wisconsin REALTORS® Association (WRA) urges your support for language contained in the Governor's biennial budget bill defining the essential elements of a balanced local "comprehensive plan."

#### **Background**

A local comprehensive plan is the foundation for coordinated, efficient, and orderly development of a community. In recognition of this, Wisconsin's zoning enabling law for cities, villages, and towns with village powers (Wis. Stat. § 62.23(7)(a)), requires all zoning ordinances to be made "in accordance with a comprehensive plan." Ironically, however, existing Wisconsin Statutes do not define the term "comprehensive plan." Although comprehensive plans are commonly referred to as "master plans" and "development plans," which are statutorily defined, Wisconsin courts have not recognized these terms as being synonymous. Accordingly, without a standardized definition, there is significant confusion regarding what constitutes a comprehensive plan.

The absence of a statutory framework for comprehensive planning also has resulted in shortsighted and uncoordinated planning efforts. Communities often prepare individual plans for such things as land use, storm water management, and economic development without ever considering the effect of each plan on other aspects of the community, such as school districts and affordable housing. These types of isolated and inefficient planning efforts often result in inconsistencies between the individual plans and frustration for both local government officials and the regulated public.

In addition, many communities that do engage in planning do so in reaction to undesirable growth or development patterns that the community is currently experiencing. As a result, these communities often create land-use plans that are myopic in nature, focusing solely on a particular objective such as preserving farmland or green space. While preserving farmland and green space should be important to every community, so should accommodating growth, creating affordable housing, and promoting economic development. To strike a balance between these and other competing objectives, communities should plan for their future in a comprehensive manner, identifying all of the necessary components to enhance their quality of life.

- More -

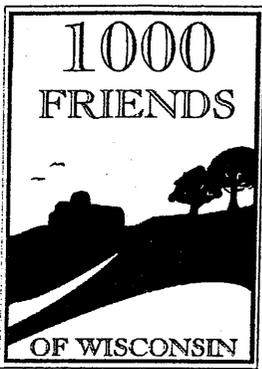
## **Proposal**

To remedy this confusion and encourage communities to engage in more balanced planning, a number of groups with a direct stake in land-use planning, including the Wisconsin REALTORS® Association, 1000 Friends of Wisconsin, the Wisconsin Towns Association, the Alliance Cities, and the Wisconsin Chapter of the American Planners Association, agreed to work together to create a balanced, non-partisan definition of “comprehensive plan” that would be introduced as legislation. Using models from other states, the group created a definition that consists of the following nine elements: an issues and opportunities element; a housing element; a transportation element; an utilities and community facilities element; a natural and cultural resources element; an economic development element; an intergovernmental cooperation element; a land-use element; and an implementation element.

Under this proposal, no community would be required to plan. However, if a community did plan, it would be required to create a comprehensive plan that met this new statutory definition. (Note – some technical changes need to be made to the current budget proposal to fully accomplish this objective.) To assist local communities in these planning efforts, the Budget Bill appropriates \$1.0 million annually in planning grants, which are funded through a federal transportation program that provides communities with grants to create transportation plans. Although this level of funding is an adequate start, we believe additional state funding is necessary to create a stronger incentive for local communities to create comprehensive plans.

While the definition of “comprehensive plan” will not solve all of the land-use problems currently experienced by local communities, it will provide them with a framework for developing a balanced, long-term vision to guide short-term community land-use decisions.

We urge your active support for these provisions to build a stronger statutory foundation for better local land use planning in Wisconsin. Please feel free to contact us with any questions or comments.



**Land Use in the Governor's 1999 Budget**  
**Positions of 1000 Friends of Wisconsin**  
**April 6, 1999**

**Comprehensive Planning Definition**

The budget contains a definition of "comprehensive plan" which includes nine elements (s. 66.0295). It does not require communities to adopt plans, but it does require that any community which chooses to adopt or update a plan in the future must follow this definition. The elements include issues and opportunities, housing, transportation, utilities, agriculture and natural and cultural resources, economic development, intergovernmental cooperation, land use and implementation. *This is the fundamental first step to planning reform and it was developed by a broad coalition of interested parties including 1000 Friends. We strongly support it.*

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**Senator Gaylord Nelson,**  
**Honorary Chair**

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*Amy Ward, St. Croix Falls*

**Aid for Local Planning**

For the first time, the state would support local planning by appropriating \$1 million each year for the costs of producing local plans. Grants would be available to cities, counties, villages, towns and regional planning commissions, but the local unit must match at least 20% of the cost. The money comes from Federal transportation aids available for transportation related land use planning and all grants are subject to the approval of the state secretary of transportation. *While this is a good first step, it is inadequate to meet the needs of Wisconsin's 1,921 local governments. We would like to work with the Legislature and interested groups to find a funding level which is adequate and a funding source or mix of sources which is fair.*

**Information**

The budget provides funding for computer assisted planning programs, the digitization of soil surveys in the northwest and standardization of geographic information systems. *While we recognize that there is some controversy with regard to the funding source for these projects which must be resolved, we support these proposals in concept.*

**Land Council**

The budget would add one additional public member appointed by the Governor. *This would be a good provision if the added member had a different perspective than the development community perspectives of the current public members, but there is no standard for appointment of the new member. The Land Council would be more effective if it had a more diverse make up.*

**Citizens United for Responsible Land Use**

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## **Stewardship Fund**

The budget would provide \$30 million per year in GPR supported bonding for the Stewardship Fund starting in 2000 and continuing to 2010. The current 12 funding categories would be eliminated and replaced with two. Another \$40 million would be allocated to the Department of Agriculture to meet the Federal match requirements for \$160 million in Conservation Reserve Enhancement Program revenues. *Leveraging our maximum amount of CREP funds is good, but not appropriately part of Stewardship. While the \$30 million per year represents an increase over the current \$25 million a year program, it still falls short of the \$43 million it would take to bring the program back to its original 1990 buying power. In addition, it does not appear that the program would be indexed to land prices, which have increased at an average annual rate of 6.6% since 1990. Also, the lack of spending targets in categories opens the door to acquisition decisions that are more political than resource based. 1000 Friends supports a \$60 million per year program indexed to inflation with the existing categories plus new initiatives to protect wild lakes, bluffs and the Kettle Moraine and to support local purchase of conservation easements programs.*

## **Farmland Preservation**

The budget would overhaul Farmland Preservation replacing the farmland preservation tax credit with a conservation credit based on compliance with soil and water conservation standards. It would eliminate agricultural preservation planning requirements. A new per acre credit would be created for land owners who sell or give conservation easements. The 35 acre minimum parcel size would be eliminated in favor of locally established minimum lot sizes. *Eliminating the agricultural preservation planning requirements is a step in the wrong direction. Allowing local designation of minimum lot sizes without direction or standards is also a mistake. The per acre conservation credit is a good idea, but at 50 cents an acre it is too low and there is no money for the purchase side of buying conservation easements.*

## **Condemnation**

The budget would take away the Department of Natural Resources' authority to condemn land and require that when the department does want to condemn land it must work through the Building Commission. *The DNR has not exercised its condemnation authority in recent memory while the Department of Transportation condemns hundreds of acres each year. The Building Commission provision might be more sensibly applied to all state agencies. The same budget which would eliminate the DNR's authority to condemn land for resource protection would create a new condemnation authority for a private Madison arts district which is not subject to open meetings laws.*

## **Dane County Regional Planning Commission**

The budget would change the composition of the RPC to members appointed by the Governor from lists furnished by the Dane County Executive, the Mayor of Madison, and associations representing third and fourth class cities, villages and towns. Further, Dane County and each of the five counties without RPCs which surround Dane would have to vote on whether they wanted to join a new multi-county RPC. If four counties voted to create a new RPC, one would be created in 2002. Its members would be appointed as are members of the Southeast Wisconsin Regional Planning Commission. *While a multi-county RPC has always made sense, governance is the key issue. This scenario seems to put exaggerated authority in the hands of individuals representing minorities of population in rural areas. We suggest a mix of appointed and elected commissioners apportioned in a way that gives different interests a chance to have a majority.*